

# MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center  
31 West Main Street, Middletown, MD 21769

Agenda for the September 16, 2019 Meeting  
7:00 p.m.

- I. Public Comment
- II. Minutes of August 2019 Planning Commission workshop Approval
- Minutes of August 2019 Planning Commission meeting Approval
- III. Plan Review
  - Tabor Barn Demolition Plan Review/Approval
  - Miller Property Redline Site & Improvement Plans Review/Approval
- IV. Zoning
- V. Miscellaneous
- VI. Additional Public Comment

**\*\* All requests to be on the Planning Commission agenda must be received at the Middletown Municipal Center, 31 W. Main Street, Middletown by 12:00pm on the Monday two weeks prior to the monthly meeting held on the third Monday of each month. All plans being submitted for review must be folded, and an electronic plan is required as well.**

Maryland law and the Planning Commission's Rules of Procedure regarding ex parte communications require all discussion, review, and consideration of the Commission's business take place only during the Commission's consideration of the item at a scheduled meeting. Telephone calls and meetings with Commission members in advance of the meeting are not permitted. Written communications will be directed to appropriate staff members for response and included in briefing materials for all members of the Commission.

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

**Workshop**

**August 14, 2019**

The regular workshop of the Middletown Planning Commission took place on Wednesday, August 14, 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 Bob Miller, Rich Gallagher, David Lake, Dixie Eichelberger, Alternate, and Eric Ware, Temporary Alternate. Others present in official capacity: Cindy Unangst (Staff Planner). Applicants present: Mark Lancaster, Mark Crissman. Residents present: John Huegelmeyer, Bernard Pond.

**AUGUST MONTHLY PLANNING COMMISSION WORKSHOP:**

**PLAN REVIEW** –

**Hollow Creek Professional Center Site Plan** – There was discussion among the commission members, the property owner, Mark Lancaster, and the project engineer, Mark Crissman, on various aspects of the proposed site plan. Topics of discussion included: changes from the concept plan, access to the site by pedestrians, the traffic impact analysis, parking and loading requirements, and signage. It was determined that the lighting plan reviewed by the staff planner was different than the one provided by pdf to the commission members.

**Hollow Creek Professional Center Preliminary Forest Conservation Plan** – Cindy briefly provided some of her comments from the staff report which included the proposed removal of the large northern catalpa tree and the yet-to-be-determined location for the proposed off-site afforestation.

**ZONING** –

**Self-storage Text Amendment** – There was discussion about a proposed definition in the text amendment for ‘self-storage facilities’ and language that could be included in relation to vehicle storage. The commission members will review proposed language that Cindy will draft during the meeting on Monday and comments will then be sent to the Town Board. Residents Bernard Pond and John Huegelmeyer were invited to the table to give the commission members their thoughts in addition to hearing comments by Mark Lancaster.

**MISCELLANEOUS** –

Cindy briefly discussed a recent ruling by the Maryland Open Meetings Compliance Board regarding email and other digital communication.

**Workshop adjourned at 8:25pm.**

Respectfully submitted,

Cynthia K. Unangst, AICP  
Middletown Staff Planner

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

**Regular Meeting**

**August 19, 2019**

The regular meeting of the Middletown Planning Commission took place on Monday, August 19, 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: David Lingg (Lingg Property Consulting), Mark Lancaster (Lancaster Craftsman Builders), Mark Crissman (Daft McCune Walker), Bob Smart (town resident), Mike Tabor (town business owner), Frank Harrell (town resident), Jennifer Robertson (town resident), John Huegelmeier (town resident), and Bernard Pond (town resident).

**AUGUST MONTHLY PLANNING COMMISSION MEETING:**

- I. PUBLIC COMMENT – None.**
- II. Regular Workshop Minutes of July 10, 2019 – Approved as submitted.**  
**Regular Meeting Minutes of July 15, 2019 – Approved as submitted.**

**III. PLAN REVIEW**

**Hollow Creek Professional Center Site Plan** – (David Lingg (Lingg Property Consulting), Mark Lancaster (Lancaster Craftsman Builders) and Mark Crissman (Daft McCune Walker) present). This is for the proposed property development with 50,640 square feet ± of commercial space in three separate buildings with 212 parking spaces, and 2± acres reserved for future development; located on the north side of US Route 40-A just east of the Safeway shopping center. The area is zoned GC General Commercial and is currently a vacant lot. This district permits numerous uses along with numerous special exception uses with Board of Appeals approval. The intent of the district is to provide areas for general commercial activities that service the needs of the entire community and the surrounding area. The location should be such that stores and commercial activities can be grouped together in an attractive and convenient manner that will not infringe on residential areas. The proposed development appears to be consistent with the goals and objectives of the comprehensive plan. There are no environmentally sensitive areas, floodplain or wetlands on the site. The property was annexed into the town in 1973. The site is not within an historic survey district and is not a historic site. The site is adjacent to a General Commercial zoned property and has been zoned General Commercial for at least 25 years. The plans have been provided to the Town Engineer and the Town's consulting engineer for review. Due to an information distribution error, the lighting plan for the site will be reviewed in conjunction with the next site plan submission. Staff recommends that the Planning Commission table the Site Plan until the applicant has addressed the following: concerns of the Staff Planner; review of the stormwater management concept plan by Frederick County; submittal of appropriate documents by the owner of the adjacent shopping center and BB&T bank agreeing to proposed changes to the existing drive aisles, parking and islands in the shopping center; and review and approval of the right-in/right-out at Alternate US-40 by the State Highway Administration.

Together the consultant and the property owner reviewed the Site Plan with the Planning Commission.

- **Changes from the Concept Plan Reviewed January 2019** - Previously the concept plan showed 48,800 square feet ± of commercial space in three separate buildings in addition to the possibility

of self-storage areas in the rear of the property. The revised plan shows 50,640 square feet of commercial space in three separate buildings in addition to 2± acres reserved for future development. The site plan continues to show two one-story retail pads and one three-story office building. The proposed retail square footage of 9,200 square feet now includes an additional ancillary restaurant/retail use of 2,000 square feet to be located on the 1<sup>st</sup> floor of the office building. The proposed office square footage decreased from 39,600 square feet to 39,440 square feet. The prior concept plan showed 208 parking spaces plus 8 for the self-storage use, while the revised plan shows 212 parking spaces including 8 handicapped spaces.

- **Traffic Impact Analysis** - A traffic impact analysis was prepared by The Traffic Group. The study indicates that the project site is proposed to be developed with 39,600 square feet of general office, 9,200 square feet of retail uses, and 30,000 square feet of mini-warehouse. The study does not include the proposed restaurant use which is ancillary to the office building. Two different access scenarios were created: each scenario has access via the existing traffic signal at Alt. US 40 at Middletown Parkway/Town Center Plaza, and a second scenario consists of a full movement access east of that traffic signal. The analysis study results indicate that the intersection of Alt. US40 @ Middletown Parkway/Town Center Plaza is operating at acceptable levels of service and will continue to operate with acceptable levels of service during each of the peak periods with the methodologies used for the analysis. The proposed East Site Access has some delay while leaving the site during the evening peak hour only. A full movement access at that intersection is recommended since the methodology used typically overestimates the delay times according to the analysis. It is the opinion of The Traffic Group that the proposed Professional Center meets the requirements for approval without offsite intersection mitigation. The consultant had sent an email today trying to clarify the findings of the traffic study. Due to both the technical nature of the report provided by The Traffic Group and the traffic study questions from Planning Commission members, it was suggested that an executive summary of the report be provided to the Planning Commission and that a representative from The Traffic Group attend a future Planning Commission meeting to provide clarification.
- **Transportation Plan** - The site plan shows a proposed 30-foot wide right-in/right-out access to the property from U.S. 40 (Alt). The granting of access to the property at that location will be determined by the State Highway Administration. In relation to traffic patterns, the developer has held discussions with the shopping center owner and BB&T Bank personnel to discuss possible improvements to the circulation into and through the property to make the necessary connections to the proposed development. The applicant should submit written documents of approval by those entities before the Planning Commission grants approval of the site plan. Sheet 6 shows a truck circulation plan that will need to be reviewed by the Town Engineer. If the rear of the proposed development is to include RV and boat storage, the turning radiuses within the two properties will need to be examined.
- **Sidewalk Access** - Concerns were raised regarding pedestrians accessing the site from USAlt40. The site will utilize the crosswalks already in place across USAlt40 at the entrance to the Safeway Shopping Center. The developer identified the "pedestrian loop" that connects the Safeway Shopping Center and the Hollow Creek Professional Center buildings. It was suggested that the developer widen the lane along BB&T in order to place a sidewalk there. It was also suggested that the developer strategically place crosswalks for foot traffic that will flow from Safeway to the 2 buildings in the front of the Hollow Creek Professional Center site.
- **Loading and Service Area** - The numbers of spaces required per the Code are one space for a building floor area up to 8,000 square feet, three spaces for 25,001-40,000 square feet, and 4 spaces for 40,001-60,000 square feet. Using the total square footage for the buildings the applicant determined the number of loading spaces required would be four as stated in General Note #6 on Sheet 1. The applicant has shown a dedicated loading space (of the required size) at the office building, one smaller loading space (van/box truck size) at the retail pads, and has indicated that the proposed drop-off area of the office building will function as off-hours loading for two of the required spaces. It was suggested that the applicant provide a written explanation

concerning projected delivery scenarios, including expectations and the number of daily deliveries.

- **Safeway Shopping Center Site Plan** – Since the proposed development will impact the Safeway Shopping Center, it was suggested that the Planning Commission review the changes to the Safeway Shopping Center site plan in conjunction with this site plan.
- **Architectural Review** – All applications for site plan approval should include architectural plans, elevations and renderings. The applicant will submit the required renderings and elevations for review by both the Planning Commission and the Main Street Design Committee.

**Action:** Commission Member Lake motioned to table the Hollow Creek Professional Center Site Plan until further information is provided by the applicant which addresses identified concerns, and upon further review by the Planning Commission. Seconded by Commission Member Gallagher. Motion carried (5-0).

**Hollow Creek Professional Center Preliminary Forest Conservation Plan** – (David Lingg (Lingg Property Consulting), Mark Lancaster (Lancaster Craftsman Builders) and Mark Crissman (Daft McCune Walker) present). The purpose of the preliminary forest conservation plan is to allow for the owner/owner representative to construct three mixed-use office buildings and associated parking and roads. The property is located on the north side of US Route 40-A just east of the Safeway shopping center. The area is zoned GC General Commercial and is currently a vacant lot. The plan has been provided to the Maryland Department of Natural Resources for review, but no comments have been received to date.

There is one specimen tree near the eastern property line which is a 58" multi-trunked northern catalpa in fair condition. The tree is proposed to be removed. According to Town Code this tree is to be considered a priority for retention due to its size. Also, the applicant needs to meet with staff to determine an appropriate location for the off-site afforestation requirement.

**Action:** Commission Member Miller motioned to table the Hollow Creek Professional Center Preliminary Forest Conservation Plan until additional information is determined by the applicant. Seconded by Commission Member Lake. Motion carried (5-0).

#### IV. ZONING –

**Self-storage Text Amendment** – (Bob Smart (town resident), Mike Tabor (town business owner), John Huegelmeyer (town resident), and Bernard Pond (town resident) present.) On Monday, July 8<sup>th</sup>, 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. There was a second reading of the proposed text amendment by the Town Board at their meeting held on Monday, July 22<sup>nd</sup>. Comments from the Planning Commission were discussed at that meeting. It has been referred back to the Planning Commission for review and comment on wording for details related to the storage of vehicles. The public hearing originally scheduled for Thursday, August 1<sup>st</sup> was cancelled, and has been re-scheduled for Monday, August 26<sup>th</sup>. A mark-up of the memo sent to the Town Board from the Planning Commission with comments by the Town Board was provided.

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

- Define “Self-Storage Facilities” as any site, lot or tract of ground used for self-storage units, a business office where facility related sales are allowed, and the designated, orderly array of parking spaces for storage of registered, insured, operable vehicles including restricted vehicles and recreational equipment; and where no vehicle repair is permitted at the facility.
- Define “Personal Property” as any possession other than real estate or buildings. Personal property is movable and includes tangible items, included but not limited to (appliances, vehicles, furniture, jewelry, etc.), whose ownership belongs to an individual, organization or business.

- Define “Storage” as the action or method of keeping something for future use.
- In Section 17.48.340 – Self Storage, subsection E delete what is currently listed and replace with: The owner of a self-storage facility shall submit rules and regulations that shall be required by users and enforced by the self-storage facility owner to the Planning Commission for review. This is a condition of site plan approval of any self-storage facility.

**Action:** Commission Member Lake motioned to recommend to the Town Board to adopt the changes in definitions and text of Ordinance 19-07-02 as discussed. Seconded by Commission Member Eichelberger. Motion carried (5-0).

The Staff Planner will write the memorandum to the Town Board with the proposed changes from the Planning Commission to be included in the packet for the public hearing scheduled for Monday, August 26, 2019 at 7:00pm.

## V. MISCELLANEOUS

**Blue Flags Marking Property Behind 113 Manda Drive** – Frank Harrell (113 Manda Drive) stated that there are two parallel rows of blue flags marking the property behind his. The flags include marking in to the tree line just beyond his property. He asked what water was being marked there. Staff took down his contact information and will pass it along to the Project Manager to follow-up.

**Flooding on Manda Drive** – Jennifer Robertson (104 Manda Drive) stated that since trees and brush were cleared from the Dowd property and the AC Jets property, when it rains there is run off from the fields that comes down between the houses of her neighbors across the street from her home and floods the street. She states the water rises quickly and drains very slowly; it also turns to ice in the wintertime. Staff will notify the Streets and Utilities Department to follow up.

