



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

August 18, 2021

6:30 PM

Berlin Town Hall – Council Chambers

Mask Required for All in Attendance

1. Call to Order
2. Agenda Adoption
3. Approval of Minutes – May 12th, 2021
4. 21 Jefferson Street – The Berlin Commons, Applicant: Brett & Megan Hines requesting a revision for Amplified Music
5. Site Plan Approval – 10103 Old Ocean City Blvd – Applicant: Forgotten 50 Distilling and EJJ Real Estate, LLC.
6. Site Plan Approval – Maple Ave. – Maple Ave of Berlin LLC.
7. Comments from the Commissioners
8. Comments from the Chairman
9. Comments from the Public
10. Comments from Staff
11. Adjournment

Town of Berlin
Planning Commission
May 12th, 2021

Chairman Chris Denny called the Planning Commission Meeting for May 12, 2021, to order at 5:34PM. Members present were Chris Denny, Newt Chandler, Ron Cascio, Pete Cosby, Austin Purnell, Matt Stoehr, 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 agenda. Mr. Ron Cascio made the motion to adopt the 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 February 10th, 2021, and the February 24th, 2021, meetings. Mr. Austin Purnell made the motion to approve the minutes from the February 10th, 2021, and February 24th, 2021, meetings. Mr. Matt Stoehr seconded the motion, and it was unanimously accepted by the commission.

Chairman Chris Denny called Mr. Troy Purnell to come forward. He was requesting to Revise Purnell Crossing South PUD. Mr. Troy Purnell stated he was requesting a change to the PUD previously approved up to lot #9. He stated the new layout would work better and cut down on the number of trips going past lot #9 shown on court A and they would gain 9 more lots. Mr. Purnell stated they are gaining nine lots and they are still in the same footprint. Mr. Ron Cascio asked him how many EDUs he had total. Mr. Purnell replied allocated right now he had 29. He said he was going to need 26. He stated there were 64 total. Mr. Pete Cosby asked what the lot numbers were. Mr. Purnell replied from 10 to 35. Mr. Cosby wanted to know the reason for the change. Mr. Purnell stated all the traffic in the development would have to go by lot 9 and it did not make sense. They made the lots smaller and now they have two roads instead of just having one and it runs by the pond. Chairman Chris Denny stated this is still less than what you had. Chairman Chris Denny called for a motion. Mr. Newt Chandler made the motion to approve the change. Mrs. Phyllis Purnell seconded the motion, and it was unanimously accepted by the Commission.

Chairman Chris Denny called the next item on the agenda, Revised Purnell Crossing North PUD. Presenting the revisions for Purnell Crossing North was Mr. Wesley Cox from SVN and Mr. Steve Engel from Vista. Mr. Wesley Cox stated he was a consultant for the purchaser of the property. He stated they had taken the site plan and made it a little bit better. They have reduced it from 36 units to 34 units. The second change was the original plan had you looking at the back of the buildings coming down the road. Mr. Steve Engel redesigned it and you will be looking at the front of the buildings when you are coming in. He stated from an aesthetic perspective it will be more attractive. The next thing they did was to change the look of the buildings. He stated it was under contract with the builder which is Insight Homes, and they build energy efficient homes. They have received many awards all over the world for building energy efficiency homes he stated. He is recognized by the US Department of Energy, Green Builder of the year he takes his profession very seriously. The property he stated was going to be managed by his company. They manage commercial and residential properties he stated the benefit to that is there will be a person that the residents can call. Mr. Newt Chandler asked if it

