



Mayor & Council of Berlin

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**Town of Berlin
Planning Commission
November 16th, 2022– 5:30 PM
Berlin Town Hall – Council Chambers**

- 1. Call to Order**
- 2. Agenda Adoption**
- 3. Approval of Minutes: September 14th, 2022**
- 4. Site Plan Revision for Oceans East Apartment Complex Phase II**
- 5. Public Hearing to consider a Text Amendment to allow Grain Silos as a Conditional Use in the B-2 Shopping District**
- 6. Discussion item for development plan for 9933 Old Ocean City Blvd**
- 7. Comments from the Public**
- 8. Comments from the Staff**
- 9. Comments from the Chairman**
- 10. Comments from the Commissioners**
- 11. 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 Meeting
9/14/2022

Chairman Chris Denny called the September 14th, 2022, Planning Commission Meeting to order at 5:31PM. Members present were Chris Denny, Newt Chandler, Austin Purnell, Matt Stoehr and Ron Cascio. Members absent were Pete Cosby & Phyllis Purnell. Staff Present were Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy.

Chairman Chris Denny called for a motion to adopt the September 14th, 2022, agenda. Mr. Ron Cascio made the motion to adopt the agenda. Mr. Newt Chandler seconded the motion. Chairman Chris Denny called for a motion to approve the minutes from the August 10th, 2022, meeting. Mr. Austin Purnell made the motion to approve the August 10th, 2022, minutes. Mr. Ron Cascio seconded the motion, and it was unanimously approved by the commission.

Chairman Chris Denny stated item #4 was a discussion on accessory dwelling units. Chairman Denny asked Planning Director Dave Engelhart to elaborate on the topic. Mr. Engelhart stated several members had asked to have a discussion on this. Mr. Engelhart stated per the town code an accessory building use solely as a temporary dwelling of guests of the occupants of an existing principal use. Such dwelling having no kitchen facilities not rented or otherwise used as a separate dwelling unit. The idea long ago in 1977 was they didn't want illegal units and the parking issue to get worse. These garages and sheds are considered your accessory structures a deck that is not attached to the house. Mr. Engelhart stated there are a few around town he knows of which you could say are non-conforming and some that pre-date. The landlords are on site and use the money to help pay the mortgage. Trying to think about how to catch up with the 21st century. Mr. Ron Cascio wanted to talk about this so Mr. Engelhart spoke with the chairman, and he said let's talk about it. He stated he had a brief conversation with Mr. Newt Chandler about it. Mr. Engelhart wanted to know their thoughts did they need to amend the town code or come up with a solution for it or leave it as is.

Mr. Matt Stoehr asked was it a pre-existing, so you don't have to do this. Mr. Engelhart stated there are multifamily units in town they are in single family districts. He explained in the 40's and 50's there were multifamily and must look at the utility records for that. He stated he does not like the use of the word grandfathered in because it means different things to people. He stated does the record show two meters or two accounts on the house dating back for water and sewer. Sometimes there are but would consider this a nonconforming use that was in effect when the code took effect. He stated he would consider it a nonconforming use as long as it does not cease it could continue. Mr. Matt Stoehr asked what determines a kitchen facility. Mr. Engelhart stated a stove. Mr. Cascio replied a stove. Mr. Engelhart stated we can't tell you how many refrigerators you can have in your house. Mr. Engelhart stated there are so many appliances that you can have and could cook anything a stove could cook. Mr. Stoehr commented on Montgomery County codes that are place. Mr. Newt Chandler stated he likes it like it is just needs to be enforced. He said so many people are moving down here. The people that move down here want to turn the accessory units into apartment. He said not sure if the realtors inform the new people that it is not allowed. He said the people that come here are used to being packed in. The people living here they would have more children, noise around more

cars and traffic. Mr. Austin Purnell liked the idea of the accessory unit, and he said a lot of opportunity to help people pay bills but would need to monitor. He replied if you limited the size and would need off street parking no blocking the streets. They would need to comply by the laws. He stated lots of people rent out their main house and they are not here. Mr. Chandler not an accessory building. Mr. Engelhart stated one parcel per dwelling unit. Mr. Purnell stated there is so many benefits to it. Could be helping a mom or dad helping pay the mortgage. He said with sensible regulation and policing. Mr. Engelhart asked how you would handle the parking on and off-street parking. He replied it would have to be off street parking. Mr. Stoehr stated you would have to have parking spaces for them to encourage them to use it. Lewes Delaware uses parking passes. Mr. Purnell stated where he lives, he would have parking because you can't park on the street. Mr. Engelhart told the commission each parcel needs to have two parking spaces on Washington Street for example they have street parking. If you build an accessory building it explains it in the code about the parking. If you have company at your house, where do you put the cars, they park on the street. Mr. Chandler stated what this would encourage is the parking in the front yard and ruin the neighborhood. Mr. Cascio stated if they don't have parking, you can't do this. Mr. Stoehr asked how you would do that get the no parking. Mr. Engelhart stated it's a recommendation to Mayor & Council from the Police Department for the no parking.

Mr. Cascio stated there is a house with a main house and it has two structures, and they park in the yard never on the street two apartments. Mr. Cascio stated he would be for it if either one of the structures were occupied by the owner usually the primary. This would be determined by where you vote. Mr. Engelhart replied you can't stipulate because they may not vote. Mr. Cascio stated the neighbors would call. Over the years these have changed renters are all in one place he stated discrimination. Mr. Chandler stated people are fleeing from where they live for that same exact reason you are talking about. They are tired of being jammed up, taxes high never seen so many out of state tags they looking to flee from that. People are wanting to come here for peaceful living no accessory living. Mr. Chandler stated this does not fit our town at all for what you're advocating. Mr. Cascio asked Mr. Chandler you rent the house next to you. He replied yes, it's a single-family home on its own parcel. Mr. Cascio asked had he ever had complaints. Mr. Chandler told Mr. Cascio that is not the same thing as an accessory dwelling. Mr. Chandler explained he has had problems on the street where there were too many people at a residence. He said if you don't start it, it won't be happening. Mr. Cascio stated it already is happening. There is some that rent by the week or the weekend. Mr. Purnell stated this is a great way for in fill for workforce housing. Discussion continued about sprinkler systems and Edu's.

Mr. Engelhart explained how the process gets started they ask to build a accessory building a pole building then can they put in a bathroom. Mr. Chandler asked how many single-family homes are in town. He told Mr. Cascio he turned down townhouses because of density and you want to put all these people in town. Chairman Chris Denny asked Dave to check into Montgomery County to see what they do.

Mrs. Marie Velong thought the accessory building could be used as in-law suites to have elderly family a place to stay. She said you may need to have two different categories. She asked about building on to her house. Mr. Chandler told her you could built on to your house and we have nothing to say about it. He explained if you put a door on the addition they can come and go as

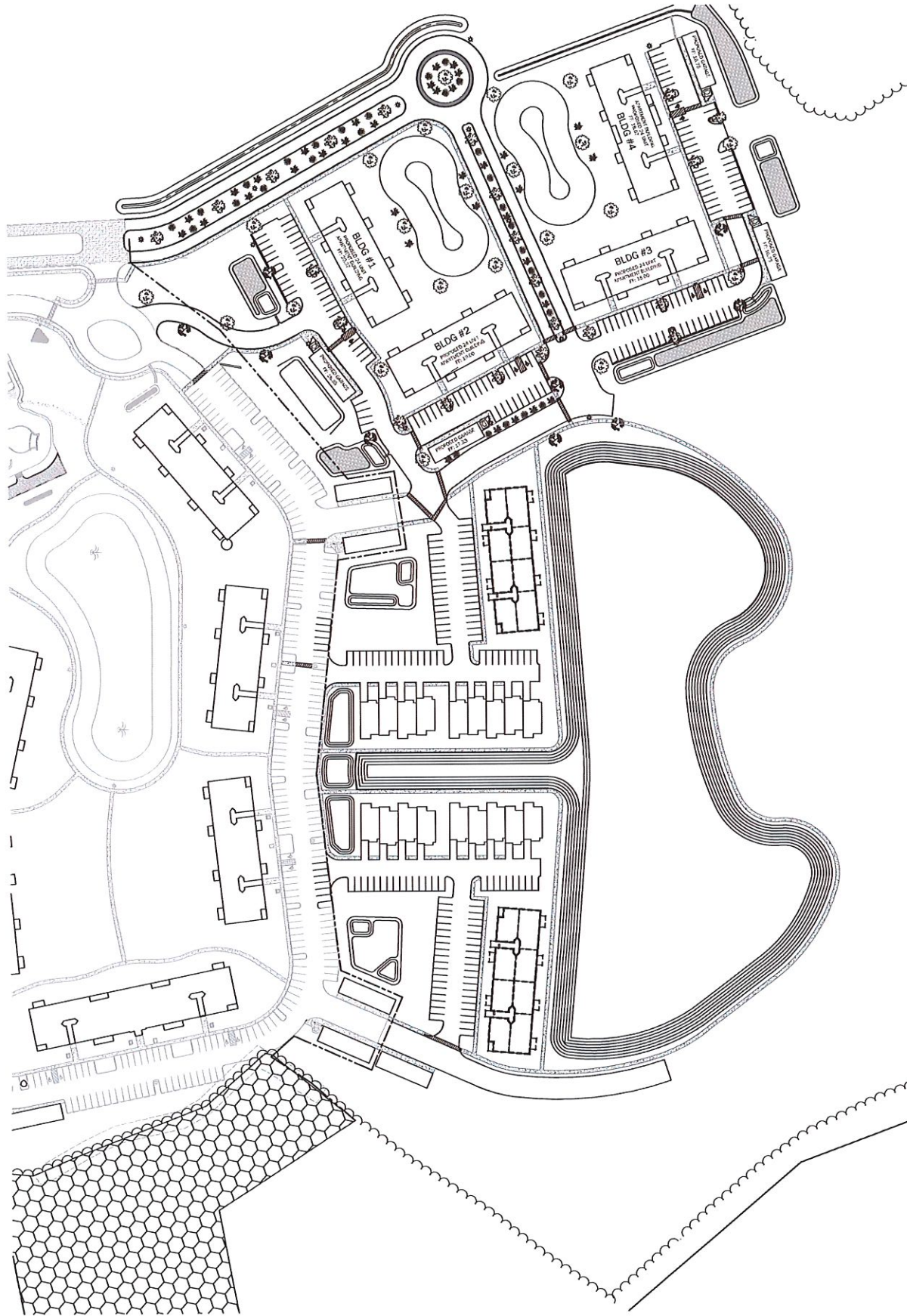
they please we have nothing to say about it. Mr. Cascio asked what the difference is whether attached or not attached. Mr., Cascio stated in the county you can have a kitchen in your garage. That is different than what the town is. Mr. Engelhart stated it discourages people due to having privacy issues. Mr. Engelhart thought the rents would be more than \$800.00 dollars. Mr. Engelhart stated they had just gone over this again at Mayor & Council the people wanted to protect the R-1 & R-2 districts single family. Mr. Engelhart stated as Ms. Velong said if it was a family member it would not need to be rented. You could eliminate that an accessory building being used solely as a temporary use for the primary house quest. This not rented is crucial to this if trying to protect the neighborhoods. Ms. Gina Velong stated this is happening now. Ms. Gina Velong said people are coming here not to invest in us but to invest in themselves. Mr. Chandler questioned why do we have zoning districts if you want all this. Ms. Velong stated people are trying to keep families together to have a place to stay. People must make up their minds. Mr. Chandler replied we are zoning people not social workers. Mr. Matt Stoehr said it would be a lot of people to lose their homes. He stated if they are non-conforming right now, they may not want to bring it into compliance. Mr. Chandler stated if you had a garage it would have to comply. Mr. Engelhart stated anything coming in the door he would have the Fire Marshal look at it.

Discussion continued on the sprinkler system. Mr. Chandler stated he still did not agree with changing the neighbor's lifestyle. Mrs. Velong stated with this the buildings would be inspected. Mr. Devin Potter 9848 Old Ocean City Blvd stated this would not add to the tax base. He said the Air B&B pays for taxes and water bills. He stated in Baltimore they rent to homeless people do a lot of business there. He stated they are not producing any more there is nothing small. Mr. Potter stated it took three pay checks to get their house. They are trying to provide lower price rentals. He said his mother-in-law is still working but she may have to come here to live. They wanted the accessory building for her to live in while the house is being rented. That is going to change what they do. Mrs. Velong asked about the rental licenses. Chairman Denny asked Mr. Engelhart to check on Montgomery County rules on this subject. Check on any small town that has something set up for this. Chairman Chris Denny asked if he had anything else to discuss. Mr. Engelhart replied Mrs. Gina Velong had something she wanted to talk about. She asked them to look at Worcester County's 2018 updated animal ordinance. To define what is a domestic pet. Wants the town to have a broader understanding of cats so why not adopt the county ordinance she asked. Chairman Denny asked what the Mayor & Council said. Ms. Velong stated they said come to you first. Ms. Velong said the town has no laws on how the animals are cared for how they are chained etc. Mr. Engelhart stated we call the police or animal control of Worcester County. Worcester County has always responded to us when we needed them. Mr. Matt Stoehr asked about more bike racks for the town. Mr. Engelhart suggested he talk with Mrs. Ivy Wells. Mr. Engelhart thought on Pitts Street where the old bus picked up people would probably be a good location for bike racks. With no other comments motion to adjourn was made by Mr. Newt Chandler and seconded by Mr. Ron Cascio. Adjourned 6:56PM

Respectfully Submitted,



Carolyn Duffy



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|--|---|-----|----------|-----|--|
| | SKETCH PLAN OCEAN EAST, PHASE 3 | | | | |
| | ROAD NAME SEAHAM ROAD FOR RINER DEVELOPMENT CORP. THIRD ELECTION DISTRICT, WORCESTER COUNTY, MARYLAND | | | | |
| | DATE | BY | SCALE | NO. | |
| | 07/14/22 | RBA | 1" = 60' | 01 | |

| REVISIONS | |
|-----------|-------------|
| NO. | DESCRIPTION |
| 1 | 100% (2) |

SHEET 2
 TOTAL SHEETS: 10

1" = 60'
 1" = 120'
 1" = 180'

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September 20, 2022

OF COUNSEL
HAROLD B. GORDY, JR.

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

Dear Dave:

Re: Text Amendment/Grain Silo

Thank you for taking the time earlier today to meet with me regarding the text amendment I have been asked to submit on behalf of my client, Bryan Brushmiller. As you are aware, it is my client's desire to revise the Zoning Code for the Town of Berlin (the "Code") to allow grain silos to be constructed in the B-2 (Shopping District) and B-3 (General Business District) to facilitate a brewery operation. While you and I discussed multiple methods by which this could be accomplished, we ultimately agreed that a revision to Section 108-163(b) of the Code is the best approach.

Accordingly, I submit the below language to be identified as Section 108-163(b)(8) as follows:

In the B-2 (Shopping District) or B-3 (General Business District) a special exception to allow a grain silo to be utilized as part of a brewery operation, but not exceeding thirty-five (35) feet in height.

After reviewing this, should you decide that further revisions are recommended, please let me know and we will discuss same. Otherwise, please accept this letter as an application to revise the Code as set forth herein.

As always, your cooperation is appreciated.

Very truly yours,


Mark Spencer Cropper

cc: Adam Davis
Bryan Brushmiller