



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

Phone 410-641-2770 Fax 410-641-2316

www.berlinmd.gov

Planning Commission

December 8, 2021

5:30 PM

Berlin Town Hall – Council Chambers

Mask Required for all in Attendance

- 1. Call to Order**
- 2. Agenda Adoption**
- 3. Approval of Minutes – October 13, 2021**
- 4. Concept Plan Review- Decks & Docks**
- 5. Public Hearing for a Text Amendment amending Sections, 108-5, 108-163 and 108-518 of The Town of Berlin Code of Ordinances.**
- 6. Public Hearing for a Text Amendment amending Section 108-403 of the Town of Berlin Code of Ordinances.**
- 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
October 13, 2021

Chairman Chris Denny called the Planning Commission Meeting for October 13, 2021, to order at 5:30PM. Members Present were Chris Denny, Ron Cascio, Newt Chandler, Phyllis Purnell, Austin Purnell, Matt Stoehr and Pete Cosby. Staff Present was Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy.

Chairman Chris Denny called for a motion to adopt the agenda. Mr. Newt Chandler made the motion to adopt the October 13th, 2021, agenda. Mr. Ron Cascio seconded the motion, and it was unanimously accepted by the commission. Chairman Chris Denny called for a motion to approve the minutes from the August 18th, 2021, meeting. Mr. Ron Cascio made the motion to approve the minutes from the August 18th, 2021, meeting. Mr. Newt Chandler seconded the motion, and it was unanimously accepted by the commission.

Chairman Chris Denny called the first item on the agenda, Mr. Edward Hammond III of 313 South Main Street requesting subdivision of land for lot 1. Chairman Chris Denny asked Planning Director to give an overview for the board. Mr. Dave Engelhart stated that Mr. Hammond wanted to create a single building lot for a friend of his for a new home. Mr. Hammond stated it was a conforming lot on South Main Street. He said it had the same dimensions as the adjoining lot maybe just a little narrower. Mr. Ron Cascio asked was the lot located in the Historic District and if all the Historic District rules would apply. Mr. Engelhart stated he had a conversation with both people involved and the home must be complementary to the district to make it fit in. He said they know they must go to the Historic District Commission. Mr. Hammond stated it would be a suitable structure. Mr. Pete Cosby asked about the telescope house thought it was an abomination. He wanted to know if there had been any movement in it. He said the historic commission had high expectations on that house. He said the old log cabin part was still there. He said he found it unreasonable that something had not been worked out to let somebody build something they could use. Mr. Cosby stated the property sits there but it is not helping the town. Mr. Engelhart stated the HDC has discussed it but no movement. Mr. Engelhart stated he would reach out to the owner. Mr. Cosby talked about the impact of this said he called for rationality is this house going to set here and a new house being built. Chairman Chris Denny called for a motion. Mr. Newt Chandler made the motion to approve the subdivision of the land for the new lot for a new single-family home. Mr. Ron Cascio seconded the motion, and it was unanimously accepted by the commission.

Chairman Chris Denny called the next item on the agenda for Concept Review & Discussion for the Rezoning of Tax Map 0025 Parcel 0004 from B-2 Shopping to R-4 Residential District. Chairman Denny asked Mr. Engelhart to give a summary of the property to the commission. Mr. Engelhart stated the last time they looked at the property parcels they had rezoned them from the previous M-1A Industrial to B-2 General Business District with the thought there might be commercial development growth out there. He stated the plans have changed from the concept that you received in your packets. They would like to take it to a residential R-4 that allows the most density as multi-unit buildings. These are proposed to be townhouse units with a total of 176 units on the 24 acres. This is a preliminary concept that you see on the drawing you received. Chairman Chris Denny asked if they had been annexed in 1999. Mr. Engelhart replied

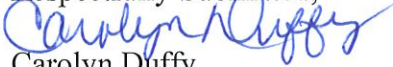
in that era. Chairman Denny stated it was to be a tech park when it first came into town. Mr. Engelhart stated with residential to the west. Mr. Cascio stated it was too wet for residential to the west. Mr. Engelhart stated the homes were to be for the workers that worked in the industrial park so they could walk or bike to work. It was rezoned in February of 2020 to B-2. Mr. Chris Carbaugh stated they had come before the town hoping to rezone the property to B-2 with the thought they were able to get some interest from commercial users. Then Covid hit and they put everything on hold. Since that time there has been substantial interest in residential in Berlin. So, they decided to come back to see if they could incorporate the residential into this project. With having the commercial on the corner B-2 and the fee simple townhouse product on the 25 acres be R-4. Mrs. Phyllis Purnell asked if they would be for renters or for buyers. Mr. Carbaugh replied they are fee simple, so for buyers.

Mr. Pete Cosby asked how many bedrooms. Mr. Carbaugh replied the plan is to have three bedrooms and one car garages. Mr. Ron Cascio asked how far from Route 50 would they be. Mr. Carbaugh replied approximately 350 feet. He stated it had been reviewed by State Highway and was acceptable. Mr. Engelhart asked if there was an HOA associated with this. Mr. Carbaugh replied yes, a property management for the open space association for all the amenities. Mr. Engelhart said HOA is to make sure the maintenance on the units is maintained. Mr. Carbaugh stated they have covenants that cover that. Mr. Cosby asked how hard is this? Mr. Carbaugh replied they wanted to come in get comments looking to get this done and built while the market is out there. Mr. Engelhart stated next month they will be back for a public hearing. Mr. Engelhart stated he will run the ads next week for the rezoning for the meeting. The motion that night would be for a recommendation to the Mayor & Council for the rezoning. The two reasons he stated for a rezoning was if there had been significant change in the area and if there was a mistake in the prior zoning. Mr. Ron Cascio asked Mr. Carbaugh was he saying it was a mistake they came in for last time. Mr. Carbaugh stated what they were finding is they came in with the residential on top of the commercial but that really does not work. Mr. Carbaugh asked how can they utilize a property and there is not a lot of property around in town. Mr. Cascio stated the services is what concerned him. Mr. Engelhart stated it does follow the comp plan along the highway corridors. Mr. Newt Chandler asked how big the units were. Mr. Carbaugh stated about 1800 to 2000 square feet with a garage. Chairman Denny asked would they do a build out all at one time. Mr. Carbaugh replied it could be in two phases. Chairman Denny asked how often someone rezones a property. Mr. Mark Cropper Attorney stated that it does not happen that often. Mr. Engelhart stated Mr. Carbaugh stated to him it would be a quality fee simple product nothing low end. Mr. Engelhart told him he might want to tell the commission what they would be going for as far as the price. Mr. Carbaugh its kind of hard right now to say. He stated they are working on townhouses in Delaware. Mrs. Purnell asked about the cost. Mr. Carbaugh replied somewhere in the low 3's. Mr. Engelhart stated at built out you are looking at EDU's and taxes. Mr. Matt Stoehr asked about the pocketbook for Berlin. Mr. Cropper stated you must pay for the water, sewer, the owner pays for the roads. Mr. Carbaugh stated the town has water out there already and it's not being utilized. Mr. Cascio asked Mr. Engelhart how many EDU's does the town have? He stated they have a lot reserved because they are not being used. Mr. Engelhart explained when we get to 80% capacity they must redesign. He stated he does not see this as a problem with EDU's. Mr. Engelhart stated the town makes it so nothing is dedicated to the town, don't have to repave the roads, electric is different with minimum problems underground. No maintenance

moving forward. Berlin has no problem with new development but the older properties we had to put in new lines because of the sprinkler systems. Mr. Engelhart thought it made an impact on the town but not in a negative way. Mr. Stoehr stated he had been on the board for two years and trying to get more development. Mr. Stoehr asked if a red light would be at the intersection. Mr. Engelhart said he didn't think a light was coming. Chairman Denny thought it would not be a part of the town. Mr. Carbaugh thought there was a need for this. Mr. Cropper asked if this is to get developed what do you want there. Mr. Cropper stated he represents the commercial big box c-3 you have not seen them build out. They expanded Riddle Farms only 13 EDU's been sold. He asked do you want the tax revenue. Mr. Cascio asked does Berlin want to grow in this form. Mr. Newt Chandler it's a lot of density and will open the flood gates. He said hard to stop growth but there is a need for housing. Mr. Pete Cosby asked how do we hold on to the green belt. Mr. Cosby stated Berlin was a special place and if we wanted to save its identity we would have to stop merging or you're merged right into Ocean City. He stated he didn't like the density, make it less. He asked would they have a pool house, walking parks and concerned about the entrance. He stated you may need a traffic study. Mr. Carbaugh said the entrance would be three lanes. Mr. Newt Chandler asked could he do R-3. Mr. Engelhart stated they would have to go to Board of Zoning Appeals and asked for a special exception for mufti- family for townhouses. Mr. Engelhart stated in the R-4 they don't have to ask Board of Zoning Appeals. Mr. Carbaugh stated this is the best place to bring residential to Berlin. Mr. Cosby stated people are wanting to buy they are fee simple. Mr. Cropper said for him the road systems are in place you have Route 50, 818 and 113. Discussion on the R-3 Mr. Carbaugh stated the R-3 would not work with the cost.

Mr. Cropper stated you can't agree to change the zoning and then limit the use on it. You can put conditions on it for example like you have to build a road and sewer. Mr. Engelhart stated if it's a permitted use in the district it's a permitted use. Mr. Carbaugh stated however we can utilize the land for a good project is what we want to do. Mr. Engelhart stated for the R-3 that is an avenue but would not recommend taking that route. Mr. Cropper asked for a consensus of the R-4 would it be favorably concerned. Chairman Chris Denny said he would be interested in what the town had to say about it. He thought it jumped the boundary of the town limit. Mr. Chandler stated when you think about growth think of Pete Richardson's farm. Mr. Cropper asked if the next meeting would be a public meeting or hearing. Mr. Engelhart stated a public hearing. Then he would have to do it again. Mr. Engelhart told the commission that they have an RFP for Heron Park it would have to be rezoned. When they brought it into town they rezoned it as R-1 because that is where parks are allowed. The RFP the Mayor is talking about a committee. He suggested that the Planning Commission be a part of it. The mayor suggested two members of the commission be on the committee. Chairman Denny said he would do it. Mr. Cascio said he would do it. Mr. Engelhart told them they had a meeting with GMB for the homes on Tripoli. They had come to you previously with David Dombert. Mr. Engelhart said he just wanted them to know. Chairman Denny called for a motion to adjourn. Mr. Newt Chandler made the motion to adjourn. Mr. Pete Cosby seconded the motion. Meeting adjourned at 7:05PM

Respectfully Submitted,


Carolyn Duffy



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811
Phone 410-641-2770 Fax 410-641-2316
www.berlinmd.gov



PLANNING COMMISSION APPLICATION

DATE: 11/15/2021 HEARING DATE: 12/8/2021 CASE NUMBER: _____

APPLICATION FOR: ☐ SUBDIVISION ☐ SITE PLAN REVIEW

PROJECT NAME: Decks & Docks Lumber Company, Inc

LOCATION OF PROPERTY: 513 Franklin Ave Parcel 685&686

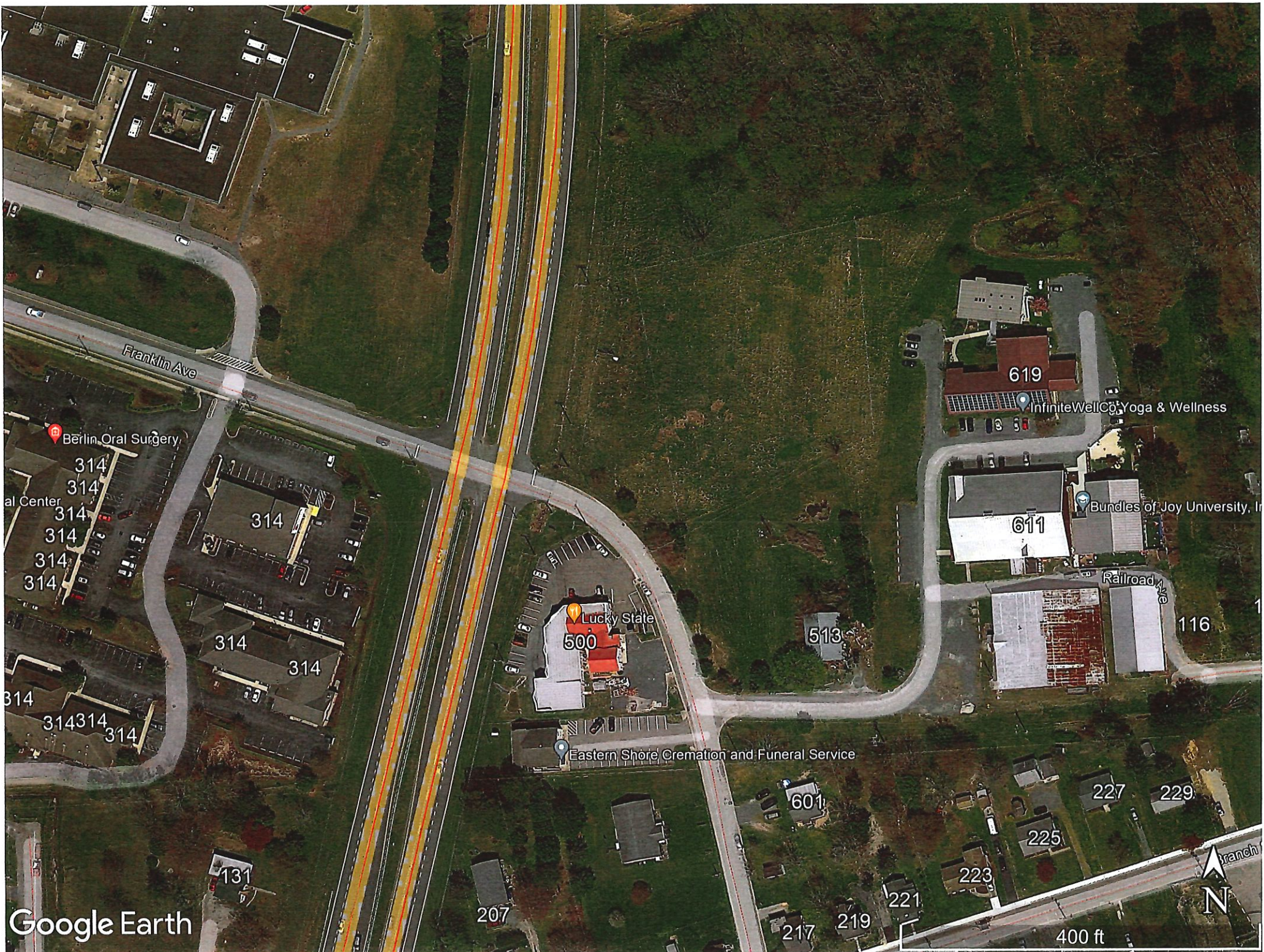
SIZE OF PROPERTY: 1.082 Acres ZONING: Lt Industrial TOTAL LOTS: 1

PROPERTY OWNER/AGENT Brian Basye PHONE # (910) 232-2386

ADDRESS 1280 Court St, Clearwater FL 33756 EMAIL bbasye@decks-docks.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.



Google Earth

513 Franklin Ave
Berlin, MD 21811

Decks & Docks Lumber Company, Inc

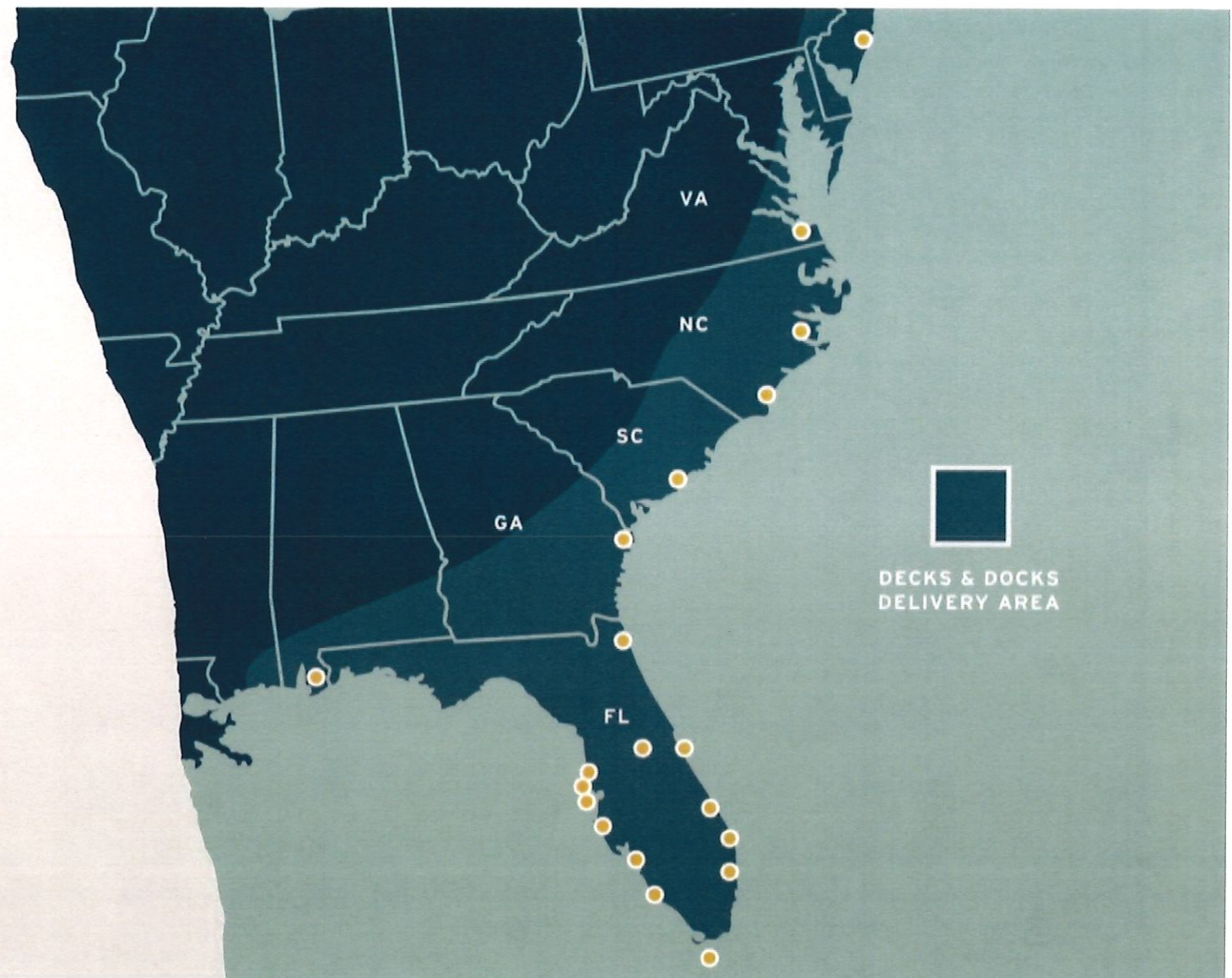




OUR STORY

- *Opened in 1991 in St. Petersburg, FL*
- *Current Ownership purchased in 2005 with one location.*
- *Expanded to 20 locations in the past 15 years.*
- *Now currently located 7 states across the Eastern Seaboard.*

HOW WE'VE GROWN



WHAT WE DO

- A leading supplier in the Marine Construction & Decking Industry
- Supplying contractors and homeowners with building materials to enhance their outdoor space.
- We're experts in our industry so we can help to create the deck or dock you've always envisioned, with top of the line customer service and quick delivery right to your jobsite.



DECKS



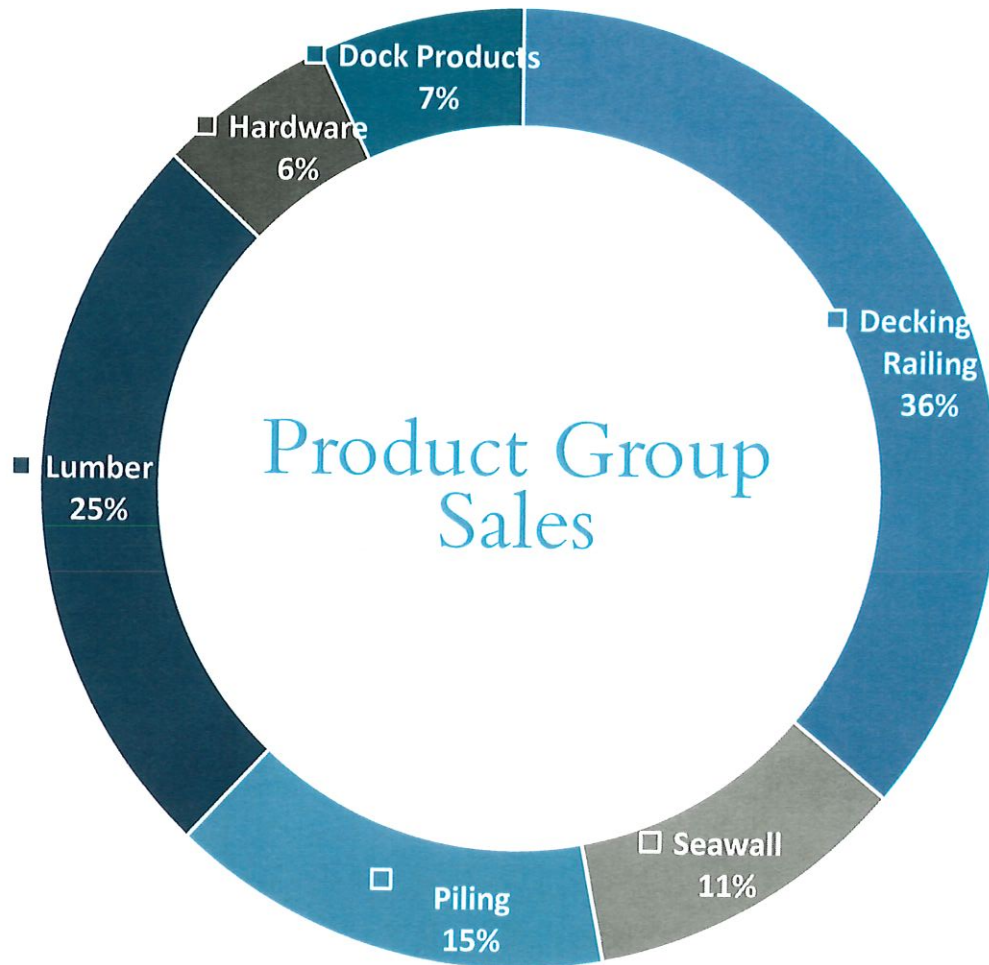
DOCKS



DOCK & MARINA
PRODUCTS



LIGHTING & RAILING



1 *Decking & Railing*

2 *Seawall*

3 *Piling*

4 *Lumber*

5 *Hardware*

6 *Dock Products*



OUR PROJECTS



OUR PROJECTS



