

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

June 17, 2019

The regular meeting of the Middletown Planning Commission took place on Monday, June 17, 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, Commissioner Tom Catania (Ex-Officio), Commission members David Lake, Rich Gallagher, Bob Miller, Dixie Eichelberger (Alternate) and Eric Ware (Temp Alternate). Others present in official capacity: Cindy Unangst (Staff Planner), and Annette Alberghini (Recording Secretary). Others present: Ann Miller (property owner), Geoffrey Ciniero (C.M.S. Associates) and Jeannine Ranniger (town resident).

JUNE MONTHLY PLANNING COMMISSION MEETING:

I. PUBLIC COMMENT – None

II. Regular Workshop Minutes of May 15, 2019 – Approved as submitted.

Regular Meeting Minutes of May 20, 2019 – Approved as submitted.

III. PLAN REVIEW

Water Storage Tank Final Forest Conservation Plan – (No one present). This is for the proposed construction of a 1 million gallon prestressed concrete water storage tank to replace the two synthetic rubber lined and covered embankment reservoirs, currently in use, for the storage of municipal water, at 4A Ashky Court. Per the approved Preliminary Forest Conservation Plan, the total afforestation required for the 2.92-acre tract is 0.58 acres. No on-site afforestation can occur as there is not enough room. The plans have been provided to the Maryland Department of Natural Resources for review, but no comments have been received to date.

- **Final Forest Conservation Plan Requirements** - All requirements for the final forest conservation plan have been met except: The following note (3.4.4 from the conservation technical manual) should be added to Sheet 2: *If survival requirements are not met, the applicant must establish reinforcement plantings on the planting site prior to the release of the maintenance agreement, but not later than one complete growing season prior to the release of the maintenance agreement.*
- **Change in net tract area and planting requirement from Preliminary Forest Conservation Plan** – The site contains 2.92 acres with no existing forest on the site, and the reservoir area is completely enclosed by an 8' high fence. The preliminary forest conservation plan used the 2.92 acres as the net area with a corresponding afforestation planting area of 0.58 acres. The final forest conservation plan uses the limit of disturbance for the net tract area which is 3.24 acres and includes grading outside of the project site parcel. The corresponding afforestation planting area for the revised net area is 0.65 acres.
- **Meeting the FRO requirement** – The Plan indicates that the Forest Conservation mitigation method will be off-site afforestation on town-owned land adjacent to the project construction site. Off-site afforestation will be accomplished using seedling stock with 85% overstory planting utilizing native trees and 15% understory planting utilizing native trees. The proposed species have been reviewed by staff and are considered a suitable and favorable mix of species in which a majority of the species are considered fast-growing. All the computations and quantities for the proposed seedlings are accurate.

- **Stocking and survival rates** – Sheet 2 of the plans, under Planting Instructions/Specifications, indicates that the minimum stocking ratio of 1.5-inch caliper balled and burlapped trees shall have a 75 percent survival rate. This should be revised to indicate that the minimum stocking ratio for container grown seedlings is 450/acre and shall have a 65 percent survival rate, or at least 292/acre. The plans indicate that the approximate spacing for the trees is 15-foot on center, but the MD State Forest Conservation Technical Manual specifies that the spacing for container grown seedlings should be 10-feet on center. Other references to balled and burlapped trees on the plans should be revised to indicate the appropriate references to container grown tree seedlings.
- **Planning Commission signature block** – A signature block should be added to the plans prior to signature.

The Staff Planner reviewed the plan showing where the off-site planting will occur. Fencing and signage will be placed around the seedlings to protect them from potential destruction from any land rental farming of the rest of that town property.

Action: Commission Member Miller motioned to conditionally approve the Water Storage Tank Final Forest Conservation Plan, conditional upon addressing the comments from the Staff Planner and the Maryland Department of Natural Resources. Seconded by Commission Member Gallagher. Motion carried (5-0).

Water Storage Tank Improvement Plans – (No one present). This is for the proposed construction of a 1 million gallon prestressed concrete water storage tank to replace the two synthetic rubber lined and covered embankment reservoirs, currently in use, for the storage of municipal water, at 4A Ashky Court. The plans before the Planning Commission are 90% complete. The contract with the engineering firm designated that 90% plans be submitted to the Town for review. The 100% completed plans should include a Planning Commission signature block. The full set of plans is 43 sheets, most of which contain erosion and sediment control details that are reviewed by the Soil Conservation District, process details, and mechanical and electrical details. The sheets provided to the Planning Commission are those that contain information related in some way to planning and zoning requirements. The full set of plans is available for review. A request for a SWM waiver was reviewed and approved by Frederick County on February 22, 2019. The proposed storage tank meets the yard requirements for an Open Space district. The plans have been provided to the Town Engineer for review, and the Soil Conservation District for review and approval.