would have an office space. Mr. Cox replied no, the project is too small for that. He stated the management company was 24 hours. Mr. Chandler asked if they were all rental properties. He replied yes. Mr. Matt Stoehr asked if they were a part of the HOA. Mr. Cox replied that would be no. Mr. Stoehr wanted to know how they could share a HOA with one road that will be used. Mr. Cox asked if it had been given to the town as a city street. Mr. Engelhart stated Sunlight Lane is a town road now. Mr. Cox had brought a completed project that had been completed by Ruark Builders. They came in and finished this project in Salisbury. They have been able to help the residents that have had questions. He stated the rentals would be along the lines of what Oceans East prices are. Mr. Engelhart stated they would be market rate, not work force housing. Mr. Stoehr asked would it not be section 8 housing and could they put it in the motion. Mr. Engelhart stated he would not make it part of the motion because of Federal Laws it would not be a legal motion. Mr. Cox stated they do background checks and credit checks on the applicants. Mr. Stoehr asked about the roundabout and if the school bus would be able to come into the development to pick up the children. Mr. Engel stated a fire truck could come down the street. Mr. Cox said it would look and feel like the community.

Mr. Stoehr asked about a timeline for the project. Mr. Cox replied to it would be about 8 months and that some things may have to come out. He stated the timing was on the interest rates and more than likely one building completed at a time. Discussion on construction hours in town pursued. Mr. Engelhart stated due to having Facebook the public can respond till noon the day of the meetings. He read questions into the meeting that were being asked. Mr. Cox wanted to state that the previous owner was a builder and a family man. Mr. Chandler stated the owners must apply for section 8 tenants he also suggested that in the motion they stipulate that the owners not apply for section 8 tenants. Mr. Engelhart asked Mr. Stoehr if he liked the new look due to the fact of, he being a resident at Purnell Crossing. He replied he liked the look. Mr. Cox stated they put bricks on because the existing units had brick on them. Mr. Chandler commented no amenities but the garages. Mr. Cascio stated they do not want to push garages in the front of houses for traditional families. Mr. Cox stated this was the same setup that was approved they just tried to make it prettier. Mr. Stoehr asked were they still trying to connect both areas South and North. Mr. Troy Purnell replied yes with a 10-foot walkway. Discussion on what the HOA was responsible for. Mr. Engelhart stated the Town's responsibility ends at the curb. Some discussion on if there would be signage for the new townhouses. Mr. Cosby suggested they would not need signage, he thought it would be more commercialized with signage. Mr. Stoehr asked where the mailboxes would be located. Mr. Cox was not sure at the present time where the placement of mailboxes would be. Chairman Chris Denny called for a motion.

Mr. Austin Purnell made the motion to approve the revised Purnell Crossing North PUD. Mr. Pete Cosby seconded the motion. 6/1 vote one opposed.

Chairman Chris Denny called the next item on the agenda. Case # 5-12-21-03 for Site Plan Approval for Buzz Meadery located at 21 Jefferson Street. Mrs. Megan Hines stated they were trying to promote community and open space. They are looking to put up a fence, pergola to have seating for people that are in town buying lunch and it will be open from sunup to sundown. Mr. Chandler asked would they charge a vendor for the use of the space. Mr. Brett Hines replied yes, they would. He stated if it were for profit they would charge. Mr. Chandler asked what

they do. Mr. Hines replied they are a licensed Winery it is alcohol and made from mead. Mr. Chandler asked if they could serve off site. Mr. Hines stated they can serve bottles to go on and off site. Mr. Chandler asked did they think Worcester County had a problem with that. Mr. Hines replied it falls under the State. Mr. Engelhart stated he sent their license to Ms. April Payne, and she was fine with it. Mr. Chandler asked how this fall into what their Commission does. Mr. Engelhart stated from what he knows it will remain a grass lot like it is now. He stated they are not adding any impervious area only a fence and pergola. Mr. Engelhart told the Commission the setbacks are like the downtown B-1, and it is in the Historic District. Mr. Chandler asked about the parking. Mr. Hines replied they would have gravel. Mr. Ron Cascio asked who would do the daily clean up. Mr. Hines stated they live on Bay Street and would come over to clean up. They also have had offers from others that would help if needed. Mrs. Hines stated if it got to the point, they needed additional help they would hire a company. Mr. Chandler asked about the time allotted for this. Mr. Hines stated they would have signage for the ground rules most of the time the property would be unattended they are working on getting cameras installed with motion detectors. Mrs. Hines stated the time it would be opened would be like 7am to 9pm. Mr. Hines stated they would have two gates with locks on them. If there were any problems, they would call the Police. Mr. Chandler asked if they would be taking wine over there to sell. They replied if it was under one of their events, they are allowed from 10AM to 10PM they were going to try to pair their time with the town events. Mrs. Phyllis Purnell asked if they would have lighting. Mr. Hines said they were going to have the rope lighting attached to the pergola and the lights that were existing on the street poles. The light that they put in would be set on a timer so not on all night.

Mr. Austin Purnell asked if they had spoken to any of the neighbors. Mr. Hines stated he had spoken with Mr. Jeffery Auxer. He has a business and lives right there. Mr. Engelhart told the Commission that the Hines had come before the Historic District Commission which considers the exterior and he also stated he had addressed this in the packet. Mr. Engelhart said they knew this Board would look at this, but they also had questions. He said we had 89 emails sent, 87 were in support of the project. Mr. Engelhart read some emails into the meeting; Mrs. Barbara Stack 6 Washington Street was on the Planning Commission stated she loved the idea of keeping the corner a green space but was concerned it would be misused when no one was around, an after hour party spot, a 42" fence is not going to keep people out a place for mischief to hide or scare people walking by at night or even a place for homeless to sleep in the future. People may see a place to throw trash when walking by who will control the area when the owners are not present, the Berlin Police and the taxpayers should not be asked to supervise private property. She stated corner visibility the fence is only 42" inches tall but hard to see through to Gay Street. Mr. Engelhart also stated he had gotten feedback from the Chief Arnold Downing about the placement of the fence. He asked would the fence gradually drop down or be moved slightly back. Mr. Engelhart stated they would go to the site and watch the traffic flow. Mr. Engelhart read Mr. Patrick Vorstegs email it stated he had concerns, he was not opposed to the project but concerned there would be no bathrooms and they would be selling liquids. Mr. Vorsteg owns the mixed-use building on Gay Street. He wanted to know if the seating capacity had been seen by the Fire Marshall. Mr. Engelhart stated that the Fire Marshall would determine the occupancy once it went to permitting. Mr. Vorsteg stated that this could set a precedence for food trucks for example with no restrooms. Who would do the daily clean up, concerned about the number of events to be held? Mr. Chandler reiterated he was concerned about no bathroom. Chairman

Chris Denny asked how many EDUs the property had. Mr. Hines replied two EDUs for the property. He stated they were trying to show accommodations with the porta potty. He told the Commission they were under contract for the property. Mrs. Ivy Wells told the Commission the public restrooms were 500 feet away. Mr. Chandler thought it was a bad idea and not fair to the people that have bought in town. He stated as a member of the Planning Commission he must ask himself if he would want that in his front yard. He stated and the answer would be no. He thought it would set a precedence and a bad thing for the town. He said if it was not next to a residential area, but it is not fair to the people that live their surrounding property owners. Chairman Denny asked if any of the emails he received did the residents live on the street. Mr. Engelhart only one lived on the street and he was in support of it. Mr. Engelhart read Ms. Marie Velongs questions of 400 West Street, she asked where the utility pole fit in the plan. Mr. Engelhart stated the pole had not gone anywhere. Mr. Engelhart stated that Tim Lawrence would mount a meter box on the pole or loop the power from the pole underground to the pole.

Mr. Hines stated they would not have amplified music. Ms. Velong also commented on the placement of the tree suggesting the center area for shade. There was a mention of gates but no sidewalks on Gay Street. Mr. Engelhart stated that the Fire Marshall would require the gates for ingress and egress in case of fire or an emergency. She asked questions on the parking and the restroom why they are not required and if the Health Department had been involved. Mr. Engelhart stated the Health Department was not requiring anything from them. There were questions on trash receptacles being placed near the tables. Mr. Engelhart stated we have trash cans that can go along the street side and cigarette butt dispensers Mrs. Wells stated that can be used. Mr. Engelhart asked what the 32 events would consist of and if they would be doing them during Town events. Mr. Hines stated they are asking about the pergola and the fencing. He stated when the town has the Artist walk, they would have space where the artist can showcase what they are creating and making. Mrs. Hines stated right now it is an eye sore with cars parking on it she stated they wanted to make it a community space does not think the community would trash it. Mr. Chandler asked how they were going to maintain the area with people with dogs. Mr. Hines replied they have the same questions that were asked at Historic District Commission. Mr. Chandler asked if they were paving which that is stormwater. Mr. Hines stated they were planning on putting down gravel which makes it impervious. Ms. Velong asked if there was an agreement between the Town and Mr. Hines. Mr. Engelhart replied no it's private property. She also asked would there be another sidewalk sign directing people to the area. Mr. Hines answered you can have one sidewalk sign.

Mr. Ron Cascio asked could they build a restroom there. Mr. Engelhart replied that has not been asked, before he would check. He thought it would be more like what the Town put out at Henry's Park. Mr. Stoehr replied if they had a restroom, they would have no problem with it. Mrs. Wells stated if they were having an event, they could bring their own porta potty. Mr. Engelhart stated a porta potty cannot stay on site it has to be removed. Mr. Engelhart stated with the porta potty being left unattended brings more problems. He told of the incident in Henrys Park the porta potty was melted to the ground. Chairman Denny asked about them building a building at the location. Mr. Hines stated their license would require them to take their product home with them they cannot store off sight. Mrs. Wells stated we do not have a parking problem we have a walking problem. She references it to like being in a mall and having to go to find the restrooms. The question was raised about how many emails were from people in the

neighborhood that this would impact. Mr. Chandler stated it sets a bad precedence. Discussion on what store in town would let the public use their restrooms.

Mr. Stoehr stated when they are making money, they will bring in a bathroom but when you are not, they use the town public restrooms. Mrs. Hines stated if the town allowed that they would bring restrooms porta potties for two days. Mr. Hines stated he had reached out to a company for the cost he said it was \$167.00 dollars. He said he must follow up to see what the cost for dropping off and picking it back up if the price would change. Mr. Cascio replied they would have to know for how many people in case they would have to service it during the day. Discussion on what was considered an event for them or just someone using the area for yoga. Mr. Engelhart stated they could make part of the motion that they have restroom available for their Buzz Meadery Events, but they cannot stay have to be removed. Mr. Engelhart did not think that all the tables would fit in there he scaled it and came up with 56 occupants could be there at one time, but this would be up to the Fire Marshal.

Mr. Chandler stated with that many people they are going to have to park somewhere. Mr. Engelhart replied parking has always been an issue. Mr. Stoehr asked Mrs. Wells what she meant by walking problem. Mrs. Wells replied we have Stephen Decatur Park where there is parking, Tyson etc. Mr. Chandler stated if you want people in town you have to have convenient parking. Mr. Stoehr asked could people bring their own drinks. Mr. Hines stated he was not looking to do that. Mr. Hines stated the only time they would be selling mead is doing an event and they would buy and drink it within the triangle. Mr. Stoehr asked if they would have any music. Mr. Hines if they did it would be acoustic and non-amplified music. Mr. Stoehr asked what time was set for the Inn to stop music. Mr. Engelhart replied 9:00 O'clock by the liquor board. Mr. Cascio asked about restrooms at those events. Mr. Engelhart replied it was shown on the site plan where they will have the restrooms brought in whether event was in front or at the rear of property.

Mr. Stoehr asked about the fence shown and the height. Mr. Engelhart replied to it must be 72 inches a 6' foot in height the other location they want would be 48 inches a 4' fence. Mr. Stoehr asked if the lighting would be on all hours. Mr. Hines replied they would be set by a timer for when the sun starts going down. Mr. Engelhart stated there also is the street lighting which is much brighter than what they could put there. Mrs. Wells reiterated they have only had three negative feedbacks and more of the positive for the project. Mrs. Wells told the commission the Health Department said they did not need a rest room. Mr. Cascio suggested they table this. Mr. Hines replied either they can proceed and be open by July 4th or they will push it back. If the town thinks it is a good idea, they will have a temporary bathroom brought to the property and removed by the end of the event. If there were nonfood events, they would not host a porta potty during the week. Chairman Denny asked about them renting the space for weddings without have a rest room. Mr. Hines replied not looking to rent the space that is not the general use for this. He replied it's for their events to have space. Mr. Hines stated they are not looking to fill the daytime hours it is for the benefit of the community. Question was asked are you going to charge for the use of the space. Mr. Hines stated they would have a reasonable fee schedule. Chairman Denny asked about the rest rooms. Mr. Engelhart stated its private property. The Historic Commission liked the idea it was shielded with the fence. Mr. Engelhart stated we do not have time to chase porta johns it is complaint driven just like grass, trash or whatever. At

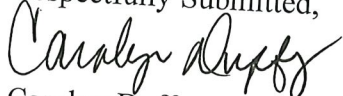
that point Mr. Chandler made a motion to deny due to no restrooms and how it would be managed. Mr. Cascio had a question on the narrow side of the lot he asked about the tables and the benches. He asked about the fence what type of materials. Mr. Hines replied to it would be all pressure treated wood and painted. Mr. Cascio told him he would need a lot of customized fittings and are very costly and he has no support to hold all of that upright. He stated he had too much cantilever going on, on the 4 x 6's to maintain the integrity. Chairman Denny asked did anyone want to second Mr. Chandler's motion to deny.

Chairman Denny called for another motion. Mr. Ron Cascio was still concerned about the bathroom. Mr. Hines stated they had already stated they would have the porta potty on site for their events and they would maintain the property. He stated this is what they have come up with for the property if this does not pass then something else could follow with the property. Mr. Cascio was concerned about the structure and how it would be built. Mr. Engelhart stated he and Mr. Hines had discussed the fence and the pergola. He stated the inspector would want to see certain bolts to support the cantilever they have already had that discussion. Mr. Chandler stated he thought it set a bad precedence as a party lot in a residential area. Mrs. Wells stated the Globe has a bar outside. Mr. Chandler replied would you want this in your back yard. If the emails that were sent do not live in the area, they are not in the proximity of it. Mr. Stoehr stated this is only till 9:00 O'clock at night. Mr. Cascio stated you guys are giving a lot. Mr. Hines stated they have presented what they have, and they the commission had to decide if this is what they want Berlin to have or if they want to see another project there.

Mr. Ron Cascio made the motion to approve if there is no issue with having the porta potty bathroom that is shielded, contingent to Friday, Saturday, and Sunday. Closing space by 9:00PM and no amplified music. Mr. Matt Stoehr seconded the motion. 4/1 vote Mr. Chandler opposed.

Motion to adjourn was made by Newt Chandler. Seconded by Mr. Austin Purnell seconded the motion. Meeting adjourned 7:55PM.

Respectfully Submitted,


Carolyn Duffy



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PLANNING COMMISSION APPLICATION

DATE: 07/26/2021 HEARING DATE: 8/11/2021 CASE NUMBER: 8-11-21-04

APPLICATION FOR: ☐ SUBDIVISION ☐ SITE PLAN REVIEW

PROJECT NAME: The Berlin Commons

LOCATION OF PROPERTY: 21 Jefferson St.

SIZE OF PROPERTY: 0.9 acres ZONING: B1 TOTAL LOTS: 1

PROPERTY OWNER/AGENT Brett and Megan Hines PHONE # (240) 997-2211

ADDRESS 313A Bay St. EMAIL info@thebuzzmeadery.com

SIGNATURE OF APPLICANT 

- Applications must be submitted at least two weeks prior to a regularly scheduled meeting of the Planning Commission.
- Three copies of the proposed subdivision or site plan must be provided with this application.
- Applicable review fees must be paid when application is submitted.

The Berlin Commons – Request for Amplified Music

We would like to request that the Planning Commission amend one qualification of their previous statements from our original hearing.

Originally, it was stated that no amplified music would be allowed at The Berlin Commons.

We have made valid attempts at non-amplified music, but the quality of sound was poor. Even the musicians themselves commented on this and were frustrated. The amount of car traffic driving by drowned out the music.

We request that this statement be amended, to allow for amplified music to be allowed, with the same allowances that the other businesses in the commercial district receive. We will keep the music at a reasonable volume that does not bother our neighbors, and that ends at a reasonable time (such as 8:00-9:00pm).

We want the same opportunity in our commercial district to respect and follow the town's noise ordinance as the surrounding businesses.





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PLANNING COMMISSION APPLICATION

DATE: 7/27/2021 HEARING DATE: 8/18/2021 CASE NUMBER: 8/18/21-05

APPLICATION FOR: ☐ SUBDIVISION ☒ SITE PLAN REVIEW

PROJECT NAME: FORGOTTEN 50 DISTILLING

LOCATION OF PROPERTY: 10103 OLD OCEAN CITY BLVD.

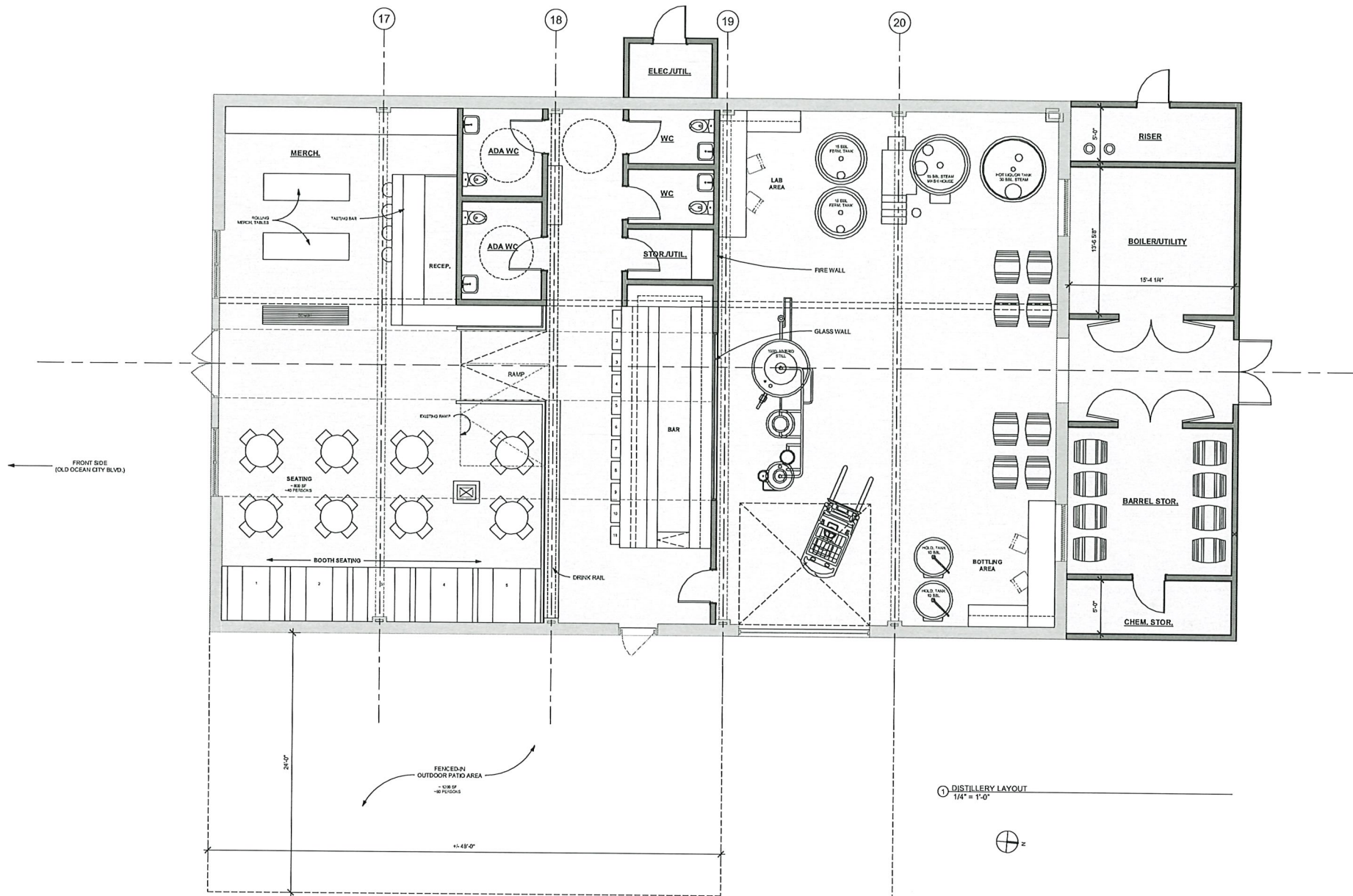
SIZE OF PROPERTY: 0.67 AC ZONING: B-2 TOTAL LOTS: 1

