



# Planning Commission Meeting Agenda

Berlin Town Hall  
10 William Street  
Wednesday, August 12, 2020  
5:30 PM

**SPECIAL NOTICE:** Until further notice public attendance at Town meetings is prohibited due to gathering-size restrictions. Meetings will be streamed live on Facebook during this time. Your patience and understanding as we work to meet the restrictions on gathering size, while still conducting Town business is truly appreciated.

- Written questions will be accepted until 12:00 PM/NOON on the day of the meeting. Submit to:
  - Email: [dengelhart@berlinmd.gov](mailto:dengelhart@berlinmd.gov); please use Meeting Questions as your subject
  - Fax to: 410-641-2316
  - Mail to: Berlin Planning Department, Attn: Meeting Questions, 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 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  
Phone 410-641-2770 Fax 410-641-2316  
www.berlinmd.gov



*'America's Coolest Small Town'*

**Town of Berlin  
Planning Commission  
August 12, 2020  
5:30 PM**

**Berlin Town Hall – Council Chambers**

1. **Call to Order**
2. **Agenda Adoption**
3. **Approval of Minutes – June 24<sup>th</sup>, 2020 & July 8<sup>th</sup>, 2020**
4. **Concept Plan- Arden Center**
5. **Ocean's East Subdivision Preliminary Plat Review**
6. **Comments from the Commissioners**
7. **Comments from the Chairman**
8. **Comments from the Public**
8. **Comments from Staff**
10. **Adjournment**

Town of Berlin  
Planning Commission Meeting  
June 24, 2020

Chairman Chris Denny called the June 24<sup>th</sup>, 2020 meeting to order at 5:32PM. Members present were Chris Denny, Ron Cascio, Matt Stoehr, Pete Cosby and John Barrett. Members absent were Newt Chandler and Phyllis Purnell. Staff present was Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy.

Chairman Chris Denny called for a motion to adopt the June 24<sup>th</sup>, 2020 agenda. Mr. Pete Cosby made the motion to approve the June 24<sup>th</sup>, 2020 agenda. Mr. Ron Cascio seconded the motion and it was unanimously accepted by the commission.

Chairman Chris Denny stated this was a continuation of Site Plan Approval for I. G. Burton 10419 Old Ocean City Blvd. Mr. Charlie Burton introduced Mr. Tim Metzner from Davis Bowen & Friedel, M. J. Lawton I. G. Burton and Ms. Lisa Diveincezo I. G. Burton. He stated they had a great presentation for the commission. Hoping they could answer a lot of the questions that had been brought up in the last meeting. Mr. M.J. Lawton began the presentation with stating the materials they would use. It would be corrugated material like tin known as ACM with a stone faced. The building he stated is roughly 25000 sq. feet. He stated they would have two service doors, seventeen services bays, four vehicles in the show room. He stated Ms. Divincenzo would be showing them elevation from the East side, front and the sides. He stated they would have two garage doors on the east side two for the service side one for the new delivery. On the front side they would have one door for truck one commercial bay main door and quick lube door and mechanical.

He stated the HVAC units would be located on the roof of the building. Mr. Metzner stated they had provided them in the drawings. Mr. Lawton told the commission they had several mature trees located on the property and shrubbery located on the plan. He stated they have an existing Chevy sign that stands 38' they will re-panel. Also, on the used car side is a sign. On the Jeep side there is a sign that is 26sq ft. They have a dedicated 17' easement for sidewalks. He stated the lighting plan was attached. There are 12 poles existing they would be adding five new poles. Ms. Divincenzo explained the landscaping plan. Mr. Lawton stated they had the drawings for the cul de sac on Barrett Road. He stated he was requesting a variance for signage the two signs and letting would total around 500 square feet he said. He said the new signage with the used car lot the lettering on the back of the building and side is how he calculated the signage total. The lettering on the back and the side and front are what he was adding.

Mr. Metzner stated that the water and sewer would connect from Old Ocean City Blvd. They would tie into the existing building. The stormwater would be three submerged gravel wetlands. One located in the front corner, one in the back corner and the other behind the building. The piping he stated would tie those in were shown on the plans. The out fall would go where the existing drainage would go then flow to the swale in front. He stated the 17' easement for the sidewalk along with the swale is shown. There would need to be some future changes. Mr. Charles Burton stated they had the lighting also included. Mr. Metzner asked if anyone had questions about the booklet. Mr. Pete Cosby asked what type of trees they would place in the

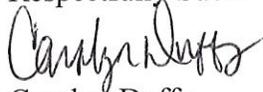
south east corner. Mr. Metzner stated they would be River Birch and get to be about 56 feet tall. Mr. Cosby asked did they have a good root system to them. He stated he was trying to be accommodating to their business and that he knew trees were their enemies. Mr. Cosby suggest they get a substantial tree on the south west corner near the Blvd. Mr. M. J. Lawton told Mr. Cosby that trees were bad for their business with the sap, bird droppings which is bad for the paint. Then you have the branches and limbs falling. Mr. Lawton asked was there another space they could utilize for a tree. Mr. Ron Cascio asked why they couldn't put trees near where the old building is once it's taken down. Mr. John Barrett stated it didn't make sense and that trees were bad for car lots. He gave the same reasons as Mr. Lawton for not having the trees. Mr. Barrett also stated that what they have is better than what they ever did.