**Neighborhood View and Lighting of the Dowd Property** - Jennifer Robertson (104 Manda Drive) stated that since the Dowd property has been cleared she now has a clear view of that property and Safeway. She asked what was going to be done to hide that view. Mrs. Robertson was invited to attend the future planning commission meetings when the plans for the development will be reviewed; as many of her questions would be answered at that time.

## VII. ADDITIONAL PUBLIC COMMENT - None

Meeting adjourned at 9:08pm.

Respectfully submitted,

Annette Alberghini  
Recording Secretary

## Middletown Planning Office

### MEMORANDUM

Date: 9/12/2019  
Hansen# 200246

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **TABOR BARN DEMOLITION SITE PLAN**  
Tax Map Parcel #03-0157903  
Applicant: Michael and Patricia Tabor  
Property Owner: Michael and Patricia Tabor  
Plan Dated: August 16, 2019  
Date Received: August 16, 2019

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#### GENERAL INFORMATION

Proposal: Remove a 100-year old barn (1,700± square feet)

Location: 10 Boileau Drive

Zoning: TC – Town Commercial

Present Use: storage of construction materials

#### COMMENTS

The following issues should be considered in your review of this Demolition Plan:

1. All of the requirements of Section 17.32.160 (Demolition site plan – Required in all districts.) of the Middletown Municipal Code have been met.

17.32.160A. In all districts a proposal and permit application for the demolition of any building or structure, as defined in [Section 17.04.030](#), shall require site plan approval by the Town of Middletown Planning Commission prior to the issuance of a permit for said demolition. The demolition site plan shall show:

1. The dimensions and boundaries of the property and the location of all improvements thereon; *shown*
2. The location of the building or structure proposed to be demolished; *shown*
3. The location of all adjacent properties and structures (to include fences and accessory structures); *shown*

4. The proposed date and time of demolition, the anticipated length of time for demolition, and the proposed manner or type of demolition to be used; *shown*
  5. The identity of the person(s) or entity that will perform the demolition and information confirming the experience and professional credentials of such person(s) or entity; *shown*
  6. Information describing any type of explosive or incendiary device proposed to be used in performing the demolition; *shown*
  7. A safety plan that outlines the precautions to be taken for the demolition in order to ensure the safety and protection of persons and surrounding properties; *shown*
  8. The location of all existing public utilities on the property and in the area and confirmation of a plan for the discontinuance of utility service to the structure or building proposed to be demolished prior to the demolition taking place; *shown*
  9. Assurances that the proposed demolition will be in compliance with all federal, state and local laws, ordinances and regulations including, but not limited to, any and all laws and regulations governing "Hazardous Materials" and the disturbance and/or removal of "Hazardous Materials" from the property; *shown*
  10. A proposal and plan for any grading, seeding, sodding, or post demolition restoration of the demolition site. *shown*
2. An aerial photograph of the property that includes the utility lines and structures in the area of the proposed demolition has been attached to this memo along with a site plan that shows the location of the building to be demolished. The structure to be demolished is marked with an 'X' on the aerial photo.





3. Letters were sent to the adjacent property owners informing them of the proposed demolition. The property was posted as well.
4. With approval, demolition is set to begin as soon as the permit is received from the County and is proposed to last from three to six working days weather dependent.
5. The demolition plan was approved by Frederick County on September 6, 2019, and the permit will be issued once the Town's Zoning Administrator signs off on the permit after Planning Commission approval.

### **RECOMMENDATION**

**Staff recommends that the Planning Commission approve the Demolition Site Plan conditional on approval by Frederick County, and on the demolition work being completed within 90 days.**

This review will be included in the Middletown Planning Commission materials for the September 16, 2019 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be September 11, 2019.

R. Michael and Patricia A. Tabor  
8020 Myersville Road  
Middletown, Maryland 21769

Town of Middletown Maryland  
Planning Commission  
31 West Main St,  
Middletown, MD 21769

RECEIVED  
AUG 16 2019

Re: Application for Demolition of  
Structure at 10 Boileau Drive  
Middletown, Maryland 21769

Gentlemen:

We request your review and acceptance of our application to demolish the existing barn structure presently located on Lot 3, Section One, Jefferson Square, Middletown MD.

In accordance with the regulations in the Code of Ordinances - Section 17.32.160 - *Demolition Site Plan* and as defined in Section 17.04.030, we submit the required following items for review:

1. The submitted Plat of Lots 1-3, Section One – Jefferson Square indicate the property boundaries and location of the proposed structure to be demolished .
2. The location of the structure to be demolished is 10 Boileau Drive, Middletown.
3. The submitted satellite view shows all adjacent properties and structures.
4. The proposed date to commence demolition would be within days approval is received from the Planning Commission on September 16, 2019, and providing good weather conditions prevail.. The removal method would take from three (3) to six(6) working days in order to reclaim as much material as possible by carefully deconstructing the wood flooring, metal roofing, rafters and siding down to the frame. The frame would then be pulled safely to the ground to the south of the structure.
- 5 .The demolition of the barn will be done by: The Barnyard Boys, 740 Nottingham Road . (Rt.272) Peach Bottom, PA 17563. (See attached information on their Firm.)
6. There will be no explosive or incendiary devices used in performing the demolition.
7. Safety measures will be in compliance with all occupation safety and health standards promulgated by the Secretary of Labor under the Occupational Safety and Health Act of 1970 (OSHA) and as applicable under state law and other laws Statutes, ordinances, rules, regulations and orders of any public authority having jurisdiction for the safety of persons or property to protect them from damages, injury, or loss. Particular attention will be given to working near the electrical utility wires on the north an east sides of the structure. It may be necessary to detour

- vehicle and pedestrian traffic in the vicinity of Boileau Drive at certain times .
8. The structure does not have any existing public utilities in the structure. There are underground water/sewer connections located between the foundation and Boileau Drive.
  9. There are no hazardous materials in the structure. The siding material is weathered wood. Should there be dust particles on the wood the surface will be moisten. (See "Item 7" above.)
  10. During the demolition cleanup and unsalvaged material will be placed by use of a skid loader in dumpsters to be transported off site. The site plan is to leave the stone foundation in place, point up several areas that have loose mortar, adjust the grade, seed and landscape the area to provide an attractive setting.

We will be sending out letters of notification within 10 days to the surrounding property owners to advise them of our intent to demolish the structure

The Town of Middletown has previously issued a Zoning Certificate and we have an application pending with the Frederick County Permits and Inspection to make repairs and demolishing a portion of the structure's roof. We will revise the application to deconstruct the structure upon approval by the Middletown Planning Commission.

We trust that we have provided sufficient information for the Middletown Planning Commission to approve our request to demolish the barn.

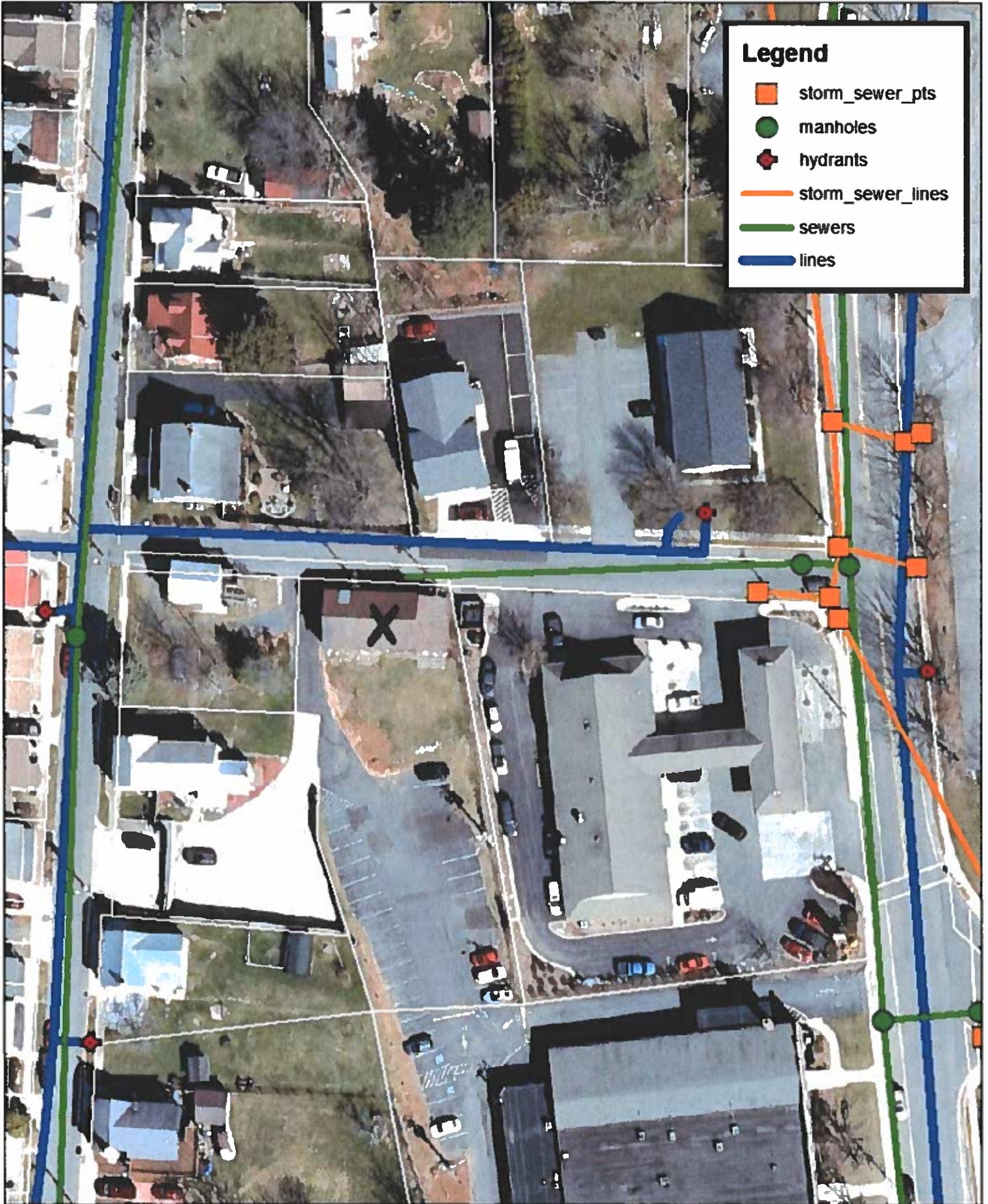
Sincerely yours,



R. Michael Tabor



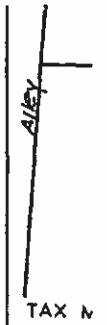
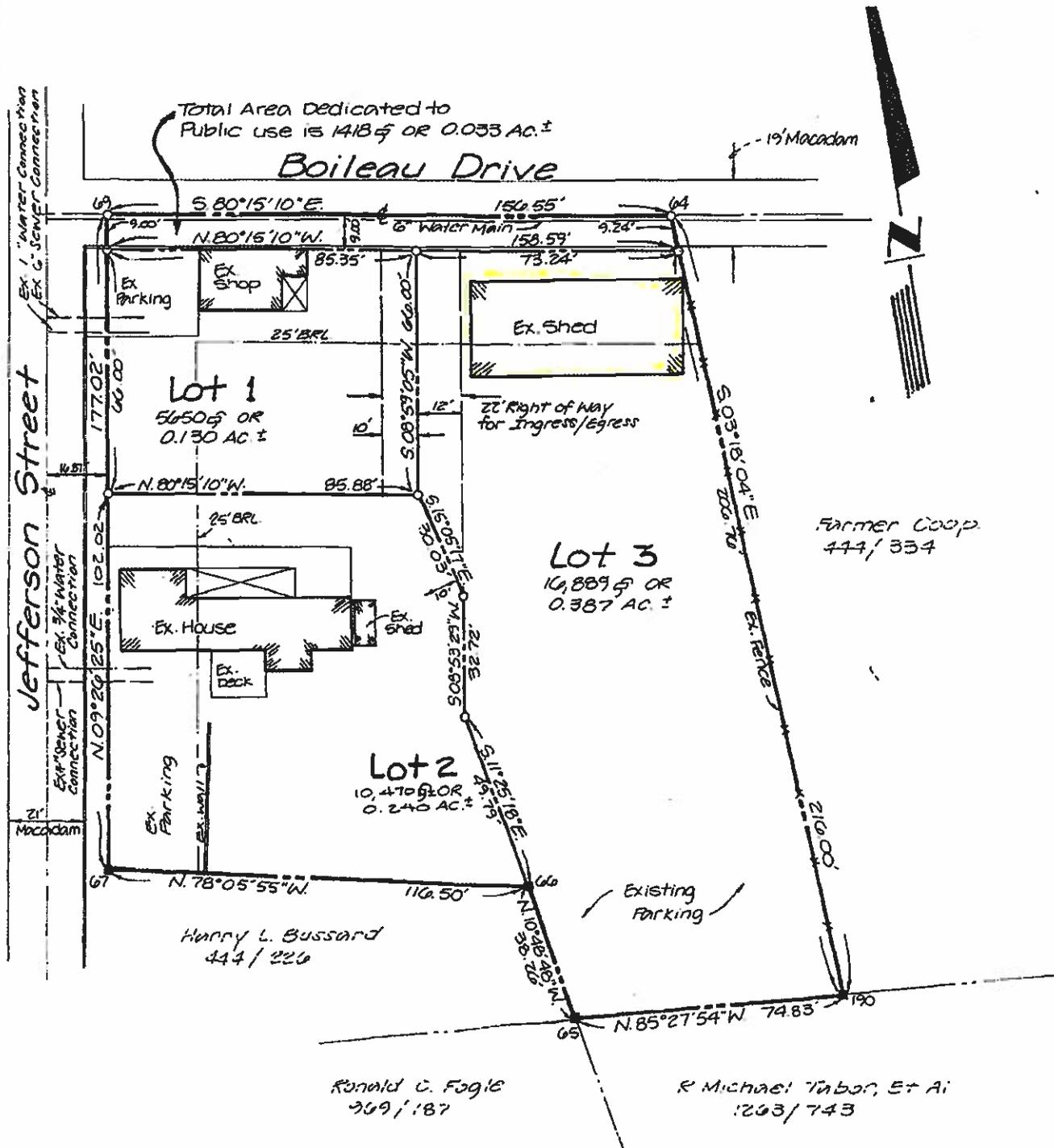
Patricia A. Tabor



**Tabor Barn Property**

1254.541	4650.454
5228.036	4804.747
5012.389	4817.185
5018.306	4742.588
5055.890	4735.410
5079.915	4621.419

(continued)  
 g with access to Jefferson  
 restricted to employee/  
 nt parking  
 per of Lot 3 will be  
 sible for extension of sewer  
 necessary to serve Lot 3.  
 plan must be filed for the  
 ricial use on Lot 2.



**OWNER'S CERTIFICATE**  
**DEDICATION**

We, R. Michael Tabor,

described hereon, hereby adopt this plat with the approval of this Final Plat by the Board of Assessors, and dedicate the same to public use, unless otherwise noted.

We (I) certify that there are no suits, trusts, easements or rights-of-way affecting the above described property, except as herein indicated. Liber 1464 @ Folio 782, an Ordinance of the Code of Maryland, Real Property Book Edition, and the requirements of the 1979 Edition, and as enacted or amended.

Plans for community water and sewer service have been approved by the Maryland Department of General Services to be served by public water and sewer.

21 October 1992  
 Date

21 October 1992  
 Date

We assent to this Subdivision

Bob V. Clow  
 Bob V. Clow, M.  
Denise J. Clow  
 Denise J. Clow

**SURVEYORS**

I hereby certify that the Final Plat is a true and correct copy of the original as shown to me by Bob V. Clow & Denise J. Clow

Ronald C. Fogie  
 769 / 187

R. Michael Tabor, Et Al  
 1203 / 743

**The Barnyard Boys**  
**740 Nottingham Road**  
**Peach Bottom, PA 17563**  
**(717) 548-5000**

Start here if you want information on Salvage Services and options that are available to you if you'd like to get rid of a barn or outbuilding from your property.

Would you like to get an idea of what the materials and/or contents of your barn might be worth? The Barnyard Boys can help to get you an estimate of the wood, stone, architectural elements and other materials. Plus, if your old barn is still full of old equipment and implements, we can connect you with potential buyers.

#### **Location of This Business**

740 Nottingham Rd, Peach Bottom, PA 17563-9536

Email this Business

**BBB File Opened:** 11/14/2004

**Years in Business:** 19

**Business Started:** 1/1/2000

**Type of Entity:** Limited Liability Company (LLC)

**Alternate Business Name**

- Barnyard Boys
- The Barnyard Boys, LLC

#### **Hours of Operation**

Primary

**M:** 07:30 AM - 04:30 PM

**T:** 07:30 AM - 04:30 PM

**W:** Closed

**Th:** 07:30 AM - 04:30 PM

**F:** 07:30 AM - 04:30 PM

**Sa:** 08:00 AM - 12:00 PM

**Su:** Closed

#### **Business Management**

- Mr. Christ Taylor, Owner
- Steve Hurst, Business Manager

#### **Contact Information**

Principal

- Mr. Christ Taylor, Owner

The Barnyard Boys tear down and salvage old barns, houses and other structures. Also, Barnyard Boys salvage and resell all antiques, reclaimed lumber, reclaimed flooring, furniture, doors, windows, shutters, and hundreds of architectural hardware.

Featuring extensive collections of weathered and worn treasures from the past, The Barnyard Boys of Peach Bottom provide a captivating destination for timeless beauty. Located at the southern tip of Lancaster County, close to the Maryland border, this hidden gem is absolutely worth the drive from wherever you are.

Whether you are "on-the-hunt" for authentic regional accessories that can enhance the look of your home's décor or choosing the style of antique flooring that your new home's ambiance will be built around...The Barnyard Boys is a literal one-stop architectural salvage warehouse.

From reclaimed barnboards to an extensive array hardware elements, their reclaimed materials will add distinctive warmth and unique richness to your next project. And their discerning selections of antiques bring the perfect accent to living spaces.

The Barnyard Boys offer experienced and fully insured salvaging services, primarily in southeastern and central Pennsylvania, northern Maryland and northern Delaware.

Do you love the look of rich, antique barn boards? The Barnyard Boys are the perfect supplier for your construction and remodeling projects. Your new home or room will be more beautiful with the warm, rustic feel of old barn wood and architectural elements.

Are you considering a small project that needs some old materials to bring it to life? Perhaps you're thinking of a desk, a hutch, a corner cupboard, or a porch bench? All of them are perfect candidates for Barnyard Boys materials. Whether it's a tear-down solution or an answer to your construction or craft need, the Barnyard Boys have the services and inventory to help!

# Church Street Business Center

205 South Church Street  
Middletown, Maryland 21769

**Phone: (301) 293-6876**

e-mail: [csbc205@gmail.com](mailto:csbc205@gmail.com)

August 23, 2019

RE; Barn located at  
Boileau Drive

To our Neighbors,

This letter is to advise that we are planning to demolish the barn on the south side of Boileau Drive between South Church Street and Jefferson Street pending approval by the Middletown Planning Commission at their meeting scheduled for Monday, September 16, 2019.

The firm to perform the demolition specializes in deconstruction of barns without using explosives or incendiary devices and recycling the components. Debris will be placed in dumpsters for off-site disposal.

It is expected that the work will run for approximately four to six days and cause minimal diversion of traffic on Boileau Drive.

Please call me at 301-293-6876 should you have any questions,

Sincerely,



R. Michael Tabor

Town of  
MIDDLETOWN, MARYLAND

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*LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS*

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Case Number \_\_\_\_\_

Appellant \_\_\_\_\_

Proceedings under the Zoning Ordinance require that notice of public hearing be given.

It is the responsibility of the appellants and petitioners to supply ACCURATE names and CORRECT addresses (must have house numbers or P.O. Box numbers) of all adjacent and confronting property owners on this form, as shown in current County Land Records.

Court decisions indicate that compliance with notice requirements is essential to jurisdiction of the approving body and therefore to the validity of its decision.

NAME

ADDRESS

Middlepoint Properties LLC LDS	201 S. Church Street (12037 Wolfsville Road, Myersville MD 21773)
Gregory and Leslie Marsh	200 S. Jefferson (331 S. Jefferson St.)
Stephen and Marya <sup>Pat</sup> Kellina	202 S. Jefferson (1932 Garner Road, Mercersburg PA 17236)
Jason and Amber Poole	114 S. Jefferson
Putman Realities LLC	9 Boileau Drive (P.O. Box 141, Middletown)

## Middletown Planning Office

### MEMORANDUM

Date: 9/12/2019  
Hansen# 14195

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **MILLER COMMERCIAL PROPERTIES PHASE III REDLINE PLANS**

Tax Map Parcel #03-0136108

Applicant: Geoff Ciniero, CMS Associates LLC

Property Owner: Miller Commercial Properties LLC

Plan Dated: March 19, 2014; revised August 29, 2019

Date Received: September 3, 2019

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#### GENERAL INFORMATION

**Proposal:** the site and improvement plans have been revised to add red-line revisions for changes to the lighting on the site; changes to the porch; and the addition of fencing on the east side of the property

**Location:** 203 East Main Street, north side of Main Street opposite the intersection of Broad Street and Main Street

**Zoning:** TC Town Commercial. This district permits numerous uses such as retail sales and eating and drinking establishments along with light assembly and fabricating uses.

**Present Use:** the Phase III building renovation is in progress and will house a restaurant, gelato shop and indoor market

#### COMMENTS

The following issues should be considered in your review of this Phase III Redline Site Plan:

1. **Previous review** – The Planning Commission last reviewed a Revised Site Plan for Phase III of the Miller Property on June 17, 2019. The minutes from that meeting are provided here for your consideration:

**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).

2. **Lighting changes** – The redline changes to the site and improvement plans include changing the type and pole heights of the parking lot poles in the area of the stormwater management facility from 8-foot in height to 15-feet in height; changing the type and height of the other parking lot pole on the west side of the property from 8-foot in height to 8.5-foot in height, which will include a shield on the western side of the fixture; adding a 15-foot pole light on the island at the northeastern corner of the Phase III building; changing the wall lights from a “goose-neck” type to a low profile wall light; adding wall lights to the back and at the side and front doorways; and adding string lights over the patio in the front. The previously approved pole lights were identified as antique street lamps, while the new pole lights are a more modern look. Lighting changes are shown on Sheets LT-1 and LT-2. The changes to the pole lights meet the regulations in Section 17.32.245 – Outdoor lighting standards, in which pole lights shall be located at least ten feet from the closest exterior property lines and stand-alone light poles located more than 25-feet from the property lines shall not exceed a maximum height of 20-feet, which height shall include any base, wall pedestal, platform or other supporting structure.

The changes to the wall-mounted lighting also meet the regulations of the Code which states that any lighting which is mounted or secured to a wall of a building, including wall-packs, shall not be located more than 25-feet above the surface of the ground directly below it. The wall-mounted lighting is shown to be located at a height of six-feet except for one light located at a height of twelve-feet on the west side of the building. Sheet LT-2 shows renderings of the fixtures that directs lighting in a downward direction. Section 17.32.245 of the Code does not address lighting such as the string lights, although landscape and architectural lighting are addressed. Also, the number of step lighting fixtures has been reduced from 14 to 2.

According to the Municipal Code, exterior lighting fixtures shall include full cutoff features and shall be directed downward on the site, so that the light does not create excessive glare on adjacent properties, and light trespass from the originating property shall not exceed 0.5 footcandles measured on a vertical plane five feet above grade at the property line. The proposed footcandles on the west side of the property are 0.1 at the property line, and on the east side of the property are less than 0.1 at the property line.

3. **Trench drain changes on patio** – The trench drain on the patio was expanded to the west side of the patio steps, and the planter box was removed and replaced with concrete. These changes are shown on Sheets C-6 and C-7B.
4. **Fencing/screening** – The addition of fencing on the east side of the property was added to the plans, and there is a small change to the trash enclosure. These changes are shown on Sheets C-1, C-5, and C-9, with the fence detail being added to Sheet C-4. The fence will be a 6-foot tall sight-tight fence as shown below to replace the chain-link fence currently located between the two properties. It will be the same as the fencing installed on the west side of the property. The fence will be erected completely on the Miller Property such that some of Ms. Miller’s lot will lie on the other side of the fence. The trash enclosure has been reduced in size and will no longer encompass the existing transformer.



5. **Approval requested of Planning Commission** -At this time, the applicant is requesting approval of the redline revisions to the plans.

This review will be included in the Middletown Planning Commission materials for the September 16, 2019 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be September 11, 2019.

