

### 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
August 30<sup>th</sup>, 2023–5:30 PM
Berlin Town Hall – Council Chambers

- 1. Call to Order
- 2. Agenda Adoption
- 3. Approval of Minutes: April 12th, 2023
- 4. Site Plan Approval Bay Street Apartments
- 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 July 12, 2023

Chairman Chris Denny called the July 12<sup>th</sup>, 2023, meeting to order at 5:30PM. The members present were Chris Denny, Ron Cascio, Newt Chandler, Pete Cosby, Austin Purnell and Matt Stoehr. Absent from the meeting was Phyllis Purnell. Staff present were Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy.

Chairman Chris Denny called for a motion to adopt the July 12<sup>th</sup>, 2023, agenda. Mr. Ron Cascio made the motion to adopt the agenda for July 12<sup>th</sup>, 2023. Mr. Austin Purnell seconded the motion, and it was unanimously accepted by the commission. Chairman Chris Denny called for a motion to approve the June 14, 2023, minutes. Mr. Ron Cascio made one correction to the minutes to have one line removed from the paragraph written in the minutes and then made the motion to approve the correction. Mr. Newt Chandler seconded the motion, and it was unanimously accepted by the commission.

Chairman Chris Denny called the next item on the agenda for The Berlin Commons Concept Plan. Mr. & Mrs. Brett & Megan Hines, owners of the Berlin Commons along with Mr. Eric Pfeffer came forward. Mr. Hines stated they wanted to design a plan and wanted to discuss setbacks with the commission to ensure they were doing the right thing. He stated he wanted to maximize the space to make sure they can have a mixed-use building with business and residential. He stated they wanted to have this done in parts before they come up with something concrete, Mr. Eric Pfeffer stated they had gone before the Broad of Zoning Appeals Commission a few months ago. That board tabled the case so they could come to the Planning Commission. Mr. Pfeffer stated this is a concept plan. It's a unique location, the size of the lot and it's in the Historic District and town center. He stated it's a difficult lot and has a development history of what has been granted with the variances previous, that didn't work out. He stated to his understanding the variances had to factor in with the comprehensive plan. He stated they would have a hardship to develop on this lot according to the comprehensive plan without some types of variances.

Mr. Pfeffer stated they had come up with a plan to have restaurant space, retail, with two apartments above. He stated they are looking for some guidance and direction. Chairman Chris Denny asked if they had looked at what Habitat for Humanity had done. Mr. Pfeffer stated he had a site plan in the packet of what they had submitted. He stated they would be asking for what they had before. Chairman Chris Denny asked did they submit elevations for the plans. Mr. Pfeffer replied they did not include them because they didn't produce the plans. Mr. Hines stated their building was conceptual and they didn't want to put to much time into the specific without making sure the setbacks and variances were there so they could design it the right way. Mr. Matt Stoehr asked about the size of the area he said about 2000 total. Mr. Hines stated they wanted to design it for future uses even if it's not the Buzz Meadery. He wants to look at it as just a commercial space. Mr. Stoehr asked for the restaurant's capacity would it be about 1200 sq. ft. and the two-apartment s 400 sq ft above for each a one-bedroom efficiency. Planning Director Dave Engelhart stated the Berlin Fire Department had dropped off comments for the meeting. They provide reports when it's concerning building. They were looking at this as if it

was a four-story building. The problem is the streets are narrow and ladder trucks and equipment are needed to be able to get on the street. Mr. Austin Purnell asked about the height of the building. Mr. Hines replied 34 feet. Mr. Ron Cascio asked if the apartments would be Air BNB's. Mrs. Hines stated for the rentals she would prepare a yearly renter. Mr. Stoehr asked about parking and said four spaces wouldn't be enough. He stated that parking is limited in town and didn't know how they would get the parking they needed. He thought it would be a bit stressful. Mr. Pfeffer stated it would be hard to get the parking set. Mr. Matt Stoehr stated you want suggestions before you put the money out. Mr. Pfeffer said he knew the other building that was to go there was to be called the flat iron building. Mr. Newt Chandler asked Mr. Pfeffer where in Berlin has he ever seen a building like this. He stated this didn't get it for him. Mr. Hines replied they were not trying to design the building. Mr. Ron Cascio asked Mr. Engelhart to explain how this got into the Historic District. Mr. Engelhart replied this was not done on the rezoning change and it touched the Historic District due to the Atlantic Hotel.

Mr. Engelhart stated this is a more modern design than what is there. Mr. Selway's building was softened a little and got approved by the Historic District Commission. The triangle building that was going on that lot that the historic district approved and BZA they gave them a reduction in front setback on Jefferson Street. He stated it lined up with Jeff Auxer's building to the street. They were given that variance regardless of the size of the building they could achieve the same setbacks. He stated didn't know for sure but thought the precedence would follow through. Mr. Pete Cosby talked about parking. Mr. Engelhart stated if the property was within two hundred feet of the building per the town code. An example he used was the Post Office parking lot that it is walkable. Mr. Engelhart stated we may not be adding buildings, but we have lots of visitors. The town code stated they can pay into a fund to solve the parking problem. Mr. Pete Cosby said make it a condition that the funds on this be the test run. Mr. Cosby stated he liked art deco the squareness of it. He stated his mind was open to it and they needed to get serious about it.

Mr. Cascio asked if four parking spaces were not enough. Mr. Cosby asked how many are required. Mr. Stoehr replied four would be required. Mr. Chandler asked how big the 1st floor was. The first floor is 1257 sq. ft. according to your statement letter, Mr. Engelhart said. Mr. Newt Chandler told them if you put the building there you would have a small first floor and you would be stepping in the second-floor units in for an hour look he asked. They replied yes. Mr. Pfeffer stated they didn't want to be restricted to a vertical mass. Mr. Chandler stated he understood it's a hard place to build anything. Mr. Stoehr said he was not against the funding for parking. Mr. Stoehr asked if they had talked to Mr. Jeff Auxer. They replied yes that is why the buildings are apart they made an agreement to not build so close to each other. Discussion continued about parking. Mr. Stoehr asked where the parking spaces would be located. Mr. Pfeffer stated two parallel to the building by Jeff Auxer building and two at the tip that were previously approved. Mr. Ron Cascio thought this was what they had been looking for.

Chairman Chris Denny asked if the public had any comments. Mr. Edward Hammond stated he had two concerns about the project and the lot. His first comment was that he thought the town had gotten themselves into a lousy position in respect to the Historic District on Gay Street on this lot. He stated he had asked around about the lines of the historic district and it was to include this lot. He stated he had been told by Dave Engelhart that his childhood friend Mr. John Barrett had suggested this to be in the historic district. He thought there was a need to

revisit the decision and the boundaries of the historic district and to not use the historic commission as a design board. He stated that the area was not deemed to have historic structures. He didn't think that the Selway building belonged, it's out of scale and out of style. He talked about drainage at Bottle Branch and that he had entered a memorandum with the town. That they would not take actions that would increase the flow into Bottle Branch. He stated the Selway project, house on Main Street adding an addition would add to this. He thought the town was in breach of the memorandum and said they had been using his property for decades to store water. He thought 21 Jefferson Street should be a park for open space. He said these are just his thoughts.

Mr. Ron Cascio thought taking Gay Street out of the Historic District was a great idea. He thought they should look at drainage where there are tight spaces, can't find parking can't find stormwater fees in leu of stormwater. Find some place in the water shed that can deal with this. Mr. Engelhart stated to Mr. Cascio that stormwater calculations are done for new buildings and stormwater fees that the owners pay every month in your bills that is to reflect the impact. Discussion continued about stormwater calculations and the firm used to handle stormwater issues. Mr. Pfeffer asked should they be coming back. Chairman Denny told them Dave will not let you fell. Mr. Engelhart stated when you settle on the site plan and setbacks the Board of Zoning is not concerned about the look of the building. He thought they should go to BZA first and get setbacks approved. Commission thought it could go either way.

Chairman Chris Denny called the next item on the agenda for Concept Review for Heron Park. Mr. Dave Engelhart stated the town had been in talks about three parcels at Heron Park located on Old Ocean City Blvd. There has been lots of talk at the Mayor & Council meetings which has included the now the Parks Commission. The Mayor & Council instructed him to get a report from the Planning Commission after the discussion and after public comment. The reports from the Planning and Parks Commission would go to the Mayor & Council regarding the contracts. We have provided a copy of the contracts in your packets and a site plan. Coastal Ventures wants to develop the site, basically Gillis Gilkerson. The Mayor & Council wanted this opened up to you about what is in your packet, public comment and input you have received. Mr. Engelhart stated leading up to this he has not received any calls. Mr. Matt Stoehr said he could envision them selling parcels 57, letting Palmer develop it. Would like the north bound portion to shrink a little so Berlin could still own the entrance to Heron Park as well as parcel 191 selling for \$200000.00 dollars or whatever the amount it is, concerned about that the Berlin uses there to store heavy equipment snowplows etc. Is that going to cost us more to house it than what you're selling it for. That would be very stressful. He stated parcel 410 for a skateboard park. He stated seems like a great area for the skateboard park and a dog park. It's an open space in Berlin didn't think Berlin was able to demo this as well as Gillis. The town had wanted to piece mil and demo it themselves.

The block building coming into Heron Park he described would be an amazing portion for a bathroom if we were to keep these properties. If they could get electric and water and sewer back, there. Didn't think the skate park works in many places but here it does because it's commercial. It's further back from residential areas would like it farther back. He said parcel 57 could become a mixed-use area with 10 or 12 condos there with 800 to 1000 square feet that we lack in town. This could be a good tax haven with condo's and building units that are more

affordable rentals. Mr. Chandler asked when the last appraisal was done on the property. Mr. Engelhart replied last year they did it on the type of property it was in April of 2022. Mr. Cascio asked about zoning and what use. The appraisal was done at 1.7 million. Mr. Stoehr asked was it adjusted up. Ms. Mary Bolhen stated 2.5 million. Mr. Engelhart said the idea is to retire the debt for the property. The center road to get water & sewer and that cost has not been discussed. Mr. Chandler asked what they would do with the stormwater ponds. Ms. Mary Bolhen stated they would remain a passive use park. Mr. Engelhart stated the ponds are excluded from the contract and use. The cost of the road would be the developer who pays the cost.

Mr. Stoehr stated it is very hard to hear they are trying to sell it for 1.7 million and still owning and losing good land selling for less than what you paid for it. Mr. Engelhart thought the demo would cost more money due to the price of things. The demo would cost more than the grant money they have. They must know what they want to do there and to clean up the site. They want the planning commission to consider and the public what is a better solution for the town. Mr. Stoehr said Coastal Ventures would own the venture. Mr. Chandler stated the cost would be on the developer. Mr. Cosby thought let it be 50/50. Chairman Denny asked why the town would want to keep the ponds. Mr. Cosby stated we don't know what we have, if there is environmental issues. Find out what we have, we may have valuable land. Find out what we have. Mr. Cascio stated there is so much we don't know about the property. Mr. Cosby asked can we use the grant for the demo. Use what they granted us and go tear something apart. Ms. Bolhen stated as long as it is on that site doesn't matter what building as long as it is on that site. Mr. Cosby stated pick a building we don't want and demolish it. He said figure out a way to spend it. Mr. Cosby asked would the town be struck, do the draft contract. Mr. Cosby stated they need an assessment done.

Mr. Engelhart stated it would be designed by an engineer on what to be demolished. Mr. Cosby asked does the town have to spend the money? Ms. Bolhen replied no. Mr. Cosby stated he was concerned about the long-term environmental issues. He thought the property would get more valuable over the years and thought they didn't know what they had. Need to know the liability. Mr. Cascio thought they would be crazy to sell the property the largest piece of property in town parcel 410 10 acres for \$700,000 dollars. He stated every house in his development has sold for over 700 thousand dollars' worth more than 10 acres. Mr. Cascio stated the contract is problematic. Mr. Cascio stated a land use committee should have been put together when they purchased the land. Now they want to sell the property. Now we need some professionals to determine do we want to sell it what is the value, what should we keep. He thought this property was worth way more than this and would like to suggest to the Mayor & Council to get a committee to get people who live here, property owners' people who can assist in do we want to keep this or sell it, should it be rezoned before we sell it to get the value out of it now better than later. He stated that parcel 410 would only be a garden center for only about seven years and then they are going to be sitting in front of us with a request for up zoning and we are going to give it to them. We would have given up that value seven years before. If we are going to sell property bring it up to its highest value to sell it. He said we are restricted, that is why the value is lower. Mr. Cascio asked How did we get here.

Mr. Cascio said he was going to make a motion. Chairman Denny wanted to hear from the public first. Mrs. Connie Pena of Powell Circle felt they should bring housing to the town muti-

family 1,2, and 3-bedroom condos. She thought the park was wonderful, really nice and had wildlife. She thought selling the property to one person, 20 acres of land made her nervous. She thought giving one person twenty acres of land would be going in the wrong direction. Ms. Marie Velong of West Street stated she agreed with what the commission had said. Right now, they don't know the residential value only looking at the commercial value. They need to rezone it first, she said. The idea of demolishing and having open meetings to voice opinions to determine where you want to go. She said a whole year has been wasted by a sub-committee and she felt they were behind on giving input. She stated she had read the emails and the same thing was being talked about in the emails. She said there should be a committee, so they have a say. If it's the biggest parcel you cannot use it to get rid of the debt. If you want to keep the nature part of that fine, but if you're going to sell it we have to come out of it with no debt.

Mr. Edward Hammond of South Main Street stated what if he occurs environmental issues. The contract depends on if he can obtain funding and additional environmental studies. He thought this was a huge liability and Gillis would be walking if that happened. Mr. Hammond stated he was in support of experts on the committee. He said remove the lot lines and take people from the town and hopefully they will come out better financially if they decide to sale or not in terms of public use. There is a lot of frustration around town, one reason is the town people come in and offer their opinions and the council sits there like rocks no engagement. One of the functions of the committee should be to get input and provide a reasonable response to what is suggested or even not used so everyone is included. Chairman Chris Denny called for a motion or to be considered a census motion.

Mr. Ron Cascio made the motion to have the Mayor & Council immediately cease negotiations on this contract and begin discussion about the committee to be made up of professional planners, engineers, surveyors that can come up with a site plan based on what they hear and talk about among the Mayor & Council. Then determine if they want to sell any, and if they do what are they going to sell it as per zoning of the land. Mr. Pete Cosby added if they can spend the grant money it makes financial sense and then cease in negotiation. Mr. Matt Stoehr suggested one member from the Planning Commission, one member from the Parks Commission and one member from the Mayor & Council than the other six so they have contact. Mr. Cascio stated the commission could suggest people and the Mayor & Council could choose them. Discussion continued suggestions for the committee. Mr. Chandler stated he thought they needed an updated appraisal. Mr. Matt Stoehr asked would parcel 57 be a consideration for sale. Mr. Cascio stated everything is a consideration at this point. Mr. Engelhart stated he would be putting together a summation to share with you the Mayor & Council wanted him to report back. The recommendation is that you have a consensus to put the contract on pause to develop a better plan for the property that is developed by a committee and to use the grant.

Mr. Engelhart stated that Mrs. Phyllis Purnell had decided not to seek reappointment to the Planning Commission. She has served on the board for more than 25 years and her term was up in April of this year. She will be missed as a member of the board. Chairman Chris Denny called for a motion to adjourn. Mr. Ron Cascio made the motion to adjourn. Mr. Newt Chandler seconded the motion. Meeting adjourned at 7:28PM

Respectfully Submitted,

Carolyn Duffy

#### Staff Report to the Berlin Planning Commission

Meeting Date: August 23, 2023

6:30 PM

Tonight's case is a request for Site Plan Approval received from Mr. Eric Davis for a multifamily apartment complex to be located at 534 Bay Street. The parcel is zoned R-3 Apartment District and was previously presented to the Planning Commission as a concept plan at our June 14, 2023 meeting. Architectural and site plan revisions have been made. Per Town Code, the development will also have to go before the Berlin Board of Appeals for an approval of a Conditional Use for the multifamily project.

