

**MIDDLETOWN PLANNING COMMISSION**  
**31 West Main Street**  
**Middletown, Maryland**

**Regular Meeting**

**February 20, 2017**

The regular meeting of the Middletown Planning Commission took place on Monday, February 20, 2017 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commissioners Mark Carney (Chairman), Tom Catania (Ex-Officio), Bob Miller, Rich Gallagher, Meredith McKittrick and David Lake. Others present in official capacity: Cindy Unangst (Staff Planner). Others present: Barbara Reeder (Resident), Todd Gouker (Resident), Hubert Brown and Eric Moore (Eric Moore General Contracting LLC), Farhad Memarsadeghi and Fred Frederick (Memar Corp and Frederick Seibert Associates), Francis Suhre (Foxfield HOA President and Resident), Bob Smart (Resident).

**FEBRUARY MONTHLY PLANNING COMMISSION MEETING:**

**I. PUBLIC COMMENT** – None

**II. MISCELLANEOUS**

**Welcome new temporary alternate member – Meredith McKittrick** – Mark welcomed Meredith and stated that she is filling in the remainder of Dixie’s term who is now filling in the remainder of Rich’s term as alternate. Rich was appointed in December as a regular member of the commission.

**Elect chairman and vice chairman for 2017** – The Staff Planner opened the floor for nominations for Chairman of the Planning Commission for 2017. Commissioner Lake nominated Mark Carney to continue as chairman. Commissioner Gallagher seconded the motion. There were no other nominations. Motion carried (4-0).

The Staff Planner then opened the floor for nominations for Vice Chairman of the Planning Commission for 2017. Commission Chairman Carney nominated Bob Miller. Commissioner Lake seconded the motion. There were no other nominations. Motion carried (4-0).

**III. Regular Workshop Minutes of January 11, 2017** – Approved with minor edit.

**Regular Meeting Minutes of January 16, 2017** – Approved as submitted.

**IV. PLAN REVIEW**

**219 S. Jefferson Street Demolition** – (Hubert Brown and Eric Moore of Eric Moore General Contracting were present). This proposal is to remove an existing 1 ½ story house and a small frame shed on the property at 219 S. Jefferson Street. It was formerly a dwelling which at this time is not suitable for inhabitants or renovations. A permit will be needed from the County for the demolition to

occur. Letters were sent to the adjacent property owners informing them of the proposed demolition and the property was posted as well. The property owner, Charles Jeremy Kelly, has given permission to Eric Moore General Contracting, LLC to apply for the demolition permit per an addendum. Review comments were given by the Town's CIP Project Manager concerning the existing water and sewer service lines. Commissioner Lake asked for clarification about who the CIP Project Manager was and why the review comments were not completed by Town Engineer Bruce Carbaugh who usually does the reports. Cindy stated that Bruce gave the assignment to JR Hawkins who is also a registered engineer.

- **Comments from Barbara Reeder (4 Groff Court)** - Mrs. Reeder brought up a few concerns about the proposed demolition in relation to the fact that the building sits right on the property line of her nephew's property at 217 S. Jefferson. She wondered how the demolition would be done without affecting the neighboring property; how the common wall would not be demolished in the process; the proposed timeline; and was concerned about the grading on the property and water run-off becoming worse than it already is. She asked to be notified of the demolition date.
- **Comments from Todd Gouker (217 S. Jefferson Street)** – Mr. Gouker stated that he has some concerns about water coming into his basement due to the proposed demolition on the neighboring property.
- **Comments from Brenda Coblenz (208 S. Jefferson Street)** – Ms. Coblenz stated that her driveway is across S. Jefferson Street from the property of the proposed demolition. She is concerned about being able to access her driveway with her large truck if there is a dumpster in the road for the demolition work. She also is concerned about drainage problems stemming from the proposed demolition.
- **Comments from Hubert Brown (Eric Moore General Contracting)** – Mr. Brown stated that he has the same concerns as the others who spoke before him. He has been in this business for 50 years, has a lot of experience, and will do his best to address all the issues. The property will be all cleaned up, and the new house location should help with any water issues going forward. Ms. Coblenz will have access to her driveway while the work is being done. If the wall adjacent to the neighboring property is damaged during the demolition work, he will replace it. Mr. Brown stated that Specialized Engineering will be doing the survey work for any hazardous materials on the property.
- **Comments from Eric Moore (Eric Moore General Contracting)** – Mr. Moore stated that this business is licensed, insured and bonded.