Mr. Ron Cascio stated this is one of the main entrances into Berlin and now they have a chance to change things. Mr. M. J. Lawton told them it was not conducive to have big trees on a car lot. Planning Director Dave Engelhart suggested maybe a few trees by the used car building. The decision was made to put a tree in the south west corner a substantial tree. Mr. M. J. stated the River Birch would be substantial. Mr. Cosby thanked them for a great presentation. Mr. Metzner asked about the signage. Mr. Engelhart stated this board can't give you a variance. He stated he would work on the calculations and let them know about the signage. If the board doesn't have a problem with the signage. They said the background would be blue. Mr. Cascio asked if they get specs from the vendors. Mr. Charles Burton replied yes, and you work with the towns. Mr. M. J. Lawton stated they send a representative down to work up what they want. Mr. Cascio asked if they decide when to build a new building. Mr. Burton replied yes. Ms. Lisa Divincenzo stated usually time decides that.

Mr. Burton said they are supposed to be in the new building by July. He stated they like the town of Berlin. They are spending a lot of money, it's very quaint town and the people have the means to buy. They want customers to have a nice experience when they are shopping along with clean restrooms. Mr. Burton told the commission that Mr. Lawton had been with the company 25 years. He stated they have a lot of people with lots of years and if you have good people that makes a good company. Chairman Chris Denny called for a motion.

Mr. John Barrett made the motion to approve the project with a significant tree and size of the sign to be determined. Mr. Ron Cascio seconded the motion and it was unanimously accepted by the commission.

Respectfully Submitted,



Carolyn Duffy

Town of Berlin  
Planning Commission Meeting  
July 8<sup>th</sup>, 2020

Chairman Chris Denny called the July 8<sup>th</sup>, 2020 meeting to order at 5:30PM. Members present were Chris Denny, Ron Cascio, John Barrett, Matt Stoehr and Newt Chandler. Absent from the meeting was Phyllis Purnell and Pete Cosby. Staff present were Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy.

Chairman Chris Denny began the meeting by reading a letter from John Barrett who gave his resignation to Planning Commission. It would be John Barrett's last meeting with the board. Mr. Barrett is relocating and would not be a resident of Berlin. Chairman Chris Denny called for a motion to adopt the agenda. Mr. Newt Chandler made the motion to adopt the agenda. Mr. Ron Cascio seconded the motion and it was unanimously accepted by the commission. Chairman Chris Denny called for a motion to approve the minutes from the June 10<sup>th</sup>, 2020 meeting. Mr. John Barrett made the motion to approve the minutes from the June 10<sup>th</sup>, 2020 meeting. Mr. Ron Cascio seconded the motion and it was unanimously accepted by the commission.

Chairman Chris Denny called Case # 7-8-20-12 for Re- Zoning of Two Farms Inc. requesting change from B-1 Town Center to B-2 Shopping District located at 10712 Ocean Gateway, Berlin Maryland. Mr. Joe Moore Attorney introduced himself and stated that he was the witness for the case. Mr. Joe Moore stated this was a legal situation based on a change in the neighborhood. ---- This property is tax map 0025 parcel 0411 known as the Harley Davidson. Mr. Joe Moore explain the uses that had been on the property. He stated that the uses that had been there were allowed in the B-2. He showed the properties that bordered Seahawk Road and Route 346 were zoned B-2 Shopping District. He stated that the Royal Farms across the road had been annexed into town as B-2. He stated he believed because of the historic uses and the county zoning C-2 around the property showed it was a mistake and should be zoned B-2. He also stated that article 4204 for population change. The town has annexed the property which is known as Oceans East and that is a significant population change, he stated in Berlin. He stated the availability of utilities and public facilities are already there. They would have nothing else to do but pay for the water & sewer.

Mr. Moore stated as far as transportation they are on the south side of the corridor highway of Worcester Highway which is Route 50. The only way to make this compatible is to make this zoning B-2. Mr. Moore stated in the land use section of the comprehensive plan is one of the goals is to separate the commercial uses allowed along Route 346 from those uses allowed downtown. He stated that 346 comes out by Stephen Decatur High and we are zoned for downtown. He stated he believed this was significant and a intense mistake from the original zoning. He stated hoping the commission would agree and recommend to the Mayor & Council for the re-zoning.

Mr. Newt Chandler asked if you could do in the B-1 what you could in the B-2. Mr. Moore stated the B-2 is more of a commercial use. Planning Director Dave Engelhart stated it is like a pyramid. He stated the county must look at the zoning. He stated schools are allowed in the B-1. The county could have separated the zoning, but they didn't. Mr. Engelhart explained to the

commission they would make a recommendation to Mayor & Council for the re-zoning and he would advertise later for a public meeting for Mayor & Council. Chairman Chris Denny closed the public meeting. He then called for a motion. Mr. John Barrett made the motion to give a recommendation to Mayor & Council to change the zoning from B-1 to B-2. Mr. Newt Chandler seconded the motion and it was unanimously accepted by the commission.

Chairman Chris Denny called Case # 7-8-20-13 for re-zoning from M-1 Light Industrial to B-2 Shopping District located at 115 Broad Street in Berlin Maryland. Request was being made by David Diehl. Mr. Mark S. Cropper Attorney for the Diehls stated he was requesting the property to be rezoned from industrial to commercial. The property is known as Southern States and owners are Mr. Doug & Suzanne Parks. Mr. Mark Cropper stated the Diehls would like to change the use on the property. Mr. Cropper stated that Mr. Diehl had applied to the Planning Commission for the rezoning. He asked that he explain what he wanted to do if his application was approved. Mr. Diehl stated he would like to open a seafood market with varies types of vendors. He stated he had submitted his drawing and would also like to have carryout.

Mr. Cropper stated the site would be laid out for parking. Mr. Cropper asked would he be providing a food service from this property. Mr. Diehl replied some crabs and a very limited menu. Trying to have a nice easy business. Mr. Cropper asked about the type of vendors would he have inside the building. Mr. Diehl replied crafty local people, decoy carvers things like that. Mr. Cropper asked is it safe to say your trying to create a low impact for the community nothing that would impact the neighborhood that goes with the character of Berlin. Mr. Diehl agreed. Mr. Cropper stated that along the railroad it was industrial due to the fact of the existence of the railroad. He stated that is no longer needed. He asked Mr. Diehl if he would be doing anything industrial along the railroad. He replied no. Mr. Cropper asked if there had been a population change. He stated that would go without saying there had been a population change in the town of Berlin. He asked Mr. Diehl if he agreed to that. He replied yes. Mr. Cropper stated over the years this area has developed. He stated that the town of Berlin had water, sewer and electric to serve the area. He asked Mr. Diehl if he agreed with that. Mr. Diehl replied yes. Mr. Cropper asked about the transportation around the area and asked would it be changed in anyway due to what he wanted to do on the property. Mr. Diehl replied no. Mr. Cropper asked him would he be doing anything on this property that was not compatible to Berlin. Mr. Diehl replied no.

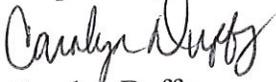
Mr. Cropper stated the Planning Commission would make a recommendation to the Mayor & Council. He also said that the commercial zoning would be the correct zoning verses the industrial zoning that it is zoned now. He stated as far as the rezoning it was a mistake to have the property zoned industrial. That there had been an increase in the population of residents more people coming to visit Berlin and a change in the character to the Town of Berlin. Mr. David Diehl agreed. Mr. Newt Chandler asked if they owned part of Harrison Road. Mr. Cropper stated he had not researched that, and this meeting tonight was about rezoning the property. Planning Director Dave Engelhart stated that Mr. & Mrs. Parks could tell you that the property is a part of Harrison Ave. Mr. Engelhart stated a resent title search has not been done, in the past there had been documents drawn up for the town to acquire it but that has never happened. Mr. Chandler asked would they have the right to block it off if it was their property. Mr. Cropper stated he was not getting into that. Chairman Chris Denny asked if it would be year-round what he wanted to do. Mr. Diehl stated seasonal for some part. Chairman Denny

asked about parking requirements if they meet that. Mr. Ron Cascio asked about the stormwater. Planning Director Dave Engelhart stated they would get stormwater review. Mr. Engelhart stated he is not adding to the footprint of the building. He would have to get stormwater reviewed before parking is added before permitting. Mr. Engelhart stated before you close the public meeting, he had one comment that was received the night before. Mr. Cropper has pretty much addressed the questions, but it was from Mr. Steve Green. He read that Mr. Green requested details on what would be done on the property. He is a resident of Harrison Ave. His mother is getting ready to build a home. He asked questions about the improvements lighting, liquor license would it be seasonal just a little more detail.

Chairman Chris Denny then closed the public meeting and called for a motion. Mr. Ron Cascio made the motion to make the recommendation to the Mayor & Council to change the zoning from M-1 Light Industrial to B-2 Shopping District. Mr. Newt Chandler seconded the motion and it was unanimously accepted by the commission.

Planning Director thanked Mr. John Barrett for his service on the Planning Commission. He stated he appreciated him, and his opinion and input. Wished him good luck with his new home. Chairman Chris Denny called for a motion to adjourn. Mr. Ron Cascio made the motion to adjourn. Mr. Newt Chandler seconded the motion. Meeting was adjourned at 6:02PM.

Respectfully Submitted,



Carolyn Duffy

**Narrative**  
**Victorian Oaks at North Main Street**  
**Berlin, Maryland**

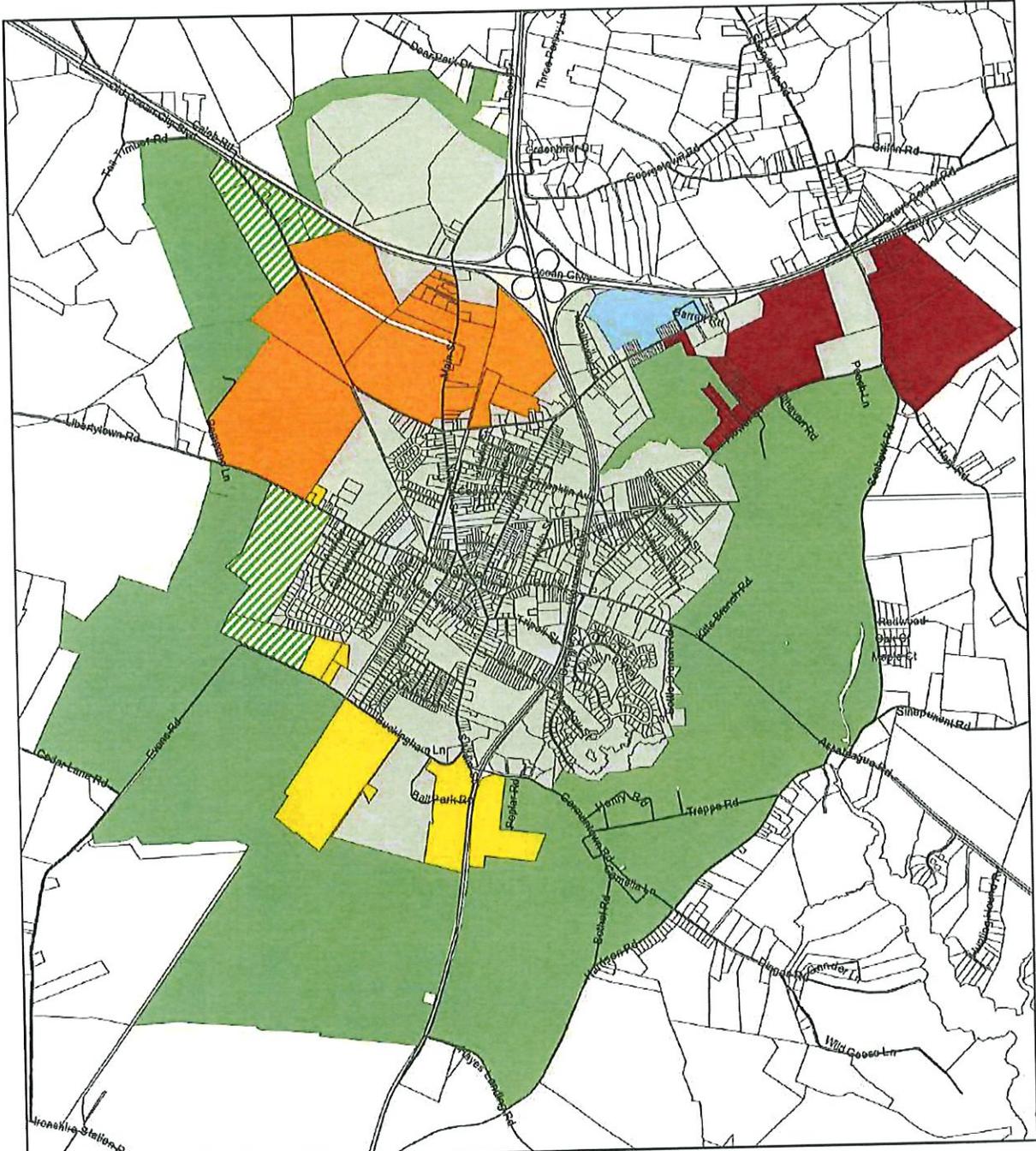
Victorian Oaks Manor is a planned luxury apartment community on North Main Street in Berlin, Maryland. Victorian Oaks will place 80 luxury, 1, 2, and 3-bedroom residences in convenient walking distance of the Berlin Town Center. Residents will enjoy the Berlin restaurants and shops at a moment notice. The location is ideally located between the US 113 and US Route 50 transport corridors and is only a few minutes away from the beach.

Residents will enjoy a carefree Berlin lifestyle in these luxury flats, all served by interior elevators. As such, we will serve a diverse group of singles, families and older residents alike, wishing to enjoy simple, maintenance free living. The spacious units will be both child and pet friendly. Victorian Oaks Manor will feature an on-site dog park, a swimming pool and a children's play area.

Victorian Oaks Manor is located on property that is currently zoned commercial in Worcester County. With the recent provision of Town water and sewer, Victorian Oaks will add an ideal complement to both existing and planned development along the North Main Street corridor. The property is slated for mixed-use, being located in Growth Area No. 3 of the Town's Comprehensive plan. Victorian Oaks Manor will be planned as a residential PUD and sit on 7.21 acres all to be permitted upon annexation into the Town.

The property is bordered by North Main Street to the West, By commercially-zoned property to the North, by a powerline right-of-way to the South and by a railroad right-of-way and Town parkland to the East. This location is ideal to provide connectivity for residents and citizens alike.

This project is proposed informally at a concept stage only for now. We are interested in hearing the input and thoughts of the Planning Commission before proceeding with any formal planning.



0 1,300 2,600 5,200 Feet

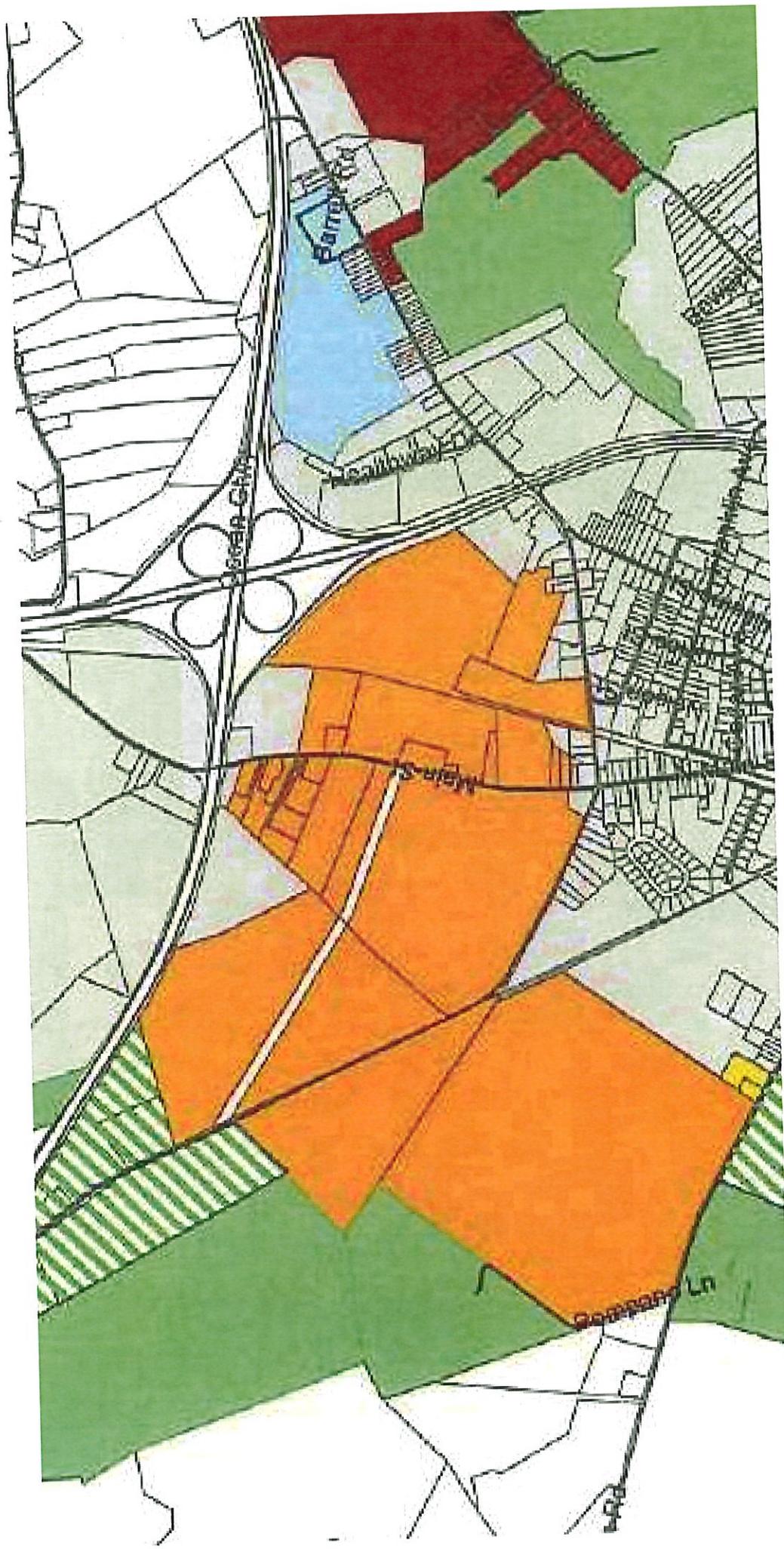
**Legend**

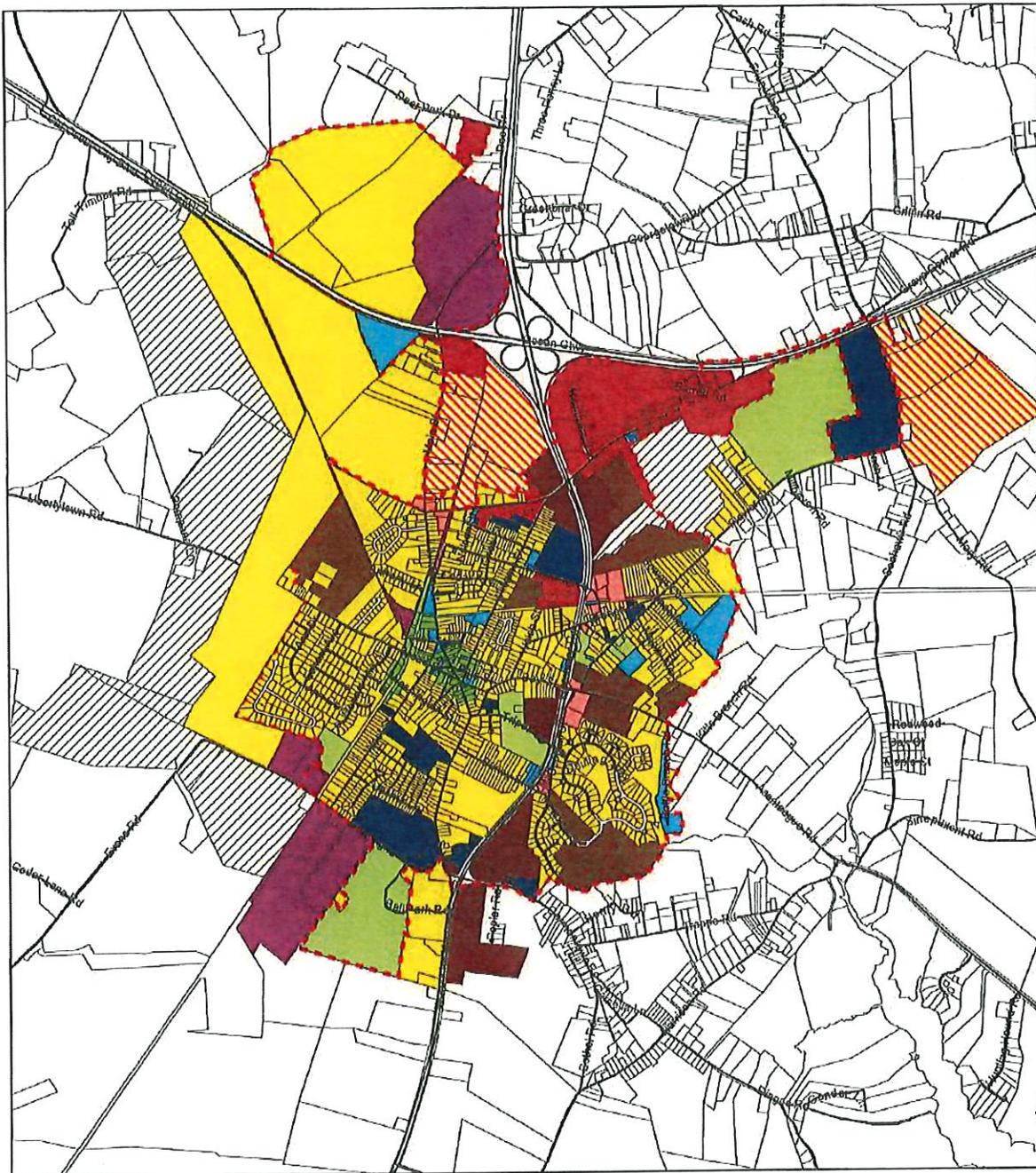
- Potential Development Area
- Growth Area 1
- Growth Area 2
- Growth Area 3
- Growth Area 4
- In Town
- Permanent Boundary District
- Future Land Use

**Map 5**  
**Town of Berlin, Maryland**  
**Growth and Urban Growth Boundary Areas**  
**Draft**

[www.dbflnc.com](http://www.dbflnc.com)

SALISBURY MARYLAND (410) 543-9091  
 MILFORD, DELAWARE (302) 428-1443  
 EASTON, MARYLAND (410) 770-4746





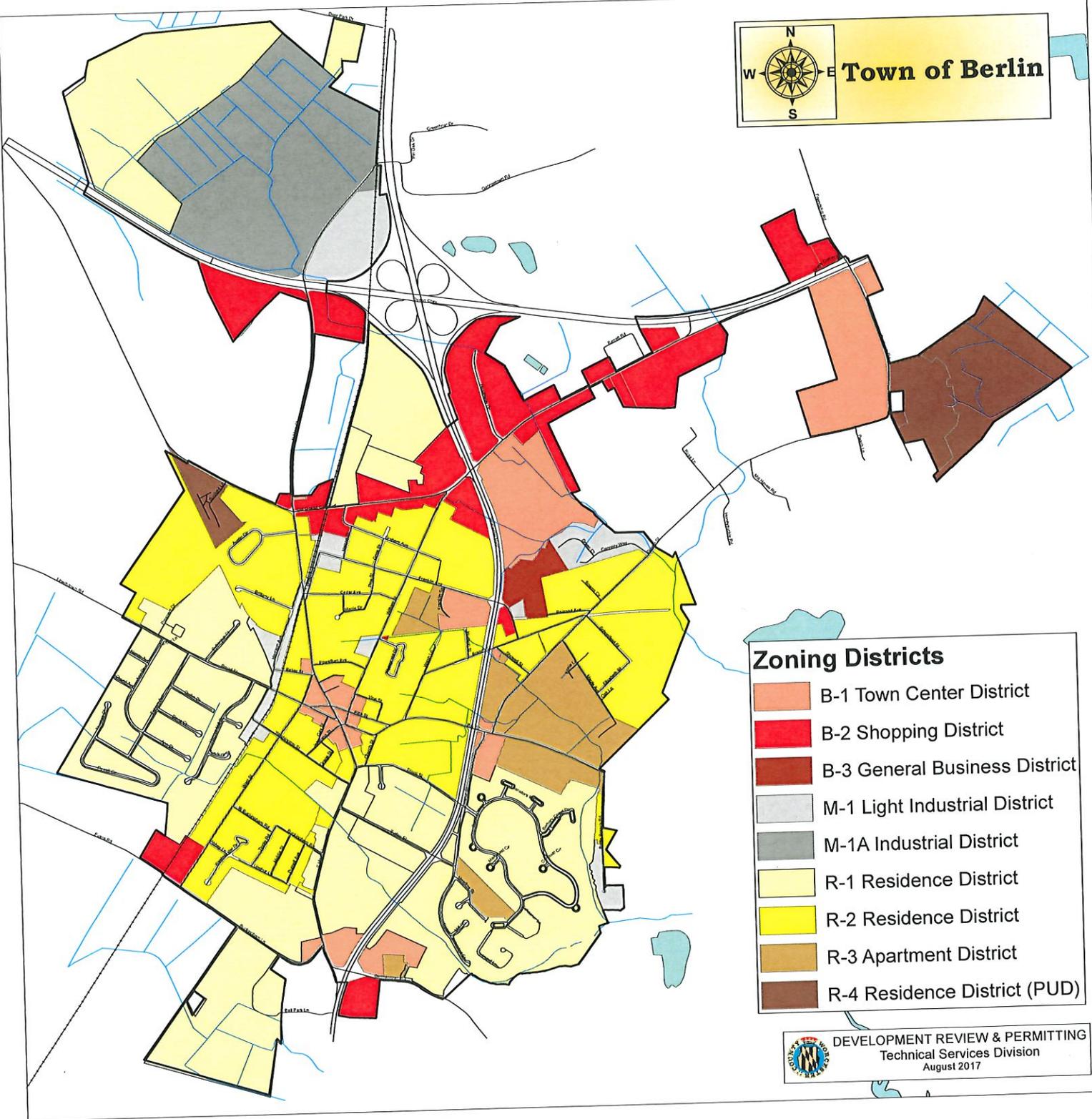
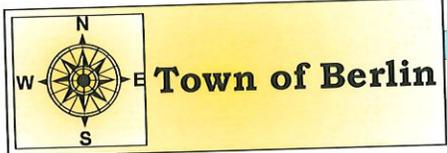
- |                           |                         |
|---------------------------|-------------------------|
| Berlin Town Boundary      | Commercial              |
| Town Center               | Highway Commercial      |
| Mixed Use                 | Neighborhood Commercial |
| Conservation              | Institutional           |
| Multi-Family Residential  | Municipal               |
| Single-Family Residential | Light Industrial        |
| Recreational              |                         |

