



## Planning Commission Meeting Agenda

Berlin Town Hall  
10 William Street

Wednesday, October 14, 2020 - 5:30PM

EFFECTIVE 9/14/20:

Limited public attendance at Mayor and Council and Board and Commission Meetings will be permitted based on Governor Hogan's September 1, 2020 Executive Order. These guidelines allow up to 50 percent capacity for indoor venues, with appropriate social distancing and face coverings for all attendees.

The Town of Berlin will implement these guidelines as follows:

1. In addition to Town officials and staff, up to 16 seats will be available to presenters, members of the public and the press.
2. Doors will be opened 15 minutes before the designated start time of the meeting and seating will be first-come, first-served.
3. At the start of the meeting, or when capacity has been reached, the doors will be locked to entry from the outside.

LIVE STREAMING WILL CONTINUE with the same conditions as have been in place during the pandemic:

- Meeting packets will be posted by 5:00 p.m. on the Wednesday before the meeting.
- Written questions will be accepted up to 12:00 PM/NOON on the day of the meeting. Submit to:
  - Email: [dengelhart@berlinmd.gov](mailto:dengelhart@berlinmd.gov); please use Meeting Comments as your subject
  - Fax to: 410-641-2316
  - Mail to: Berlin Town Hall, Attn: D. Engelhart, 10 Williams St., Berlin, MD 21811. Mail should be posted no later close of business on the Friday before the meeting to help ensure delivery.
  - Drop off at the Planning Office or in one of the two drop boxes at Town Hall – one is at the rear of the building behind the stair tower, and the other is at the corner of Bay and Williams Street on the building.

**To access the Meeting via live stream on Facebook, please click on the blue Facebook icon at the top of any page on the Town website, [www.berlinmd.gov](http://www.berlinmd.gov), or type @berlinmd in the Facebook search bar.**

**No response will be given to questions and comments submitted via Facebook during a regular meeting.**

**PUBLIC HEARINGS:** If a public hearing is scheduled, questions will also be taken via Facebook during the Public Hearing portion of that meeting. A staff member will monitor the questions for duplicates, language and appropriateness to the Public Hearing topic. Depending on the volume of questions, we may not be able address everyone.

**Responses will be given out loud via the live stream; they WILL NOT be responded to via the comments on Facebook.**



# Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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*'America's Coolest Small Town'*

**Town of Berlin  
Planning Commission**

**October 14, 2020**

**5:30 PM**

**Berlin Town Hall – Council Chambers**

1. **Call to Order**
2. **Agenda Adoption**
3. **Approval of Minutes – September 9, 2020**
4. **Discussion and review of the 2010 Comprehensive Plan and draft Resilience Element**
5. **Comments from the Commissioners**
6. **Comments from the Chairman**
7. **Comments from the Public**
8. **Comments from Staff**
9. **Adjournment**

Town of Berlin  
Planning Commission Meeting  
September 9, 2020

Chairman Chris Denny called the Planning Commission Meeting for September 9<sup>th</sup>, 2020 to order at 5:30PM. Members Present were Chris Denny, Matt Stoehr, Pete Cosby, Ron Cascio and D. J. Lockwood. Absent Members were Phyllis Purnell and Newt Chandler. Staff present were Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy.

Chairman Chris Denny called for a motion to adopt the agenda. Mr. Ron Cascio made the motion to adopt the September 9, 2020 agenda. Mr. Pete Cosby seconded the motion and it was unanimously accepted by the commission. Chairman Chris Denny called for a motion to approve the minutes from the August 12<sup>th</sup>, 2020 meeting. Mr. Ron Cascio made the motion to approve the minutes from the August 12<sup>th</sup>, 2020 meeting. Mr. Pete Cosby seconded the motion and it was unanimously accepted by the commission.