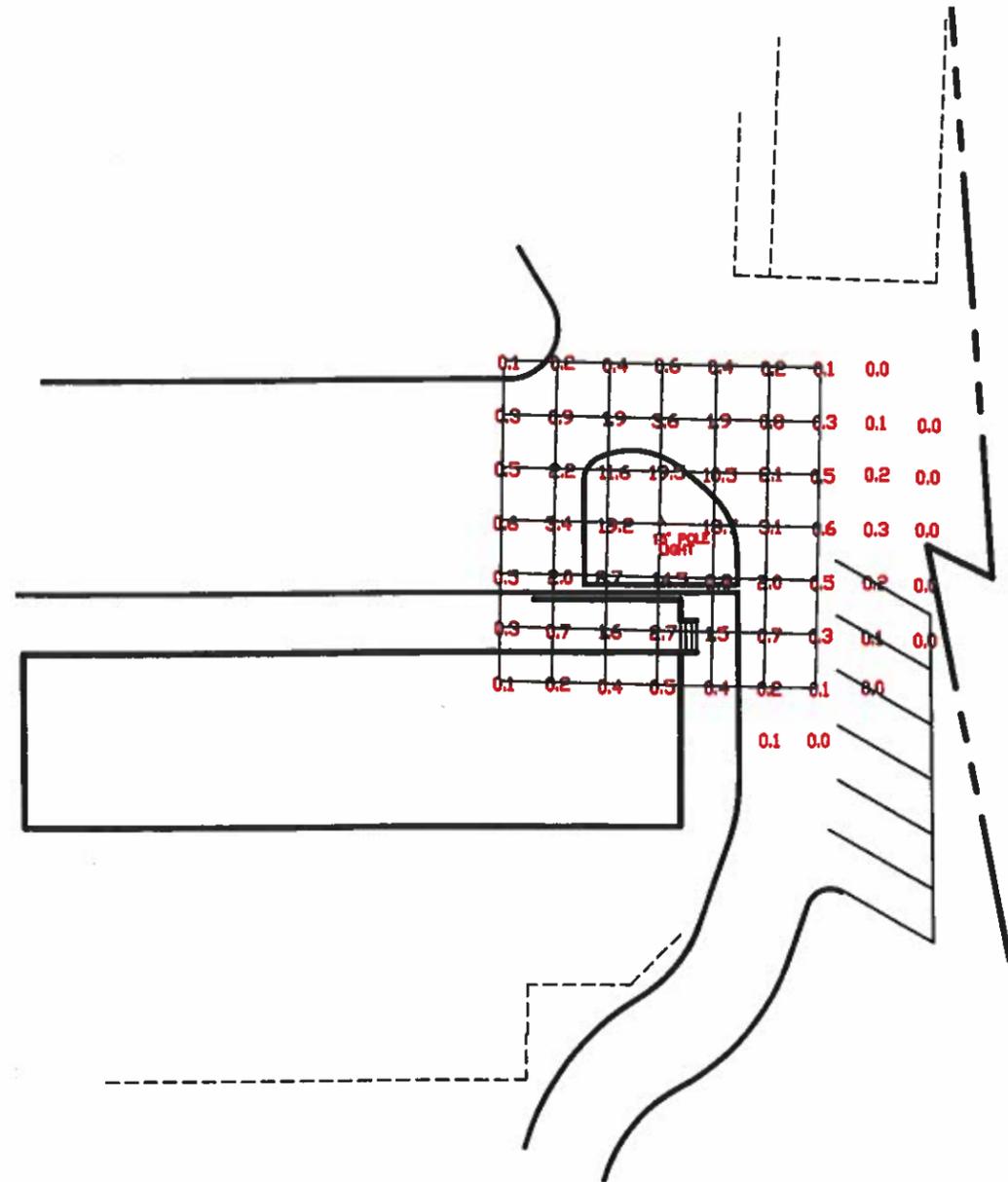
cc: Ann Miller, property owner



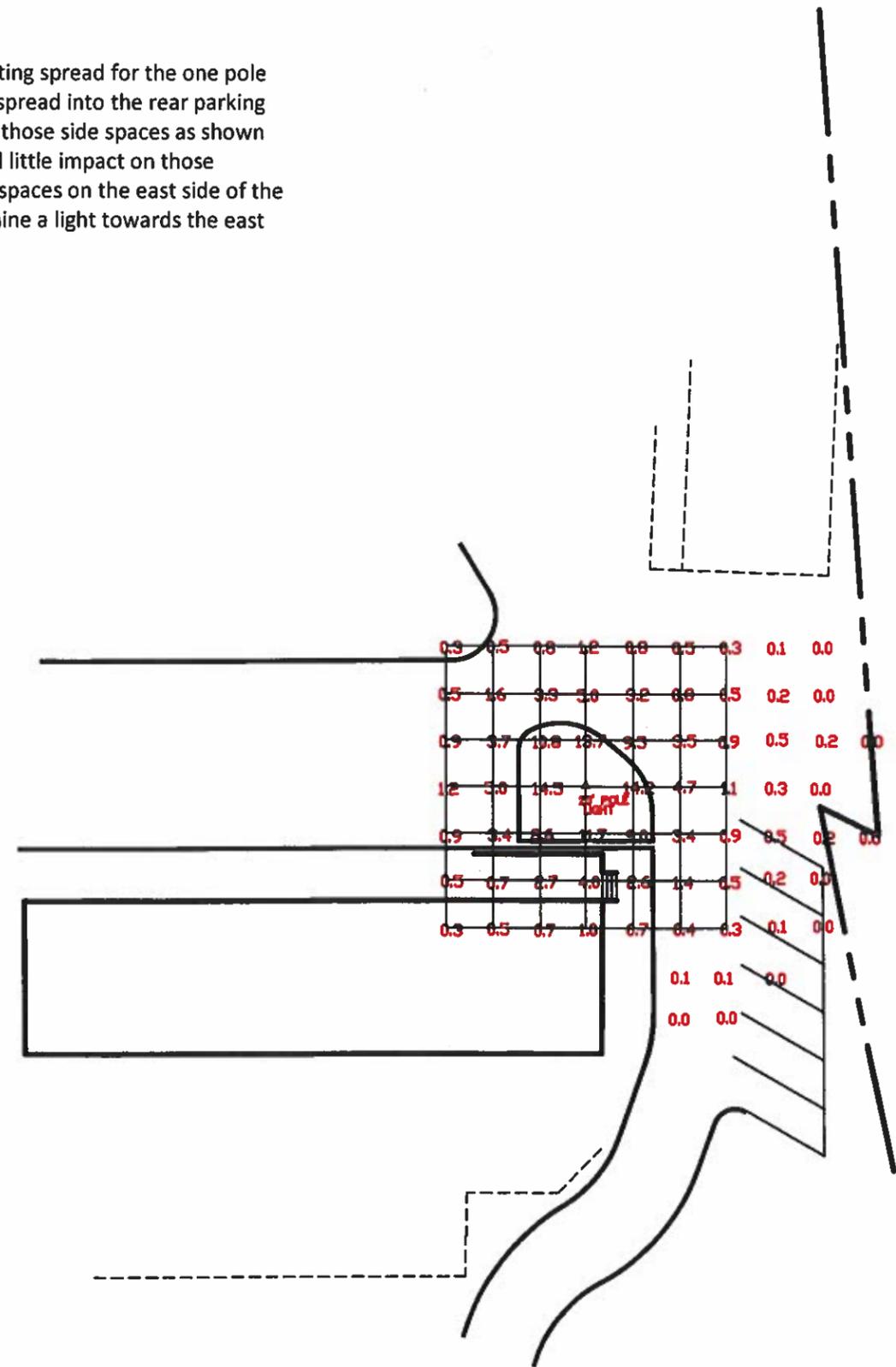
Miller Commercial Property Design Plan / Construction Comparison - 9/13/2019