**Map 4**  
**Town of Berlin, Maryland**  
**Future Land Use**  
**Draft**

[www.dbfinc.com](http://www.dbfinc.com)

SALISBURY, MARYLAND (410) 543-9091  
 MILFORD, DELAWARE (302) 424-1441  
 EASTON, MARYLAND (410) 770-4744





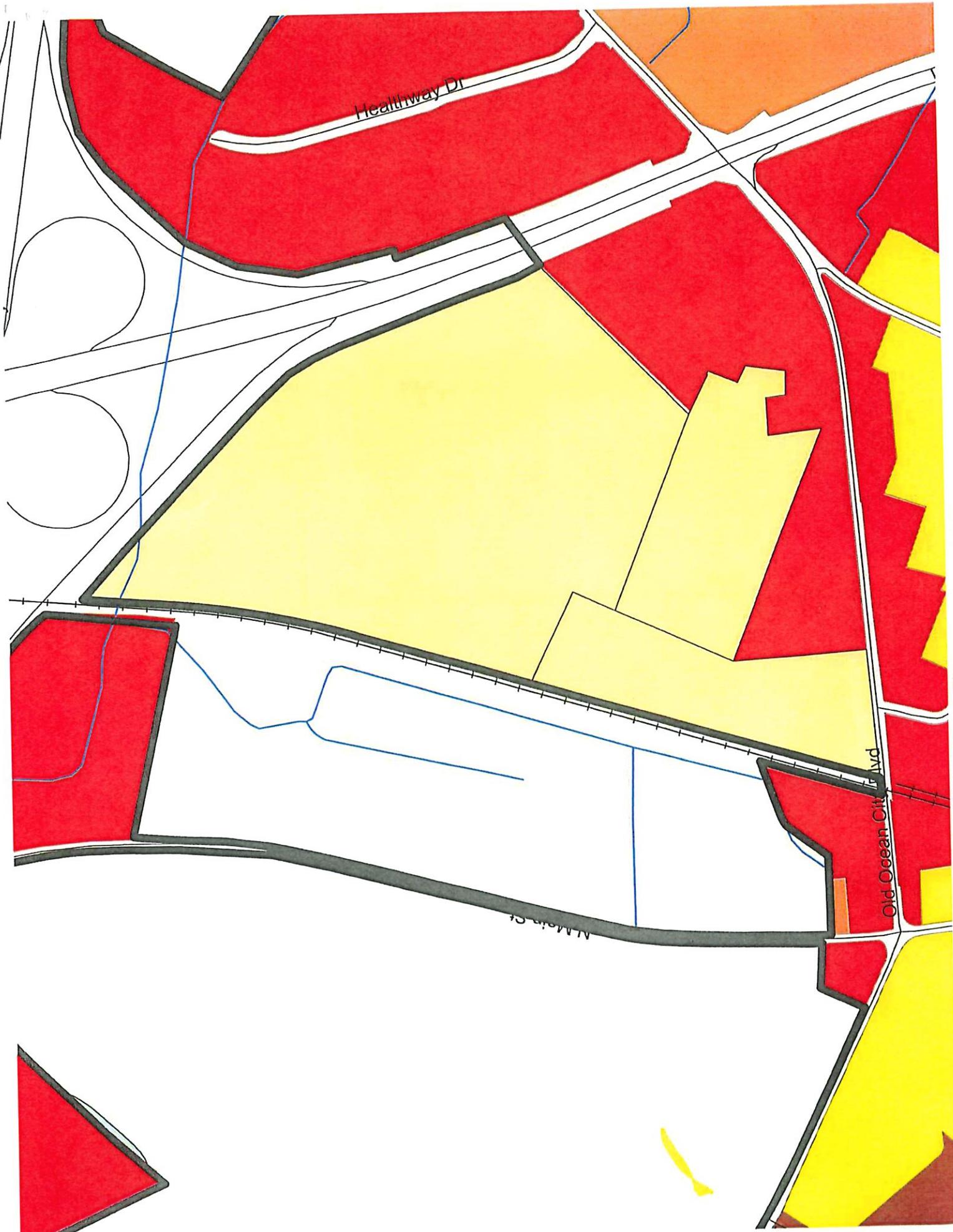
- Zoning Districts**
-  B-1 Town Center District
  -  B-2 Shopping District
  -  B-3 General Business District
  -  M-1 Light Industrial District
  -  M-1A Industrial District
  -  R-1 Residence District
  -  R-2 Residence District
  -  R-3 Apartment District
  -  R-4 Residence District (PUD)

