

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

April 15, 2019

The regular meeting of the Middletown Planning Commission took place on Monday, April 15, 2019 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commission Chairman Mark Carney, Commission members David Lake, Rich Gallagher, Bob Miller, Dixie Eichelberger and Eric Ware (Temp Alternate). Others present in official capacity: Cindy Unangst (Staff Planner), and Annette Alberghini (Recording Secretary). Others present: Ann Miller (Miller Commercial Property), Eric Patterson (Building Systems Incorporated), Jeannine Ranniger (resident), Parker Ranniger (resident), Lisa Miller (resident), Bernard Pond (resident) and John Huegelmeyer (resident).

APRIL MONTHLY PLANNING COMMISSION MEETING:

I. PUBLIC COMMENT – None

II. Regular Workshop Minutes of March 13, 2019 – Approved with corrections.

Regular Meeting Minutes of March 18, 2019 – Approved as submitted.

III. PLAN REVIEW

Miller Property Demolition Plan – (Ann Miller (property owner), Eric Patterson (Building Systems Inc.), Jeannine Ranniger and Parker Ranniger (119 East Main street), and Lisa Miller (121 East Main Street) present). This is for the proposed demolition of the three vacant side buildings on the west side of the property at 203 East Main Street, behind 121 East Main Street. They are to be removed in order to provide additional parking spaces. This is part of the continued re-development of the property. With approval, demolition would begin as soon as permits are received from Frederick County. Most of the requirements have been met. Adjacent property owners have been notified and the property has been posted. Building Systems Incorporated will be completing the demolition work. They are licensed to provide such work in Maryland.

- **Demolition Process** – The plan is to remove the wood sheathing on the backside of the 2-story building by hand. And then use a mini excavator to pull the shell of the building down and onto the work site. The two 1-story buildings will be pulled down using the mini excavator. The rubble will be broken up and removed to an approved landfill. Demolition is expected to be completed in 7 to 10 days from commencement.
- **Safety** – The contractor will include spraying water on the site before and during the demolition process.
- **Hazardous Materials** – Boggs Environmental is taking test samples to identify any hazardous materials which may be present. A copy of that report will be sent to the Town. If any hazards are identified, remediation will be completed by a certified company.
- **Sanitary Sewer Lateral** – The Town Engineer requires verification that the sanitary sewer lateral on the south side of the proposed demolition has been abandoned and is capped off. The property owner stated that it is abandoned and was capped some time ago.
- **Adjacent Property Owner Concerns** – Parker and Jeannine Ranniger (119 East Main Street) – because the demolition is occurring so close to their property, they are concerned with nails, debris and trash ending up on their property, which can be a hazard to their pets. The Planning Commission recommended that the contractor notify adjacent property owners as to when they are beginning demolition.

Lisa Miller (121 East Main Street) is confident the demolition will go well with little to no impact to the surrounding neighbors or her business.

Action: Commission Member Lake motioned to conditionally approve the Miller Property Demolition Plan conditional upon; the applicant following a safety plan that will include spraying water on the site before and during the demolition process, submitting a copy of the report done by Boggs Environmental of any hazardous materials on site, verification by the Town Engineer that the sanitary sewer lateral south of the proposed demolition has been abandoned and capped, adjacent property owners shall be notified prior to the commencement of demolition, the demolition shall be approved by Frederick County and the demolition work shall be completed within 90 days. Seconded by Commission Member Gallagher. Motion carried (5-0).

IV. ZONING

Self-storage Facilities Regulations Code Conflict – This is a discussion by the Planning Commission concerning the conflict in the Town Code regarding storage facilities as a primary versus accessory use. This is a clarification discussion prior to the next Joint Town Board/Planning Commission meeting on May 6, 2019 at 6:30pm. The Planning Commission would like direction on this issue not just as it relates to the Middletown Valley Center site development, but for any future development which may occur.

