



# City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT  
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BOB CULVER  
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DIRECTOR OF ADMINISTRATION

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## MINUTES

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The Salisbury-Wicomico Planning and Zoning Commission met in regular session on September 19, 2019, in Room 301, Council Chambers, Government Office Building, with the following persons in attendance:

**COMMISSION MEMBERS:**

Charles "Chip" Dashiell, Chairman  
Scott Rogers  
Mandel Copeland  
James McNaughton  
Jack Heath  
Jim Thomas

**CITY/COUNTY OFFICIALS:**

Henry Eure, Infrastructure and Development Dept.  
Paul Wilber, County Attorney

**PLANNING STAFF:**

Keith Hall, Deputy Director, Wicomico County Planning, Zoning, and Community Development  
Marilyn Williams, Technical Review, Wicomico County Planning, Zoning, and Community Development  
Gloria Smith, Acting Recording Secretary

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The meeting was called to order at 1:30 p.m. by Mr. Dashiell, Chairman.

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**MINUTES:** Upon a motion by Mr. Rogers, seconded by Mr. Heath, and duly carried, the minutes from the August 22, 2019 meeting were **APPROVED** as submitted.

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**COUNTY SUBDIVISION PLATS: (M. Williams)****The Ponds at Nutters****Stonehaven Drive (M-48; P-171, 446, 447 & 443) - Preliminary Plat - 18 Lots**

Ms. Marilyn Williams, Mr. Tom Ruark and Mr. Brock Parker came forward. Ms. Williams summarized the Staff Report explaining the applicants are seeking Preliminary Plat for this subdivision. She gave the history of approvals for the plat.

Ms. Williams explained that the staff recommended approval of the plat. This is contingent upon a public hearing for a Tier Change. She presented the Conditions of Approval.

Mr. Wilber discussed the Tier Re-Designation process:

1. The Health Department must approve 8 or more lots.
2. The Preliminary Plat is presented.
3. A public hearing is held.
4. The Commission can approve the plat.

He discussed the Tier Designation from the previous proposal when a package treatment plant was proposed. He noted that the Commission could discuss the plat but he did not recommend a vote

Mr. Keith Hall noted that this is the first plat of its kind. He suggested that the Commission could look at holding the public hearing and the plat review concurrently. The Comprehensive Plan gives a broad process for the approval. He explained that the staff was trying to be timely for the applicant.

Mr. Dashiell repeated that there would be no vote today and added that they could discuss the plat with the applicant.

Mr. Parker explained that this plat was originally designed for a package treatment plant. The subdivision is partially constructed without paving the roads. The curbs are in. Consolidating the meetings would be helpful. The plat probably contains more lots than will be finally approved. There are 4 more under review. They are looking for an opportunity to get through the Preliminary phase.

Mr. Ruark added that they are asking for lots on one side of the road only. There is not enough room for lots and septic systems on the other side. There will be a lot of open space. He questioned including this in the Section 3 Homeowners Association.

Ms. Williams asked if he would like it separate. Mr. Ruark responded that he would probably like to and discussed the HOA approval of the homes.

Mr. Dashiell asked if the subdivision plat could be shown on the big screen. Mr. Hall displayed the map from the laptop.

Mr. Dashiell asked if there were further questions and asked about the Condition regarding conveying Parcel J. Ms. Williams explained about the pond.

Mr. Dashiell asked about the Forest Conservation Areas on Lots 15 and 16. Pointing to the plat, Ms. Williams explained about the potential to leave homeowners confused about what areas cannot be developed.

Mr. Thomas asked what changes there had been since the Sketch plat. Mr. Parker responded none.

Mr. Hall noted that staff would make changes for the Public Hearing.

The following Conditions were recommended by Staff:

**CONDITIONS OF APPROVAL:**

1. The Final Plat shall comply with all requirements of the Wicomico County Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Final Plat.
3. The Final Plat shall comply with all requirements of the Forest Conservation program.
4. Final approval of the stormwater management plan by the Department of Public Works is required prior to recordation of the Final Plat.
5. Improvements Construction Plans shall be submitted to and approved by the Public Works Department prior to the recordation of the Final Plat.
6. All lots will become members of the Section 3 Nutters Crossing Homeowners Association and a Revised Covenants and Restrictions document including The Ponds at Nutters Crossing lots in the Homeowners Association shall be recorded in the Land Records of Wicomico County prior to the recordation of the Final Plat.
7. A deed conveying the existing pond parcel (to be named Parcel J) and Parcel H to the Homeowners Association shall be recorded in the Land Records for Wicomico County prior to recordation of the Final Plat. The Homeowners Association will be responsible for maintenance of all stormwater facilities.

8. A deed of Forest Conservation Easement and long-term management agreement shall be recorded in the Land Records for Wicomico County prior to recordation of the Final Plat.
9. A cluster mailbox pad with adequate access is to be constructed outside of all easement areas and in accordance with U.S. Postal Service requirements, or, a letter from the local USPS office confirming individual mail delivery is required prior to the recordation of the Final Plat.
10. The Forest Conservation easement areas shown on Lots 15 and 16 will be relocated elsewhere to provide for more practical building envelopes.
11. If possible, Lot 12 should be revised to create a larger building envelope. If the current configuration is maintained, a proposed Site Plan for development of the lot will need to be submitted for review by the permits department prior to approval of the Final Plat.
12. The slopes shown on Lots 7 and 8 indicate a slope of 15% which, per the Zoning Code, would not allow them to be built upon. Clarification of existing topography is required. Any lots with substantial fill may require soil evaluations prior to the issuance of building permits.
13. The proposed well on Lot 16 appears to be located within the 25' non-tidal wetlands buffer and may need to be relocated.
14. Verification of the existing floodplain line and areas of non-tidal wetlands needs to be made prior to approval of the Final Plat.
15. If the Preliminary Plat is approved by the Planning Commission, a Tier re-designation to Tier III will need to be proposed at a public hearing.
16. This approval is subject to further review and approval and conditions imposed by the Planning and Zoning and Public Works Departments.

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**REVISED SIGN PLAN APPROVAL** – Beaglin Station – 810 Beaglin Park Drive – Gen. Comm. District – I & D #201900743

Mr. Vic Laws, III came forward. Mr. Henry Eure summarized the Staff Report explaining the applicants are seeking approval for additional colors in the approved Sign Plan. Red, green, yellow, blue, orange, maroon and lavender on white are requested. There is also a second request for the Bruce's Billards sign.

He noted that Staff recommended approval.

Mr. Laws and Mr. Eure discussed the request and the submittal. Mr. Laws explained that Randy Bendler is the real estate broker involved with this project and with the Royal Farm store.

They submitted photos of a nearby shopping center that changed from tan and brown colors to accommodate the desires of tenants. Tenants occupying multiple units was also discussed. It would look odd to have a storefront with no signage.

Mr. Dashiell noted that the Commission has been fairly liberal in the approval of sign colors for tenants. The Commission has been fairly agreeable to have storefronts with what the owners and tenants desire

Mr. Heath asked about the green sign. Mr. Eure explained that it is already existing.

Mr. Heath noted that he has received several calls regarding flags and discussed the visibility of flags. A brief discussion followed regarding the Code and flags.

Upon a motion by Mr. Rogers, seconded by Mr. Heath, and duly carried, the Commission granted Revised Sign Plan **APPROVAL** as submitted, subject to the removal of non-compliant signs and flags.

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### **The Nature Conservancy Presentation – Joseph Fehrer**

Mr. Joseph Fehrer and Mr. Mike Dryden came forward.

Mr. Dryden discussed a restoration project on the Pocomoke River. He discussed the partners, the Wetland Reserve easement, and the area the project covered from Whiton Crossing up to Route 50. He also explained other projects regarding breaches, plugs, bank stabilizations, and right-of-way stabilizations.

He added that they are also working on another Pocomoke River project.

Dr. McNaughton asked about the funding. Mr. Dryden explained that they are fully funded through USDA. He added that NRCS would address future issues.

Mr. Fehrer discussed The Nature Conservancy – it covers the entire United States and is also located in 69 countries. Their work is science based and non-governmental. The largest project is Nassawango Creek. It covers 11,000 acres. He discussed their goals and objectives for Nassawango Creek: hydrologic restoration and forest management. Most of the area is in a second thinning stage.

Mr. Fehrer discussed issues and concerns regarding subdivisions and PDA maintenance.

Dr. McNaughton asked about EPA water use models. Mr. Fehrer said that it does not change what TNC is doing.

Mr. Dashiell commented that they had great photos and added that the Commission appreciated the work of TNC.

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**STAFF COMMENTS:**

Mr. Hall noted that the next Commission meeting would be October 17 and that staff will advertise the public hearing for the Tier Re-Designation.

The MCPA meeting is in November.

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There being no further business, the Commission meeting was adjourned at 2:20 p.m. by Mr. Dashiell.

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This is a summary of the proceedings of this meeting. Detailed information is in the permanent files of each case as presented and filed in the Salisbury-Wicomico County Department of Planning, Zoning, and Community Development Office.

  
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Charles "Chip" Dashiell, Chairman

  
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Lori A. Carter, Director

  
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Gloria Smith, Acting Recording Secretary