 **DEVELOPMENT REVIEW & PERMITTING**  
Technical Services Division  
August 2017

Healthway Dr

Old Ocean City Blvd

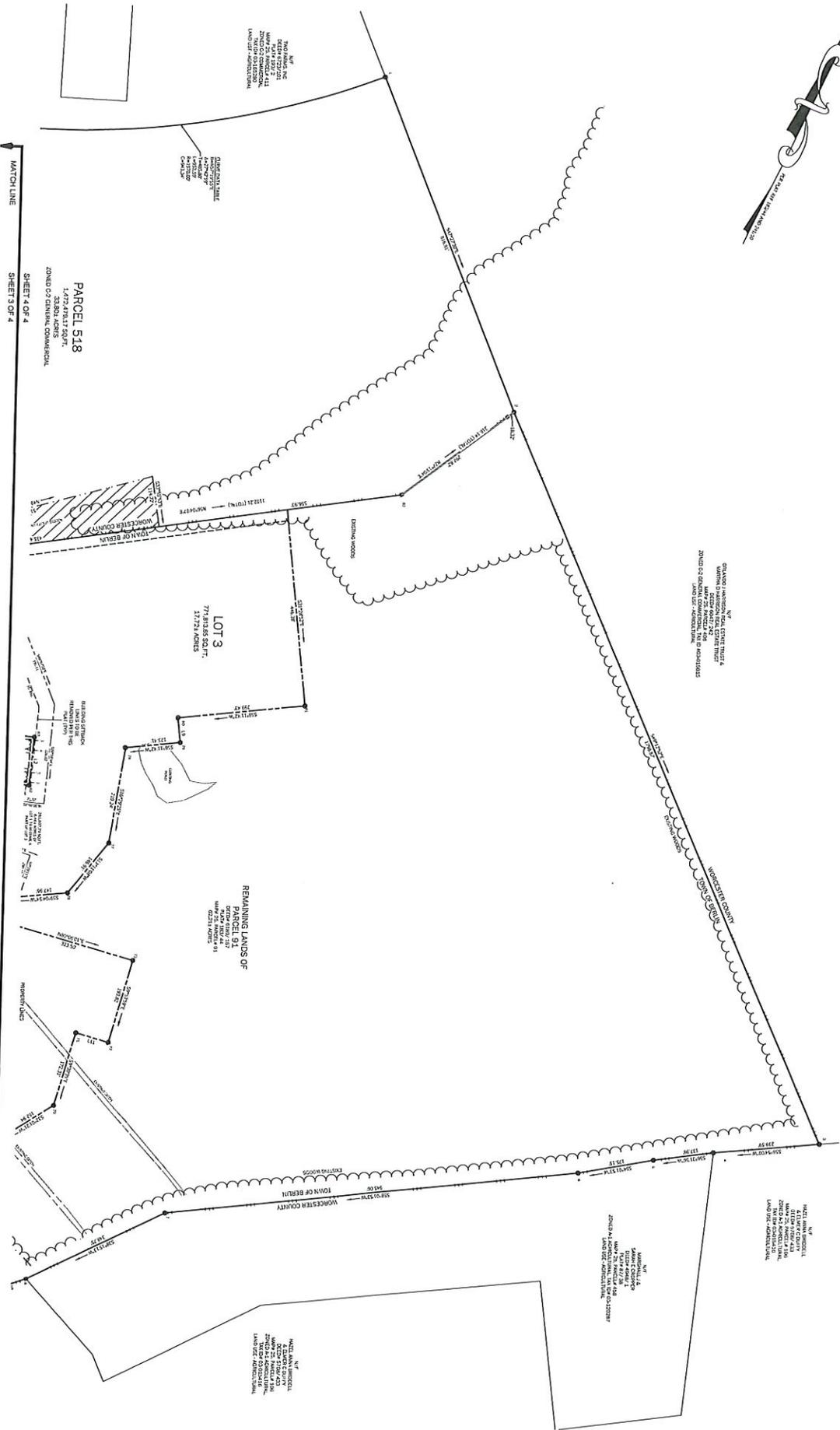
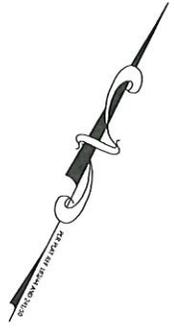
Maple St











NOTE:  
 THIS PLAN IS SUBJECT TO ALL  
 RECORDS AND EASEMENTS  
 WHICH MAY AFFECT THE  
 LANDS HEREIN DESCRIBED.  
 THE PLAN IS NOT TO BE  
 CONSIDERED AS A WARRANTY  
 OF TITLE OR AS A GUARANTEE  
 OF ACCURACY.

EXISTING MOORS

PARCEL 518  
 1,472,917 SQ. FT.  
 ZONED C-2 COMMERCIAL  
 3380 ADMS

MATCH LINE  
 SHEET 3 OF 4

NOTE:  
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 OF ACCURACY.

LOT 3  
 771,816 SQ. FT.  
 17,724 ADMS

REMAINING LANDS OF  
 PARCEL 518  
 1,472,917 SQ. FT.  
 ZONED C-2 COMMERCIAL  
 3380 ADMS



SHEET 4 OF 4

DATE	2020
BY	ESR
PROJECT	32111 SUBDIVISION

**OCEANS EAST**  
 MINOR SUBDIVISION AND RESUBDIVISION  
 OF LOT 1A OF  
 "OCEANS EAST MINOR SUBDIVISION" PLAT  
 THIRD TAX DISTRICT, WORCESTER COUNTY, MASSACHUSETTS

DATE	2020
BY	ESR
PROJECT	32111 SUBDIVISION

DATE: 11.18.20