- **Town Administrator Memorandum to the Burgess And Commissioners Regarding this Town Code Conflict** - The Staff Planner reviewed the memorandum from the Town Administrator to the Burgess and Commissioners which included the Town Attorney’s opinion regarding the statutory construction of the Town Code meaning the status last enacted (Town Code 17.20.020) is deemed to have repealed the inconsistent term of the former (Town Code 17.48.340). The memorandum also provided recommendations for the Town Board to consider which included:
 - Doing Nothing and letting statutory construction determine self-storage as a principal use to be permitted.
 - Remove the line E from 17.48.340 which removes any inconsistency
 - Re-debate the entire self-storage in GC and enact and repeal a new ordinance to include definitions for storage and self-storage, and remove any inconsistencies regarding “principal uses” within the town commercial zoning districts.

The Planning Commission believes that doing nothing does not address the problem, and that there does not seem to be much interest in re-debating this issue of the Town Code. The Commission proposes that the Town Board determine the definitions for self-storage, storage, principal uses, personal goods, and household goods.

- **Suggestions Regarding Town Code 17.48.340 – Self Storage** –
 - **17.48.340.B** – It was suggested that the hours of accessing the self-storage facility should be removed from the responsibilities of the Board of Appeals and placed within the responsibility of the Planning Commission as part of the site plan review.
 - **17.48.340.C** – The Code currently states that the property shall have access to a street designated as an arterial or collector street. It does not allow access from an adjacent property. If the Town Board determines that access from an adjacent property is acceptable, then this subsection must be modified to reflect this.
 - **17.48.340.E** – The Planning Commission suggests that this subsection is no longer relevant and be eliminated from the Town Code.

Action: None taken.

V. MISCELLANEOUS

2018 Annual Planning Report – The Planning Commission members have the most current version of the draft 2018 Annual Planning Report for review. The report is missing Town Administrator comments on a few

sections. The Staff Planner reviewed the comments that the Town Administrator has provided to date. It was suggested that “non-charter counties” be removed from the introduction as it is not relevant. It was also suggested that under the Plan Reviews Section to add some sort of defined delineation to those plans that were conditionally approved.

Action: No action taken. Will be an item on the May 2019 Planning Commission meeting agenda.

VII. ADDITIONAL PUBLIC COMMENT

Dump Truck Parked at the End of Broad Street and South Church Street – It was noted that there is a dump truck that regularly parks at the dead-end of Broad Street where it intersects with South Church Street. The Staff Planner will notify the Town Administrator about this issue.

Roll Off/Porta Potty on Hoffman Drive – There is a porta potty located on Hoffman Drive. It has been there for 6 months. The Staff Planner will notify the Town Administrator about this issue.

Streetscape Trees – The Planning Commission would like the status on when and where those identified trees from the streetscape plans will be moved.

Bernard Pond (105 Manda Drive) – At the next Joint Town Board/Planning Commission Meeting please emphasize the following points:

- Lighting at the proposed self-storage will be 10-12 feet higher than Safeway. It will affect my neighborhood.
- Prefer that all storage at the location be inside individual self-storage units.
- Architecturally, please avoid the colors purple, orange and bright yellow.
- Please be considerate when determining hours of operation for that proposed site.

John Huegelmeier (110 Manda Drive) – Also when at the next Joint Town Board/Planning Commission Meeting please emphasize the following points:

- Please go to great lengths to define what goes in to storage. Current language is from a previous project and is not enough.
- Definitely opposed to parking of any type of vehicle in storage because of the noise that is generated when vehicles are worked on at that location.
- If boats and trailers parked in the public town parking lots are a problem, please do not let them become our problem by placing them in self-storage lots.
- If vehicles are going to be allowed at the self-storage, please place them at the entrance area to the storage business.

The Planning Commission thanked the residents for bringing their concerns forward. The Commission is cognizant of other issues like lighting encroaching on neighborhoods from these types of developments. Regulations in place for new developments will address that concern. Perhaps there are other lighting options to consider for those older developments in town.

Meeting adjourned at 8:12pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary