



JACK R. HEATH  
MAYOR

ANDY KITZROW  
ACTING CITY ADMINISTRATOR

# City of Salisbury – Wicomico County

PLANNING AND ZONING COMMISSION  
P.O. BOX 870  
125 NORTH DIVISION STREET, ROOMS 201 & 203  
SALISBURY, MARYLAND 21803-4860  
410-548-4860  
FAX: 410-548-4955



JULIE M. GIORDANO  
COUNTY EXECUTIVE

BUNKY LUFFMAN  
DIRECTOR OF ADMINISTRATION

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## MINUTES

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The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in regular session on March 16, 2023 in Room 301, Council Chambers, Government Office Building with the following persons participating:

**COMMISSION MEMBERS:**

Charles "Chip" Dashiell, Chairman  
Jim Thomas, Vice Chairman  
Mandel Copeland  
Kevin Shertz  
Muir Boda

**PLANNING STAFF:**

Brian Soper, City of Salisbury, Department of Infrastructure and Development ("DID")  
Henry Eure, DID  
Gary Pusey, Planning Services Manager  
Lori A. Carter, MBA, Wicomico County Department of Planning, Zoning, and Community Development ("PZCD")  
Danielle Rogers, PZCD

Laura Hay, City of Salisbury, Department of Law  
Paul Wilber, County Attorney

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

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**Announcement: Chairman Dashiell**

Chairman Dashiell joined by Julie Giordano, County Executive, and Bunky Luffman, Director of Administration, presented Mayor Jack Heath, a former member of the Planning and Zoning Commission member for seven (7) years, with a Certificate of Recognition. Also, Chairman Dashiell announced a new member to the Commission board and welcomed Mr. Muir Boda, who will be taking Mayor Heath's place. Mr. Boda has served as Vice Chairman of the Salisbury City Council for the past seven (7) years.

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**MINUTES:** The minutes from the January 19, 2023 were brought forward for approval. Mr. Copeland

abstained from approving the minutes, and Mr. Joe Holloway and Mr. Matt Drew were not in attendance. Chairman Dashiell announced there was not a quorum; therefore, January minutes will be reviewed and approved at the next meeting. The minutes for February 16, 2023 were presented for approval. Mr. Jim Thomas submitted a motion to approve, seconded by Mr. Kevin Shertz, and duly carried. The minutes from February 16, 2023 meeting were **APPROVED** as submitted.

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**PUBLIC HEARING – TEXT AMENDMENT – City of Salisbury Zoning Code – Amending Chapter 17.76 –Light Industrial District- to include new uses. (H. Eure)**

Ms. Laura Hay read the advertisement for the Public Hearing.

Ms. Hay administered the oath to Mr. Henry Eure, Mr. Victor Laws (from Laws, Insley & Benson, P.A.) and Mr. Eric Booth (Artistic Creations, Inc.).

Mr. Eure presented the Staff Report.

Laws, Insley & Benson, P.A., on behalf of Artistic Creations, Inc., has submitted a request to amend the text of Title 17, Zoning to include the following language:

In Section 17.76.020 A. 35.: Service, rental or repair establishment.

In accordance with the requirements of Section 17.228 of the Salisbury Municipal Code, the Planning Commission must hold a Public Hearing on proposed Text Amendments to the Code. The Commission must forward a recommendation (within six (6) months) to the City Council. The City Council must also hold a public hearing before granting final approval to Code Text Amendments (by Ordinance).

Staff recommended the Planning Commission forward a favorable recommendation to the Mayor and City Council for the proposed amendment that would inherently permit a Service, rental or repair establishment in the Light Industrial zoning district, as follows:

Amend Section 17.76.020 A. Permitted Uses, by adding the following item:

35. Service, rental or repair establishments, limited to laundry or laundromat, automobile rental, car wash, appliance repair, equipment or instrument repair or rental, dry-cleaning pickup station, pet-grooming shop, upholstery shop, tailor, and tattoo parlor.

Mr. Victor Laws stated there is a gap in the code and contacted City staff to address a Text Amendment approach. Mr. Laws asked Mr. Booth a few questions regarding his particular use of business. Mr. Laws stated that Mr. Booth has been in the tattoo business for over 30 years. Mr. Laws asked Mr. Booth how he acquired his experience as a tattoo artist. Mr. Booth answered it was completed through apprenticeship. Mr. Laws asked Mr. Booth if his operation generates secondary effects like odor, noise, dust and traffic. Mr. Booth answered none of those effects. Mr. Laws presented letters in support from Women Supporting Women whose mission is awareness, education and support for people who have been affected by breast cancer. ADT, Eastern Shore Water and The Furniture Nest are neighboring businesses also submitted supporting letters. Mr. Laws stated that Mr. Booth does reconstructive tattoo artistry for breast cancer survivors.

Mr. Thomas inquired about the definition of service or repair establishment. Mr. Eure, stated that this will be consider a service. Mr. Eure, stated the amendment names tattoo parlor as one of the services.

Mr. Shertz, asked does the addition of this language to the zoning cause any issues with where tattoo parlors are currently located. Mr. Eure, indicated we consider a tattoo parlor a mercantile type use.

Mr. Thomas moved for a favorable recommendation be forwarded to the Mayor and City Council for the Proposed Amendment in Section 17.76.020 to allow Service, rental or repair establishment within those definitions in the Light Industrial Zoning District. The motion was seconded by Mr. Copeland and duly carried, the Commission approved the recommendation.

Chairman Dashiell stated the motion was **APPROVED**.

Chairman Dashiell closed the Public Hearing at 1:53 p.m.

**PROPOSED AGRICUTRAL DISTRICT – Riverton Farms, LLC Easement Application – Riverton Road in Mardela Springs, Maryland – M-0005, G-0011, P-0013 (B. Zito)**

Mr. Gary Pusey, in for Mr. Ben Zito, presented the Staff Report.

The applicants filed an application to sell an easement on property on Riverton Road to the Maryland Agricultural Land Preservation Foundation ("MALPF"). The property size is 83.35 acres.

Mr. Pusey, explained MALPF is a successful program that began in the late 1970's. Participation is completely voluntary and Wicomico County has approximately 65 properties in the program at this time.

The qualifications for participation in the MALPF Program are as follows:

**Criterion #1:** The land is currently being used for producing food or fiber or has the capability to do so. The land has the capability to produce food and/or fiber.

**Criterion #2:** The majority of the land area of any district should consist of either of USDA Soil Capability Classes I, II, and III; USDA Woodland Groups 1 & 2; or at least 60 percent of the two classifications combined. The site contains 91.1 percent Class I, II, III and Woodland Group I and II soils.

**Criterion #3:** An Agricultural Easement generally should not be less than 50 contiguous acres, unless certain conditions are met. The total size of the proposed easement is 83.35 acres.

**Criterion #4:** Land within the boundaries of a 10-year water and sewerage service district may be included in an Agricultural Easement only if it is outstanding in productivity and of significant size. The property is not located within the boundaries of a 10-year water and sewer service district. The closest district is that of Sharptown located 2.3 miles north.

The Planning Staff recommended the Planning Commission forward a favorable recommendation to the County Council for support of the sale of an Agricultural Land Preservation

Easement on the Riverton Farms property based on compliance with the County Comprehensive Plan.

Mr. Thomas moved to forward a favorable recommendation to the Council for the support of a sale of Agricultural Land Preservation Easement of the Riverton Farms property. The motion was seconded by Mr. Boda, and duly carried, the Commission approved the Plan.

Chairman Dashiell stated the motion was **APPROVED**

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**PROPOSED AGRICUTRAL DISTRICT –Troy and Quinn Johnson Easement Application –N. Upper Ferry & Pratt Road in Salisbury, Maryland – M-0036, G-0023, P-0229 and P-0361 (B. Zito)**

Mr. Pusey, in for Mr. Zito, presented the Staff Report.

The applicants filed an application to sell and easement on property on N. Upper Ferry Road and Pratt Road to the Maryland Agricultural Land Preservation Foundation ("MALPF"). The property size is 116.25 acres.

The qualifications for participation in the MALPF Program are as follows:

**Criterion #1:** The land is currently being used for producing food or fiber or has the capability to do so. The land has the capability to produce food and/or fiber.

**Criterion #2:** The majority of the land area of any district should consist of either of USDA Soil Capability Classes I, II, and III; USDA Woodland Groups 1 & 2; or at least 60 percent of the two classifications combined. The site contains 94.5 percent Class I, II, III and Woodland Group I and II soils.

**Criterion #3:** An Agricultural Easement generally should not be less than 50 contiguous acres, unless certain conditions are met. The total size of the proposed easement is 116.25 acres.

**Criterion #4:** Land within the boundaries of a 10-year water and sewerage service district may be included in an Agricultural Easement only if it is outstanding in productivity and of significant size. The property is not located within the boundaries of a 10-year water and sewer service district. The closest district is that of Salisbury located 3.2 miles east.

The Planning Staff recommended the Planning Commission forward a favorable recommendation to the County Council for support of the sale of an Agricultural Land Preservation Easement on the N. Upper Ferry Road and Pratt Road property based on compliance with the County Comprehensive Plan.

Mr. Thomas moved to forward a favorable recommendation to the Council for the support of a sale of Agricultural Land Preservation Easement on the Johnson property based on compliance with the County Comprehensive Plan. The motion was seconded by Mr. Shertz, and duly carried, the Commission approved the Plan.

Chairman Dashiell stated the motion was **APPROVED**.

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**Ventures, LLC, rep. by Becker Morgan Group – Parsons Lake Dr. and Brown Rd. – R-10A Residential District – M-0030, G-0007, P-0223 & 0398 - #21-015 (H. Eure)**

Mr. Jeff Harmon, Sr. Associate and Civil Engineer of the project, and Ted Hastings, Associate from Becker Morgan Group, joined Mr. Henry Eure at the table.

Mr. Eure presented the Staff Report.

Becker, Morgan Group, on behalf of the developers, have submitted a Final Comprehensive Development Plan to improve the site with 329 single family homes. A community center and pool are also proposed. Remaining areas will be devoted to stormwater management ponds, landscaped areas, and forest conservation. The site currently has access from East Naylor Mill Road. Two access points along Brown Road are proposed for the project.

Preliminary Comprehensive Development Plan and Subdivision were approved for the project in September of 2021.

Adjoining properties to the west are the existing Villages at Parson's Lake townhouses, and the Reserve at Parson's Lake Apartments, which is currently under construction, and nearing completion. Surrounding properties to the north, south and east are outside of the City of Salisbury corporate limits, and fall under the county's A-1 Agricultural – Rural, R-8 Residential and Town Transition zoning districts.

Staff presented the Comprehensive Development Plan Review. These included Site Plan Review, Development Schedule, Community Impact Statement and Statement of Intent to Proceed and Financial Capability, Stormwater Management, Fire Service, Building Elevations, Forest Conservation, Paleochannel Protection District, Wicomico County Board of Education, Traffic Study, Sign Plan.

Planning Staff updated recommendations as follows. The Salisbury Planning Commission at its March 16, 2023 meeting APPROVED the Final Comprehensive Development Plan and Paleochannel Protection District for Parson's Lake Single Family with the following conditions:

1. Provide a Revised Landscaping Plan for the Planning Commission review and approval which displays street trees on both sides of all streets. Tree species shall follow the City's streetscape plan for small and medium trees as listed in attachment 11 of the corresponding staff report for this project.
2. Approval of Community Impact Statement and Statement of Intent to Proceed and Financial Capability waiver requests. However, the applicant shall provide the Commission with correspondence from the Wicomico County Board of Education regarding the Commission concerns about capacity of schools impacted by this project.
3. Obtain typical building elevation approval from the Salisbury/Wicomico Planning Commission prior to construction of any single-family dwellings.
4. Install a roundabout or other traffic improvements at the intersection of East Naylor Mill Road and Parsons Lake Drive. Improvements shall be subject to approval by the Salisbury Department of Infrastructure and Development.

5. Obtain Sign Plan approval from the Salisbury/Wicomico Planning Commission prior to the installation of any signs.
6. Subject to further review and approval by the Salisbury Fire Department.
7. Subject to further review and approval by the Salisbury DID.

Mr. Jeff Harmon thanked the DID for all the help with this project. Recently received Forest Conservation approval from County Council last week and currently going through final process for Plan Recordation. Mr. Harmon is aware he will need to come back with more detailed information on building elevations, landscaping, entrance improvements of East Naylor Mill Road and Parsons Lake Drive, tree and light post spacing.

Mr. Shertz stated there are two elements in the Staff Report causing him concern. The waiver requested from the Community Impact Statement and the Board of Education is saying that this project will bring the schools to near maximum capacity so those two items seem in conflict to each other. Mr. Eure stated DID looks at it as more of an infrastructure advantage point and frequently we do not hear back from the Board of Education. Mr. Harmon added that historically we are used to that Community Impact Statement being water and sewer service, trash collection if the City providing the trash pickup, police, fire would this be a benefit to the City or if it would be a problem for the City. Mr. Harmon added, the buildout will take several years so the impact will be gradual.

Mr. Boda stated one of the areas you will see immediate impact and concern is fire service. The fire department struggles to get to the north end of town within 4 minutes. We would like to put a fire department at the north end of town but, that project would cost significant amount of money to do and then staff with twenty-four firefighters and EMS personnel. Immediate concern from the City stand point that is where we are struggling with fire support. Mr. Jeff Harmon stated this project was planned for quite some time and was annexed quite some time ago and was planned as a Comprehensive Development Plan residential expansion. Mr. Henry Eure stated that this project in particular with the original townhomes started 15 to 20 years ago.

Chairman Dashiell expanded on Mr. Shertz's concern. For instance, comments that come back from the Board of Education stating this will put our schools at near capacity, should that prompt another inquiry or discussion with the Board of Education so DID is better prepared with answers. Or should a representative from the Board of Education be present to voice their concerns, maybe offer an alternative. We need more information regarding the impact to the schools. Chairman Dashiell addressed Mr. Brian Soper asking if a more detailed conversation could be had with the Board of Education when a response is received stating the school will be near capacity.

Mr. Soper stated DID recently increased their efforts to make sure the Board of Education gets the materials they need in the early stages of the development process to review. Staff received information from the Board of Education for another case on the agenda. The information provided back numbers that shows the allocation of students in schools and what the timeline looks like. The numbers will be very conservative probably worst-case scenario that the development is completely built out in the appropriate time manner. The information received today from the Board of Education gave us current impact to schools, and future impact to schools all the way out to the year of 2029. Mr. Soper added he could engage the Board of Education to determine what potential improvements could be done.

Mr. Thomas added we have talked a lot about inadequate housing in Salisbury. He would like to know what are the needs of Salisbury and what has been done this year to accomplish lowering the inadequate housing stock. Planning Commission has approved a lot of apartments and single-family residents how is that going to affect traffic, and water and sewer. Traffic, water and sewer each has separate development plans.

Chairman Dashiell stated a lot of that planning will be done with a comprehensive plan and those issues would be addressed then. We are approving a lot of projects from and growth prospective it is very good. On the other hand, it can create challenges for us that need to be solved. Chairman Dashiell indicated, for future projects if an alert from the Board of Education is received, know the Planning Commission may ask about this, how does someone address this concern.

Mr. Shertz is aware this project has gone through several approvals. He believes this is the first time we have had a response such as this from the Board of Education so it takes him back to the request of a waiver for the Community Impact Statement; these two topics are intertwined. Mr. Shertz is not in favor of a waiver for the Community Impact Statement.

Chairman Dashiell asked the presenters how it affects the project if we do not waive the Community Impact Statement. Mr. Harmon said his biggest concern is with the schedule for "Here is Home" and there is a deadline to be compliant with the program. This project has been in the works for several years and waivers were previously granted. Mr. Harmon requested the approval to move forward at this time in order to meet deadlines. Mr. Soper clarified the project does not need to start construction until October 31<sup>st</sup> to be compliant with "Here is Home."

In an attempt to address Mr. Shertz's concerns about the waiver and Mr. Harmon's concerns about meeting deadlines, Chairman Dashiell asked for Mr. Harmon or the developer to reach out to the Board of Education to obtain clarification on what they need to assist with the "near to capacity" concern. Mr. Soper interjected with a simpler explanation of the Community Impact Statement by stating "how much money will the project bring in" and "how much money will be needed to serve it."

Ms. Lori Carter recommended for Mr. Harmon to review the Board of Education's Plan published January for assistance in his search of information. The Plan discussed the overall expansions, and projects. Mr. Harmon will talk with his contact at the Board of Education regarding their Capital Improvement Plan.

Mr. Thomas entered a motion to approve the Final Comprehensive Development Plan subject to the modified conditions of the Staff Report, as well as comments from the Board of Education. The motion was seconded by Mr. Boda. All Commissioners approved with the exception of Mr. Shertz who opposed the motion.

Chairman Dashiell stated the motion was **APPROVED**.

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**HOMEOWNERS ASSOCIATION DOCUMENT APPROVAL – JOHNSONS RETREAT – DR Horton Inc. – Johnson Rd. – R-10 Residential District - M-0048, G-0011, P-0288 - #21-024 (B. Soper)**

Mr. Soper presented the Staff Report. He mentioned the City Attorney has already reviewed the Homeowner's Association ("HOA") Documents that were requested by the Commission.

The Planning Staff recommended approval of the documents as submitted.

Ms. Hay indicated she and City Staff have reviewed the documents, recommended changes and they have been made to the document.

Mr. Thomas entered a motion to approve the HOA Documents as submitted for Johnson's Retreat Subdivision. The motion was seconded by Mr. Shertz, and duly carried, the Commission approved the plan.

Chairman Dashiell stated the motion was **APPROVED**.

**FINAL SUBDIVISION PLAT APPROVAL – HARBOR POINTE – MCAP Salisbury, LLC, rep. by Davis, Bowen & Friedel, Inc. – Harbor Pointe Dr. – Planned Residential District No. 3B–Harbor Pointe Phases III and IV – M-0113, G-0019, P-1134, Lot-PAR A - #21-012 (B. Soper)**

Mr. Soper presented the Staff Report.

The applicant proposed to subdivide Harbor Pointe Phase 3 into twenty-six (26) lots consisting of twenty-four (24) cottages, a care home, and an apartment building for the elderly and handicapped. Currently, twelve (12) cottages and the care home are existing on the parcel. These lots are served by private roads.

The Planning Commission approved the Preliminary Subdivision Plan on February 16, 2023.

Planning Staff recommends granting Final Subdivision Plat Approval for Harbor Pointe Phase 3, subject to the five (5) conditions listed below:

1. The Final Plat shall comply with all requirements of the Salisbury 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. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development and other applicable agencies.
5. The Final Subdivision Plat cannot be recorded until the approval of the text amendments by the City Council.

The Public Hearing for the Text Amendments with the City Council is scheduled for April 13, 2023.

Mr. Thomas entered a motion to approve the Final Subdivision Plat for Harbor Pointe Phase 3 subject to all the conditions being met. The motion was seconded by Mr. Copeland, and duly carried, the Commission approved the plan.

Chairman Dashiell stated the motion was **APPROVED**.

**PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – BEAGLIN PARK PLACE – Salisbury Beaglin, LLC, rep. by Parker & Associates, Inc. – Beaglin Park Dr. and Gordy Rd. – Planned Residential District No. 7–The Villages at Aydelotte Farm – M-0029, G-0024, P-0312 - #23-001 (B. Soper)**



Mr. Brock Parker, with Parker and Associates, joined Mr. Soper at the table.