Staff recommends approval of the Site Plan.

Respectfully submitted, H Lugelhaw

David H. Engelhart

**Planning Director** 



## Mayor & Council of Berlin

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



### **PLANNING COMMISSION APPLICATION**

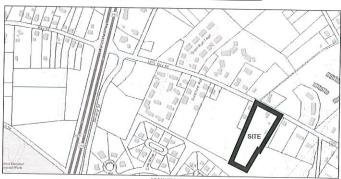
DATE: 08/07/2023 HEARING DATE: 8-30-23-03
APPLICATION FOR: SUBDIVISION SITE PLAN REVIEW
PROJECT NAME: Assateauge Landing Apartments
LOCATION OF PROPERTY: Bay Street, Map 301, Parcel 865
SIZE OF PROPERTY: 2.81 Acres zoning: Total Lots:
PROPERTY OWNER/AGENT Eric Davis Rental Properties PHONE # (410) 546-5019
ADDRESS 1411 S Salisbury Blvd, Salisbury, N EMAIL eric@ericdavisonline.co
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.

# **ASSATEAGUE LANDING APARTMENTS**

BERLIN, MARYLAND WORCESTER COUNTY

## PRELIMINARY SITE DEVELOPMENT PLAN



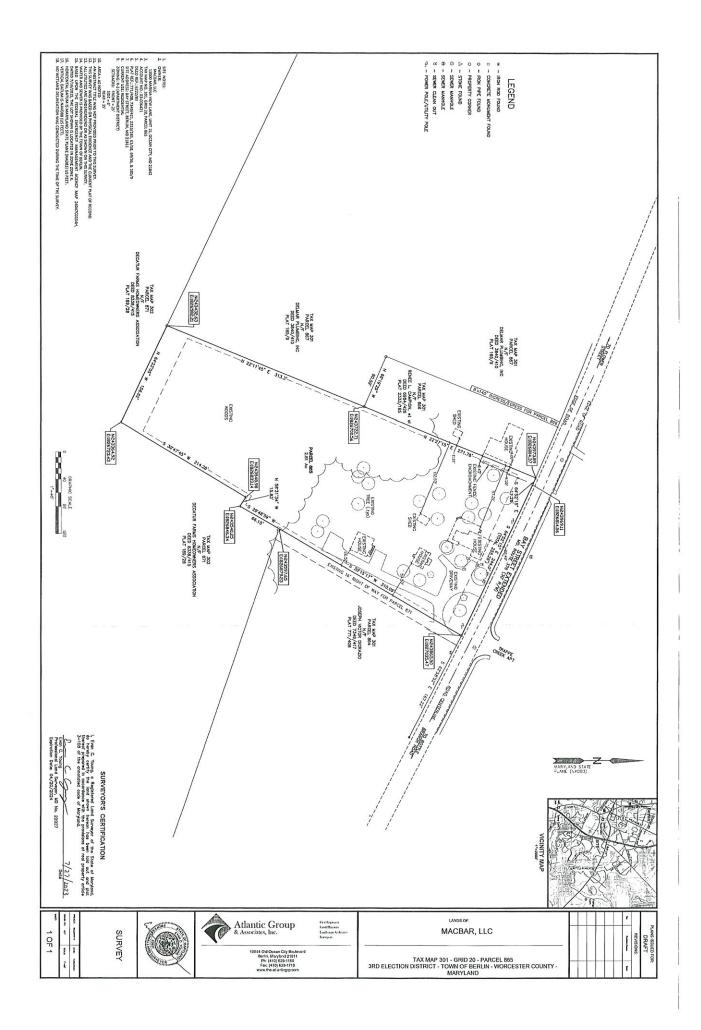
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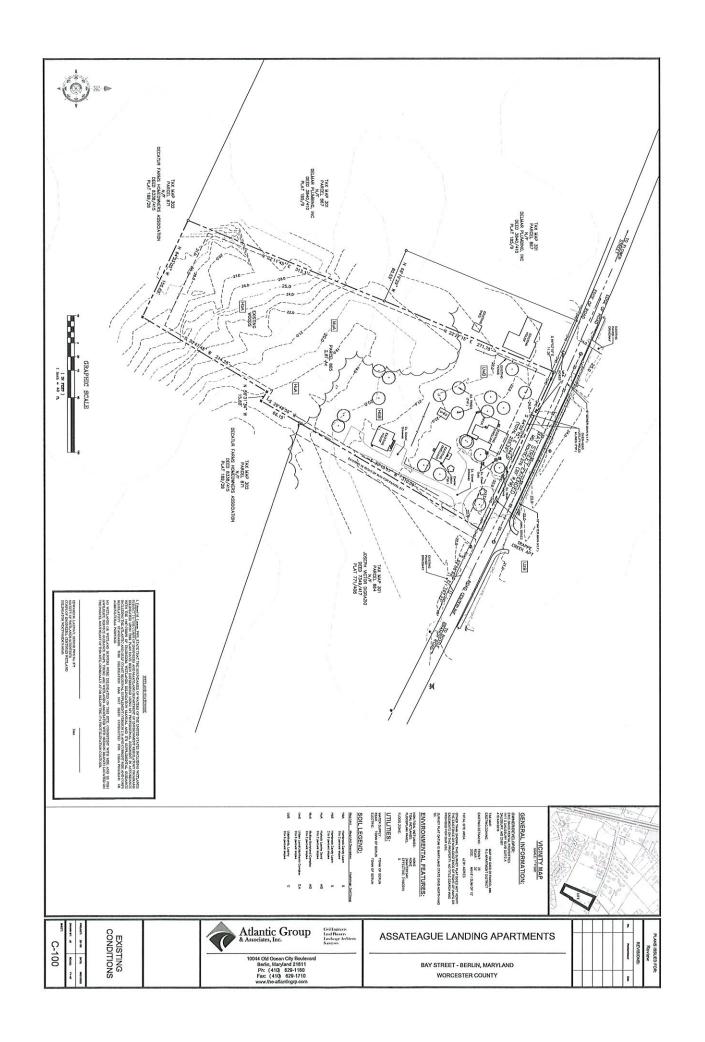
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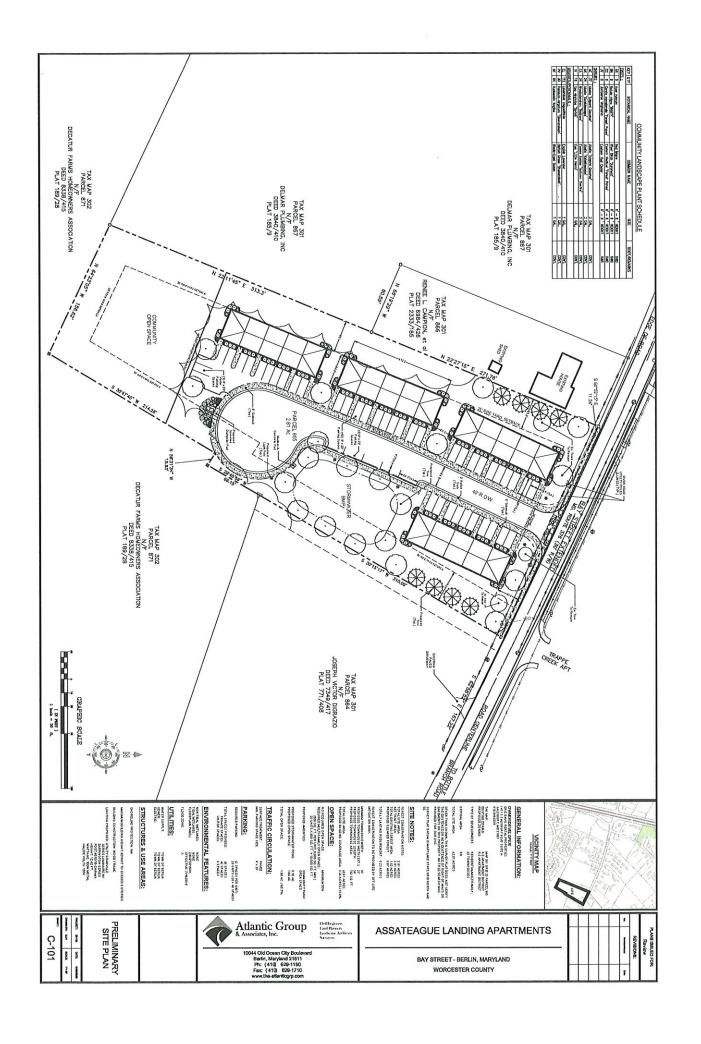
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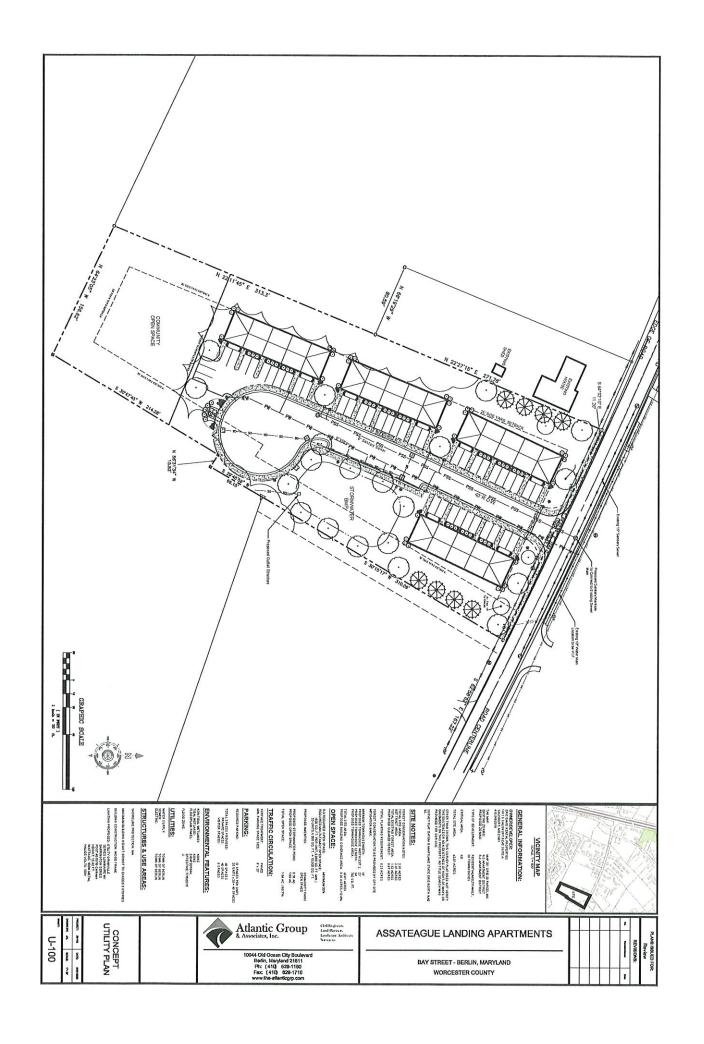
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EXPIRATION DATE 4/29/2025





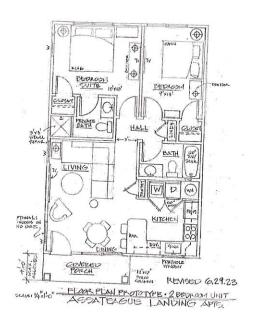












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	R	EVISIONS:	Date
	ASSATEAGUE LANDING APARTMENTS	BAY STREET - BERLIN, MARYLAND	WORCESTER COUNTY
*	Atlantic Group Galages Industrians National Atlantic Group	10044 Old Ocean City Boulevard Berlin, Maryand 21814 Ptr. (410) 629-1190 Faz. (40) 629-1790	www.the-etterfogrp.com
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