- **Landscaping/screening** – No landscaping on the property is being proposed. Tree plantings to meet the Town’s Forest Conservation Ordinance regulations will help to provide screening of the site as they mature. The tree plantings will be sited along Layla Drive and westward towards the project site.
- **Fencing** – An existing 8-foot fence surrounds the water reservoir site. It will be replaced with the same type of chain-link fence as part of this project. The existing perimeter fence and gates will be maintained until the new fence can be installed except where removal is required for construction. Slats can be put in the sections of replacement fence near the northeast corner to help screen the site from neighboring properties. If slats will be used, the Planning Commission requests that additional slat details be provided to include materials used and size.
- **Lighting** – Sheet E-601 (Electrical Schedules) contains the lighting fixture schedule and indicates that some fixture types are to be wall mounted, dusk to dawn fixtures that cast the light downward. There will be two telescoping light poles on the roof of the structure. One on the western side and one over the mechanical addition. These are to be operated by a switch, so will not turn on automatically. The current light on the chemical building will stay. The Planning Commission would like more information on the wall mounted lights as the additional lighting sheets provided do not show a light that casts the light downward but outward. More information is also required regarding the telescoping lights.

Action: Commission Member Lake motioned to table the item until the July 2019 Planning Commission meeting so that comments could be addressed, and if needed the Town Engineer should be present. Seconded by Commission Member Gallagher. Motion carried (5-0).

Miller Property Phase III Revised Site Plan – (Ann Miller (property owner), Geoffrey Ciniero (C.M.S. Associates, the developer) and Jeannine Ranniger (town resident), present). This is in regards to the proposed re-development of existing buildings in phases into new retail and/or restaurant uses. This includes the renovation of the existing main building, construction of a new brick patio in front of the existing building, installation of a new stormwater facility and associated piping, and construction of new grassed islands around the stormwater facility and building. The property is located at 121 and 203 East Main Street. The Improvement Plans were conditionally approved by the Planning Commission in June 2017. The Planning Commission reviewed the Lighting Plan and the Architectural Renderings for the Miller property in August 2017. The site plan has been revised to add red-line revisions for an additional three parking spaces.

- **Parking** – The previous improvement plan for Phase III showed 53 parking spaces (50 regular spaces and 3 handicapped spaces) that vary in size from 8' x 22' to 9' x 19' with the majority of the spaces being 9' x 18'. The town's parking regulations call for parking spaces to be 9' x 20'. A chart showing the parking requirements for the existing and proposed uses was approved in June 2017. The Planning Commission waived all parking requirements above the 53 spaces provided during the Phase III site plan approval in July 2015. Due to the demolition of three storage buildings on the west side of the property, the applicant is proposing to eliminate two of the approved parking spaces in order to add five parking spaces adjacent to five approved spaces on that west side.
- **Fencing/screening** – The neighbor to the west of the Miller Property, at 119 East Main Street, is going to install a 6-foot tall site tight fence to replace the chain-link fence currently on the property line between his property and the Miller Property, with the cost to be split between the two property owners. This agreement with the neighbor is not part of this Site Plan revision.
- **Adjacent Neighbor Comments and Concerns** – Jeannine Ranniger, 119 East Main Street, asked if there would be any additional lighting with the proposed additional parking. The Staff Planner reviewed the approved lighting plan to include lighting placement. Mrs. Ranniger stated that with the removal of the 3 storage buildings she now has light shining in her windows from the warehouse on the other side of the Miller property.

Action: Commission Member Miller motioned to approve the three additional parking spaces of the Miller Property Phase III Site Plan as proposed. Seconded by Commission Member Lake. Motion carried (5-0).

The Staff Planner will red line the parking changes on the revised site plan.

IV. ZONING –

Signage Around Town

- **Unauthorized Signs at Middletown Parkway & Alt 40** – There has been a proliferation of temporary signs placed at the intersection of Alt40 and Middletown Parkway. The Zoning Administrator is aware of this and removes them. It was suggested to place an announcement on the town website informing people that it is illegal to place such signs within town limits without permission.
- **Signage at Middletown Valley Center** – The developer has placed a sign on the property advertising the development without approval. The Zoning Administrator will be following up with the developer for compliance. The Planning Commission would also like to have the Zoning Administrator look into the temporary sign in place on the Middletown Valley Bank property.
- **Cross Stone Commons Signage** – With businesses going in to the new building and the current sign on Main Street already full listing the current businesses, the Staff Planner

reminded the Planning Commission that the developer had previously received approval for a directional sign which would be placed at the first entrance into the development off of Middletown Parkway. This would include the other businesses going into the development but not listed on the main sign.

V. MISCELLANEOUS

The Maryland Municipal League Conference is June 23 – 26, 2019 in Ocean City. Town Board members will be attending.

The Town Board Liaison, Tom Catania, was asked about the proposed changes to the Self-Storage regulations.

VII. ADDITIONAL PUBLIC COMMENT - None

Meeting adjourned at 7:59pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary