



PLANNING COMMISSION
Wednesday, January 12, 2022
5:30 PM
[Via Zoom](#)

PLEASE READ FOR IMPORTANT MEETING INFORMATION:

EFFECTIVE 01/10/2022: SPECIAL NOTICE: All Meetings of Boards and Commissions will be held virtually via Zoom. Meetings will also be streamed live on Facebook for viewing only.

Meeting packets will be posted by 5:00 p.m. on the Friday before the meeting.

- Advance questions will be accepted until 12:00 PM/NOON on the day of the meeting. Submit to:
 - Email: dengelhart@berlinmd.gov; please use Meeting Questions as your subject
 - Fax: 410-641-2316
 - Mail: Berlin Town Hall, Attn: Meeting Questions, 10 William St., Berlin, MD 21811. Mail should be posted no later close of business on the Friday before the meeting to help ensure delivery.
 - Drop boxes Town Hall – one is at the rear of the building on the parking lot, and the other is at the corner of Bay and Williams Street on the building.
- Questions and Comments during the meeting:
 - Via Zoom during the meeting at the invitation of the Chair.
 - Questions and comments will not be taken via Facebook.
- You may join the public sessions in one of three ways:
 - Via computer or mobile device with audio.
 - Via computer to watch and phone to hear. Interaction only available via computer/device.
 - Via phone only – listen only.

Via Zoom: <https://us06web.zoom.us/j/89252358436>

Phone: 301-715-8592 (LISTEN ONLY)

Livestream: [Facebook](#) – No questions or comments accepted.

To watch the Meeting on Facebook, please click on the blue Facebook icon at the top of any page on the Town website, www.berlinmd.gov, or type @townofberlinmd in the Facebook search bar.

Your patience and understanding as we work to meet the restrictions on gatherings while still conducting Town business is truly appreciated.

To receive future meeting notifications directly to your email, please sign-up at the bottom of any page on [our website](#).



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
January 12, 2022
5:30 PM**

**Meeting will be held virtually via Zoom & streamed live on Facebook
For viewing only.**

- 1. Call to Order**
- 2. Agenda Adoption**
- 3. Approval of Minutes – December 8, 2021**
- 4. Text Amendment amending Sections, 108-5, 108-163 and 108-518 of the Town of Berlin Code of Ordinances.**
- 5. Rezoning of Tax Map 0025 Parcel 0004 from B-2 shopping to R-4 Residential District**
- 6. Comments from the Commissioners**
- 7. Comments from the Chairman**
- 8. Comments from the Public**
- 9. Comments from Staff**
- 10. Adjournment**

Town of Berlin
Planning Commission
December 8, 2021

Chairman Chris Denny called the December 8th, 2021, Planning Commission Meeting to order at 5:30PM. Members present were Chris Denny, Ron Cascio, Newt Chandler, Pete Cosby, Austin Purnell, Matt Stoehr, Phyllis Purnell. Staff present was Planning Director Dave Engelhart and Town Administrator Jeff Fleetwood.

Chairman Chris Denny called for a motion to adopt the December 8, 2021, agenda. Mr. Ron Cascio made the motion to approve the December 8, 2021, 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 October 13, 2021, meeting. Mr. Pete Cosby made the motion to approve the October 13, 2021, minutes. Mr. Ron Cascio seconded the motion, and it was unanimously accepted by the commission.

Chairman Denny called the first item on the agenda Decks & Docks for Concept Plan Review. Mr. Dave Engelhart asked they introduce themselves. Mr. Brian Basye a Manager with Decks & Docks along with Nicole Smith from their office in Clearwater FL. He stated they were there to talk about the concept review for 513 Franklin Ave. He stated they would like to open a lumber yard and thought that property would work for them. He gave a brief history for the company. They do decks and marinas along the water. He stated they are suppliers they would work with the contractors in this area. Mr. Basye showed pictures of what the yard would look like at 513 Franklin Ave. He stated they have a vintage logo that they would use to blend in. He stated they don't need a lot of office space. They wouldn't have a lot of traffic coming in and out. The site survey he stated they would like to have a fence and to have a right of way where their employees could unload trucks. They would have a gate. Chairman Denny asked how much of the property would be fenced in. Mr. Basye replied they would fence in the whole property. Chairman Denny asked how high would they want the fence. Mr. Basye replied 6 or 8 feet. Planning Director Dave Engelhart replied that 6 feet was the max per the town code. Mr. Ron Cascio asked if this would be just an office or would you have stock there. Ms. Smith replied they would have stock outside. Mr. Basye stated decking, sea wall whatever could be stored outside. He stated the area was a good spot if they ever wanted to expand because of the zoning. Mr. Engelhart stated that the right of way was internal along with the rest of the property that would allow them to get deliveries that they are receiving and making.

Mr. Engelhart stated that Brian and his associate stopped in the office a couple of months ago looking at locations. Some were not suitable because of the zoning. The way the code reads he would have needed the B-3. They will have storage racks. Mr. Basye stated some of the racking could go above the fence about 4 feet. Mr. Engelhart stated he told them to come for concept to get the commission's input. Mr. Engelhart stated no residential is right in that area. He also told them when they come back to the commission, they needed to bring you a landscaping plan. Chairman Denny said they would like to see what it looked like from the outside. Chairman Denny asked if the commission members had questions. Mr. Pete Cosby stated he may have a potential conflict due to the owner being a client of his. He stated he was comfortable with

participating unless someone objected. No one objected to him commenting on the project. Mr. Cosby told them to work on the landscaping to soften it. Mr. Austin Purnell liked it thought it would be good to have a functioning business back there. Chairman Denny thought it looked good. Mr. Basye said that is what he wanted to hear the feedback from the commission on what you wanted to see. Ms. Smith said she had some pictures that she could show if they wanted to see them. Chairman Denny said give them to Dave and they would look at it later.

Chairman Chris Denny called the next item on the agenda for a Text Amendment amending Sections, 108-5 108-163 and 108-518 of the Town of Berlin Code of Ordinances. Mr. Engelhart stated he didn't see Mr. Joel Todd in attendance for the meeting. They then moved on to the next item on the agenda.

The next item on the agenda was for a Text Amendment amending Section 108-403 of the Town of Berlin Code of Ordinances. Mr. Mark Cropper stated the purpose of the amendment is for a zero-lot line for townhouse projects. He stated town house projects are designed three different ways the first is when you have a large parcel of land with connected townhouses on one parcel. The town code allows them to be done in different phases. His client proposes to have townhouses but they are on their own parcel of land. When you acquire title to the town house you acquire the land it sets on. This developer wants to sell the town house and the land the only way to do that is have a provision in the code for the lots to have the same boundary as the townhouses. So, you have the townhouses and the land the project would look the same, but the deed would be different. The deed would show you are acquiring the underlying property. A question arose about Homeowner Association he stated this would not change that. Homeowner Association maintains the stormwater and other areas of the property that are not owned by the individual townhouses. He stated the deed would read different because they would own the underlaying land. Mr. Cropper stated when his client came to him, he spoke with Mr. Engelhart and Dave Gaskill because the code does not mention this. They wanted him to do a text amendment, it is more of a legal difference.

Mr. Cropper stated this is not site specific it could be anywhere in Berlin. Mr. Cropper stated the code was not clear. Mr. Engelhart questioned the maintenance of the yard grass cutting of the properties and the complaints that come along with it in the summer months. Mr. Cropper stated the townhouses would have the same covenants with the same obligations as a single-family home. The association could cut the townhouse owners grass, or they could hire someone to cut their grass. Mr. Engelhart gave handouts to the commission on the minimum lot areas being 5000 with this what Mr. Cropper is proposing it would take it down to 2000. Mr. Engelhart stated we are not project specific, but it could allow higher density where if you had 30 townhomes with the density it could become 50 townhomes on a property. Mr. Cropper didn't think it would change the density. Discussion continued about density. Mr. Cosby asked if you could make the townhouse as big or as small as you wanted. Mr. Engelhart replied it could be 18. Mr. Engelhart explained with the density that's how they determined how they will fit the townhouse and the roads for the project it's a maximum amount. Mr. Cropper asked if the density is calculated. Mr. Malone stated the lot size is calculated by density by the town. He said it's not going to net more units because town code allows you to base it on 5000 sq. feet. He said he would not gain more units. Mr. Cascio asked if the density was controlled by the zoning 5000 sq. feet a piece. Mr. Cropper stated less common space because the owners of the

townhouse will own more of the land. But will look the same. Chairman Denny asked if the streets would be dedicated. They replied yes, they would be dedicated. Chairman Denny asked then what does the association do. Mr. Cropper said they would maintain what is not owned by the property owner and the stormwater management. Mr. Engelhart stated Sunlight Lane is already dedicated to the town. In his time here they have not accepted any roads or streets, that is on the owners to maintain and to get fixed. He said your concern is the roads, but they would be privately owned roads no matter how many town homes they put up. Chairman Denny asked what the advantage was to this. Mr. Cropper stated the owner wants fee simple town homes where the owner owns the ground where they can maintain their townhouse unit. Which now that does not exist. Mr. Cascio asked the townhouses now only own the townhouses not what's beneath the townhouse.

