



Planning Commission Meeting Agenda

Berlin Town Hall
10 William Street
Wednesday, November 18, 2020

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; 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, 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

Town of Berlin Planning Commission Meeting

November 18, 2020

5:30 PM

Berlin Town Hall – Council Chambers

- 1. Call to Order**
- 2. Agenda Adoption**
- 3. Approval of Minutes – October 14, 2020**
- 4. Presentation by State Highway Administration of the Regional Transportation Plan**
- 5. Comprehensive Plan Review**
- 6. Comments from the Commissioners**
- 7. Comments from the Chairman**
- 8. Comments from the Public**
- 9. Comments from Staff**
- 10. Adjournment**

Staff Report to the Berlin Planning Commission

Meeting Date: November 18, 2020, 5:30 PM

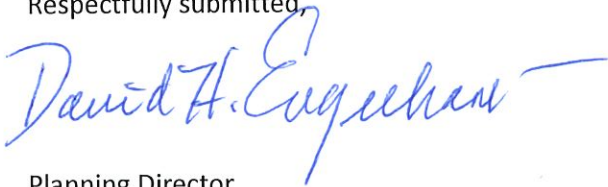
Tonight's Agenda is highlighted by a discussion with representatives of the State Highway Administration. The Planning Commission has for some time discussed the need for greater input in the planning and construction of infrastructure in and around Berlin to facilitate proper future growth, traffic flow, and pedestrian and bicycle use and safety.

Please come prepared with questions and topics of conversation you wish to address. Some of these topics that we've discussed in the past include:

- The MD Route 818 (North Main Street) corridor from downtown up to U.S. Route 50 and the need for sidewalks, crosswalks, bike lanes, a traffic light at U.S. 50, residential and commercial growth on MD 818 and U.S. 50., and access points along the roads.
- MD 346 (Old Ocean City Boulevard) from U.S. 50 on the western side of the Town through to its terminus by Stephen Decatur High School. Again, access points, sidewalks, bike lanes, and future growth have been topics of concern and discussion.
- The upcoming project for the widening and realignment of MD Route 376 (Bay Street/Assateague Road) at U.S. Route 113.
- The most efficient use of traffic and speed limit studies as they relate to projects in Town and proposed future projects within our designated Growth Areas.

I would also like to continue our discussion regarding the review of the Comprehensive Plan and the Resilience Element we discussed at our last meeting.

Respectfully submitted,

A handwritten signature in blue ink that reads "David H. Eugene". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Planning Director

Town of Berlin
Planning Commission
October 14, 2020

Chairman Chris Denny called the Planning Commission Meeting for October 14, 2020 to order at 5:32PM. Members present were Chris Denny, Ron Cascio, Pete Cosby, Matt Stoehr, Newt Chandler, Austin Purnell and D. J. Lockwood. Absent member was Phyllis Purnell. Staff present were Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy.

Chairman Chris Denny welcomed Mr. Austin Purnell the newest member to the Planning Commission. Chairman Chris Denny then called for a motion to adopt the agenda. Mr. Ron Cascio made the motion to adopt the October 14th, 2020 agenda. Mr. Newt Chandler seconded the motion and it was unanimously accepted by the commission. Chairman Chris Denny asked if there were any changes or correction to the September 9th, 2020 meeting minutes and called for a motion. Mr. Ron Cascio stated he had corrections to make on page # 2 and page #3. Mr. Ron Cascio made the motion to approve the September 9th, 2020 minutes with the changes he stated to be made to the minutes. Mr. Pete Cosby seconded the motion and it was unanimously accepted by the commission.

Chairman Chris Denny called the next item on the agenda, discussion and review of the 2010 Comprehensive Plan and Draft Resilience Element. He stated that the Planning Director Dave Engelhart had given each of them a list of topics that could be discussed during the meeting. Mr. Engelhart told the commission he had also given them a summary of the Resilience Element. If they agreed the shorter version would be what they added to the Comprehensive Plan. Mr. Engelhart stated he would like to have a public meeting in November to amend the comp plan for a recommendation to the Mayor & Council. Then the Mayor & Council would have a public meeting for changing it before adding it to the comp plan.

Mr. Pete Cosby stated he liked the condensed version and he had gone over it and made some changes to some of the wording. The first change he made was on climate change he wanted the wording to be that the climate change presents a host of challenges, impact and social economics. He stated a Resilience plan would result in minimum impact to climate change. Mr. Ron Cascio asked if they were going to finish going over the pages tonight, he stated he could not be sure if something else should go in the document. Mr. Dave Engelhart told the commission members in the summary they could refer to the Comprehensive Plan of 2010. Mr. Newt Chandler asked if the resilience plan had been brought to them from the state. Mr. Engelhart replied no, the town was assisted in writing it by the University of Maryland Environmental Finance Center. Mr. Engelhart explained that when Mrs. Laura Allen was here, they took part in getting the grant. She had him ask the Maryland Department of Planning if a resilience element like this could be added to amend the comprehensive plan, all they must do is review the comprehensive plan. Mr. Newt Chandler asked how much money the grant was for. Mr. Engelhart replied \$20,000.00 dollars. Mr. Chandler thought it was more liberal and more taxation for the citizens of the town that we can't afford and don't need. He stated you can't deny climate change but it's still up in the air about the effect it has. He stated he saw no big thing around here being born in 1954 in snowstorms and hurricanes. He stated he didn't see the need for it. He stated he had been over the whole thing and it seem like more government

control with more code regulations and more expense for the town that we don't need. Chairman Chris Denny stated he agreed with Mr. Chandler he thought it was duplication of what they do anyway. His thought was someone was making money off this. Mr. Engelhart told Mr. Chandler the town didn't pay any money; this was grant money the town applied for and received. Mr. Chandler called it garbage and thought it would cost the taxpayers a lot of money. Mr. Pete Cosby didn't think it was a bad idea to have a resilience plan. He stated they just needed common sense, his thought was they really didn't need it, but he was on the planning commission. Mr. Cosby stated someone make the motion that we don't need it. Mr. Chandler replied I'll make that motion right now.

Mr. Cosby wanted to hear from the other members of the commission. Mr. Engelhart told the commission it should be part of their thinking to have money set aside to prepare for events that may happen. Mr. Engelhart told the commission the Power Plant needed repairs the town had insurance and grant money to make the repairs if not for that they wouldn't have been able to afford the repairs. They just completed another generator those are the type of things they must be ready for. Mr. Engelhart stated resiliency is adapting to whatever comes along to be ready for whatever comes along. Mr. Chandler stated if the town stopped spending money on things we don't need to buy they could accomplish that without a document. Mr. Chandler stated this is people across the bridge wanting this, this is government intrusion more taxes and regulations. He said he would make a motion not to add the resilience plan. Mr. Matt Stoehr asked if they could make changes to the police vehicles. Mr. Cascio stated electric cars would save money.

Mr. Pete Cosby asked Mr. Engelhart if this resilience plan was required. Mr. Engelhart stated no it is not required. Mr. Cosby stated if it's not a necessity then why go there. We don't want to open doors to more regulations that is not the character of the town. Mr. Matt Stoehr stated that the condensed document is referenced to the 100-page document, his thought was they would be putting themselves in a risky situation if they opened the town up to that. Mr. Newt Chandler made a motion not to adopt the document to the comprehensive plan because it was not necessary. Chairman Denny called for a motion. The members wanted to discuss a little more. Chairman Chris Denny stated he had been looking at the document for six months. Mr. D. J. Lockwood stated he had been on a committee before that referenced resilience, but it was about preserving what you have. He stated the small packet would be more in line with what they needed in this area like golf carts. Use it to be able to make suggestions on what could help. Mr. Chandler stated they don't need a document to tell them what to do and both documents are tied together. Mr. Cascio stated this is something to make you plan. Mr. Chandler stated if a lawyer came before this board and used the document you would have to do what it said. He stated we can use common sense. Mr. Cosby stated the comprehensive plan doesn't have to be this long, should be of what areas they are looking at. With that thought in mind we don't need this document we can use common sense. Mr. Chandler stated maybe the people across the bridge need documents like this, but we can think on our own and use common sense.

Mr. Chandler stated he thought it was a lot of regulations and more taxes. Town Administrator Mr. Jeff Fleetwood said they had a lot of dialogue going on. Mr. Engelhart told them they would need a public meeting to make a motion not to recommend this to the Mayor & Council. Then he stated he would have to advertise a public meeting for Mayor & Council to amend the comprehensive plan. Mr. Engelhart stated they must have a public meeting whether they are for

or against. He stated the meeting for the sprinkler system was a public meeting. Mr. Matt Stoehr asked if the smaller version was available for the public. Mr. Engelhart stated Ms. Mary Bohlen had posted it. He also stated the public needed to know if they wanted the smaller version it also came with the larger version of the comp plan. Mr. Engelhart stated if you don't want the 60 page it could be referenced for viewing. Mr. Engelhart stated the comp plan document is not code. It is may and should consider. Mr. Engelhart stated he agreed they do consider stormwater, or you're worried about pervious services, density and worried about lights. The members agreed that they look at that now so why would they need a document to tell them to look at it. Mr. Engelhart stated you could look at it as a guidance document. Mr. Chandler replied we don't need more regulations, taxes and buying stuff they don't need, and we are out of money now and don't need people across the bridge telling us what we should or should not do. He stated it's some liberal person from over there. Mr. Engelhart explained where the grant money came from and read a letter that was sent to Mary Bohlen from Baltimore. Mr. Engelhart stated all we must do is review the comp plan we don't need to act. Mr. Cosby stated this document requires us to ask about landscaping we do this. He asked if it could be condensed down to 10 pages. Chairman Chris Denny suggested they look at the Growth Areas. Mr. Engelhart stated for the most part the town is in the suggested growth areas that were designated 10 years ago. The area he noticed now is Arby's & Royal Farms are now in growth area #1. The areas around them are in the county which could be protentional growth areas. He stated that is what they should be looking at.

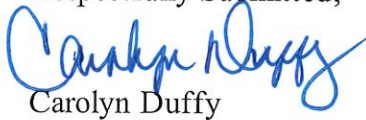
Mr. Engelhart stated the triangle out on Route 50 & 346 which is Mr. Ernie Gerardi's should be in the growth area. Oceans East was annexed into town now part of the town. Mr. Engelhart stated the comprehensive plan will tell you what the areas were anticipated for. He stated you must look at the maps and land use to think of what would go best in those areas. The comp plan suggests more workforce housing. He stated Mr. Matt Stoehr thinks we do need more apartments maybe not workforce housing but more apartments. Mr. Engelhart asked the commissioners if they wanted to stay with the growth areas they have, or they could shrink them. They also could talk about the parking. He stated they always discuss the bikeways around town. He stated the greenbelt around town would require an easement from the property owners which are in the county. Mr. Chandler questioned who would or could be annexed into town. Mr. Engelhart replied you must be in the growth area to be annexed into town that's where the control comes from. Mr. Cascio thought they should hear from the county. Chairman Chris Denny asked about the public attending the meeting. He stated the public was notified that meetings were open with limited capacity, but no one was present. Mr. Cosby stated they wanted Berlin to stay much like it is and not to lose the identity of the town or the character and demographic. Most people want to hold onto what they've got. Mr. Chandler stated people are coming here for quality of life.

Mr. Cascio thought they should talk to the county about the growth areas around the town. He thought first they should look at the areas in town. Mr. Cosby said the document is covering infill development. Mr. Cosby said his thought was that people wanted an identified town. He asked how we are going to implement these things. He said it's time to get serious about how we are going to look in 50 years. Discussion continued.

Mr. Engelhart asked if the commission members wanted him to start a conversation with the county. He thought it would be more with the Department of Economic Development or Permitting Review. Mr. Cosby thought it would be long and drawn out process. Mr. Cosby asked about how to start a fund for a development right fund. Take a dollar out of every citizens tax to get momentum to get it going. Mr. Cosby stated get it started so they have the money put a side they can look at it during budget time checking the balance. Mr. Chandler said if they get started find out what the formula is to get the money. Mr. Cosby said some people may want to donate land use for a tax break. Questions on how the town got the grant from Mr. Chandler. Mr. Engelhart stated the Mayor & Council must approve any request for grants. He stated a lot of work went into this, we had three community meetings at the Berlin Library, Berlin Intermediate School and the Multi-Purpose Building and they had public input.

