



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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MAYOR

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CITY ADMINISTRATOR

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COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

MINUTES

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

Jim Thomas, Absent

PLANNING STAFF:

Anne Roane, Infrastructure and Development Dept.

Henry Eure, Infrastructure and Development Dept.

Lori Carter, Director, Wicomico County Planning, Zoning, and Community Development

Marilyn Williams, Wicomico County Planning, Zoning, and Community Development

Amanda Rodriguez, Recording Secretary

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

MINUTES: The minutes from the November 21st meeting were brought forward for approval. Upon a motion by Mr. Rogers, seconded by Mr. Copeland, and duly carried, the minutes from the November 21, 2019 meeting were **APPROVED** as written.

PUBLIC HEARING – TEXT AMENDMENTS - Chapter 12.20 – Chesapeake Bay Critical Area Natural Resources Program (A. Roane)

Mr. Paul Wilber, County Attorney, read the Notice for Public Hearing into the record and administered the oath to those that wished to testify.

Ms. Roane came forward and presented the Staff report and recommends forwarding a favorable recommendation to Mayor Day and the City Council.

Ms. Roane explained that when the State of Maryland adopted Critical Area legislation in 1984, Wicomico County administered the Critical Area program for all properties in the City. Since the County and City reorganized, the County was still administering the CBCA program on behalf of the City. The City is now ready to adopt their portion of the program.

Dr. McNaughton asked if changes had been made to this program that deviate from the County program. Ms. Roane replied that this was simply a housekeeping matter. This text amendment would allow the City Infrastructure and Development office to enforce regulations and establish their right to collect fees.

Upon a motion by Mr. Rogers, seconded by Dr. McNaughton, and duly carried, the Commission forwarded a favorable recommendation to the Mayor and City Council for adoption of the amendments to Chapter 12.20.

**COUNTY SUBDIVISION PLAT EXTENSION REQUEST (M. Williams)
Mill Creek (Nithsdale, Sec. 13) 5 Lots, N. Nithsdale Dr. - M-37; P-293; G-20**

*** Before hearing this agenda item, Mr. Rogers disclosed that Solutions IPEM is his employer and poses a conflict of interest. Mr. Rogers stated that he was willing to sit in on this case to prevent tabling the item due to a lack of a quorum. Mr. Wilber directed the Commission to the Charter, noting that a public official may participate if there would otherwise be no quorum and has disclosed their relation to the project. ***

Ms. Williams presented the Staff Report and stated that this subdivision has been in the works over the past year, and received final plat approval. The current Nithsdale Homeowners Association would not be able to vote on bringing these five lots into the existing HOA until the January 2020 meeting.

Mr. Dashiell reiterated that within the last year Mill Creek has proven that substantial improvements have been made, and that this 1 year extension would be solely to obtain the vote to allow this section in the HOA.

Upon a motion by Mr. Rogers, seconded by Mr. Copeland, and duly carried, the Commission approved a 1 year extension for the Mill Creek subdivision plat.

**COUNTY SUBDIVISION PLAT EXTENSION REQUEST (M. Williams)
Kaywood Sec. 13, 12 Lots, Crawford Drive – M-39; P-407; G-19**

Ms. Williams presented the Staff Report and stated that Kaywood, in the last year of their extension, has satisfied stormwater management requirements, submitted an approved forest conservation plan, and subdivision design. The covenants and restrictions and road deed need to be finalized, but Staff recommends another 1 year extension.

Upon a motion by Mr. Rogers, seconded by Dr. McNaughton, and duly carried, the Commission approved a 1 year extension for the Kaywood Section 13 subdivision plat.

**COUNTY SUBDIVISION PLAT EXTENSION REQUEST (M. Williams)
Ron Townsend, 3 Lots, Dagsboro Road - M-22; P-142; G-22**

Ms. Williams presented the Staff Report and stated that the applicant received preliminary approvals in 2010, and another 1 year extension was granted on November 15, 2018. When the applicant requested an extension last year, stormwater management, health department approvals, and review of current subdivision regulations were provided. Mr. Townsend was also informed that he needed to create the interior road in the form of a cul-de-sac. Ms. Williams stated that Mr. Townsend wants to appeal the requirement for an interior road. Staff feels no significant action has been taken over the last year to warrant an extension.

Mr. Townsend addressed the Commission and gave a brief history of the property stating that he bought the land in 1977, built his own home there, and never planned these lots for subdivision. He stated he has had issues obtaining the \$50,000 that would be required to create the cul-de-sac, but feels confident he will be able to acquire the funding this year. Mr. Townsend stated he has found a contractor and engineer to work on the project, but didn't know there were specific items that needed to be checked off to show significant progress.

Chairman Dashiell stated that there were a number of requests for extensions in 2018, and that the Commission tried to be clear at that time what defined "significant progress." He stated that the Commission is hesitant to grant

an extension if nothing has been completed in the last 12 months, but wants to be fair since Mr. Townsend was not present at his extension hearing in 2018.

Mr. Townsend stated that he has already spent \$20,000 out of pocket on this project and would hate to lose the money if he is not granted the extension.

Dr. McNaughton expressed that he did not feel it was fair to surrounding property owners if there was no clarity on the timeline moving forward. Mr. Townsend responded that this project is in a rural area with no surrounding neighbors, just 7 acres of woods.

Dr. McNaughton inquired if approval of the cul-de-sac will be needed from the Commission. Ms. Williams replied Mr. Townsend needs all approvals from health department before it can come before the Commission for approval.

Mr. Townsend stated that he had received an email from one of the County Engineers, Mr. Antonio Fascelli, 3 months ago outlining what was still needed. Chairman Dashiell asked for a copy of the list of items still outstanding. Ms. Williams provided the following list:

- Stormwater management approval
- Road construction
- A Forest Conservation Plan
- Legal documents for agreements recorded
- Septic design approvals from the Health Department
- Approval of the Final Plat
- Bond for 150% posted
- Assurity bond for 15% for 3 years to cover road defects

Mr. Rogers asked if the Commission should set milestones to keep track of Mr. Townsend's progress. Chairman Dashiell stated that he felt it was best to follow Mr. Townsend's progress, but not necessarily set prerequisites.

Upon a motion by Mr. Rogers, seconded by Dr. McNaughton, and duly carried, the Commission granted a one-year extension subject to all conditions, set to expire on December 17, 2020.

STAFF COMMENTS:

Ms. Carter took a moment to introduce the Commission members to two new Planning and Zoning staff members, Emily Barrett, 911 Addressing Coordinator, and Jesse Drewer, Planner II. The Commission greeted Emily and Jesse and expressed their well wishes.

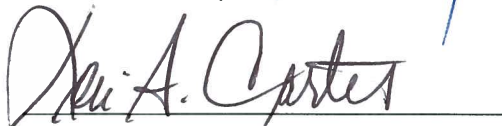
The next Commission meeting would be January 16th.

There being no further business, the Commission meeting was adjourned at 2:15 p.m. by Mr. Dashiell.

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.



Charles "Chip" Dashiell, Chairman



Lori A. Carter, Director



Amanda Rodriguez, Recording Secretary