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CITY ADMINISTRATOR

# City of Salisbury – Wicomico County

PLANNING AND ZONING COMMISSION  
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JOHN D. PSOTA  
ACTING COUNTY EXECUTIVE

JOHN D. PSOTA  
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 April 21, 2022 in Room 301, Council Chambers, Government Office Building with the following persons participating:

**COMMISSION MEMBERS:**

Charles "Chip" Dashiell, Chairman  
Jim Thomas  
Mandel Copeland  
Jack Heath  
Kevin Shertz

**PLANNING STAFF:**

Henry Eure, City of Salisbury, Department of Infrastructure and Development ("DID")  
Brian Soper, City of Salisbury, DID  
Gloria Smith, Wicomico County Department of Planning, Zoning and Community Development ("PZCD")  
Ben Zito, Wicomico County, PZCD  
Lori A. Carter, MBA, PZCD  
Stacie Johnston, PZCD

Laura Hay, City of Salisbury, Department of Law

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The meeting was called to order at 1:30 p.m. by Chairman Charles Dashiell. Chairman Dashiell informed the Planning Commission of the retirement of former Vice Chair, Mr. Scott Rogers. Mr. Mandel Copeland made a motion to nominate Mr. Jim Thomas as the new Vice Chair of the Commission. Mr. Jack Heath seconded that motion, and the motion carried unanimously.

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Mr. Dashiell stated that the recorder for the Commission meeting minutes, Ms. Janae Merchant, has resigned, and acknowledged her service with Wicomico County. Ms. Stacie Johnston will be the new recorder for the Commission meeting minutes. Mr. Dashiell acknowledged Mr. Brian Wilkins for his role with the City, as he will be moving to Public Works with the County.

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**MINUTES:** The minutes from the March 17, 2022 meeting were brought forward for approval. Upon a motion by Mr. Heath, seconded by Mr. Thomas, and duly carried. The minutes from the March 17, 2022 meeting were **APPROVED** as submitted.

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**PROPOSED AGRICULTURAL DISTRICT – Bailey Nursery Farm LLC Easement Application – Southerly side of Quantico Road (MD Rte. 347), near Quantico, Maryland - M-36, G-2, P-220 and 170 (G. Smith)**

Mr. Dashiell recused himself due to his prior professional relationship with the applicant. Instead, Mr. Thomas led the meeting for this particular matter.

Ms. Gloria Smith presented the Staff Report.

The Bailey Nursery Farm LLC property is located in an area designated as Agriculture/Resource and within the Priority Preservation Area in the County Plan, which encourages the sale of Agricultural Preservation Easements. This easement is 137.04 acres and is currently producing food or fiber in the form of corn, soy beans, sod, and timber. About 81 percent of the soils meet the minimum criteria for the state. It exceeds the 50-acre minimum requirement, and is outside of a 10-year water & sewer district; the closest district is that of Hebron located 3 miles to the northeast.

The staff finds that this easement meets the minimum criteria established by the Land Preservation Foundation in regards to its location, size, and soil suitability. A Board meeting with the Agricultural Land Preservation Advisory Board will be held on Tuesday, April 26, 2022 for review of applications and recommendations.

Mr. Heath made a motion to forward a favorable recommendation to the County Council for support of the sale of an Agricultural Land Preservation Easement on the Bailey Nursery Farm LLC Property based on compliance with the County comprehensive plan, seconded by Mr. Kevin Shertz, and carried unanimously.

Mr. Thomas stated the motion was **APPROVED**.

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**PROPOSED AGRICULTURAL DISTRICT – Bryan H. Toadvine Easement Application -  
Westerly side of Rockawalkin Road, near Salisbury, Maryland - M-36, G-6, P-215  
and M-37, G-1, P-217 (B. Zito)**

Mr. Ben Zito presented the Staff Report.

The property is a little over 75 acres and suitable for grain, vegetables, peaches and cold crops. The site contains 94.3 percent Class I, II, & III and Woodland Group I soils. The total proposed easement is 74 acres, and is not located within the boundaries of a 10-year water and sewer service district. The closest district is that of Hebron located 2.5 miles to the north. The property consists of one single family home, a workshop, two buildings, two portable storage sheds, and three truck bodies. It is located in an area designated as Agriculture/Resource, within the Priority Preservation Area in the County Comprehensive Plan, and within the Agriculture rural zoning district.

The staff finds that this easement meets the minimum criteria established by the Land Preservation Foundation in regards to its location, size, and soil suitability. A Board meeting with the Agricultural Land Preservation Advisory Board will be held on Tuesday, April 26, 2022 for review of applications and recommendations.

Mr. Heath asked what the narrow extension on the top of the property was, and if it was a part of the property. Mr. Zito stated that it was not developed, and was a part of the property. Mr. Shertz asked if there were any deeded easements along that parcel. Mr. Zito stated that there were no deeded easements.

Mr. Thomas made a motion to forward a favorable recommendation to the County Council for support of the sale of an Agricultural Land Preservation Easement on the Bryan H. Toadvine Easement property based on compliance with the County Comprehensive Plan. This motion was seconded by Mr. Heath, and carried unanimously.