Item #	Construction Item (approved as part of the 01/02/2018 Approved Plans)	Change to Item	Reason	Comments
1	Exterior Building Lighting	Light Types and locations were changed due to the type change	Change was made to pick lights which was better inclusive into and matched the architecture better than that which was designed and approved originally	
2	Parking Lot Pole Lights	An additional Parking Lot Pole was installed on the island at the northeast corner of the building, in the rear. This light is 15 feet high. Additionally, the two Parking Lot Light Poles at the stormwater facility were changed from 8 feet high to 15 feet high.		
3	Step Lighting	Approximately 14 step lights were proposed from the front steps to the two rear step locations of the market area. Only two step lights were installed at the front steps (one on each side)	The contractor installed only two step lights, at the front steps, due to the recommendation of electrical contractor who knew that more would be too bright. The ones installed do illuminate this area sufficiently. Additionally the rear steps had planned to have step lights as well, however the new exterior wall lights and pole lights handle the steps and the ability to see when navigating these steps, the additional step lights in the rear were not installed.	
4	Front Patio String Lights	No string lights were originally proposed for the front patio area.	These lights were added to the scope of the project for ambiance to the outdoor seating area.	
4	Parking Lot Spaces and configuration	Removal of two parallel parking spaces on the west side of the entrance drive isle and replaced with five pull in perpendicular parking spaces for a net increase of three parking spaces.	Due to the removal of one of the buildings on the western property line an opportunity arose to add additional needed spaces	This site change was approved by the Planning Commission on 06/17/2019
5	Front Patio Walls	The walls were originally designed without any rails on top of the walls. The final construction has a simple black rail around the top of the patio wall.	This change was dictated to the contractor and architect by the County Safety Inspector.	
6	Front Patio Landscaping	The landscaping and landscaping box in the southwestern corner of the patio has been removed and the entire patio area expanded in that area.	It was determined that the use of the planter box for plantings, in that area, would not be easily maintainable and that the space would be more beneficial as seating area.	This planter box was NOT a part of the stormwater management.
7	Water Meter Location	The water meter vault was moved about five feet south of the original approved location.	This change was made during construction due to site conflicts and construction issues.	
8	Roof Drain Locations	Locations of roof drains were changed as well as additional roof drains added to the site due to the change in roof plan drainage as the roof was constructed.	These roof drain locations were added and moved due to the final roof plan and drainage areas of that roof plan.	
9	Eastern Property Line Fence	A sight tight fence was added to the property along the eastern property line to help screen the properties to the east from the new restaurant and parking lot.	This new fence was a change due to the discussion between Ann Miller and the adjacent property owner.	
10	Trash Corral	The trash/recycling corral configuration was shrunk.	This change was made to the trash/recycling corral when it was found out from the trash company that the size originally proposed was too big.	
11	Northwest Entrance Area to Restaurant	The front/main entrance to the restaurant on the west side of the building was reconfigured from a grading standpoint and a trench drain added	This change was made due to a complication with the flow of rainwater in that area, the entrance elevation, and the accessible space at that location.	
12	Building Wall Lights for Large Block building onsite	The outside wall lights have been disconnected/turned off.	This disconnection was in anticipation of the new Brewery building being renovated and at a future date new lights being installed.	

Geoff Cinero was asked if he could come up with a comparison of the lighting spread for the one pole light, in the rear, which has been turned off. The purpose was to see the spread into the rear parking spaces. Once he isolated that pole light at 15 feet, the light did not reach those side spaces as shown below. Thus, he compared the 15 foot pole to a 20' pole and that still had little impact on those spaces. The only solution he sees at this point to get light into those side spaces on the east side of the building would be to place a "wall pack" on the side of the building and shine a light towards the east and additional glare into the neighboring properties.



15' POLE



20' POLE

**Town of Middletown Planning Department**

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 9/3/2019

RE: Monthly Planning Update – September

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**Site Plans, Plats and Minor Subdivisions:**

**Caroline's View/Horman Apartments-** Site Plan approved – April 21, 2008 (no sunset provisions prior to November 14, 2010)

Improvement Plans conditionally approved – May 17, 2010 (no sunset provisions prior to 11/10)

Revised Improvement Plan mylars signed – July 21, 2017

**Next step – submittal of PWAs for approval and apply for building and grading permits**

**Cross Stone Commons** – Revised Site Plan conditionally approved – October 20, 2014

Improvement Plan mylars signed – November 6, 2015

Revised Forest Conservation Plan approved – January 21, 2019

**Next step – submittal of architectural renderings for building #2 for review/approval**

**Dowd Property** – Forest Stand Delineation approved – April 16, 2018

Revised Concept plan reviewed by PC – January 21, 2019

Special Exception materials submitted for self-storage use – December 21, 2018

**Site plan and Preliminary Forest Conservation Plan reviewed by PC – August 19, 2019**

**Next step – resubmittal of site plan and PFCP; PC review/recommendation and BOA review/approval of special exception for self- storage use;**

**Franklin Commons -**

Resubmitted site plan conditionally approved – May 21, 2018 (Plans expire May 21, 2021)

BOA approved height variance request – July 12, 2018 (BOA approval expires July 12, 2019)

Improvement plans conditionally re-approved – March 18, 2019 (Plans expire March 18, 2022)

**Next step – submittal of letter of credit and signing of PWA's**

**Jiffas** – Improvement Plan conditionally approved – October 20, 2008 (no sunset provisions prior to November 14, 2010)

Forest Conservation Plan approved – October 20, 2008

Architectural plans approved by PC – March 16, 2015

BOA approval for variance requests – March 29, 2016 (**Expired March 29, 2017**)

**Next step – apply for variance requests for siting of duplex building**

**Middletown Water Storage Tank** – Site Plan approved by PC – March 18, 2019 (Plans expire 3/18/22)

Final Forest Conservation Plan conditionally approved by PC – June 17, 2019

Improvement Plans conditionally approved – July 15, 2019 (Plans expire 7/15/22)

**Miller (Ingalls)** – Revised Concept Plan reviewed by PC – September 16, 2013  
Improvement plans (Phase III) conditionally approved by PC – June 19, 2017 (Expires 6/19/20)  
Phase III Revised Site plan approved by PC – June 17, 2019  
**Phase III Redline Site & Improvement Plans submitted for review/approval – Sept. 3, 2019**  
**Next step – submittal of Phase IV site plan for review and approval**

**Richland Driving Range** – Concept plan reviewed by PC – January 18, 2016  
Revised Site Plan conditionally approved – January 15, 2018 (Plans expire January 15, 2021)  
Improvement Plans reviewed and tabled by PC – September 17, 2018  
**Next step – submittal of improvement plans for review and approval**

**School Complex roadway plans** – Improvement plans and FCP plans reviewed and approved by Town Board – May 8, 2017 (informed in June 2017 that funding was not approved for project)  
SWM plans re-submitted to Frederick County and SCD for review/approval – 8/3/17  
(Planning Commission reviewed plans as courtesy to Town Board. No expiration date of approval due to type of plans – i.e., no structures, etc. – just changes to roadways, sidewalks.)

**St. Thomas More Academy Site Plan revision** – conditionally approved August 20, 2018 (Expires August 20, 2021)

**Tabor Barn Demolition Plan** – plan submitted for review and approval – August 16, 2019

**Annexations:**

**A.C. Jets Property-** PC approval of annexation petition of 35.96 acres – December 21, 2009  
Public hearing date - Monday, October 11, 2010  
Annexation petition denied by Town Board – October 11, 2010

**Admar Property** – PC approval of consistency with zoning/comp plan – February 20, 2017  
Public Hearing - April 5, 2018  
Town Board passed annexation resolution – April 9, 2018

**Text Amendments:**

**Reports:** 2018 Annual Planning Report approved by Planning Commission – May 20, 2019

**Grants:** MEA Smart Energy Communities grant application – award granted – May 2017

**Meetings:** Next Middletown Green Team Meeting – September 17, 2019

**Next Joint town board/planning commission workshop** – October 7, 2019 (Cindy will be at APA conference, so Drew will attend in her place.)