

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

July 15, 2019

The regular meeting of the Middletown Planning Commission took place on Monday, July 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, 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), JR Hawkins (Town Engineer) and Annette Alberghini (Recording Secretary). Others present: John Huegelmeyer (town resident), and Bernard Pond (town resident).

JULY MONTHLY PLANNING COMMISSION MEETING:

I. PUBLIC COMMENT – None

II. Regular Workshop Minutes of June 12, 2019 – Approved as submitted.

Regular Meeting Minutes of June 17, 2019 – Approved as submitted.

III. PLAN REVIEW

Water Storage Tank Improvement Plans – (JR Hawkins (Town Engineer) 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.

- **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 Town Engineer stated that the lighting from any wall mounted fixtures should not be seen by the surrounding area due to bowl-like topography of the site with the storage tank being “in the bowl”.
- **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. The Staff Planner reviewed the photo of the slat screening used at the Town Maintenance facility. This same type of screening will be used at the reservoir if needed. Slat screening can be put in the sections of replacement fence near the northeast corner to help screen the site from neighboring properties. The Planning Commission recommended that slat screening be

installed once the new fencing is in place along the north side of the property from one entrance gate to the other.

- **90% Review Submittal** – The Planning Commission asked with the 90% plan submittal if there would be any items in the 100% plan that would require Planning Commission attention. The Town Engineer stated that the Town has met with the project engineer, and the items outstanding are internal to the structure itself and have nothing to do with the Site Plan.
- **Action:** Commission Member Lake motioned to approve the Water Storage Tank Improvement Plan with the addition of slat screening for the fence along the north side of the property from one entrance gate to the other. Seconded by Commission Member Gallagher. Motion carried (5-0).

IV. ZONING –

Self-storage Text Amendment – (John Huegelmeyer (town resident), and Bernard Pond (town resident) present.) On Monday, July 8th, the Town Board introduced a proposed text amendment to add definitions for the terms “household good”, “personal property”, “self-storage units” and “storage” to the Municipal Code, as well as to delete and repeal the requirement that self-storage facilities may only be permitted as an accessory use to a primary business from Section 17.48.030 of the Code. It is being forwarded to the Planning Commission for review and comment. A public hearing is being scheduled for Thursday, August 1st, with a vote on the proposed ordinance by the Town Board to take place on Monday, August 12th. A draft ordinance by the Town Attorney with the proposed changes as suggested from previous discussions between the Town Board and the Planning Commission was provided. The Town Attorney questioned the need for a definition for “household good” since there is no reference to it in the Municipal Code. Additionally, he isn’t sure that a definition of “storage” is necessary since it is a common term, and when terms are not specifically defined in a statute, its common-use dictionary meaning is used. The Staff Planner noted that the proposed terminology of “self-storage units” doesn’t conform with “self-storage facilities” as used in the Municipal Code in Section 17.48.340.

The Planning Commission reviewed the draft ordinance and provided the following information for the Town Board to consider:

- Remove the definition of “Household Goods” as it is not needed.
- Remove the reference to chattels as it is also not needed.
- Remove the reference to “Intangible Items” as tangible items are what is related to in this section of the municipal code.
- In the definition of “Personal Property” remove “car” and replace with “vehicle”, in the beginning of the description of tangible items insert “including but not limited to”, and after jewelry insert “,etc.”.
- Recommend adding a definition for Self-Storage Facilities which includes self-storage units, including office space, and designated parking areas for storage of vehicles. If a designated parking area for storage of vehicles is included in the definition, the Planning Commission asks that the Town Board further define what to include/exclude as it relates to that designated parking area and asks the Town Board to consider the following:
 - Will it correspond with what is currently in the Town Code regarding restricted vehicles, recreation equipment, trailers and commercial vehicles, or will they be allowed.
 - Should define the status of the vehicle being stored (registered or not, operable vs inoperable, powered or unpowered, size limits, etc.)
 - Recommend that repair, maintenance or modification of the vehicle not be allowed to take place at the storage facility.
 - Recommend that this storage parking is designated so as to prohibit vehicles stored around the perimeter of the storage facility or in grassy areas.

The Staff Planner will write the memorandum to the Town Board with the comments from the Planning Commission.

V. MISCELLANEOUS

Joint Town Board/Planning Commission Meeting - The next joint Town Board/Planning Commission Meeting is Monday, August 5, 2019.

New Placards - The Staff Planner showed the new placards developed for Planning Commission use.

Work Crews - There are work camp crews in town this week. They are working on three residences in town.

Dumpsters – There are 2 commercial dumpsters on Main Street with little to no screening. The Zoning Administrator will be notified to follow up.

VII. ADDITIONAL PUBLIC COMMENT - None

Meeting adjourned at 8:11pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary