



# Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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

[www.berlinmd.gov](http://www.berlinmd.gov)

**Town of Berlin  
Planning Commission  
November 8<sup>th</sup>, 2023– 5:30 PM  
Berlin Town Hall – Council Chambers**

1. Call to Order
2. Agenda Adoption
3. Approval of Minutes: September 13<sup>th</sup>, 2023
4. Requesting Site Plan Approval for Grain Silo – 10016 Old Ocean City Blvd
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  
September 13, 2023

Chairman Chris Denny called the September 13, 2023, meeting to order at 6:30PM. The members present were Chris Denny, Newt Chandler, Pete Cosby, Austin Purnell, Matt Stoehr and Ron Cascio. Staff present were Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy.

Chairman Chris Denny called for a motion to adopt the September 13, 2023, agenda. Mr. Ron Cascio made the motion to approve the agenda. Mr. Newt Chandler seconded the motion, and it was unanimously accepted by the commission. Chairman Chris Denny called for a motion to approve the August 30<sup>th</sup>, 2023, minutes. Mr. Matt Stoehr made the motion to approve the August 30<sup>th</sup>, 2023, minutes. Mr. Pete Cosby seconded the motion, and it was unanimously accepted by the commission.

Chairman Chris Denny called the next item on the agenda for 19 Gay Street for Mr. Jonathan Selway for Site Plan Approval. Representing Mr. Jonathan Selway was Mr. Mark Cropper 6200 Coastal Highway suite 200 Ocean City Maryland. Mr. Jonathan Selway introduced himself and stated he was the developer for the project. Mr. Bob Cane stated he was the engineer.

Mr. Mark Cropper told the commission they had been before the Historic District Commission that approved the building, and the Board of Zoning Appeals. He told the commission members what they had in front of them complied. Mr. Pete Cosby asked what relief they received from the Board of Zoning. Mr. Selway replied the parking spaces size which helps with a landscape buffer for stormwater. Mr. Pete Cosby thought it was an interesting design. Chairman Chris Denny asked if it was three stories. Mr. Selway replied yes it will have six apartments above the commercial space. Chairman Chris Denny asked if they would be long term rentals or Air BnB. Mr. Selway replied long-term rentals. He said they may try one for the Air BnB but have not decided that at this point. Planning Director Dave Engelhart stated that the Air BnB is allowed in the B-1. Mr. Selway stated with the high interest rates they are considering Air BnB but would prefer the long-term rental. He stated he is thinking about using part of the commercial space for his own business and renting the other. Mr. Matt Stoehr asked about parking. Mr. Selway stated twelve spaces are for the six apartments and seven for the commercial spaces. Mr. Stoehr asked if the two handicap spaces were figured in. Planning Director Dave Engelhart replied they count.

Mr. Austin Purnell asked if the bedrooms were on the third floor. Mr. Selway replied yes and there is some on the second floor. Mr. Purnell asked if they share the covered balconies. Mr. Selway stated each apartment gets a covered balcony. Mr. Selway stated he and his neighbor will share an easement. He said they are built out as far as the zoning but will share an easement so they can get to their equipment. Mr. Engelhart stated Mr. Pat Vorsteg owns the building and could answer any questions they have about the setbacks. Mr. Matt Stoehr asked about the 2-foot decrease in the parking spaces. Mr. Selway stated the town has a minimum parking standard of 9/20ft he said they had requested the parking to be 9/18ft so they could have more of a buffer from the neighbors. With the 20ft parking space they would have had to go from property line to



property line to make it work. So that gave them the 2ft buffer for the parking lot where they can do landscaping and put in a French drain that would tie into the stormwater which helps with the stormwater. Mr. Newt Chandler asked Mr. Selway which of the buildings in town did he think matched. Mr. Selway stated they did the brick façade work and stepped some of the brick back. They stepped some of the bricks out to get shadow lines. They added the bulkhead to the front of the storefronts. Mr. Selway stated he thought they should be building buildings of the current times. He stated people want different things out of buildings than they did 100 years ago. Mr. Newt Chandler stated he was speaking of the façade of the building in the Historic District. He stated he didn't agree with the architecture for the Historic District at all. Mr. Mark Copper asked Mr. Chandler if he thought they needed to go to the Historic District to get approved for elevations and this body could disagree with the Historic District that has the authority to approve the elevations. Mr. Cropper stated they can't be put in a position to bounce between the Planning Commission and the Historic District. Mr. Chandler thought the Historic District had made a mistake on this. Mr. Chandler stated he was expressing his opinion.

Mr. Pete Cosby stated he was impressed by the brickwork, he said it ties the building into the town that it is unique and having a unique building is good for Berlin. He stated it was an impressive design and functional. He told Mr. Chandler there is a difference between an established building and a new building. Mr. Chandler said he thought the purpose of the Historic District Commission was to make it look like Berlin. Planning Director Dave Engelhart said when it comes to alterations remodeling or new construction to match what is already in existence because the building does. There were not many people long ago that made brick so that is where that look comes from. The code uses complimentary to the adjoining properties in the historic district. He stated the four parcels were added on Gay Street when Mr. Pat Vorsteg put up his building. His building is a matching historic building the roof line and the elements of it with changes from the Planning Commission. Three meetings with this board and three with historic but it doesn't match anything along that street. But it is complimentary to that region of town. It is not on Main Street, it's a side street. He stated complimentary we don't have to match.

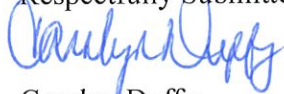
Mr. Ron Cascio thought it works where the location is but wouldn't work on Main Street. He also thought it complimented Main Street. He said he wished they had some muscle on the guidelines to keep the character of the town. He stated he loved the use; He said this will fit in. Mr. Matt Stoehr thought it was a great change. He also thought he was two parking spaces short of what he needs. Thought he would be taxing downtown without the parking spaces. Mr. Selway stated that is not possible. They have built to a residential setback which requires 25 feet from residential zoning. They comply all the way to the setbacks. Mr. Selway said if it was something he could easily do he would, but he can't, he said. His design is maxed out.

Chairman Chris Denny called for a motion. Mr. Ron Cascio made the motion to approve the site plan. Mr. Austin Purnell seconded the motion, and it was unanimously accepted by the commission.

Comments from the commissioners Mr. Newt Chandler wanted the members to be aware that the Department of Planning would be holding a meeting on September 19, 2023, in reference to Accessory Dwellings on land zoned for single-family residential use also the variety of

ordinances, laws, codes and policies regarding the units at state and local levels. Mr. Chandler thought this was the most dangerous thing that could happen. Mr. Matt Stoeher wanted to talk about the comp plan. Mr. Engelhart told him they could change the comp plan any time they wanted. He stated it takes a public meeting of the Planning Commission, a recommendation to the Mayor & Council and another public meeting to change the comp plan. They have this in the budget for this year for a strategic plan from Beacon for Berlin and to have public input for the comp plan. Chairman Chris Denny called for a motion to adjourn. Mr. Newt Chandler made the motion to adjourn. Mr. Ron Cascio seconded the motion. Meeting adjourned 7:00PM

Respectfully Submitted,



Carolyn Duffy



# Mayor & Council of Berlin

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PD \$525.00  
10/16/2023

## PLANNING COMMISSION APPLICATION

DATE: 10-16-2023 HEARING DATE: 11-8-2023 CASE NUMBER: 11-823-05

APPLICATION FOR: ☐ SUBDIVISION ☒ SITE PLAN REVIEW  
Grain Silo

PROJECT NAME: \_\_\_\_\_  
10016 Old Ocean City Blvd Berlin, MD 21811

LOCATION OF PROPERTY: \_\_\_\_\_

SIZE OF PROPERTY: \_\_\_\_\_ ZONING: \_\_\_\_\_ TOTAL LOTS: \_\_\_\_\_  
Bryan Brushmiller 443-513-4647

PROPERTY OWNER/AGENT \_\_\_\_\_ PHONE # \_\_\_\_\_  
103 S. Main St. Berlin, MD 21811 burleyoak@gmail.com

ADDRESS \_\_\_\_\_ EMAIL \_\_\_\_\_

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.



**Town of Berlin, Maryland**  
**Planning & Zoning Committee Meeting**  
**Brewery Grain Silo Text Amendment**

Addressing Pros, Cons, and Concerns  
*Submitted on Behalf of Burley Oak Brewing Company*

**Overview:** Burley Oak Brewing Company is seeking to install a 48,000 lb grain silo (*see example on Figure 1*) measuring approximately 32 ft tall by 8.5 ft diameter (schematic on *Figure 2*). This proposed grain silo comes with the following advantages and disadvantages to be considered by the Town of Berlin for approval as provided on behalf of Burley Oak Brewing Company. This is not meant to be an exhaustive list, but includes the major driving factors and reasoning behind our motivation to seek the text amendment's approval by the Town of Berlin's Planning and Zoning Committee members.

**Grain Silo Advantages:**

- **Employee Safety!!!** *This will always be our foremost concern and reasoning.*
  - Forklift accidents (approximately 95,000 per year) and musculoskeletal injuries (comprising 30% of 'Days Away From Work' injuries) are the number ONE and TWO causes of warehouse accidents and safety in our workplace (U.S. Bureau of Labor Statistics).
  - We will no longer be unloading, moving, and breaking down roughly 227 pallets per year weighing 2,200 lbs each. Unloading trucks via pallet jacks, forklifts, and moving bags by hand to accomplish tasks will be cut down by 80-90%.
- Brewery grain related tractor trailer deliveries will be reduced by 15-20% resulting in a decreased carbon footprint, while, at the same time, reducing traffic congestion.
- Reduced Trash and Recycling Demands:
  - At our current rate, we are using about 500,000 lbs of this base bulk grain per year. This equates to over 9,000 x 55 lb grain bags, 227 pallets wrapped in plastic wrapping, and 227 pallets per year. Silo approval will greatly reduce our impacts currently being seen by trash and recycling facilities. For this reason, it is arguably a 'greener' means of brewhouse operations.
- Reduced grain cost and warehousing space for the brewery.

**Silo Negatives & Perceived Concerns:**

- **Visibility:**
  - The silo will stand approximately 31.5 ft tall / 8.5 ft diameter. No taller than a typical Maryland tree.
- **Noise:**
  - Our current production will require the silo to be refilled about 10.5 times per year. This will involve a truck augering grain into the silo. From my readings, our existing auger measures less than 90 decibels right next to it and quickly drops to less than 70 decibels about five feet away, which is equivalent to a household hairdryer. While this certainly represents a new auditory "disturbance" not currently observed on our property, receiving increased pounds of grain per delivery will reduce the truck traffic throughout Berlin. We believe this balances out the existing noise produced on the property and roads in Berlin.
- **Odor:**
  - The silo is a closed system. There won't be anything noticeable. The existing aroma of the boiling wort from the brewhouse will maintain as the *only* odor detected from the property.

**\*\*\*Please see attached appendix on page three for a letter on behalf of Big Oyster Brewing Company (Lewes, DE) who has experience with operating and maintaining a brewery grain silo.\*\*\***

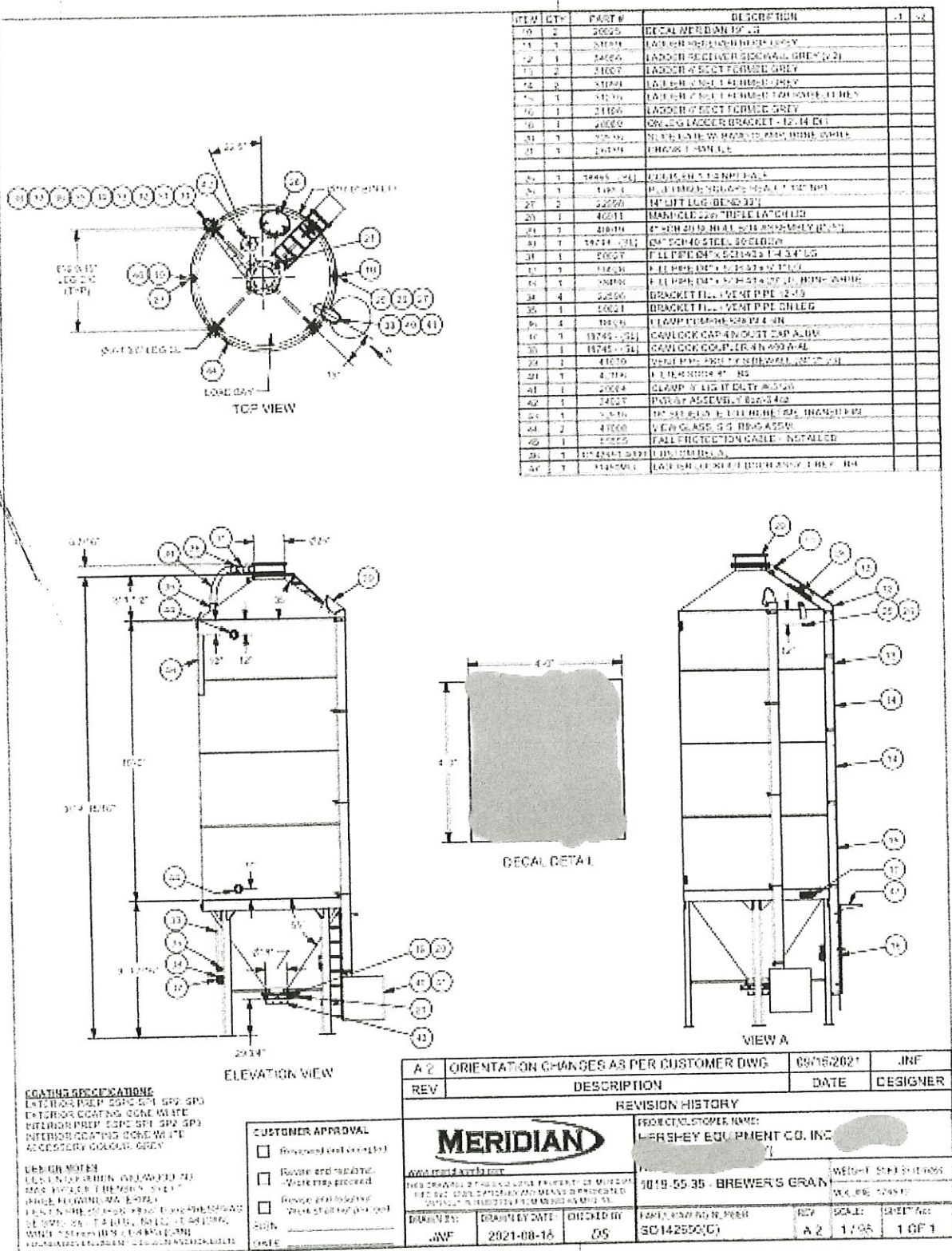
*Figure 1. The proposed silo would be identical in size and dimensions to the one in this image.*



Brewery Grain Silo at Jailbreak Brewing Company  
Laurel, MD



Figure 2. Diagram schematic of proposed grain silo.





Andrew Harton, Brewery Consultant  
302-290-2410 [adharton@gmail.com](mailto:adharton@gmail.com)  
17778 Sandcastle Cove  
Lewes, DE 19958  
Former Director of Brewing Operations  
Big Oyster Brewing Company

Town of Berlin, Maryland  
Attn: Planning and Zoning Committee  
10 Williams Street  
Berlin, Maryland 21811

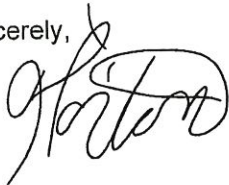
Dear Planning and Zoning Committee Members,

I have been a part of the brewing industry since 2011 and have experienced brewing at locations with and without a grain silo. I was in charge of operations with Big Oyster Brewing Company (Lewes, DE) during the installation of a grain silo on their property. From a business perspective, the silo eased operations tremendously in terms of the required labor, inherent safety, and the cost of goods acquired associated with running a brewery.

I am writing to affirm that the maintenance and operations of the grain silo on the brewery premises property was of minimal disturbance to the neighboring homes and businesses in our immediate surroundings. The noise level was no louder than anything else already taking place on the property. The filling and use of the silo comes with no associated odors or aromas.

I am writing to express my support for the approval of the grain silo located at Burley Oak Brewing Company and believe that the concerns indicated on the pages submitted by Burley Oak are accurate and consistent with my experiences at Big Oyster Brewing.

Sincerely,

A handwritten signature in black ink, appearing to read "Harton", with a stylized flourish above the "t".

Andrew Harton

NOTE: THIS PLAN IS FOR THE PURPOSE OF RECORDING THE BOUNDARY OF THE PLAT AS SHOWN ON THE RECORD PLAT AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE SURVEY. THE SURVEYOR'S RESPONSIBILITY IS TO THE PROPERTY OWNER AND NOT TO ANY OTHER PARTY. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROPERTY OWNED BY THE CLIENT.

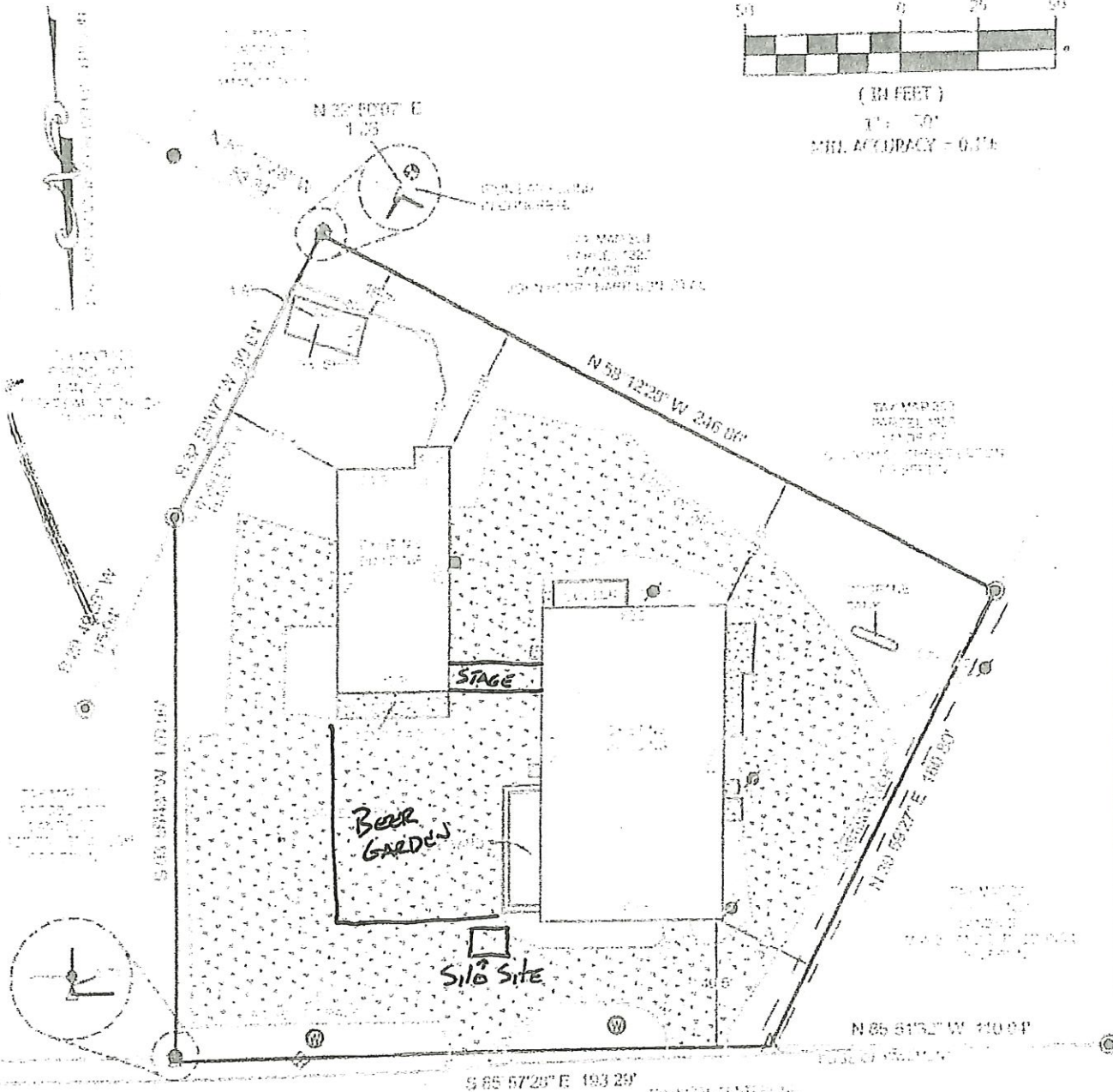
NOTE PER TOWN OF BERLIN RESOLUTION #2004-03 THIS PROPERTY LIES WITHIN THE LIMITS OF THE TOWN OF BERLIN



( IN FEET )

1" = 50'

REL. ACCURACY = 0.14



OCEAN CITY BOULEVARD  
MARYLAND ROUTE 346

BOUNDARY SURVEY  
WITH  
LOCATION OF IMPROVEMENTS

10016 OLD OCEAN CITY BLVD

LANDS OF  
OAK-KWANG AND SOON-AE PARK

TOWN OF BERLIN

*[Handwritten Signature]*

THIS SURVEY WAS PREPARED BY ME OR UNDER MY SUPERVISION AND I AM A FULLY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE PROFESSIONAL LAND SURVEYING ACT OF 1968, CHAPTER 10, § 10-101, OF THE MARYLAND CODE, AND I AM NOT PROVIDING ANY GUARANTEE OF THE ACCURACY OF THE SURVEY.