



Mayor & Council of Berlin

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**Town of Berlin
Planning Commission Agenda
November 14, 2018 6:00 PM
Berlin Town Hall – Council Chambers**

1. Call to Order
2. Agenda Adoption
3. Approval of Minutes – October 10, 2018
4. Site Plan Approval for Restaurant & Bar located at the former Taylor Bank Building, Old OC Blvd.
5. Comments from the Commissioners
6. Comments from the Chairman
7. Comments from the Public
8. Adjournment

Town of Berlin
Planning Commission
October 10, 2018

The Planning Commission Meeting for October 10, 2018 was called to order at 6:02PM by Chairman Chris Denny. In attendance were Chris Denny, Newt Chandler, Pete Cosby, Barb Stack, Ron Cascio and Phyllis Purnell. Absent from the meeting was John Barrett. Staff present was 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 October 10, 2018. Mr. Newt Chandler seconded the motion and it was unanimously accepted by the commission. There were no minutes on the agenda for approval.

Chairman Chris Denny called the first item on the agenda for Berlin Main Place for Site Plan approval. The applicant was Mr. Palmer Gillis, he stated to the commission that this location was the pad site closest to town. It would be a one-story building and he wants it to look like the town. He stated he was trying to introduce a new façade treatment that faces Main Street. He told the commission he would like to acquire the corner lot that is closest to Route 50, he stated years ago at that location was a gas station. But stated he was here to discuss building #4. Mr. Gillis told the commission he was open for suggestions on color for the building. Mr. Pete Cosby asked what the color of the other buildings were. Mr. Gillis said like an off grayish brick. He stated they wanted to change the look because this was an entrance into the town. Mr. Cosby asked about the parking. Mr. Gillis stated it would be patient parking in front and doctors and nurses to the rear. Mr. Cascio asked about shade trees being placed between the parking lot and the entrance. He suggested maybe a couple of Red Cedars and a nice green wall of hedges. Mr. Cosby asked for lower line hedge brushes and whatever trees he could put there. Mr. Gillis stated he had to be aware of traffic visibility along the roadway. Mr. Gillis stated he could submit something for landscaping. He asked if they would like to see a combination of trees and hedges. Mr. Gillis added if they wanted to add this as a condition to the approval they could. Mr. Cosby asked about a Korean Boxwood. Mr. Engelhart asked if they wanted the landscaping plan submitted electronically so they all could be polled and make comments. Mr. Cosby also suggested that if he was doing a landscaping plan to also include the other lot on the other side. Mr. Gillis said he would do that. Discussion continued about the Cox property and State Highway. Chairman Denny called for a motion to approve with landscaping. Mrs. Barb Stack made the motion to approve. Mr. Cascio seconded the motion and it was unanimously accepted by the commission.

Next item on the agenda was Concept Plan Review for the Houck Property, Map 25 Parcel 460. Before getting started Mr. Cosby stated that he and Mr. Houck were friends and if they wanted him to recuse himself he would. No one objected to Mr. Cosby staying seated on the board. Mr. Chris Carbaugh stated they wanted to get the project reviewed first before they come for site plan approval just to get feedback and comments. He stated the location of the property located on the North West corner of Route 50 & Main Street. It consists of 2.3 acres of land, zoned B-2 shopping district. He stated there was a tax ditch that passes through the property. He stated their intent is to relocate the ditch. They have permits from MDE and are obtaining them from the tax ditch authority. He stated Mr. Houck was proposing 1400 feet of office & retail space.

In two separate building each with 7000 sq. ft. The access would be limited to 818 or Main Street. Also, in the design are inter parcel connectors. The plans would have all the required parking per code as well as storm water. Forest conservation would be address with offsite mitigation. They do plan to connect to the town water & wastewater service. To their knowledge the lines have been extended. They did bring some renderings of the proposed buildings. Also, a separate rendering of the overall site. He stated they have a building that faces Main Street and the parking is between the buildings. He stated the name for this project Last Boardwalk would serve Berlin and for the people that are going and coming from Ocean City. He thought this would be a great location to get people to stop because it is along Route 50 & 818. He also showed the commission color renderings. Mr. Cosby asked if the buildings would be identical. They stated that the building on the front facing Route 50 would be identical and have a boardwalk around it. They stated they would not be doing a dual frontage on the other building. On that building it would be service doors in the rear. Chairman Denny asked about the width of the Boardwalk. Mr. Houck stated about 8 feet wide enough to put a chairs & tables on.

Mr. Newt Chandler asked Mr. Houck how deep the ditch was. He replied about 7 ft deep. Mr. Carbaugh stated the ditch was not working and that it fills up. Mr. Houck is offering to take over the maintenance of the ditch. There are not appropriate size pipes in the ditch and it is eroding. They would put in new culverts. Mr. Houck stated his two properties North of the ditch flood out every time there's a rain storm. Mrs. Stack stated she was concerned about the 7ft ditch. Also, there have been accidents at that intersection. Mrs. Stack asked which way the water flowed from. Mr. Carbaugh replied from in the direction the Bay Club. Mr. Houck commented on the color of the buildings. He said they were like a green and sand color trying to make it a soft color. Mr. Carbaugh told Barb they would be going to State Highway for a commercial entrance. He stated they would probably want guard rails, there are utility easements out there also. He stated they are trying to do the best they can in a tight area.

Mr. Chandler asked about the driveway for Mitico where that was going. Mr. Carbaugh stated that's why they went with in the interconnection because of the access to the parking lot. Chairman Denny asked if this was the property they had come before them requesting to place a hotel there. He replied yes. Mr. Chandler asked if State Highway had seen the plans. Mr. Carbaugh stated they had submitted plans for their comments. He stated State Highway initial comments stated they had no problem with where the entrance was proposed. But until you make a formal submittal it's not official. Mr. Carbaugh told the commission that the entrance there now is too close to the highway and by moving it further away would be an improvement. Mrs. Stack told Mr. Carbaugh architecturally she would like to see the dormers made narrower. Mr. Cascio thought they were out of scale and needed to be smaller. With there being no more questions, they thanked the commission.

Chairman Denny introduced the next item on the agenda which was Ordinance 2018-06, An ordinance of the Mayor & Council Permitting a Group Home to be allowed as a conditional use in the B-1 Zoning District subject to area limitations. Planning Director Dave Engelhart stated this was generated from the Board of Zoning Case and is about to open on Old Ocean City Blvd. He explained the where this would be in the B-1. He stated that the rest of the area was B-2 business district which allows a lot more uses. Mr. Engelhart stated that as a means of controlling this the Town Attorney David Gaskill came up with this conditional use. This is the

only area in town that you could have a group home. He stated it still would have to go to Board of Appeals for approval. The Town Code states that any amendment to the Town Code you may hold a public hearing for. Mr. Engelhart stated you would make a recommendation to the Mayor & Council and they shall hold a public meeting so either way. If you would decide to hold a public meeting your recommendation goes to Mayor & Council, they must hold a public hearing to amend the addition. Mr. Chandler asked if the one going in now must go before the Board of Zoning. Mr. Engelhart replied no. Mrs. Stack asked if any group home must go to the BZA. He replied yes. Mr. Engelhart stated he had given them the definitions of the use. He stated that the Hope4 Recovery had gone in as a lodging house. Extended stay, subject to occupancy and room size, people not related. Mr. Chandler thought this would have a big impact on the neighboring properties. Mr. Engelhart stated they are tasked with are they going to allow more. Mr. Pete Cosby told the commission that he was on a board in Salisbury and it had been very rewarding for him and he was for it. He thought it was controlled enough and restricted enough not to cause issues.

Mr. Chandler asked if the neighbors had a chance to speak. Mr. Engelhart stated they had. Mr. Engelhart asked Mr. Cosby if the board he was on if they had to go to Board of Zoning for a conditional use. Mr. Cosby stated he didn't know what they had to do, and they were in neighborhoods. Mr. Cosby stated they could go anywhere because the code didn't address it. They have never had any complaints from the neighbors. Mrs. Stack thought this was a good location for it close to the hospital, people etc. Her concern she stated was when you turn a house in to something else it needs a change of use. Mr. Engelhart stated it is being changed because it is having a sprinkler system put in per the Fire Marshall. It has four bedrooms which is permitted. Mrs. Stack also exits and entrances. Mr. Engelhart stated they will have a resident manager on site. Fire Marshall has been there. Mr. Chandler asked if they could build an accessory living quarters. Mr. Engelhart stated no they could not. Mrs. Purnell asked about the house on Branch Street that had been there for years for the Deaf & Independent. Mr. Engelhart stated the closeness to the hospital was one reason also transportation was close. Mr. Engelhart stated that the people must work which is one of the conditions and they have a full-time counsel there for the recovery. They don't have cars, so the transportation is close, they cook their own food and Food lion is across the street. He stated food, medical and transportation were some of the criteria for location better than the other location. The other location is where there was a lot of outcry from the public. It was in a residential neighborhood and backed up to the school. So, this made the new location better where the Pregnancy Center was and a Hair Studio was in the accessory building.

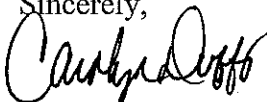
Mr. Cosby stated we have group homes people that live together that are not related. Mr. Engelhart stated we know of three homes and have not found how they got there. Never any Board of Appeals one home they said went to Mayor & Council meeting and that was it. He stated the USCG also has houses in town. Mr. Cosby asked if this defines enough what they don't want in town. Mr. Engelhart read the definition of providing services to eight or fewer persons not including staff developmentally disable or recovering from drug or alcoholic addiction. It also requires Board of Zoning. Chairman Denny asked did they have to vote on having a meeting. Mr. Engelhart stated the ordinance said you may have a meeting or make a recommendation for it to go to Mayor & Council. If you don't you would move to a public meeting of your own.

Mr. Newt Chandler made a recommendation for the ordinance to go to Mayor & Council. Mrs. Phyllis Purnell seconded the motion.

Mr. Engelhart told the commission that the recommendation that they had made at the prior meeting to add Mr. Gerardi's parcel to growth area three, the Mayor & Council voted 4/3 to accept the recommendation. So, it will be added to the growth area three. Next you will have a meeting about annexing the property that would be the next step. Mr. Engelhart just wanted the commission to know. Chairman Denny asked if anything else was coming up. Mr. Engelhart asked if they knew where the former Taylor Bank was located by Tractor Supply. Someone wants to take that building and have a Smoking & Barbecue Pit. That will be a Restaurant & Bar. You have already approved Troy's project out on Broad Street. He's calling that Newtown, he has gotten the Hospice property back as part of the development and you have agreed for the revision for the thirty lots. The seven lot that were approved we've got one permit application for that so far. Chairman Denny asked if it would be sprinklers. Mrs. Stack asked what the town was doing on the 2018 International Code. Mr. Engelhart stated the towns code stated would be amended from time to time. On the three-year cycle they don't have to pass an ordinance. Mrs. Stack asked if the state mandated it. Mr. Engelhart stated with the IBC from time to time amended. We also follow the Maryland Fire Code and prescribe to the County Forestation and Erosion & Sediment Control.

Mr. Chandler asked about a property located on Franklin Ave and what was going on with it. Small discussion pursued. Chairman Denny called for a motion to adjourn. Mr. Cosby made the motion to adjourn. Mr. Chandler seconded the motion and the meeting was adjourned.
Adjourned 7:06PM.

Sincerely,



Carolyn Duffy