



Mayor & Council of Berlin

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**Town of Berlin
Planning Commission
September 14th, 2022– 5:30 PM
Berlin Town Hall – Council Chambers**

- 1. Call to Order**
- 2. Agenda Adoption**
- 3. Approval of Minutes: August 10th, 2022**
- 4. Discussion on accessory dwelling units**
- 5. Comments from the Public**
- 6. Comments from the Staff**
- 7. Comments from the Chairman**
- 8. Comments from the Commissioners**
- 9. Adjournment**

Any persons having questions about the above-referenced meeting or any persons needing special accommodations should contact Dave Engelhart at 410-641-4143. Written materials in alternate formats for persons with disabilities are made available upon request. TTY users dial 7-1-1 in the State of Maryland

Town of Berlin
Planning Commission
August 10, 2022

Chairman Chris Denny called the August 10th, 2022, Planning Commission meeting to order at 5:33PM. Members present were Chris Denny, Ron Cascio, Pete Cosby, and Matt Stoehr. Absent members were Newt Chandler, Austin Purnell, and Phyllis Purnell. Staff Members present were Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy.

Chairman Chris Denny called for a motion to adopt the August 10th, 2022, agenda. Mr. Ron Cascio made the motion to approve the August 10th, 2022, agenda. Mr. Matt Stoehr seconded the motion, and it was unanimously accepted by the commission. Chairman Chris Denny called for a motion to approve the minutes from the May 11th, 2022, meeting. Mr. Matt Stoehr made the motion to approve the minutes from the May 11th, 2022, meeting. Mr. Ron Cascio seconded the motion, and it was unanimously accepted by the commission.

Chairman Chris Denny called the next item on the agenda which was for a Text Amendment for the Short-Term Rental Ordinance 2022-06. Chairman Denny asked Planning Director Dave Engelhart to elaborate on the ordinance for the commission. Mr. Dave Engelhart stated when the ordinance was enacted by the Mayor & Council this year in 2022. He read where the locations could be for the short-term rentals. It read R-1, R-2, R3, R-4, B-I, B-2 and B-3 districts subject to the licensing and regulations contained herein. They discovered after it had been voted on and adopted that it had been changed in error. The new item C would read eligible zone are permitted in the Corporate Town Limits of Berlin and in permanent residences within the R-1 residence districts and the R-2 residence districts subject to the licensing and regulations contained herein. So, it separates the single-family home districts the way the Mayor & Council intended in the motion from the other districts they are permitting short term rentals. Next it reads rental units in the R-3 apartment district R-4 and B-1 Town Center district B-2 and B-3 General Business district are permitted subject to the licensing and regulation contained herein.

He stated rental units must comply with the code for the Town of Berlin Chapter 6 and the Zoning Building Regulations. They are correcting what was said that it had to be your primary home on SDAT. Chairman Chris Denny asked when the ordinance was passed. Planning Director Dave Engelhart replied March 23rd it was approved. Chairman Denny replied and it took effect twenty days later in April. Chairman Denny stated the Mayor has not signed it yet. He asked did it make a difference that the Mayor had not signed it. Mr. Engelhart stated the Mayor does not vote. He stated it was signed by the Vice Chairman Dean Burrell. Chairman Denny asked so it is in effect. Mr. Engelhart replied yes, it is but stated he had not issued any licenses yet. Chairman Denny asked were there applications available for it yet. Mr. Engelhart replied he has applications and had received about a dozen so far. Mr. Engelhart stated he was waiting to accomplish this text amendment before he issued any, and he must schedule inspections for fire safety. He stated he would be going along with the inspector. He explained we would be paying them to make sure everything is to code just like building a new house or a remodel of a house. The Fire Marshall would not be inspecting so you must meet the 2018 version of the code for egress and fire protection. This would take a few weeks to do. The first reading is August 22nd, 2022, Mayor & Council meeting, public meeting would be September