PROPERTY OWNER/AGENT EJF REAL ESTATE, LLC ERIC FIORI PHONE # 443-497-3909

ADDRESS 8808 HUNTING HOUND RD. EMAIL eric@baysidejetdrive.com
BERLIN, MD 21811

SIGNATURE OF APPLICANT [Signature]

- Applications must be submitted at least two weeks prior to a regularly scheduled meeting of the Planning Commission.
- Three copies of the proposed subdivision or site plan must be provided with this application.
- Applicable review fees must be paid when application is submitted.







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PLANNING COMMISSION APPLICATION

DATE: July 30, 2021 HEARING DATE: 8-17-21 CASE NUMBER: 8-18-21-06

APPLICATION FOR: ☐ SUBDIVISION ☒ SITE PLAN REVIEW

PROJECT NAME: MAPLEDALE

LOCATION OF PROPERTY: MAPLE AVE, MAP 0301, parcels 801, 802, 803

SIZE OF PROPERTY: 4.5 acres ZONING: R-3 TOTAL LOTS: 33 townhouses

PROPERTY OWNER/AGENT MAPLE AVE OF BERLIN, LLC PHONE # 410-726-2927

ADDRESS P.O. Box 591 Ocean City, MD 21843 EMAIL kitchcraft@yahoo.com

SIGNATURE OF APPLICANT [Signature]

- Applications must be submitted at least two weeks prior to a regularly scheduled meeting of the Planning Commission.
- Three copies of the proposed subdivision or site plan must be provided with this application.
- Applicable review fees must be paid when application is submitted.