Chairman Chris Denny called the first application for Old Ocean City Blvd. LLC requesting Site Plan Approval. Mr. Jeff Harmon representing Old Ocean City Blvd LLC. He stated they had received all their approvals. He stated SHA plans were approved and in the process of getting the plat recorded for dedication. They have had sediment control for conservation, stormwater plan, in the process of doing the final coordination with Maryland Department of Environment and FEMA and got their letter based on fill they are adjacent to a flood plain. He stated now waiting for signatures. He stated they would have full access off Old Ocean City Blvd single lane in and single lane out. They have a 12,000 sq. ft. two-story building with a coastal style and a pitched roof. The building will have a canopy on the side for drop off and you can continue to the parking lot to park. He stated they have required parking with gravel wetlands. They would have flowering plants and grasses for the wetlands.

Mr. Harmon stated between the street and parking lot would be a berm with plantings. Sidewalks will be added along with shoulders and curbing added as stated by SHA. There will be plantings in the aisles and around the parking lot. Chairman Chris Denny asked if a pool would be in the building. Mr. Harmon replied no pool at this time, at one time it would have been a physical therapist going in there. Chairman Chris Denny asked about the entrance to property. Mr. Harmon stated that was where SHA wanted it to be so that was where they put it. Mr. D. J. Lockwood told Mr. Harmon what concerned him was the stormwater and who maintained Kitts Branch. He stated in typical storms it would flood. Mr. Harmon stated the town had asked them to cleanup they are reducing the runoff that is why they went with the gravel wetlands. Mr. Harmon stated the land there is low and in the early 2000's they did a fill with dirt. Mr. Lockwood asked how deep the pond was. Mr. Harmon stated about 18' inches it stores water and roots filter what water is there. He stated dirty water in and clean water out. Then the water sits there until the next rain comes. Mr. Harmon stated the final plans are at the engineers they have addressed all final comments. Soon as the towns engineers sign off, the conservation will sign off on the plans. Waiting on SHA to sign off on the dedication. Mr. Engelhart stated the town uses EA Engineering which are in final stages, that is their job to make sure water is not discharged off the site and that it is stored and handled on site. He explained they are not using this to dump rainwater into Kitts Branch. Mr. Lockwood questioned the

drainage off the parking lot. Mr. Harman explained how the system worked. Mr. Pete Cosby asked about the trees. Mr. Harman talked about the berm in the front. Mr. Cosby asked about the height of the trees. How tall will a Red Maple get. Mr. Ron Cascio stated it would not get too tall. Mr. Cosby stated he had always envisioned the boulevard with substantial trees. Mr. Harman stated he had no objection to the trees the commission wanted to see there. Mr. Cascio stated Willow Oaks would be easier. Mr. Cosby asked if it is monumental tree. He stated the trees by the building he was not as much concerned with how big they get. He asked about the sidewalk. Mr. Harman stated they are going to build it. Town Administrator Mr. Jeff Fleetwood told them to look at what had been done on Nelson Street. If you have never seen this, he stated it is fascinating. Mr. Cascio stated HVAC on the roof was not acceptable. Mr. Harman said if that is a condition of approval theirs will be on the ground.

Chairman Chris Denny asked if the color on the rendering would be the color of the building. Mr. Harman stated he would have thought they would have done the rendering in the color they wanted and not change it. They talked about light colors. Mr. Ron Cascio stated they wanted to see red brick on the building. He also asked would it be board & batten, Cedar Impression for the horizontal side. Mr. Dave Engelhart pointed out item #5 was veneer stone or veneer brick that they would use item #10 is Cedar Impressions. Mr. Engelhart asked if the commission placed a condition on the approval and got us a letter saying Hardie or brick of red tone. Mr. Harman stated it looks like two or three suites with the HVAC on the back. Mr. Harman stated if that is the condition put on the owner can always come back to the commission. Mr. Harman asked if they wanted the wood look. Mr. Cascio replied solid wood. Mr. Cosby told Mr. Harman that Hardie Plank would last longer and holds paint. Mr. Lockwood asked about the lighting around the building and parking lot. Mr. Harman stated sconces were located on the building. Mr. Cascio stated it should be down lighting. Mr. Harman stated down lighting with cut off fixtures and thought there were two or three pole lights in the parking lot shown on page c301.