Town Administrator Jeff Fleetwood asked why he wouldn't want this what is to gain. Mr. Cropper explained no difference in having a house you get to dictate what goes on with the lot and you have a covenant. No different than being in a subdivision. Mr. Matt Stoehr said they are trying to figure out what is the difference between the 5000 and the 2000. Mr. Cropper said his intent is that the townhouse owners can acquire the yard with the units. Mr. Engelhart stated typically you have six units at 5000 sq feet but with the 2000 sq feet you could possibly have more units. Mr. Engelhart disagreed he said normally outside of the wall you own the grass or whatever. Unsure how they would word that text amendment he said the town has done this before he came here to determine how many could go on the land. Mr. Cropper stated the code would have to be revised to allow the units to be sold with the yards. Discussion continued

Mr. Cropper said they can stipulate the revision that the 5000 sq feet remains. Mr. Cosby said you and Dave get together with the language. Mr. Cropper said he would ask for a favorable recommendation that the sq footage not change that is set forth in the code. Mr. Ron Cascio made the motion. Mr. Cosby seconded the motion.

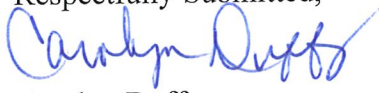
Mr. Engelhart said Mr. Cropper will send it to him and he would forward it to the commission. He stated this would be a recommendation to the Mayor & Council to change the town code. They would schedule a public hearing for the Mayor & Council maybe in January before it becomes part of the code. Chairman Chris Denny asked had anything changed with them being fee simple. Mr. Cropper said anytime someone acquires some land they are getting it fee simple. Mr. Malone stated it's still Insight Homes they are still going to be rented. Chairman Denny asked for comments from the public. Ms. Marie Velong asked Chairman Denny if he should have asked for public comment before voting. She said she was not for the project. Thought the 5000 sq. foot was small enough does not want any more density on any project. She also agreed with Dave on the density. Chairman Denny assured her it would not change with the new language. Mr. Ron Cascio made the motion that they would review the language that Mr. Cropper & Mr. Engelhart put together to present to Mayor & Council for approval. Mr. Pete Cosby seconded the motion.

Mr. Engelhart stated the project on Route 50 would be back on January 12th they had expressed to him. He stated the commission looked at a concept for Mr. Jonny Derrickson that may be coming back. Decks & Docks may be coming back to you in January. The parcel on Evans Road is B-2 may be coming for site plan approval for mini storage. They have to work out

getting under the railroad for water and sewer. Mr. Stoehr asked about the Seven Eleven and the Hotel. Mr. Engelhart stated he had spoken with Mr. Buas waiting on the Hotel may be sometime in February 2022. He is about to get 30% approval for the Hotel probably by year end. Of 2022. Chairman Denny asked about the comments for the townhouse across Route 50. Mr. Engelhart stated a lot of people concerned about Route 50 and safety. He thought the traffic study would play a big part in it. Chairman Denny asked about the application where the people didn't show up for location. He gave him the location of Mr. Burbage's property for the crematorium. He stated Town Administrator Jeff Fleetwood had done research on this to give to the Mayor. Chairman Denny asked about the property located on Franklin Ave, what was going on with that. Mr. Engelhart stated he had not received a court date as of yet from the summer. Mr. Ron Cascio asked about Dunkin Donuts with the traffic that backs up in the road. What are we going to do about that we approved it but it's not working out? Mr. Fleetwood said the issue is when you turn in taper around the parking lot.

Chairman Denny called for a motion to adjourn. Mr. Ron Cascio made the motion to adjourn. Mr. Pete Cosby seconded the motion. Meeting adjourned

Respectfully Submitted,



Carolyn Duffy

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Bishopville, Maryland 21813
443-440-6529
joeltodd@oceancityattorneys.com

August 4, 2021

Mr. Paul Fleetwood,
Town Administrator
Town of Berlin
10 William Street
Berlin, Maryland 21811

AUG 9 '21 PM12:34

Re: Request for a Text Amendment
Section 108-214 (a) and 108-215

Dear Mr. Fleetwood:

I represent W. Kirk Burbage, PA d/b/a Burbage Funeral Home which owns real estate at Tax Map 20, Parcel 131 which is just off Main Street Extended near its intersection with Worcester Highway. This is a 1.669 acre parcel of land which is zoned M-1A. My client would like to construct a crematorium on this property. Since there is no provision for a crematorium in the town code, I am herein requesting, pursuant to Section 108-214 of the Town Code, that the code be changed to provide for the construction and use of a crematorium, on property zoned M-1A, as a conditional use. To that end, I suggest the following text amendments:

Sec. 108-5. – Definitions

Crematorium defined: a building containing furnace(s) for cremating dead human bodies

Sec 108-163. – Conditional uses, variances and special exceptions.