Commissioner Lake thanked the residents for raising the issues that they had concerns with and for coming to the meeting. Chairman Carney thanked them as well and encouraged them to document any issues they have and to take photos for documentation purposes as well.

**Action:** Commissioner Lake motioned to approve the Demolition of the structures at 219 S. Jefferson Street with the following conditions as amended:

- 1) Conditional on JR's comments being provided for.
- 2) Notification to town and neighboring residents a minimum of 48 hours ahead of the demolition work being done.
- 3) Dumpster location to be approved by the zoning administrator prior to the demolition work.
- 4) County permit approval.
- 5) Report from Specialized Engineering to determine whether any hazardous materials are present and submittal of a plan to comply with any hazardous materials removal if any are found.

Seconded by Commissioner Gallagher. Motion carried (4-0).

**Right-A-Way Powder Coating** - Chairman Carney reviewed the information received by the Zoning Administrator, Ron Forrester, which was sent to the Planning Commission in regards to the business at 116B North Church Street. After receiving three extensions from the County for the needed modifications to the site, per the conditions of approval given by the Planning Commission, the applicant is now in compliance with those conditions.

## V. ZONING

**Admar Annexation Petition** – The Staff Planner and the Planning Commission members reviewed the memo dated February 7, 2017 from the staff planner. It was agreed that the first course of action should be to determine whether the petition is consistent with the town’s comprehensive plan.

The annexation policies as stated in the Municipal Growth Element (page 4 of the memo dated February 7, 2017) were reviewed and discussed, as well as a review of the concept map. The commission then reviewed the draft annexation plan prepared by the staff planner. There was a question about the number of wells drilled on the property in relation to the discussion about water availability, and Farhad stated that two wells had been tested out of the six wells that were drilled. Commission members made some comments on the draft document, but Chairman Carney stated that he would like to discuss it further at the next planning commission meeting before sending the comments to the Town Board. Farhad stated that he would be interested in knowing at what stage certain items in the annexation plan should be addressed. Bob Smart (Coblentz Road) said he understood the compliance with the R-20 zoning request, but has concerns about the potential traffic increase on Coblentz Road. Francis Suhre (4 Lauber Court) stated that he is the HOA President for the Villages of Foxfield and the traffic issue is a major concern of the HOA members. They strongly support the necessity of a comprehensive traffic study. The Staff Planner reviewed the enrollment projections thru 2025 for the Middletown schools, and also discussed her memo dated February 17, 2017 concerning the Frederick County Septic Tier Map and its implications for the proposed annexation.

**Action:** After review, Commissioner Lake moved to adopt the finding that the requested zoning is consistent and the proposed annexation is consistent with the Municipal Growth Element of the Middletown Comprehensive Plan. The motion was seconded by Commissioner Miller. Motion carried (4-0).

## VI. ANNUAL PLANNING REPORT

The Staff Planner reviewed the draft annual report and Commissioner Lake had a few comments and proposed edits. The document will be reviewed again at the March meeting along with the corresponding map which will be prepared by that time.

**Staff Planner Monthly Planning Update** – Planning Commission members appreciated the additional information that the Staff Planner is including in her monthly report, but asked that additional information be added for the developments that have no sunset provisions. The Staff Planner informed the members about new information that was received from Frederick County in relation to the Horman Apartments plans. It was noted that due to the fact that bonding and/or financing has not been secured by the Town based on the final plans for the development, that the SWM plans for that property will expire on May 4, 2017, at which time the applicant would have to reapply for SWM County approval and Planning Commission Site Plan Approval, unless that financing is secured by that date.

**VII. ADDITIONAL PUBLIC COMMENT – None.**

**Meeting adjourned at 9:00pm.**

Respectfully submitted,

Cynthia K. Unangst  
Staff Planner