Mr. Lockwood asked if any lighting would be in rear of building. Mr. Cosby asked if there were provisions for signage. Mr. Harman stated they had not figured that out yet. But it would be located on the right-hand side of the entrance coming in don't have a design yet. They would come back for signage and do a separate application for that. Chairman Chris Denny asked the members if they had anything else. Chairman Denny called for a motion. Mr. Ron Cascio made the motion that they get specimen Willow Oaks for the front other trees can go around the building, no vinyl, no visible HVAC must be on the ground and screened, red brick instead of stone, submit an application for signage and make sure it's down lighting. Mr. Pete Cosby seconded the motion and it was unanimously accepted by the commission.

Chairman Chris Denny called the next item on the agenda John Salm Concept Plan for Victorian Oaks Manor. Mr. John Salm representing the Arden Center LLC. stated he was an engineer and has been for the last 30 years. He stated what he had presented last month was to get their advice and he was back tonight for more advice. He stated they have 19 acres on Route 818. He stated he was only talking about seven acres that were past the power lines. He stated they were in Growth Area three. He told the commission they were trying to follow the Town's master plan for Growth Area #3 and it's currently in C2 of the county. Mr. Salm stated that last month they had talked about option #1 the revised sight plan for a three-story structure, in order to do the

three-story layout, he needed to do three buildings 68 units. One larger building and two small ones. He stated he had to get his architect to look at it to get the feel for the buildings. Three story pitched roof he said he flew his drone at 45 feet they would be covered, 75 feet still covered and at 90 feet they would see the ponds. He also wanted to show the tree lines around the site. Finished floor look around 26 feet. Mr. Salm stated the original concept was luxury apartments when he took the count down the budget had to be adjusted. Some of the finishes won't be as nice, won't be granite, the other change would be one elevator in one building the other you would walk up three floors. Mr. Salm stated he still wanted a small swimming pool and the dog park. Mr. Salm stated he still would like to be a part of the connectivity with downtown. He also stated the exterior façade would be a little simpler still would have brick. He said he had reworked it as best he could.

He stated option #2 is the same as last month as far as plan layout. Again, he said he took the drone and then looked at the budget. The building looked massive so trying to figure out how to not have such a massive building. Then they drove around Berlin looked at the homes and the Victorian homes didn't look massive. They realized that they used the attic space as living space. The three-story design had a pitched roof trusses would be wasted space whereas dormers is cut in space. He stated he tried to make a four-story building and use the top to let light in. He stated it was important to get the density that he needed. He told the commission he had put a lot of his time in on this. He thought it should be option #2. Wanted to know what the commission thought. He told them he had an option #3 but that was not his choice but would discuss it if the commission wanted to hear it. Chairman Chris Denny told him tell them about it.

Mr. Salm stated he had placed garages on the bottom and the apartments on top. He stated he didn't like the layout. He stated you can't get the parking you need with this one. Chairman Chris Denny stated it had been a month since he had come before the Planning Commission and that he had not had one person say they liked what he wanted to do down there. He stated some people think it should be a commercial project. Chairman Denny asked about the acres. Mr. Salm replied 19.3 acres down there. Chairman Denny told him his storage buildings were well screened. Mr. Salm told the commission they have 600 gallons of water for that site and 1500 on another. They could continue to use the land they couldn't have residential development on it. He stated that the comprehensive plan says it should be residential, in the county they are C-2. Chairman Denny told Mr. Salm that he has established himself as commercial. Mr. Cosby said he was sorry he had missed the last meeting. He told Mr. Salm that he had really made him think tonight. They discussed what you would see coming into town. He said he was thinking about the Victorian building and he had an open mind. He said with this Victorian building four stories this might would work what else do you want to see coming into town. Mr. Cosby stated he would rather look at a monumental building that has Victorian character. He said he was open to the thought of mixed use. Mr. Salm said he would love to have connectivity, bike path and public access. Mr. Cosby stated he didn't want to see commercial coming into town. Chairman Denny asked if he could go across Kitts Branch. Mr. Salm stated it was platted for Forest Conservation. Mr. Matt Stoehr stated he liked the idea, people his age are living downtown paying \$1000 dollars a month. He thought it was a need for it more access to Berlin, limited parking. He said he still has hope. Mr. Cosby thought it was compelling. Mr. Ron Cascio thought the talk was getting ahead of itself. He stated they shouldn't be talking about annexing. He said he wouldn't be voting for any annexations until the town is sold on it. He said the