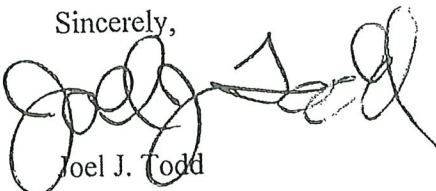
(c) Within any M-1 Light Industrial District, a crematorium as defined in Section 108-5.

(d) the old (c) will then become the new (d)

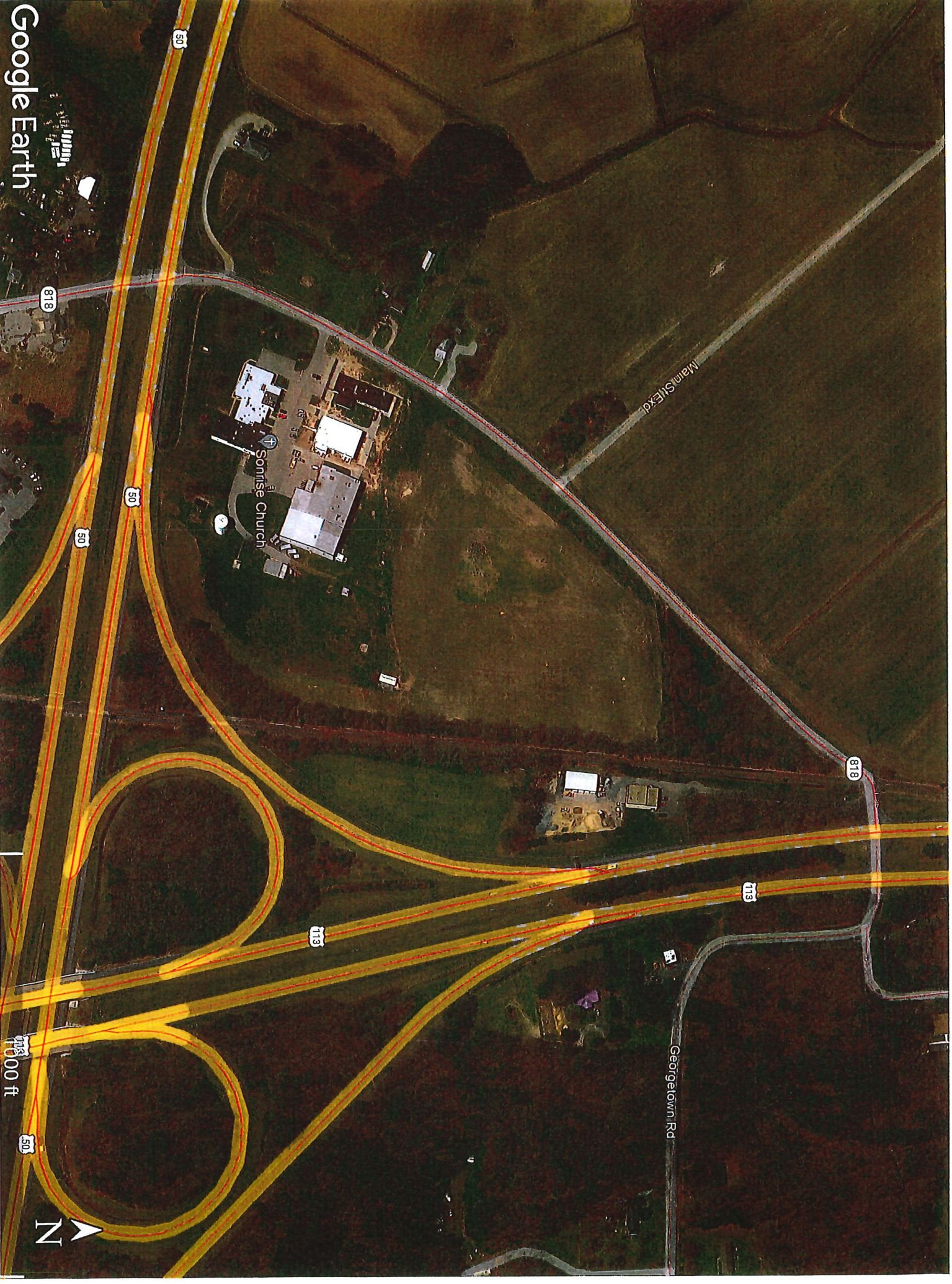
Sec. 108-518. – Conditional uses.

(4) In any M-1 Light Industrial District, a crematorium as defined in Section 108-5.

Please let me know if you have any questions about this suggestion.

Sincerely,

Joel J. Todd

cc: W. Kirk Burbage



1000 ft



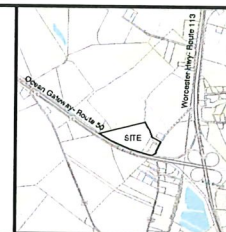
1. AREAS:

TAX MAP 002S, PARCEL 0004	= ±24.16 ACRES
TAX MAP 002S, PARCEL 0461	= ±2.51 ACRES
TAX MAP 002S, PARCEL 0490	= ±2.31 ACRES
<u>TAX MAP 002S, PARCEL 0145</u>	<u>= ±0.70 ACRES</u>
TOTAL AREA	= ±29.68 ACRES

2. EXISTING ZONING: B-2 SHOPPING DISTRICT

3. PROPOSED ZONING: B-2 (4.72 ACRES)

4. PROPOSED USE: 176 TOWNHOMES



PLANS ISSUED FOR Review		
REVISIONS		
No.	Description	Date

Berlin Crossing

Berlin, Maryland
Worcester County

Civil Engineers
and Planners
Landscape Architects
Surveyors

Atlantic Group
& Associates, Inc.

10044 Old Ocean City Boulevard
Berlin, Maryland 21811
Ph: (410) 629-1160
Fax: (410) 629-1710
www.tho-atlanticgrp.com

Conceptual Site Plan

PROJECT No.	DATE
DRAWN BY	SCALE
SHEET	

C-100



19

20

21

24

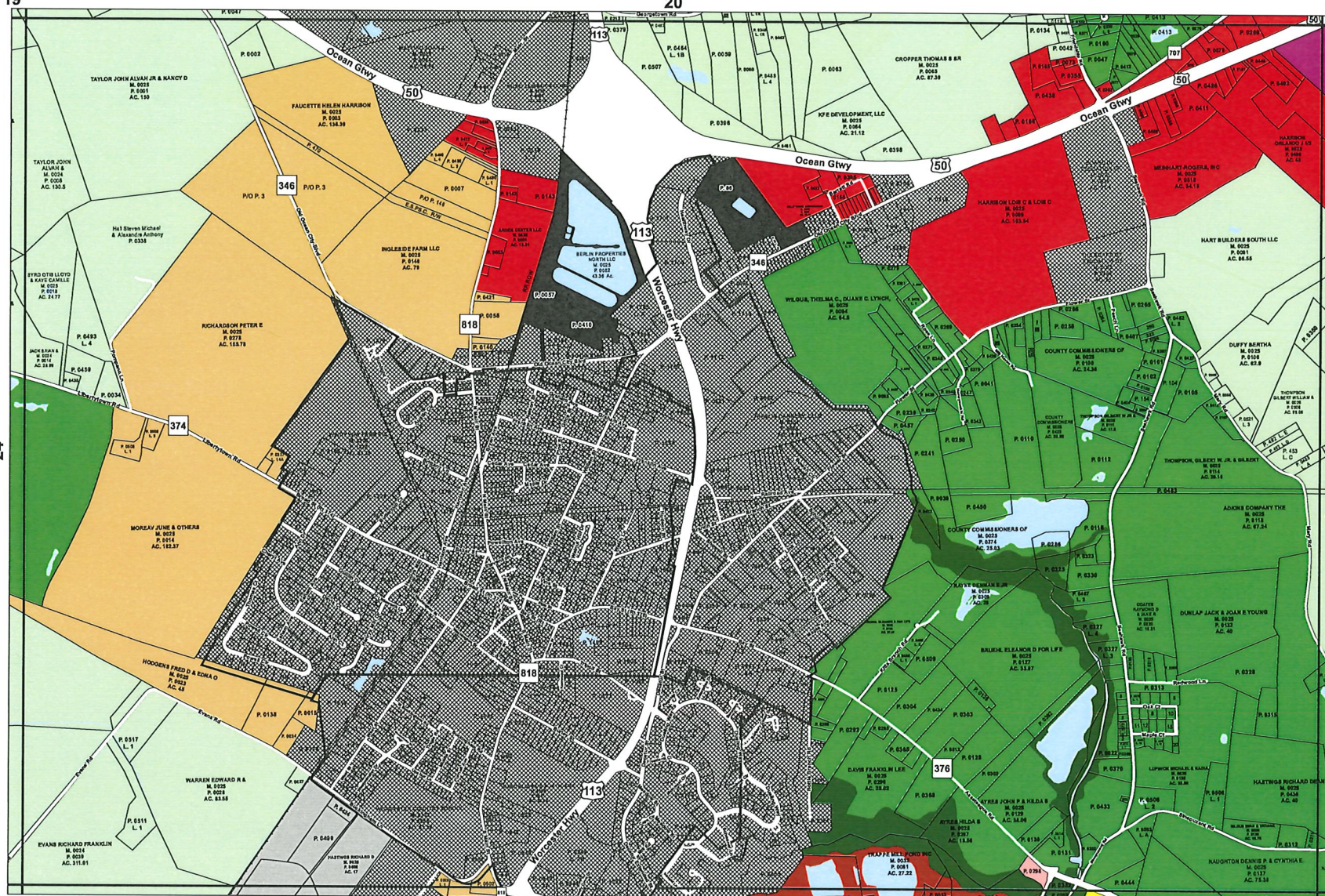
26

31

302

32

33



0 300 600 1,200 Feet

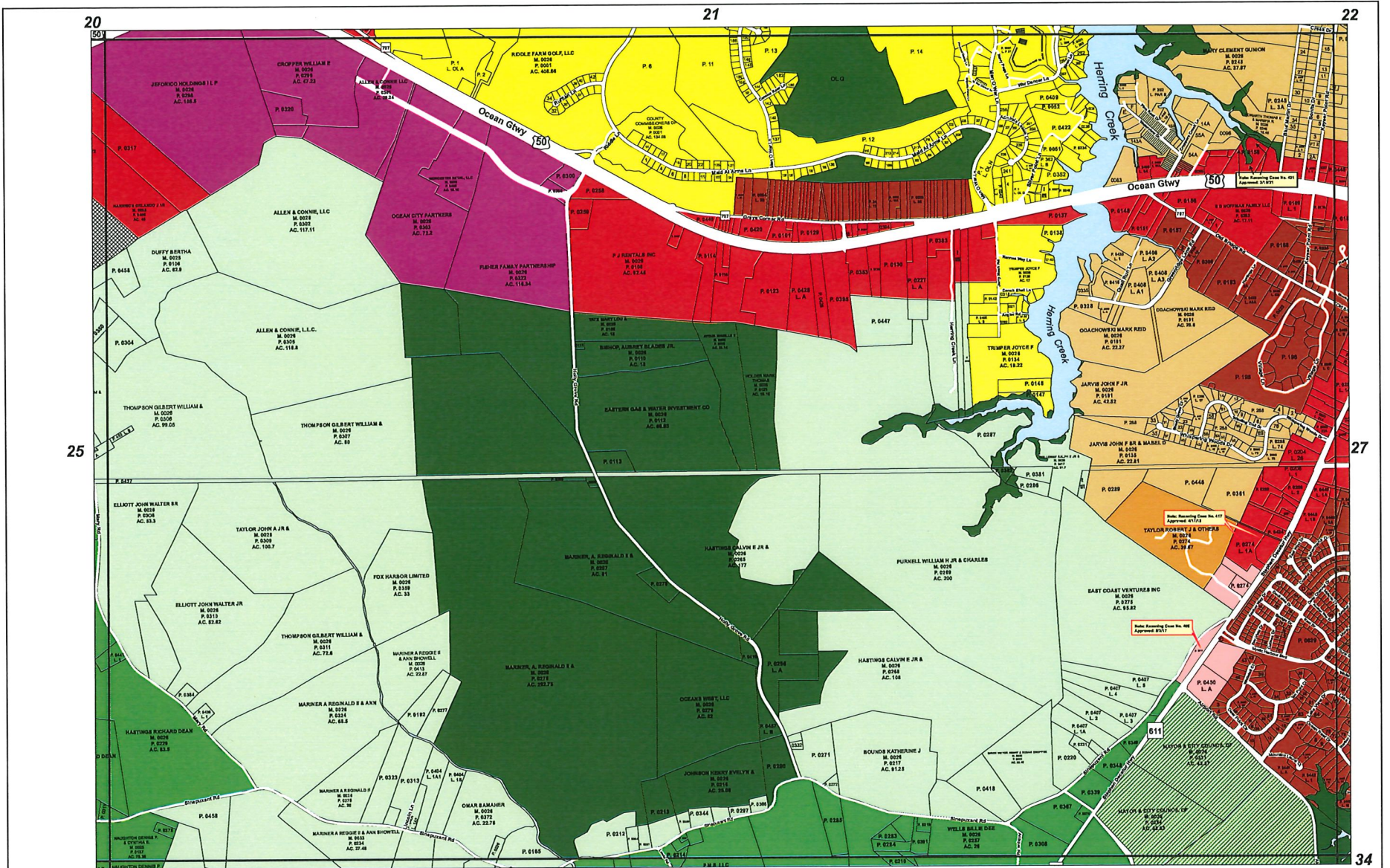
Official Zoning Map

Map prepared by Worcester County Department of Development Review and Permitting, November 3, 2009.
Source: Worcester County Commissioners.

A1	RP	R2	I1	C1	V1
A2	E1	R3	I2	C2	MUN
CA	R1	R4	CM	C3	

Tax Map 25



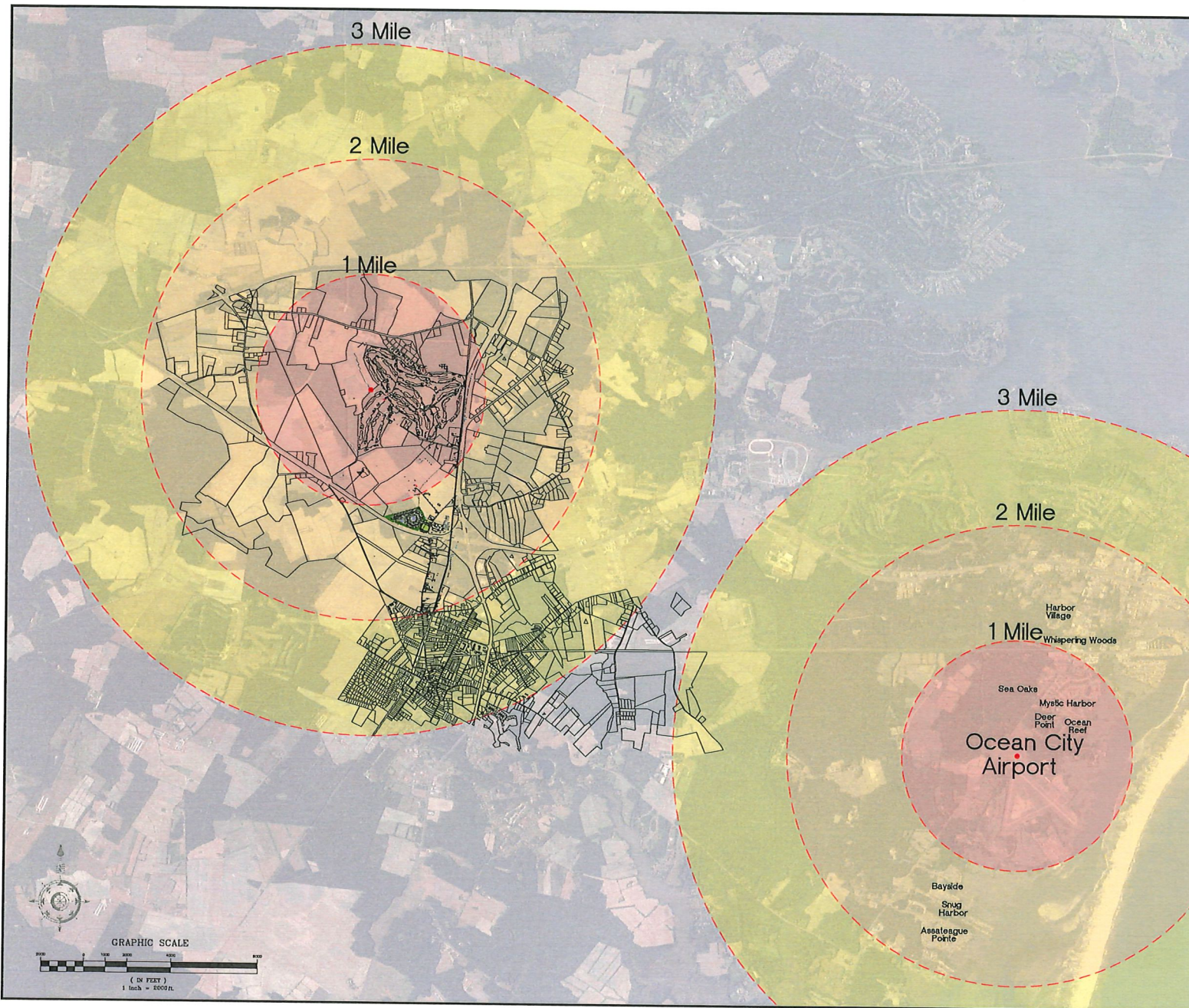


Official Zoning Map

Map prepared by Worcester County Department of Development Review and Permitting, November 3, 2009.
 Sources: Worcester County Commissioners; UPDATED: Resolution No. 17-01, Resolution No. 18-02 and Resolution 21-1.
 NOTE: Resolution 17-01 references Map 26, Parcel 211, Case No. 405, effective 5/20/17.
 Resolution 18-02 references Map 26, Parcel 274, Lots 1A & 1B, Case No. 417, effective 4/17/18.
 Resolution 21-1 references Map 26 Parcel 158, Case No. 431, effective 2/16/21.