Mr. Soper presented the Staff Report.

The applicant proposes to develop the wooded parcel known as Parcel H in 17.150.050.A7 of the Zoning Code into 109 townhouse units. The parcel is split by Beaglin Park Drive and bordered by Gordy Road on the western portion. The proposed development is part of the Aydelotte Farm PRD.

Staff presented the Comprehensive Development Plan. These included the Site Plan, Building Elevations, Sign Plan, Landscaping Plan, Development Schedule, Community Impact Statement (Mr. Soper added for Brock and Associates to reach out to the Board of Education to determine cost of improvements based on their comments), Statement of Intent to Proceed and Financial Capability, Fire Service, Stormwater Management, Forest Conservation Program and Transportation, Streets, and Pedestrians.

Mr. Shertz added in regards to the request for a waiver of the Community Impact Statement, this would be the appropriate time to obtain comments from the Board of Education since this project is at the preliminary stage. Mr. Parker interjected saying they had done their due diligence in informing the Board of Education.

Staff recommends approval of the Preliminary Comprehensive Development Plan for Beaglin Park Place with the following conditions:

1. The site shall be developed in accordance with a Final Comprehensive Development Plan Approval. Detailed building elevations, landscaping and lighting plan shall be incorporated in the Final Comprehensive Plan.
2. Provide a traffic study.
3. Provide a Development Schedule.
4. Waive the Statements of Intent to Proceed, Financial Capability, and Community Impact Statement requirements based upon the Staff Report with the exception of comments by the Board of Education.
5. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development, the Salisbury Fire Department, and other agencies as appropriate.
6. Submit a Paleochannel Site Plan for Planning Commission approval.

Mr. Parker inquired as to when the Paleochannel Site Plan needed to be submitted. Mr. Soper said it could be presented in the Final Comprehensive Development Plan Approval.

Mr. Parker said this is the completion of the Aydelotte Farm project, largest area to be developed.

Mr. Parker's comments on the Community Impact Statement, this is a statement, not a study, not a public facilities ordinance, it is a monetary assessment, a calculation. It is not finding out if schools have capacity; more than likely, all schools will indicate they are over capacity.

Chairman Dashiell appreciated the information provided by Mr. Parker. He tasks the City and County to provide such information going forward.

Mr. Shertz has a concern when waiving something on the books. Mr. Shertz inquired what additional information could come out of a discussion with the Board of Education after knowing they will be near capacity. Mr. Soper indicated it would be the cost of adding an addition to the school.

Mr. Thomas entered a motion to approve the Preliminary Comprehensive Development Plan for Beaglin Park Place subject to the modified conditions of the Staff Report, as well as comments from the Board of Education obtained by Mr. Parker. The motion was seconded by Mr. Boda. All Commissioners approved with the exception of Mr. Shertz who opposed the motion.

Chairman Dashiell stated the motion was **APPROVED**.

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### STAFF ANNOUNCEMENTS

Mr. Soper has a Comprehensive Plan, request for proposal ("RFP") is with Procurement, vendors will have 400 days to complete with a goal to complete before end of next fiscal year.

Ms. Carter said a work session on solar was Tuesday night, March 14, 2023. The first reading will be on March 21, 2023. Her recollection of the Community Impact Statement is the Board of Education uses what is worked on the Planning Commission meetings to develop their projects as well. Ms. Carter thanked Mr. Muir Boda for being at the meeting and being part of the team.


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Upon a motion by Mr. Thomas, seconded by Mr. Copeland, and carried unanimously, the Commission meeting was adjourned at 3:51 p.m.

The next regular Commission meeting will be on April 20, 2023.

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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 Wicomico County Department of Planning and Zoning, and Community Development Office.

  
Charles "Chip" Dashiell, Chairman

  
Lori A. Carter, MBA, Secretary

  
Danielle Rogers, Recording Secretary