people need a say in it. Mr. Cosby stated the people want everything to stay the same because we have a jewel. Discussion continued what the town has as far as water and sewer what people want. Mr. Salm said not everybody is behold to water and sewer because his property will get some type of perk. Mr. Cosby asked if we don't annex what are other opportunities. Mr. Salm replied contractor shops, more storage, small retail. He didn't think a restaurant would go there. Chairman Denny asked would he sell it. Mr. Salm said if he did, he would see it through development. He said they have done a lot more development since he purchased this property. Chairman Denny asked about locations. Mr. Salm replied all up and down the East Coast. Mr. Cosby asked Mr. Cascio how they can stop it. Mr. Cascio said the people he has talked to have had enough. They need to handle this in a different way. He understood what Mr. Salm wanted to do. Mr. Cascio concerned that the town is going to grow and grow do the people want that.

Planning Director Dave Engelhart stated the growth areas are defined. He explained that Arby's and Royal Farms were outside of the growth area. Mr. Engelhart explained the process of how the annexation took place and the steps that had to be followed to bring them into town. Mr. Salm stated the park was purchased so they are surrounded, and they purchased their property in 2007. Mr. Cosby asked about the land behind him if it was all wetlands. Mr. Salm stated he swapped it for forest conservation. He had to so he would be able to build on his property because it is state law. Mr. Cascio stated it would have to continue to be because it was a part of the deed. Mr. Salm told Mr. Cosby that the easement was for the Worcester County Commissioners. There are restrictions that go along with that you can't disturb the land. Mr. Cosby stated he was concerned about what happens on that land if it is not annexed. It could become all commercial if it's annexed, but if annexed then they would have a say in what goes there. He told Mr. Cascio that he understood what he was saying but this is in the growth area close to town and that is a fact you can't deny. He thought this needed to be educational to get people to come to the meetings. Educate the public to get them involved and talk it out if we don't control it the county controls it. He stated if we can get a Victorian building with façade that is better than square commercial buildings.

Planning Director Dave Engelhart stated he had not had any negative comments in the office. He asked what they are opposed to the people you're hearing from. He asked opposed to any thing there or just apartments. Discussion went in to talking about open meetings to the public which won't start until September 14<sup>th</sup>, 2020 at the Mayor & Council meeting only allowing 16 people including town staff that have to speak. Mr. John Oltman was present he stated he does look at this as an entrance into the town. He asked the commission what they wanted to see. There are two older homes there if you set the precedence for coming into Berlin this is Berlin Main Street. He stated people want a little expansion and told the commission he appreciated what was being done. Mr. Pete Cosby stated that one day the Abbott Farm will have houses on it. Mr. Cascio asked how they could control this. Chairman Chris Denny asked about the greenbelt around towns. Planning Director Dave Engelhart stated to have a greenbelt you have to have permission from the property owner. Mr. Cascio stated every property owner has a certain amount of property rights, so you must find a way to get this done. Mr. Engelhart stated this is the year they review the comp plan. Mr. Cosby stated he was open to Mr. Salm's idea. Discussion about having public meetings and how many people allowed. Mr. Salm thanked the commission for their time.

Next on the agenda was a discussion about the Town of Berlin's Resilience Element. Mr. Matt Stoehr thought it was expensive. Very costly and asked if there were grants that would help with this. Mr. Engelhart said he thought it was a type of guidance for what we should be considering as the town moves forward. He stated this was developed with a lot of public input with four different meeting places that were well attended. Mr. Engelhart stated knowing the Town had to do a review of the comprehensive plan, he said they can make any changes they like to the plan or none. This was developed to make you think of things like sea level rise. This would be a chapter in the comprehensive plan. He told the commission it had a lot of good things in it.

