



# City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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## MINUTES

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The Salisbury-Wicomico Planning and Zoning Commission met in regular session on November 21, 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, Absent

### PLANNING STAFF:

Anne Roane, Infrastructure and Development Dept.

Henry Eure, Infrastructure and Development Dept.

Brian Wilkins, Infrastructure and Development Dept.

Keith Hall, Deputy Director, Wicomico County Planning, Zoning, and Community Development

Gloria Smith, Planner, Wicomico County Planning, Zoning, and Community Development

Amanda Rodriguez, 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:** The minutes from the October 17th meeting were brought forward for approval. Mr. Rogers noted that there was a correction to be made on page 7. Mr. Rogers was not in attendance, and could not have made the motion for approval for agenda item "Sandywood Sec. 1 Lot 6A."

Upon a motion by Mr. Heath, seconded by Mr. Rogers, and duly carried, the minutes from the October 17, 2019 meeting were **APPROVED** with the stated

revision. Mr. Rogers and Dr. McNaughton abstained from voting as they were absent at the last meeting.

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**PUBLIC HEARING – Special Exception – Two-Family Residence – David E. & Helena J. Turco – Pemberton Drive – R-20 Residential; M-37, P-417, G-19, L-2 (G. Smith)**

Ms. Gloria Smith and Mr. David Turco came forward.

Mr. Keith Hall read the Notice for Public Hearing and administered the oath to those wishing to testify in this case.

Ms. Smith explained that Special Exceptions for Two-Family residences were traditionally heard at the Board of Appeals, but are now brought before the Planning Commission per the 2004 Zoning Code.

Ms. Smith proceeded to present the Staff Report and enter into the record all exhibits pertaining to this hearing. She stated the proposed dwelling would be consistent with the County Comprehensive Plan density requirements, and would be compatible with adjunct properties uses. The proposed dwelling would not have adverse effects on the surrounding schools, water, transportation network, or environment. Staff recommends approval per the 5 conditions of approval.

**Conditions of Approval:**

1. This Special Exception – Two-family residence - shall be exercised within one (1) year from the date of issuance.
2. Development of the site shall be in accordance with the Site Plan, Applicant's Exhibit 5, dated 2/9/2019 and the Building Elevations, Applicant's Exhibit 7, dated 2/9/2019. The Planning Staff may approve minor changes in the plans and/or elevations. Major changes shall require the Commission's review and approval by public hearing.
3. Failure to comply with the above Conditions shall render the Commission's approval in this matter null and void.
4. It is mutually understood that the Applicant shall obtain a County Building Permit, if applicable, and comply with all applicable Codes and regulations whether or not shown on the approved development plan or noted in the Staff report. Additional materials may be required by the appropriate agency.
5. A Chesapeake Bay Critical Area Certificate of Compliance shall be obtained prior to construction of the residence.

Chairman Dashiell noted there were no other interested parties present.

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Mr. Heath inquired about the capacity of the septic system on the property. Mr. Turco explained that his septic system has been approved for a four bedroom home, and the proposed dwelling would equal that with two bedrooms per family unit.

Mr. Heath asked if there was the potential for Mr. Turco to separate the units and sell one in the future. Mr. Turco responded that the dwelling was not designed that way as it is 2 units inside one structure, but that there is the potential for rental of the other unit.

Chairman Dashiell, thinking forward, asked if the abutting lots could request to also contain two dwellings in the future. Ms. Smith stated that it would be the same process, and would require a public hearing.

Upon a motion by Mr. Rogers, seconded by Dr. McNaughton, and duly carried, the Commission approved the Special Exception for a Two-family residence with the five conditions of approval.

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**REVISED CERTIFICATE OF DESIGN & SITE PLAN APPROVAL – The Ross – Nicholas Simpson/First Move Properties, LLC - 130-132 East Main Street - Central Business District – M-107; G-15; P-855 & 856 - #18-017.**

Mr. Brian Wilkins and Mr. Nick Simpson came forward.

Mr. Wilkins read the Staff Report and stated that Mr. Simpson was before the Commission to request approval of the Revised Certificate of Design and Site Plan for the Ross, to be located at 130-132 East Main Street in Salisbury. Mr. Simpson purchased the adjacent property and intends to place a plaza area between the two buildings to serve as a recreational area with integrated stormwater management features. These features would serve as a mitigation area for the entire site.

Mr. Simpson noted that it would be a public space between the two properties. The originally submitted plan included a stormwater management feature on the rooftop of The Ross, but they have recently decided to move it to the ground to also incorporate components of the plan for Critical Area mitigation as well.

Ms. Roane asked Mr. Simpson if he still intended the rooftop area to be a rental space/public venue. Mr. Simpson responded the intent was for the 12<sup>th</sup> floor to be open to the public.

Chairman Dashiell expressed concerns regarding the constraints that would be required to allow public access. Chairman Dashiell asked if it would

be a rental space, and stated that the Commission would need to review the use before construction could begin.

Mr. Eure stated that this would need to be presented to the Planning Commission as the public venue idea was never included in the original submission.

Dr. McNaughton asked if all three properties would be listed under one address or separately. Ms. Roane replied that they would go through the lot consolidation process to all be under one address.

Upon a motion by Mr. Rogers, seconded by Mr. Heath, and duly carried, the Commission granted approval of the Revised Certificate of Design and Site Plan subject to the following Conditions:

1. This site shall be developed in accordance with the approved Site Plan and all requirements of the Salisbury Municipal Code. Minor plan adjustments that do not conflict with the Chesapeake Bay Critical Area requirements may be approved by the Director of the Department of Infrastructure and Development;
2. A Chesapeake Bay Critical Area Certificate of Compliance must be obtained from the Planning Office prior to commencing construction, if required;
3. Any changes to exterior signage, including additional business signs for first floor tenants, shall be subject to Planning Commission review and approval;
4. Consolidation of properties 130, 132 & 144 East Main Street;
5. Subject to further review and approval by the City Department of Infrastructure and Development.

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**REVISED SIGN PLAN APPROVAL – Boscov’s. rep. by Bartush Signs – 2300 N. Salisbury Blvd. – General Commercial District – M-119, G- 15, P-237; #201900917 (H. Eure)**

Mr. Henry Eure and Mr. Gareth Donnelly came forward.

Mr. Eure read the Staff Report and stated the applicant was seeking approval for 2 new signs to be placed on the façade of the new addition that replaced the garden center. He stated that all existing signs would also be replaced with the new corporate logo and script.

Upon a motion by Mr. Rogers, seconded by Mr. Heath, and duly carried, the Commission granted Revised Sign Plan Approval as submitted.

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**REVISED SIGN PLAN APPROVAL – Coventry Square – Skymark Real Estate Investors, LLC – Beaglin Park Drive and Still Meadow Blvd. – Aydelotte Farm PRD #7 – M-29 & 38, G- 24 & 6, P-312 & 219; #201900921 (H. Eure)**

Mr. Henry Eure came forward.

Mr. Eure read the Staff Report and stated the applicant was seeking approval for new entrance signs and a Homeowner's Association sign. Mr. Eure noted that the development was previously approved for signage as the Villages at Aydelotte Farm in May of 2009. Since that approval, Skymark has taken ownership and wishes to redo the development's signage. Staff recommends approval as submitted.

Upon a motion by Mr. Rogers, seconded by Dr. McNaughton, and duly carried, the Commission granted Revised Sign Plan Approval as submitted.

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**SIGN PLAN APPROVAL – Square at Merritt Mill – Pennrose, LLC – Merritt Mill Road – M-39, G-7, P-33 & 542; #201900925 (H. Eure)**

Mr. Henry Eure and Pat Beaglin came forward.

Mr. Eure read the Staff Report and stated that the applicant is seeking approval for a 22 sq. ft. monument sign to be located at the entrance of the complex, plus six secondary directional signs to be dispersed throughout the property. Staff recommends approval as submitted.

Upon a motion by Mr. Rogers, seconded by Dr. McNaughton, and duly carried, the Commission granted Sign Plan Approval as submitted.

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**PLANNING COMMISSION CONSENSUS – The Village at Salisbury Lake – Crossroads Salisbury, LLC – Civic Ave., St. Alban's & Beaglin Park Drives – M-109, P-2505, 2518, 2520, 2581, Pad 8, Block D, and 2581, Pad 9, Block D, G-2 - #19-031**

Ms. Anne Roane, Keith Fisher, Brock Parker, and John Custis came forward.

Ms. Roane gave a brief history of the project. She stated that in February 2007, the development had received approval for height requirements, density requirements, and setbacks as Planned Residential Development-11. When the recession hit, this project fell to the wayside. Ms. Roane continued that the details of the plan were not before the Commission for discussion today, and that what has been submitted was simply a concept plan.

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Ms. Roane explained that this request for a previously approved planned development was rather unusual, as they were asking the Commission to reach a consensus on the process of approval going forward. Normally this process would require a text amendment. Staff contacted the City legal team and was assured that a text amendment would not be necessary if the Commission could reach a consensus.

Chairman Dashiell asked what would be involved in a text amendment. Ms. Roane replied that it would be costly and time consuming.

Mr. Fisher stated that time was crucial on this project, and a text amendment would slow down the process on a project the City wishes to move forward.

Mr. Parker stated that the previous developer was interested in a high density development, but that the new developer wants to lower the density and make the property a mixed-use property.

Chairman Dashiell invited members of the community to speak, but reminded those present that it was not a public hearing. He encouraged Mr. Fisher, Mr. Parker, and Mr. Custis to address and communicate with adjacent property owners to prevent any miscommunications with the surrounding community.

Ms. Joann Litherland, of 411 Beaglin Park Drive, came forward. She stated that she thought the presentation at the Commission would be more in depth about the development process, but wishes to be notified of the future hearings so that she can be in attendance. Ms. Roane assured her she would receive future notices.

Upon a motion by Mr. Rogers, seconded by Dr. McNaughton, and duly carried, the Commission awarded a favorable consensus regarding the approval process for The Village at Salisbury Lake.

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**STAFF COMMENTS:**

Mr. Hall informed the Commission members that the Staff will be implementing the use of more technology at Planning Commission meetings, as was exhibited at this session via digital plans and Staff Reports viewed on the screens in Council Chambers.

Mr. Hall gave an update on the DAF tank. He stated that County Council declared a 6-month moratorium on the construction of DAF tanks. This

action was vetoed by Executive Culver. Council, with a majority vote, overrode the veto.

Mr. Hall informed the Commission that the County was analyzing their code in regards to large scale solar projects.

The next Commission meeting would be December 19<sup>th</sup>.

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There being no further business, the Commission meeting was adjourned at 2:45 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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Amanda Rodriguez, Recording Secretary