



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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www.berlinmd.gov

**Town of Berlin
Planning Commission
October 8, 2025 - 5:30 PM
Berlin Town Hall – Council Chambers**

- 1. Call To Order**
- 2. Agenda Adoption**
- 3. Approval of Minutes – September 10, 2025**
- 4. Case # PC-10-8-25-08: 513 South Main Street, Preliminary Site Plan Review**
- 5. Comments from the Public**
- 6. Comments from the Staff**
- 7. Comments for the Chairman**
- 8. Comments from the Commission**
- 9. Adjournment**

Any persons with questions about the above-referenced meeting or any persons needing special accommodations should contact Kate Daub at 410-641-4002. 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
Wednesday, September 10, 2025
Meeting Minutes

Chairman Matt Stoehr called the Planning Commission meeting to order on September 10, 2025, at 5:30 PM. The members present included Vice Chairman Austin Purnell, Pete Cosby, Erich Pfeffer, Steven Scheiber, and Dirk Widdowson. The members absent were Janelle Gerthoffer, Logan Hall, and Newt Chandler. The town staff present included Acting Planning and Zoning Director Ryan Hardesty, Permit Coordinator Kaitlin Ahlers, and Special Projects Administrator Kate Daub.

Chairman Stoehr requested a motion to approve the agenda for the September 10, 2025, meeting. Mr. Widdowson made the motion, which was seconded by Mr. Purnell, and the Commission approved the agenda unanimously.

Next, Chairman Stoehr called for a motion to approve the minutes of the meeting held on September 10, 2025. Mr. Widdowson moved to approve the minutes, and Mr. Cosby seconded the motion. All members voted unanimously to approve the minutes.

Chairman Stoehr introduced Case PC-9-10-25-06, regarding Prospect Drive, Purnell Crossing Phase 5, a request for a preliminary subdivision. Commission member Mr. Austin Purnell recused himself from the discussion due to a personal connection to the applicant.

Mr. Mark Spencer Cropper, attorney for the applicant Mr. Troy Purnell, formally introduced himself and explained that the referenced property was part of the original Purnell Crossing Planned Unit Development (PUD), approved in 2007. He noted that this phase was designated for future development in the original PUD approval. Over the years, he explained that various phases and condominium developments have been approved, and the parcel was now being carved out for further development.

Mr. Cropper further stated that Mr. Purnell had already completed many of the requirements to record the subdivision. However, at the time of the meeting, Mr. Purnell shared he was undecided about whether he would develop the land himself or sell it to another developer. He stated that his immediate goal was to obtain preliminary subdivision plat approval for recording, with further development details to be determined later, based on ownership and project direction.

Mr. Purnell began his presentation, using visuals he submitted for inclusion in the meeting packet to guide the commission through the proposed layout. He explained that the site had been divided into three parcels, noting that one parcel, previously sold to Coastal Hospice, had been repurchased and incorporated into Phase 5. He stated that Prospect Drive would be slightly extended to serve the new development, with ownership of the constructed roads eventually being deeded to the town.

He added that the layout also included stormwater management plans, the extended roadway, and the remaining land as the three main parcels. Mr. Purnell mentioned that design and construction drawings were nearly finished and that the stormwater plan had already been approved. He noted that some legal coordination still needed to be addressed, especially with the town's engineering firm, Davis, Bowen and Friedel, which was being worked on in collaboration with town staff.

Chairman Stoehr asked whether the project would involve a Homeowner's Association (HOA) or a similar community association. Mr. Purnell said there would be deed restrictions but no formal HOA, as in previous phases. He added that once completed, the Town of Berlin would take responsibility for maintaining roads, water, and sewer infrastructure. He said a dedicated stormwater management association would handle stormwater management, comprising property owners within the development.

Mr. Purnell confirmed that the current plan includes 20 single-family homes and stated that the Planning Commission would have another opportunity to review the project during the final plat approval stage. He added that more detailed materials would be submitted at that time, including finalized site plans, stormwater management agreements, and, if needed, bonding arrangements based on the construction timeline.

As the discussion continued, Mr. Purnell provided more details about the site's location, mentioning that the project would extend Prospect Drive just beyond two modern houses. He explained that one of these properties, owned by Jason and Terry Smith, sat directly next to the development site, and the proposed roadway would make a right turn near this location. Once finished, he said it would be deeded to the town.

Commission members raised concerns about inconsistencies in the orientation across the planning documents, which had caused some confusion during review. In response, Mr. Purnell clarified the intended street layout, explaining that a temporary cul-de-sac would be extended, with the design structured to accommodate future phases, including Phase 6. He also highlighted the inclusion of a larger parcel, identified as Lot 29, which was intended to house the stormwater outfall. While its primary purpose was functional, he expressed hope that this parcel might one day become a buildable lot. Importantly, he confirmed that the stormwater system had already been engineered to serve both Phase 5 and Phase 6, ensuring long-term functionality and compliance with regulations.

Chairman Stoehr inquired about the full scope of the original PUD. Mr. Purnell estimated the unit count at around 200, noting that most of the development includes townhouses and multi-story apartments on the far west side of the site. He also mentioned that it was still undecided whether he would ultimately sell the property but confirmed that if he does, the buyer will assume construction responsibilities, including road maintenance. If he chooses to keep the property, Mr. Purnell said he would manage construction himself.

Mr. Widdowson made a motion to approve the preliminary subdivision plan, which was seconded by Mr. Cosby and passed unanimously.

The next agenda item, Case PC-9-10-25-07, involved a preliminary subdivision at 534–540 Bay Street. The proposal was presented by Mr. Eric Davis, the property owner, and Mr. Jason Lindsey, the project engineer with Atlantic Group and Associates. Mr. Lindsey reminded the commission that they had appeared before them roughly eighteen months earlier with a different concept. At that time, the plan called for the construction of about twelve duplex townhome units. Since then, however, he said the team had revised the design, choosing to subdivide the property into four separate lots.

He explained that one of the lots would be shaped as a flag lot, accessing Bay Street through a narrow strip, while the other three lots would have direct street frontage. He added that the site currently features three existing structures, although it has not yet been decided whether these buildings will be demolished or renovated. Mr. Lindsey clarified that Lot 2 is the only parcel without an existing structure.

When Chairman Stoehr asked about the shift from townhomes to single lots, Mr. Lindsey explained that unexpected stormwater management issues caused the change. The town's consultants required the development team to get an easement from Decatur Farms, a neighboring subdivision located to the south and east, to allow stormwater to be discharged across their land and ultimately to Bottle Branch, which is about 500 feet away.

Mr. Lindsey acknowledged that this requirement had caught the developers by surprise, as they had never encountered such a situation before in Berlin. Although his engineering team successfully reduced the project's peak stormwater discharge while maintaining the required two-year flow rate, he said the Decatur Farms community rejected the easement request outright, which effectively altered the original higher-density design. He stated that this prompted the developers to pivot toward a simpler subdivision layout that would avoid the need for an off-site easement.

Chairman Stoehr inquired whether Mr. Davis wished to pursue the originally proposed development. Mr. Davis expressed frustration with the project, noting the significant financial investment made and his efforts to identify a viable path forward.

Mr. Cosby acknowledged the applicants' challenging situation and emphasized that the site seemed to follow a natural water flow path, which should entitle the developers to discharge runoff as it had historically. Mr. Lindsey noted that other upstream properties also contributed water flowing across the site toward Bottle Branch and confirmed that this was accounted for in the updated design. Additionally, he added that the proposed stormwater plan not only reduced the volume of water leaving the site but also improved water quality through the implementation of Environmental Management Practices (EMPs).

Mr. Cosby raised concerns about the precedent set by requiring developers to secure easements for naturally flowing water. He argued that the developers have a legal right to allow stormwater to follow its natural course, especially given that the project reduces runoff, and questioned why the town was challenging the plan when it complies with regulations and enhances environmental outcomes.

In response, Ms. Sharon Cruz, representing Davis, Bowen, and Friedel, the town's third-party engineering consultant, introduced herself as the town's new planning department consultant. She explained that, under Town Code Chapter 26, Section 26-106, it is the developer's responsibility to obtain easements from adjacent property owners whenever runoff, whether natural or redirected, crosses onto their land.

Mr. Davis asked whether this was a new requirement, noting that similar projects in Berlin had not previously encountered it. Ms. Cruz clarified that, to her knowledge, the provision was not new and proceeded to read the code section aloud. She emphasized that the code makes no distinction between natural and redirected flow and that even when runoff is reduced, property owner permission is still required.

Mr. Cosby argued that the language in the code was ambiguous and possibly being interpreted too broadly. He emphasized that, in this case, the natural flow of water was being maintained rather than created or worsened by the development. Ms. Cruz acknowledged his concern but explained that the code does not distinguish between natural and altered flow. She added that she could not unilaterally create such a distinction, and therefore, the easement requirement remained in effect.

Mr. Davis voiced concern that this interpretation could set a troubling precedent, effectively allowing any upstream landowner to block future development. He presented a hypothetical scenario involving a neighboring five-acre parcel, where a denial of easement could drastically reduce the property's buildable density, potentially giving rise to claims of unlawful takings or loss of development rights. He explained that he had chosen to pursue a simpler plan, not because it was his preference, but to avoid unnecessary conflict. He urged the town to reconsider or clarify the stormwater easement requirement, warning that the current interpretation could create significant obstacles for future projects.

Ms. Cruz responded by clarifying a technical distinction regarding water flow. She explained that a reduction in peak flow rate, the speed at which water moves, does not necessarily equate to a reduction in total water volume discharged. While the developers had succeeded in lowering peak flow, she noted that the overall volume could still equal or exceed existing conditions. Without volume calculations, she emphasized the town could not assume a net benefit to downstream properties such as Decatur Farms.

Mr. Davis acknowledged Ms. Cruz's explanation and agreed that distinguishing between flow rate and total volume was a useful way to frame the town's concerns. He concluded by urging the town to revisit and, if necessary, amend the code—not solely for his own project, but to safeguard the future of development in Berlin. He reminded the commission of the broader philosophical and legal risks, particularly for other upstream and downstream properties.

Mr. Cosby then asked how the matter could be formally presented to the town for review. Specifically, he wanted to know whether the burden of initiating a review would fall on the applicant or if it should be undertaken by staff. Ms. Cruz explained that stormwater issues connected to the proposed project would be evaluated in coordination with the town's stormwater engineering consultant. She further clarified that if the town were to pursue a code amendment or clarification, the process would begin with staff and include a review to ensure compliance with state regulations. Any changes, she emphasized, would need to align with state requirements while also providing clearer, more practical guidance for developers and engineers.

Mr. Scheiber asked whether the town could override a refusal, such as Decatur Farms' denial, if evidence demonstrated that runoff was being properly managed. In response, Mr. Lindsey suggested that the town could resolve the matter by directing the stormwater consultant to disregard the easement requirement, thereby removing the obstacle. Mr. Austin Purnell echoed the concerns raised during the discussion, emphasizing that the absence of a clear legal definition for "runoff" remained a significant issue.

As the discussion drew to a close, Mr. Purnell asked Mr. Davis what outcome he was seeking from the commission. Mr. Davis replied that he still hoped to proceed with the proposed minor subdivision, despite his original plan having been stalled. He explained that moving forward with the subdivision would at least preserve some project momentum, particularly if he chose to sell the lots in the future.

Mr. Lindsey clarified that lots 1, 3, and 4 in the proposed subdivision already contained existing structures, while lot 2 remained vacant. Mr. Davis explained that he was considering either single-family homes or duplexes and could pursue renovations of existing homes or construct new ones. Mr. Cosby observed that, although duplexes were permissible, they would not be as visually appealing as the original design Mr. Davis had presented. Mr. Lindsey further noted that if the development involved more than 5,000 square feet of land disturbance, a stormwater management plan and potentially an easement would still be required.

A discrepancy then arose regarding how the disturbance threshold should be calculated. Mr. Lindsey stated that he believed the town would treat all four lots as a single project, applying cumulative disturbance rules. However, Acting Planning and Zoning Director Ryan Hardesty explained that, after consulting with Steven LeMasters of EA Engineering, the town would likely evaluate each lot independently, provided they were not connected by ownership or developed simultaneously. She added that Lot 1 posed the most significant potential concern, as the proposed driveway could push the disturbance area above the regulatory threshold.

Mr. Cosby urged the town to establish clear, quantifiable standards for stormwater runoff. He suggested that if developers could demonstrate they were below a defined threshold, they should not be required to obtain an easement. Such standards, he explained, would enable developers to conduct proper due diligence before purchasing land and avoid acquiring parcels that might later prove to be undevelopable.

He then asked Mr. Davis if he wished to proceed with the preliminary subdivision application, Case PC-9-10-25-07, and Mr. Davis confirmed. On a motion by Mr. Cosby, seconded by Mr. Widdowson, Case PC-9-10-25-07 was unanimously approved.

With no further questions or comments, Chairman Stoehr called for a motion to adjourn. On a motion made by Mr. Cosby and seconded by Mr. Purnell, the meeting adjourned at 6:24 p.m.

Respectfully submitted,



Kate Daub

Special Projects Administrator



Mayor & Council of Berlin

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Phone 410-641-2770 Fax 410-641-2316
www.berlinmd.gov



PLANNING COMMISSION APPLICATION

DATE: 9/19/25

CASE NUMBER: PC-9-10-25-08

APPLICATION TYPE: (check one)

- | | |
|--|--|
| ☐ Concept Site Plan Review | ☐ Concept Subdivision |
| ☒ Preliminary Site Plan Review | ☐ Preliminary Subdivision |
| ☐ Final Site Plan Review | ☐ Final Subdivision |
| ☐ Other: _____ | |

Has this project already been reviewed by the Planning Commission?

☐ No
☒ Yes June 12, 2024
Date of Meeting

PROJECT NAME/DESCRIPTION: 513 S Main Street offices

LOCATION OF PROPERTY: 513 South Main Street

SIZE OF PROPERTY: 15,000 ZONING: B1 TOTAL LOTS: 1

PROPERTY OWNER/AGENT: Patrick Vorsteg PHONE #: 410 375 1035

ADDRESS: 11205 Tammy Terrace Bishopville MD 21813 EMAIL: jp.vorsteg@aol.com

IMPORTANT:

- Applications must be submitted at least thirty (30) days before a regularly scheduled Planning Commission meeting. Meeting dates and filing deadlines are available at: berlinmd.gov/government/boards-commissions-and-committees
- Nine (9) complete copies of the proposed subdivision or site plan must accompany the application.
- All applicable review fees are due at the time of submission.
- Submission by the stated deadline does not guarantee placement on the next agenda. Each application is subject to a comprehensive review process, which may extend beyond the next meeting date.

ADDITIONAL INFORMATION/EXPLANATION:

The applicant, or an authorized representative, has been advised to appear at the meeting of the Planning Commission scheduled for _____ (date).

Applicant Signature [Signature] Date 9/19/2025

IF APPROVED:

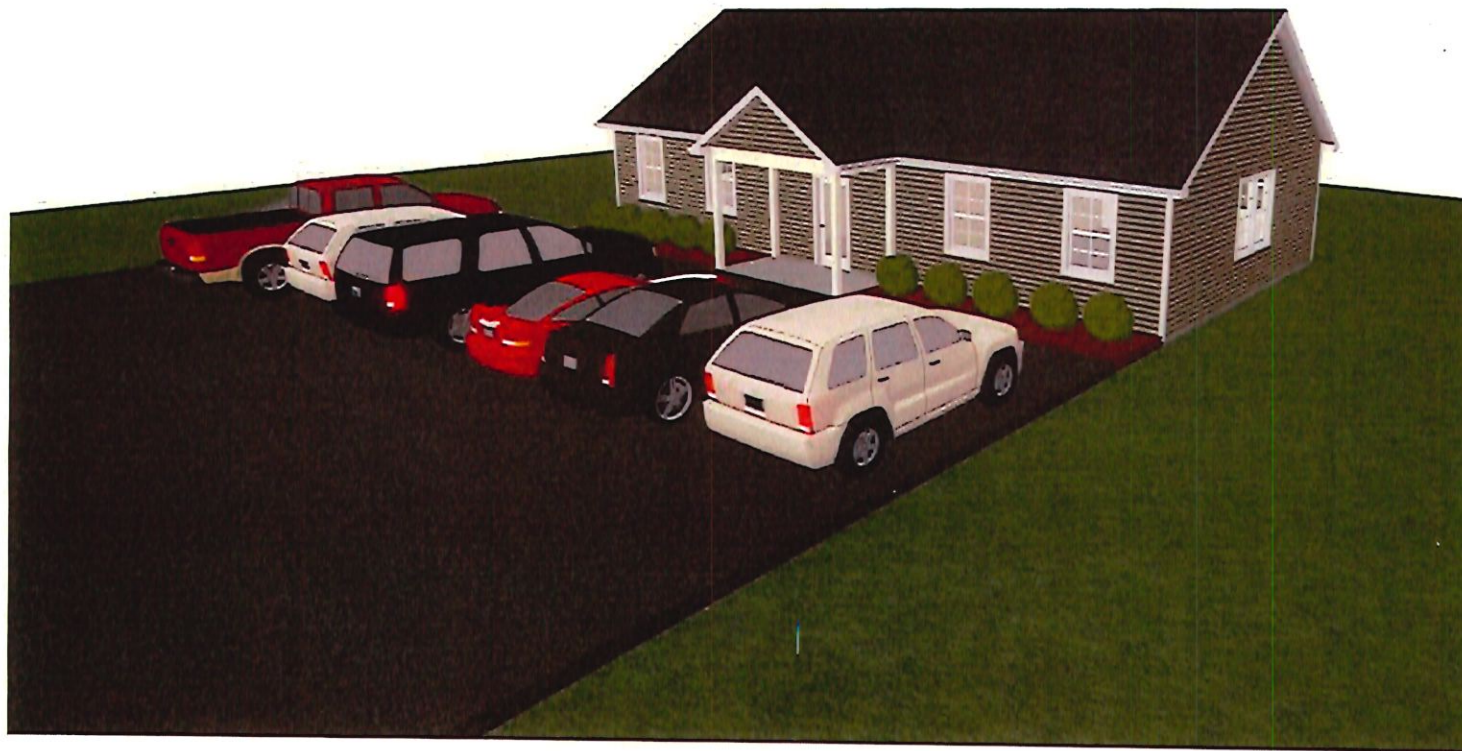
Planning Commission Chair

Date

Planning Director

Date

JENNIFER A LYNCH PROPOSED OFFICE BUILDING



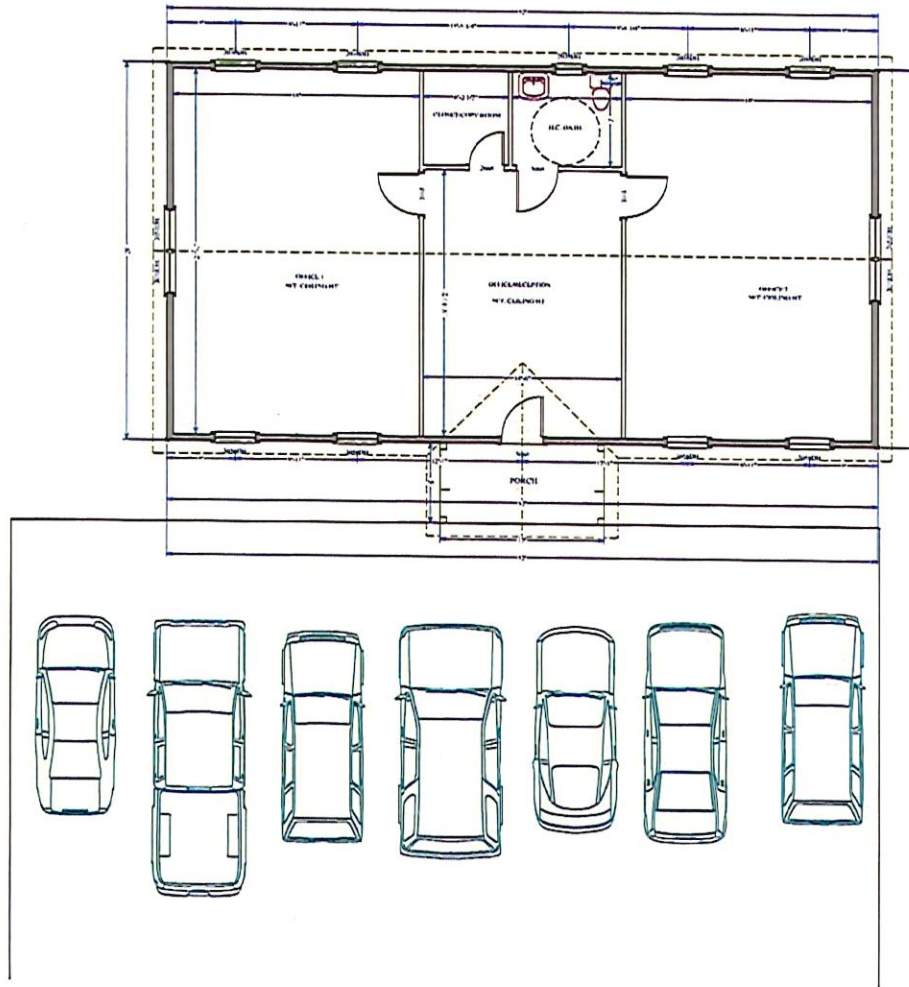
REVISION	DATE	BY	DESCRIPTION



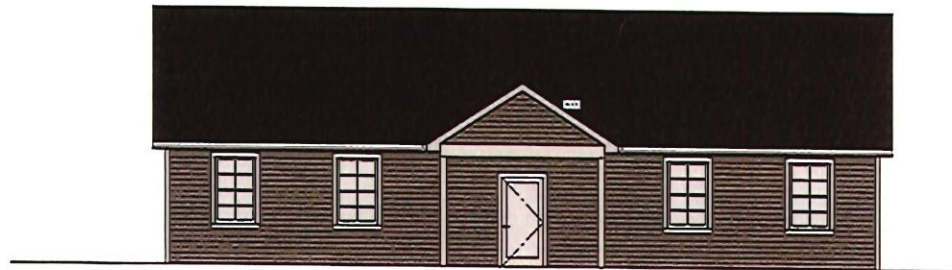
DRAWINGS PROVIDED FOR:
JENNIFER A LYNCH
513 SOUTH MAIN STREET
BERLIN, MD 21811

DRAWINGS PROVIDED BY:
ATLANTIC DESIGN GROUP
246 CLAYTON AVE
FRAINFORD, DE 19945
302-462-6138

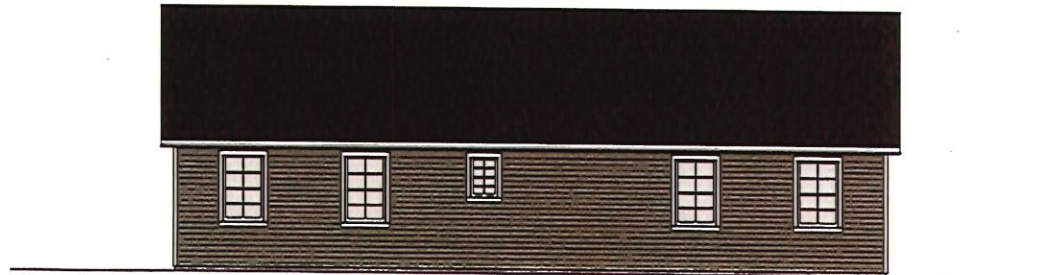
DATE:
12/17/2024
SCALE: 1/4"
SHEET:
1



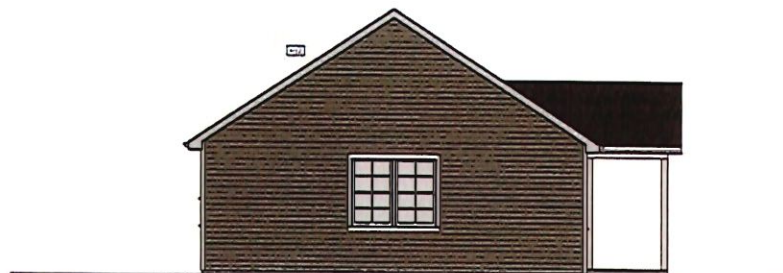
DRAWINGS PROVIDED BY: ATLANTIC DESIGN GROUP 246 CLAYTON AVE FRANKFORD, DE 19945 302-462-6138		DATE: 12/17/2024
DRAWINGS PROVIDED FOR: JENNIFER A LYNCH 513 SOUTH MAIN STREET BERLIN, MD 21811		SCALE: 1/4"
SHEET: 2		SHEET:



FRONT ELEVATION
1/4" SCALE



REAR ELEVATION
1/4" SCALE



LEFT ELEVATION
1/4" SCALE



RIGHT ELEVATION
1/4" SCALE

EXISTING	PROPOSED



DRAWINGS PROVIDED FOR:
JENNIFER A LYNCH
513 SOUTH MAIN STREET
BERLIN, MD 21811

DRAWINGS PROVIDED BY:
ATLANTIC DESIGN GROUP
246 CLAYTON AVE
FRANKFORD, DE 19945
302-462-6138

DATE:
12/17/2024
SCALE: 1/4"
SHEET:
3

LOT 8

HP
FAITH BAPTIST CHURCH OF BERLIN MARYLAND
DEED REF: M.D.L. 1165031
TAX MAP 302 - PARCEL 948
CURRENTLY ZONED: B-1

CONTRACT SHALL PROVIDE TWO BARGE TOWERS
SUBJECT TO CONTRACT TO DISCHARGE TO EAST FAD GROW

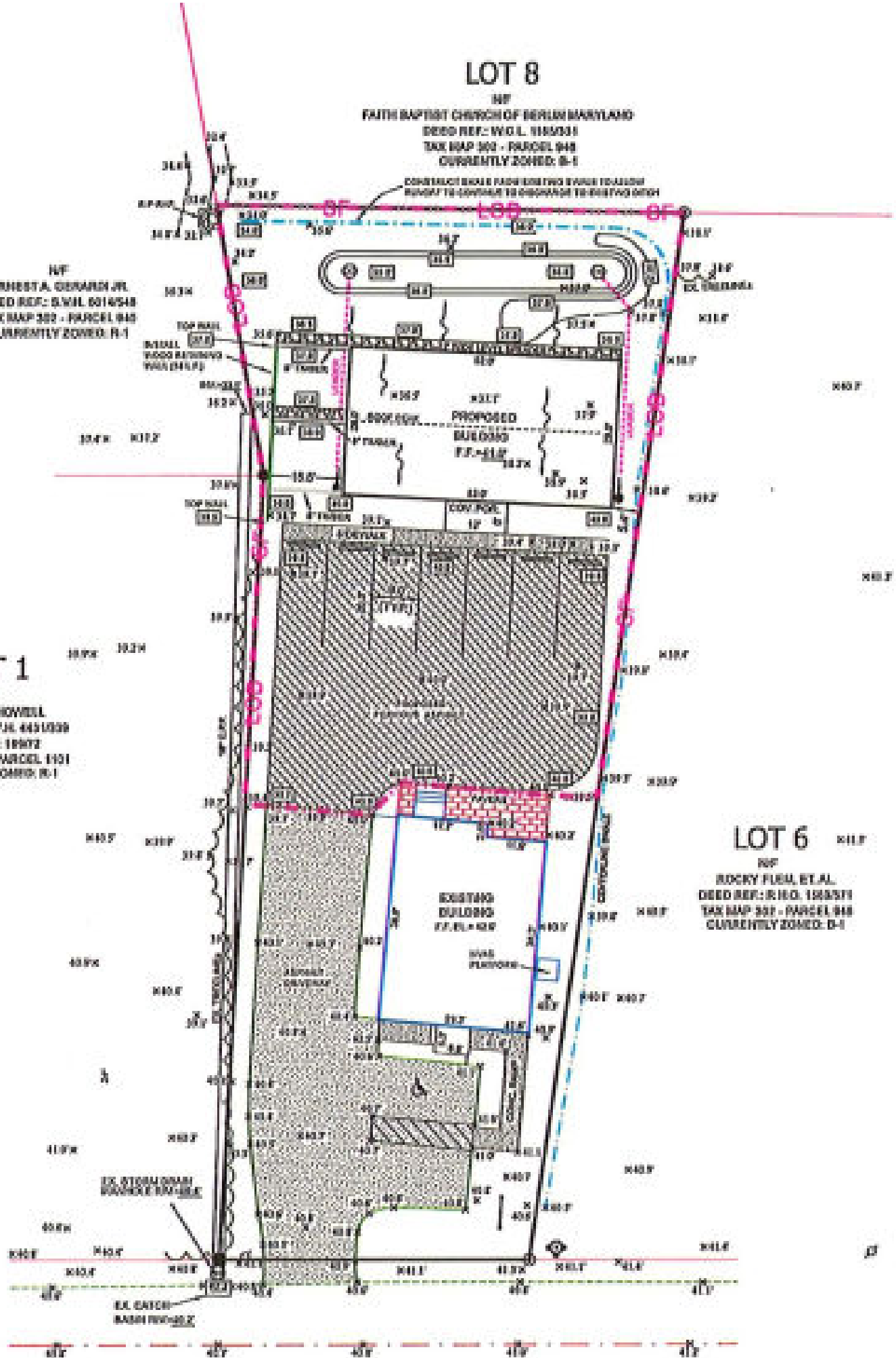
HP
ERNEST A. GERARD JR.
DEED REF: S.W.L. 6014548
TAX MAP 302 - PARCEL 949
CURRENTLY ZONED: R-1

LOT 1

HP
PAMELA SHOWELL
DEED REF: S.W.L. 4431039
PLAT REF: 19972
AX MAP 302 - PARCEL 1101
CURRENTLY ZONED: R-1

LOT 6

HP
ROCKY FLEM, ET AL.
DEED REF: R.H.O. 128371
TAX MAP 302 - PARCEL 948
CURRENTLY ZONED: B-1



SOUTH MAIN STREET