Mr. Stoehr stated he knew the town would appreciate something like this. Mr. Engelhart told them the lighting and the natural gas was a green initiative. Chairman Chris Denny asked if the all of that information went into the comp plan. Mr. Engelhart replied yes. Mr. Cosby stated it was too much and should be condensed to two pages. Mr. Cascio thought the idea was to integrate what they read to be useful and add to the comprehension plan. Mr. Engelhart told the commission that eventually they will have a public meeting because they would be amending the comp plan. The commission then must recommend this to the Mayor & Council to amend the comp plan. He stated then he would advertise the meeting just like they do for annexations for them to say we are amending the comp plan to add the document. Mr. Engelhart stated that the county must approve the changes to the towns comp plan it is state law. Chairman Denny asked if all the other counties were reviewing their comp plans at the same time. Mr. Engelhart replied he didn't know their dates. He stated you have a 10 year plan that the comp plan is good for not certain of when other town comp plans took effect. Ours took effect in 2010 so now it time to review it. Mr. Cosby thought it needed to be more readable for people it was too long. Mr. Stoehr stated it was not feasible. Mr. Cosby stated it was a lot of economics that they don't get into and it needed to be condensed. Mr. Cosby stated they needed to hire someone to read the resilience plan and condense down to 10 pages or less.

Mr. Engelhart stated he had heard this before that it was wordy. They will discuss it maybe next month. He stated look at the comp plan and come up with what changes or not and that can be the start of reviewing it and of making changes. Mr. Cosby stated they should be looking at future growth areas and expansion. Mr. Cascio asked is it inevitable that we expand. Mr. Engelhart said about 4 years ago we had a meeting got people to come out to see what they wanted for Berlin. Mr. Cosby said we need to have public meetings he stated so the public can see the focus of the meeting. It helps them know what they are facing and the limitations they have. Mr. Cascio said he has asked lots of times for a meeting so the county and the town can talk about these types of things no one wants to do it. Mr. Cosby said the agriculture area defines the town. Mr. Cascio said when you come here you are welcomed. Mr. Cosby said hire someone to condense this because it's points that need to be made. Mr. Engelhart told them to make some notes and they will talk about it next month. Mr. Cosby asked who is going to do the work they could hire someone to do it. It would be money well spent. Chairman Chris Denny called for a motion to adjourn. Mr. Pete Cosby made the motion to adjourn. Mr. Ron Cascio seconded the motion. Meeting adjourned at 7:49PM.

Respectfully Submitted,  
  
Carolyn Duffy

## David Engelhart

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**From:** David Engelhart  
**Sent:** Friday, October 9, 2020 12:16 PM  
**To:** cheers346@gmail.com; Ron Cascio; jehu25@comcast.net; bpcosbylaw@aol.com; ppurnel@gmail.com; Matthew Stoehr; Austin Purnell; DJ Lockwood  
**Cc:** Carolyn Duffy; Jeffrey Fleetwood  
**Subject:** Planning Commission meeting on Wednesday, 10/14/2020

Commissioners,

We will be holding a Planning Commission meeting this coming Wednesday, October 14, 2020 at 5:30 PM.

There are no new applicants or cases to review, so it is a great opportunity to discuss and review the Town's current 2010 Comprehensive Plan for any updates or changes you would like to make. We are required by State law to at least review our Comprehensive Plan during 2020. With so many changes to Berlin in the past 10 years, there are many topics to consider, including:

- Current designated Growth Areas.
- Future Growth Areas.
- Highway and transportation corridors.
- Downtown parking.
- Pedestrian and bicycle accessibility.
- Possible greenbelt surrounding the community.
- Commercial development.
- Sustainability of Town services and the draft Resilience Element.

I have recently provided you all with copies of the existing Comprehensive Plan and draft Resilience Element, please mark them up and be prepared to discuss, edit, delete, or add any items in preparation to amending the Comprehensive Plan as needed.

Please let me know if you have misplaced your copies, I will get you new ones as needed. These are also on the Town website.

As always, I thank you all for your time and service, Dave



**David Engelhart - Planning Director**  
Town of Berlin

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**Everyone Counts.**  
April 1 - July 31

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