A1	RP	R2	I1	C1	V1
A2	E1	R3	I2	C2	MUN
CA	R1	R4	CM	C3	

Tax Map 26



Vicinity Map
Not to Scale

PLANS ISSUED FOR REVIEW		
REVISIONS		
No.	Particulars	Date

Berlin Crossing

Berlin, Maryland
Worcester County

Atlantic Group & Associates, Inc.

Civil Engineers
Land Planners
Surveyors

10044 Old Ocean City Boulevard
Berlin, Maryland 21811
Phone: (410) 658-1710
Fax: (410) 658-1710
www.theatlantigroup.com

Aviation Exhibit

PROJECT NO.	DATE	SYMBOL
DRAWN BY	DATE	SCALE
SHEET		

C-100

BERLIN CROSSING
PROJECTED FINANCIAL BENEFITS

PROJECTED YEARLY REAL ESTATE TAXES TO TOWN OF BERLN:

Estimated total residential & commercial investment $\$75,400,000 \div .100 \times .815 =$ \$614,000

Per 2021 budget real estate revenue projected to be 3,600,000

Project would mean a 17 percent increase in revenue

Projected Enterprise Electric fund revenue	670,000
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Projected Enterprise Water fund revenue	40,000
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Projected Enterprise Wastewater fund revenue	126,000
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PROJECTED TOTAL YEARLY REVENUE	\$1,450,000
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Projected water & sewer EDU fees for Debt reduction	3,200,000
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Projected Impact fees	350,000
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PROJECTED CAPITAL FOR REDUCTION OF DEBT	\$3,550,000
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TOTAL FINANCIAL BENEFIT IN FIRST YEAR	\$5,000,000
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DIVISION 5. R-4 RESIDENCE DISTRICT

Sec. 108-400. Permitted uses.

The following uses shall be permitted and the following regulations and the applicable regulations contained in other articles shall apply in the R-4 Residence District. All principal permitted uses and conditional uses shall require site plan review in accordance with article V of this chapter. Principal permitted uses include:

- (1) Any principal use or structure permitted and as regulated in the R-3 District, except as herein modified.
- (2) Any conditional use permitted and as regulated in the R-3 Districts, except as hereinafter modified.
- (3) Two-family dwellings.
- (4) Townhouse dwellings.
- (5) Multifamily developments.
- (6) As a condition of a subdivision approval, established side yards of less than otherwise required, but in no event less than five feet, provided that it is approved by the planning and zoning commission.

- (7) As a condition of a subdivision approval, an established street right-of-way, less than otherwise required, but in no event less than 30 feet, provided that it is approved by the planning and zoning commission.

(Code 1977, § 107-37(A); Ord. No. 2000-10, 9-25-2000; Ord. No. 2001-9, 10-22-2001; Ord. No. 2005-8, 7-25-2005)

Sec. 108-401. Accessory uses.

The following accessory uses for the R-4 Residence District are permitted:

- (1) Accessory uses and structures permitted and as regulated in the R-3 District, except as hereinafter modified.
- (2) Other accessory uses and structures, not otherwise prohibited, customarily accessory and incidental to any permitted principal or conditional use.

(Code 1977, § 107-37(B); Ord. No. 2000-10, 9-25-2000; Ord. No. 2005-8, 7-25-2005)

Sec. 108-402. Height regulations.

Height regulations shall be as specified in the R-3 District.

(Code 1977, § 107-37(C); Ord. No. 2000-10, 9-25-2000; Ord. No. 2005-8, 7-25-2005)

Sec. 108-403. Lot area, width and yard requirements.

The following minimum requirements shall be observed, subject to the requirements in article IV of this chapter:

Use	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Lot Area per Family (square feet)	Front Yard Depth ¹ (feet)	Side Yard Width		Rear Yard Depth (feet)
					Least Width (feet)	Sum of Widths (feet)	
All dwellings	5,000	50	5,000	25	6	15	35
Public utilities	5,000	50	—	25	6	15	35
Other permitted uses	Same as specified in R-3 District						