Mr. Chandler stated they put a lot of work in on the Comprehensive Plan in 2010. Mr. Engelhart stated you have discussed and reviewed. Mr. Cascio stated what he had highlighted was about the growth areas. Discussion continued about the buffers and green belt around the town and EDU Fees. Chairman Chris Denny called for a motion to adjourn. Mr. Newt Chandler made motion to adjourn. Mr. Austin Purnell seconded the motion. Meeting adjourned at 7:26PM

Respectfully Submitted,


Carolyn Duffy

November 13, 2020

Dave Engelhart
Director, Town of Berlin Planning and Zoning Department
10 William Street
Berlin, MD 21811

Dear Mr. Engelhart and Members of the Berlin Planning Commission:

My name is Steve Farr and I have been a resident of the Town of Berlin since 2007, residing at 101 Washington Street. I have been following the Planning Commission's consideration of the proposed Resilience Element to be incorporated into the Town's Comprehensive Plan and wanted to express my general support for the proposed Element.

Since 2017, I have been employed by the Maryland Coastal Bays Program (MCBP) as the Watershed Coordinator. In this capacity, I have assisted in the development of a Climate Change Vulnerability Assessment and Climate Change Action Plan for the Coastal Bays watershed. While this work has informed my understanding of the risks posed by climate change on the communities and ecosystems in the watershed, and my personal opinions on the importance of Berlin adopting a Resilience Element in the Comprehensive Plan, these opinions, as expressed below, are my own and do not constitute the official position of MCBP.

I have reviewed the original draft of the proposed Resilience Element as drafted by the University of Maryland Environmental Finance Center (EFC), and developed a draft Executive Summary of the proposed Element for the Planning Commission's consideration after hearing the Commission's concerns with the length of the original document. This draft Executive Summary, as provided to you, was an effort to condense the document into a presentation of substantive elements of the original EFC draft and did not include any substantive revisions beyond the removal of certain sections providing background context, explanatory detail and illustrative examples. I understand that the EFC has since drafted its own proposed summary of the Element for the Commission's consideration, but I have not had the opportunity to review this document.

It is my opinion as an informed citizen of the Town of Berlin that the adoption of a Resilience Element into the Comprehensive Plan will be a critical asset in the Town's efforts to prepare for, adapt to, and mitigate the real risks to the future economic, environmental and social health and sustainability of the Town posed by climate change and its associated impacts.

Further, it is my opinion that the substantive content of the EFC draft Resilience Element constitutes an appropriate and strategically sound approach to addressing these risks. While incorporating an abbreviated version of the draft Element may be an acceptable approach to achieve brevity consistent with the remainder of the existing Comp Plan, I believe it will be important to incorporate most, if not all of the full draft by reference as it includes important context and explanatory language.

It is my understanding that some members of the Planning Commission have expressed concerns that the draft Element, if adopted, would expose the Town to burdensome external mandates, regulations and associated financial obligations. However, my review of the original draft indicated that, for the most part, the language of the draft was aspirational and conditional, calling for consideration and evaluation of certain strategies and actions, and giving the Town flexibility to consider recommended

preparation, adaptation and mitigation actions in the context of feasibility, effectiveness and cost-effectiveness. In fact, adoption of the Element will endow the Town with the standing, credibility and leverage to effectively compete for the funding resources necessary to comply with existing mandates and regulations and implement its own independent resiliency initiatives with reduced direct investment from the Town.

In conclusion, I strongly support the adoption of a Resilience Element into the Town of Berlin's Comprehensive Plan that reflects the substantive recommendations included in the proposed draft provided by the University of Maryland Environmental Finance Center.

Climate change and its associated current and future impacts on the environmental, economic and social health of our Town are very real. Adoption of the Resilience Element constitutes a necessary and responsible approach to developing and enhancing the Town's resilience to these impacts.

Respectfully,

A handwritten signature in black ink, appearing to read 'Steve Farr', with a stylized flourish extending to the right.

Steve Farr
101 Washington Street

Cc: Mayor Zack Tyndall
Town Administrator Jeff Fleetwood