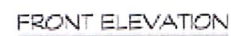


REAR ELEVATION

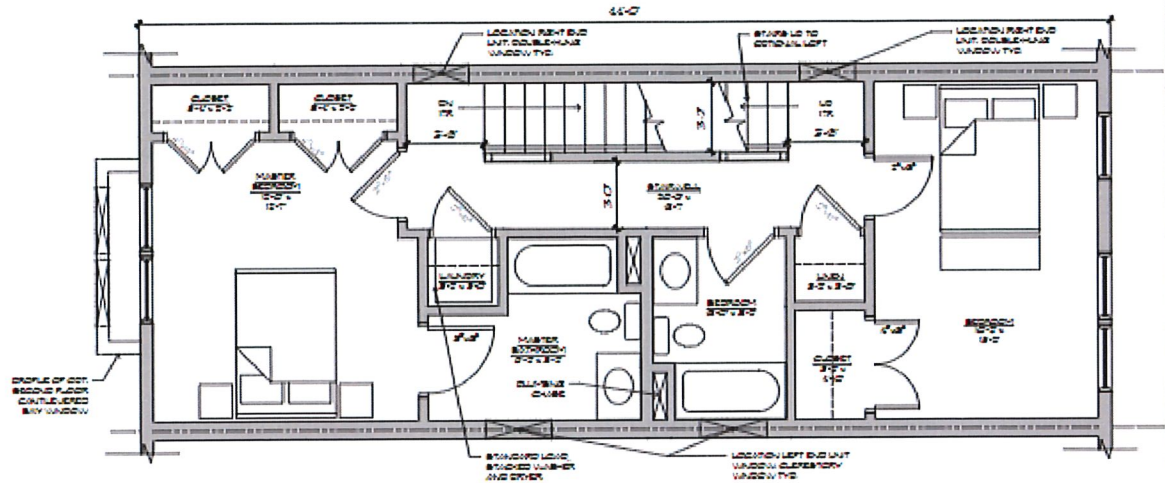


RIGHT ELEVATION

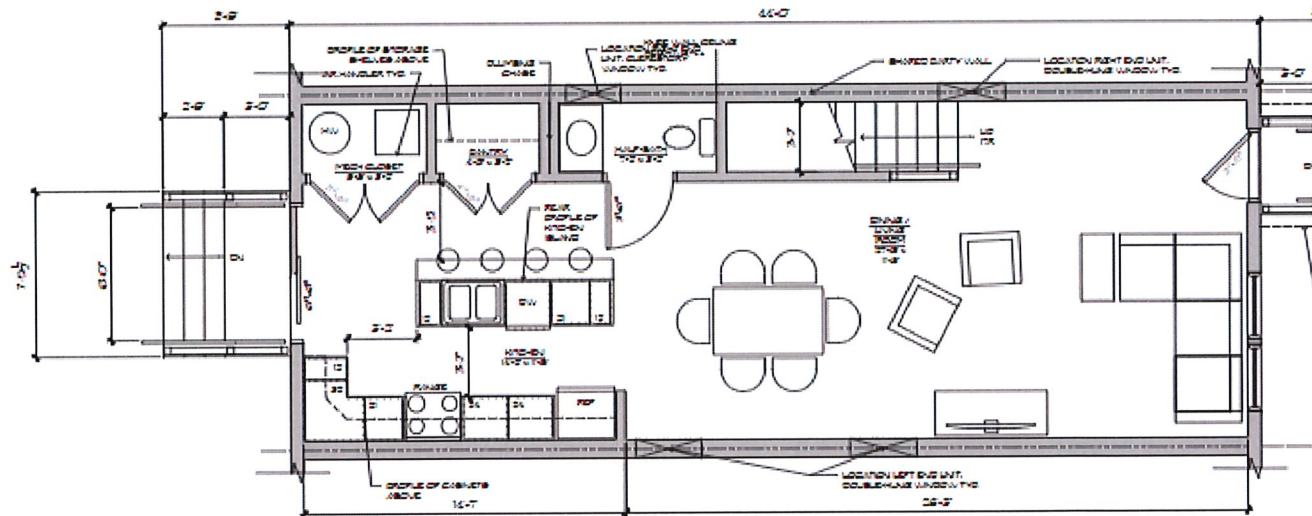
1 ELEVATIONS
1/4" = 1'-0"



ELEVATIONS



1 SECOND FLOOR PLAN - TYPICAL UNIT (704 GROSS S.F.)
28'-0" x 44'-0"



2 GROUND FLOOR PLAN - TYPICAL UNIT (704 GROSS S.F.)
28'-0" x 44'-0"

1 - PARCEL 854
LANDS OF
TOWNS OF WORCESTER COUNTY
4349/389

TAX MAP 301 - PARCEL 800
N/F LANDS OF
RAYMOND L. AND BERNETTE Y. SMITH
FWH 454/606

TAX MAP 301 - PARCEL 799
N/F LANDS OF
HAROLD H. COLLINS & SHEILA GORTMAN
RHO 2336/119

LANDS

THIRD TAX DI