12th meeting. So, around the end of September, it would take effect. That would give us time to have the licenses ready for the people that are going to get them. Mr. Matt Stoehr asked if you had a house in the R-1 and R-2 could you rent the whole house. Mr. Engelhart replied yes. Mr. Ron Cascio asked what the typical charge was for an inspection. Mr. Engelhart replied typically \$60.00 dollars. Discussion on the cost of the rental license Mr. Engelhart stated \$350.00 dollars than annually the fee would be \$200.00. The taxes would be collected by Worcester County just like room taxes and then given back to the town. Mr. Ron Cascio asked when he would deal with violations that exist. Mr. Engelhart replied when this text amendment gets passed. Mr. Matt Stoehr asked about a grace period before the inspections. Mr. Engelhart replied without the inspection no one would be given a license. Mr. Pete Cosby asked how the county would know they are an Air B&B. Mr. Engelhart replied its volunteered and once you have the license, they are to keep a record of the stay. Discussion continued about violations and fees that could occur if they didn't comply with the rules and regulations that are set forth for renting without a license.


Mr. Engelhart stated we have applications in now that are from the R-1 and R-2 and the people don't live here. They would have to prove to him that is their primary home. Mr. Ron Cascio made the motion to approve and to send it to the Mayor & Council. Mr. Matt Stoehr seconded the motion, and it was unanimously accepted by the commission. Chairman Chris Denny asked if they had anything else to discuss. Mr. Engelhart stated he wanted to talk about the sports complex had not heard anything lately. He had heard from the County Administrator they had it analyzed and a site assessment done for the property. They are analyzing the best access for the property. They did approve to move along during that August meeting. They will take it to State Highway for them to analyze. They are working on concept plan what going to be out there. They are trying to workout dates for a work session. Mr. Newt Chandler wants to have a discussion on accessory living quarters. The Town Code states that a accessory building is a detached building and solely used for guest of the occupants of the principle use. Such dwelling having no kitchen facilities not rented or used as a separate dwelling. This he believes is to keep every garage from being rented. Discussion continued about what is a kitchen. Mr. Engelhart asked them to think about the topic for the next meeting. Mr. Pete Cosby commented on the parking situation to him he thought this was the biggest issue. He said he had no problem with supplemental living but the parking. Mr. Engelhart commented on the parking on the streets what should there be no parking on the streets the biggest time is when we have events. Mr. Cosby replied he couldn't get his boat out his yard no turning radius. They could paint the sidewalk so people can get out.

Mr. Stoehr questioned the taxes on the county owned properties. Mr. Engelhart replied no we don't get any taxes from that we collect water and sewer. Mr. Cosby stated he was not totally against the project. They would have to have Route 50 access, or they can't do it he said. Mr. Cascio thought the big winner would be Ocean City. Mr. Cosby disagreed he thought it would be Worcester County, Town of Berlin, and Ocean City because it would be a top-notch athletic center that would attract people to come here and fill hotel rooms and give people business. That's what we are here for he said. Mr. Cascio replied they would rise our taxes. Mr. Cosby thought they need to do a study to see if this would work. Mr. Cosby stated you want a reliable assessment, so you pay for it. He didn't think everyone should be so negative about this. He stated it was a great opportunity to provide this amenity to this area. He said and it keeps open

space don't want to see another Oceans East in the field. Mr. Cosby stated to have open space he liked that. Mr. Cascio replied as long as everything else is worked out they both agreed. Mr. Cosby said he was open to the project. Discussion continued

Chairman Denny asked again why the Mayor didn't sign the short-term rental ordinance. Mr. Engelhart replied he couldn't speak for the Mayor. He did say the council declined it to be extended to January 2022. With no other comments Chairman Denny called for a motion to adjourn. Mr. Ron Cascio made the motion to adjourn. Mr. Pete Cosby seconded the motion. Meeting adjourned at 6:17PM.

Respectfully Submitted,


Carolyn Duffy