OUR PROJECTS



OUR PROJECTS



OUR LOCATIONS

OUR LOCATIONS



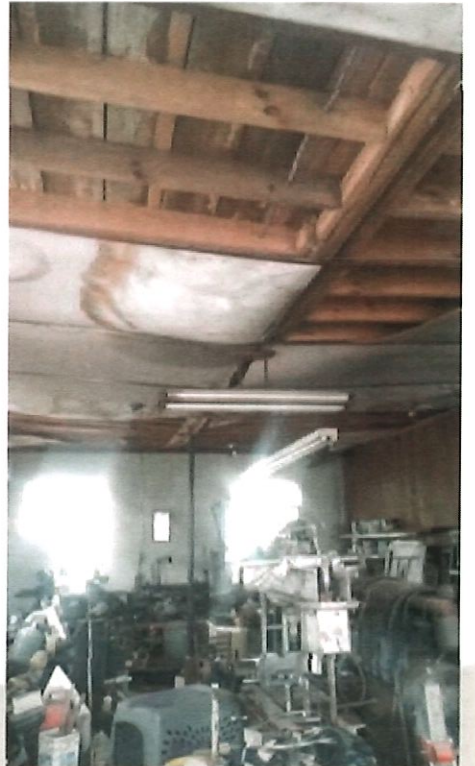
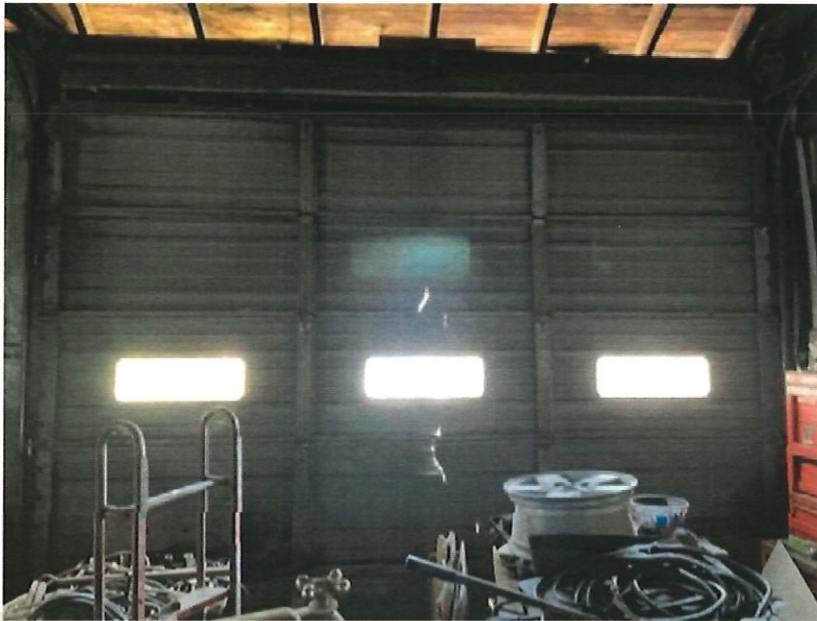
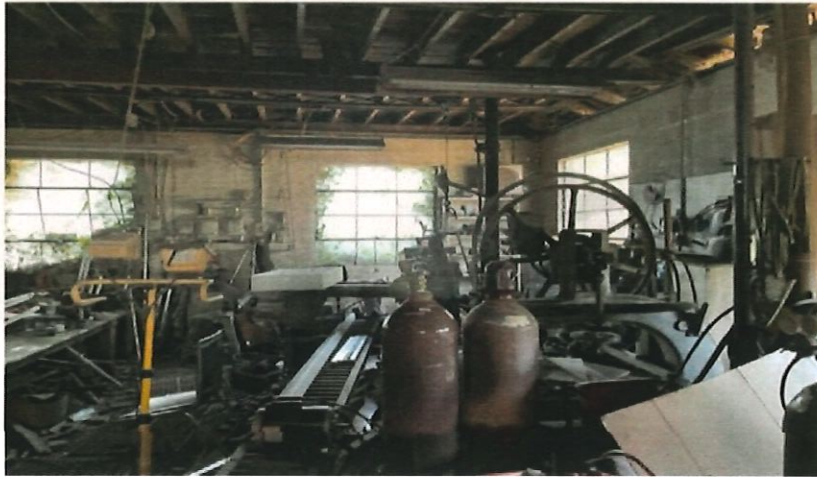
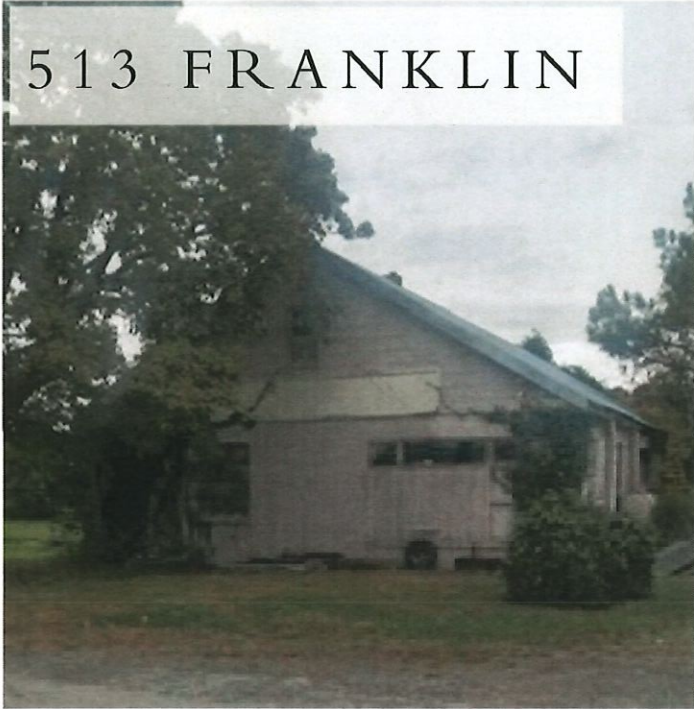
OUR LOCATIONS





OUR LOCATIONS

513 FRANKLIN



DECKS & DOCKS - BERLIN



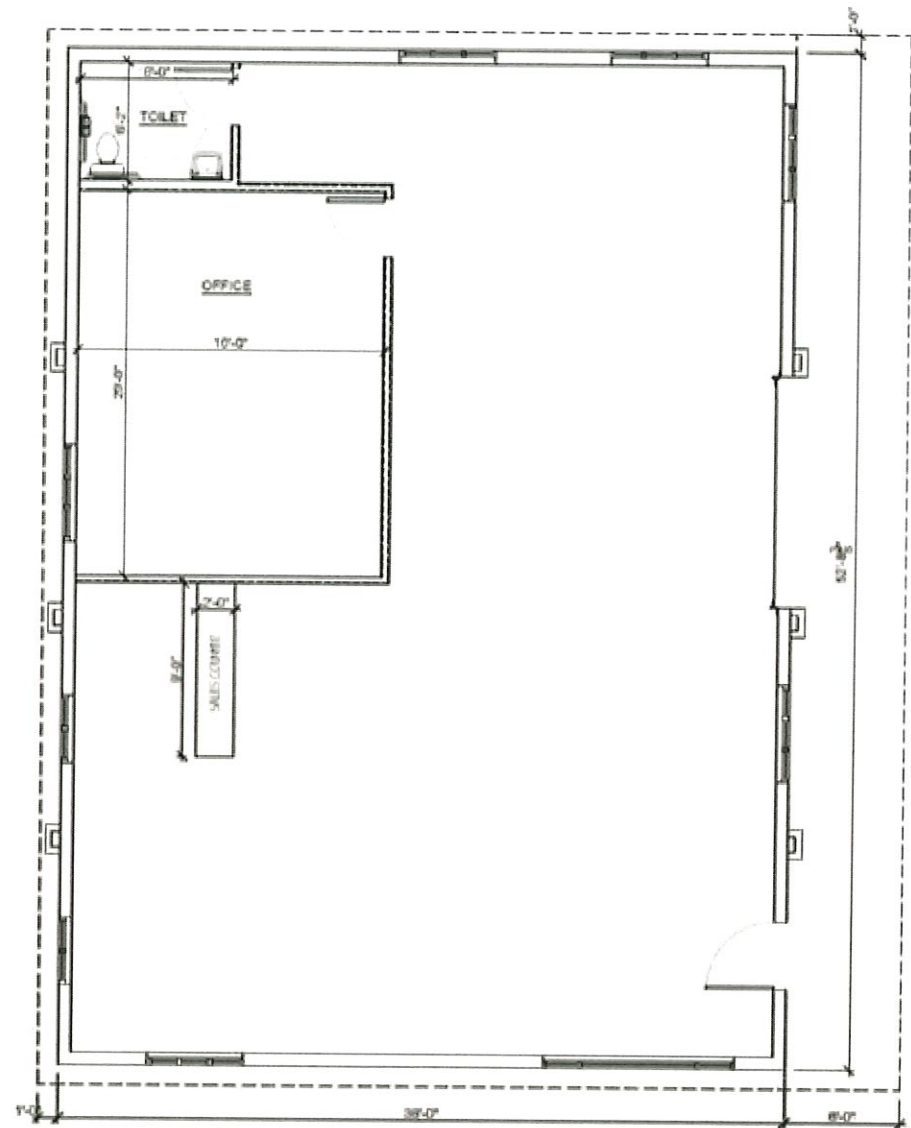
DECKS & DOCKS - BERLIN

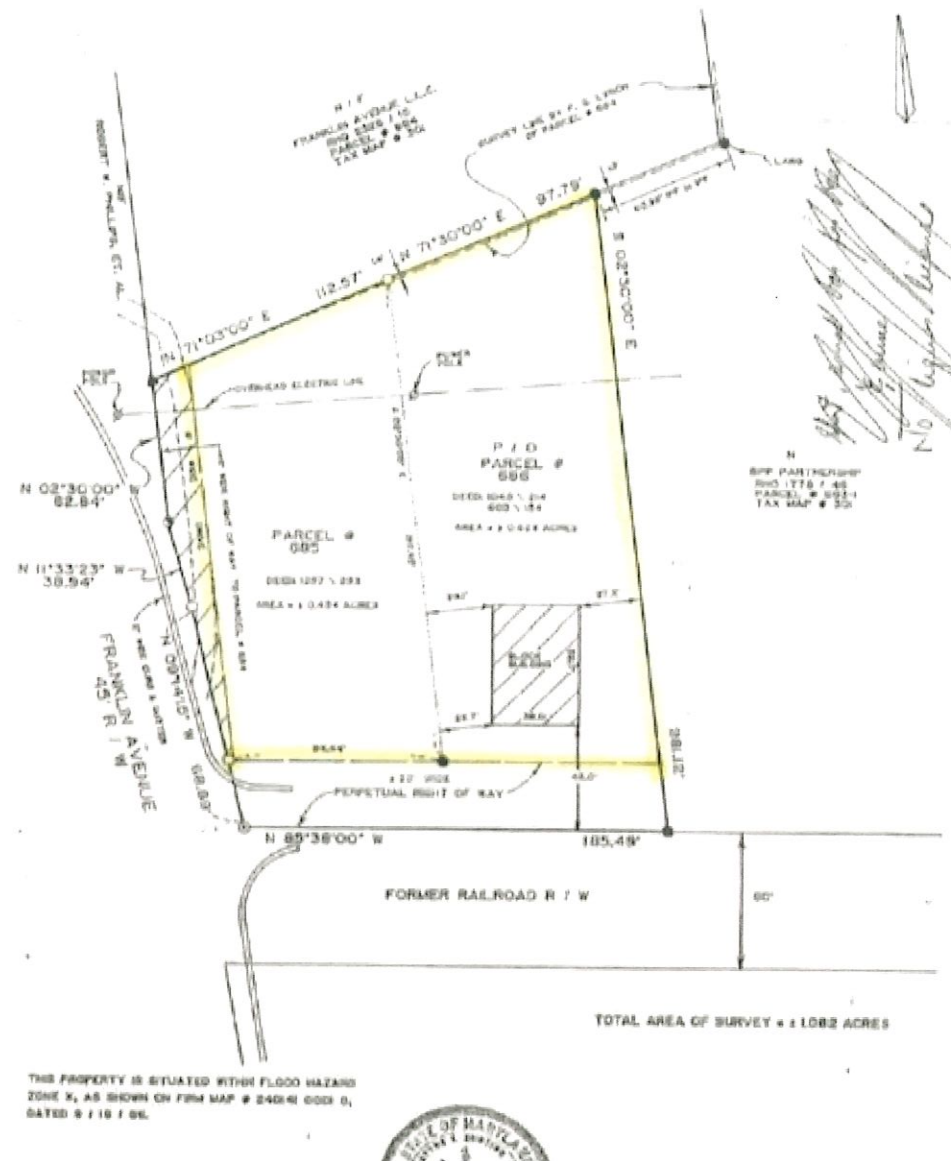




DECKS & DOCKS - BERLIN

INDOOR LAYOUT





LIFE IN BERLIN

- *New Job Opportunities*
- *Property Enhancements*
- *Community Enhancements*
 - *A Growing Business*

*We can't wait to Live, Work &
Play in Berlin*



Joel J. Todd Attorney at Law LLC

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August 4, 2021

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

AUG 9 '21 PM 12:34

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.

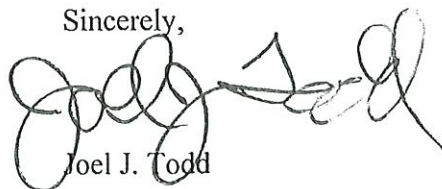
(d) the old (c) will then become the new (d)

Sec. 108-518. – Conditional uses.

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

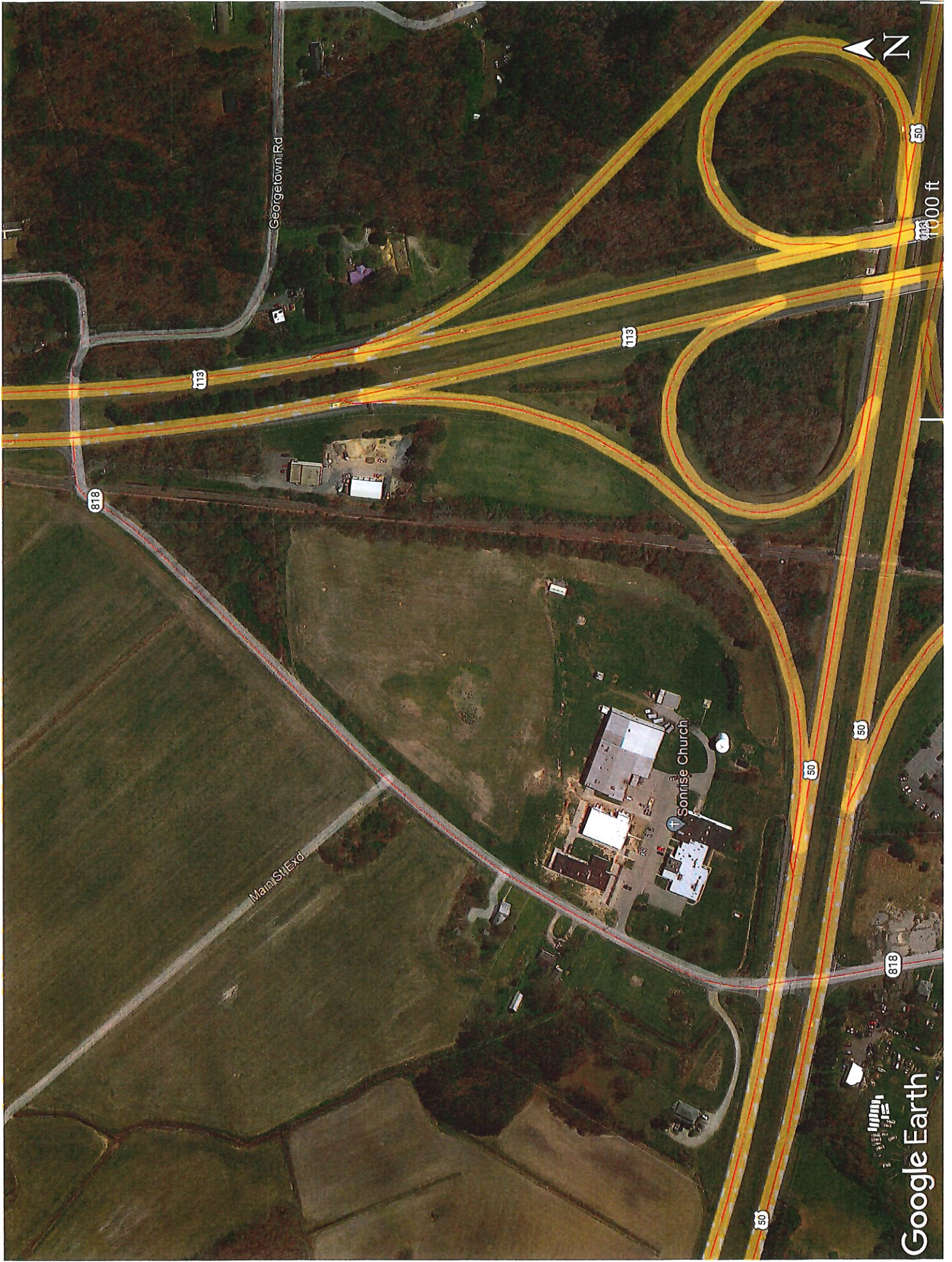
Please let me know if you have any questions about this suggestion.

Sincerely,



Joel J. Todd

cc: W. Kirk Burbage



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GUY R. AYRES, III (1945-2019)
M. DEAN JENKINS
JAMES W. ALMAND
WILLIAM E. ESHAM, III
MARK SPENCER CROPPER
BRUCE F. BRIGHT
HEATHER E. STANSBURY
MAUREEN F. L. HOWARTH
RYAN D. BODLEY
VICTORIA O'NEILL
SPENCER AYRES CROPPER

EMAIL ADDRESS:
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October 27, 2021

OF COUNSEL
HAROLD B. GORDY, JR.

David Engelhart
Planning Director
Town of Berlin
10 William Street
Berlin, MD 21811

RE: Fee Simple Townhouse Dwellings with Zero Setbacks Along Party Wall/
Text Amendment

Dear Mr. Engelhart:

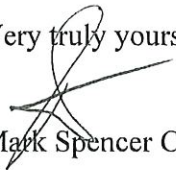
I represent Jason Malone, who is purchasing certain undeveloped property near the existing Purnell Crossing project. My client wishes to construct fee simple townhouse dwellings with no side yard setback along the party wall of two adjoining units. After recent discussions with you and David Gaskill, the attorney for the Town of Berlin, I have been advised to pursue a text amendment to facilitate my client's desires since the project he proposes to build is not specifically identified in the existing Berlin zoning code.

Accordingly, I hereby propose to amend Section 108-403 of the Berlin code to allow fee simple townhouse dwellings with the following lot and area requirements:

1. Minimum lot size – 2,000 square feet;
2. Minimum lot width – 18 feet;
3. Front yard setback – 20 feet;
4. Rear yard setback – 25 feet; and
5. Side yard setback – 0 feet along party wall and 8 feet on the end units.

Please schedule this matter for consideration by the Berlin Planning Commission at your earliest opportunity. My client is anxious to proceed with this project. I look forward to hearing from you.

Very truly yours,


Mark Spencer Cropper

cc: Jason Malone
Steve Engel