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

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**COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – The Boulevard Apartments –  
220 South Boulevard – R-5A Residential (H. Eure)**

Mr. Henry Eure, joined by Ms. Lauren White with Fisher Architecture, presented the Staff Report.

This request is for a Comprehensive Development Plan Approval for the construction of a (3) story, 12-unit apartment building. The applicants are proposing (34) parking spaces that will be provided for the development, as well as recreational/open space areas, and storm water management areas.

Mr. Eure stated that there is a total of (34) parking spaces proposed. The Zoning Code requires parking to be provided at a rate of 1.5 spaces per unit for a total of (18) spaces, but there is currently no on-site parking, and tenants are currently parking along the street. Mr. Shertz asked how many on-street parking spaces will be eliminated. Ms. Brittany Wallace, with Lane Engineering, said no more than (2) parking spaces.

Mr. Heath asked how many dumpsters are proposed on the site plan. Ms. White stated that there are (2) dumpsters currently there. Mr. Eure added that if required, the number of dumpsters could be increased and placed in the same location. Ms. White added that, if needed, the West dumpster could be expanded to have (1) additional bin to the (1) bin that is currently there. Mr. Heath reiterated that (1) additional dumpster would accommodate the (12) additional units, and that it would be in the same location as the West dumpster, since that dumpster will be moved laterally 10-15 feet.

Mr. Thomas asked Ms. Wallace if there will be standing water with the storm water management technique that is being used. She stated that pending a Geotech Analysis, they are proposing submerged gravel wetlands. They are designed to have a 1 foot wide, 2 feet deep temporary ponding during storm events only.

Chairman Dashiell asked for more specifics on the landscaping. Ms. Wallace stated that they are removing (4) existing trees, adding proposed trees in all parking lot islands, and planting a few smaller trees in the storm water areas. Mr. Thomas asked if there is a document that can be referenced. Ms. Wallace stated that there is a preliminary landscaping draft, called "Landscaping Plan" dated April 14, 2022.

Planning staff recommends approval of the Final Comprehensive Development Plan for The Boulevard Apartments under the following (6) conditions:

1. The site shall be developed in accordance with a Final Comprehensive Development Plan Approval that meets all Code Requirements. Minor plan adjustments may be approved by the Salisbury Department of

- Infrastructure and Development. Detailed building elevations and landscaping shall be incorporated in the Final Comprehensive Plan.
2. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development and the Salisbury Fire Department.
  3. There will be (1) dumpster added adjacent to the West dumpster that is currently there.
  4. The "Landscaping Plan" dated April 14, 2022 will be submitted.
  5. Provide a waiver for the Community Impact Statement.
  6. Provide a waiver for the statement of intent to proceed and financial capability.

Upon a motion by Mr. Thomas, seconded by Mr. Heath, and duly carried, the Commission approved the Final Comprehensive Plan for The Boulevard Apartments, subject to the (6) conditions of approval.

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

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### **PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – 1010 North Salisbury Boulevard – 1010 – 1018 North Salisbury Boulevard and 618 Naylor Street – General Commercial (H. Eure)**

Mr. Henry Eure, joined by Ms. Lauren White with Fisher Architecture, and owner/applicant, Mr. Christos Adamopoulos, presented the Staff Report.

This Comprehensive Development Plan is for the re-development of the existing buildings as a small neighborhood shopping center, located at the Southwest corner of Rt. 13 and Naylor Street. The proposal is to re-subdivide the existing lots into one lot and repurpose the existing buildings as a neighborhood shopping center.

Three (3) tenant spaces are proposed for the building located at 1010 N. Salisbury, while 618 Naylor St. is remaining flexible, with the ability to accommodate either (1) or (2) tenants. The exterior of both buildings will be upgraded to a more modern look with EIFS siding and canopies that will complement the adjoining property at 1006 N. Salisbury Blvd.

The existing parking area at 1010 N. Salisbury Blvd. is proposed to be striped to identify parking spaces, since parking is not clearly delineated. At 618 Naylor, the existing back parking lot is gravel. Ms. White stated that although the parking lot needs to be paved, as required by the City's Zoning Code, they would like the flexibility to have both options; gravel or paved. Mr. Adamopoulos stated that

they would prefer to pave it, but they need to assure that there is not a run off problem. The Zoning Code also requires (17) spaces, whereas (19) spaces are proposed. An interior access aisle is also proposed to connect the property to the adjoining southerly property located at 1006 S. Salisbury Blvd. Access to the sites is proposed to remain as is. The site plan will be submitted to the State Highway Administration for comments on access to 1010 N. Salisbury Blvd. Ms. White asked for a waiver from both the Community Impact Statement and the statement of intent to proceed and financial capability. She stated that both buildings are commercially used, and will be so in the future. This is a cosmetic upgrade; therefore, the impact would be positive for the market liability of these spaces, and will not be a change for the community.

Chairman Dashiell asked if the State Highway Administration is going to give comments on access, and if it is going to be subject to a resolution with the State Highway Administration. Mr. Eure stated that they are requiring the applicants to submit to, and satisfy the State Highway Administration requirements.

Mr. Shertz showed concern with regards to the site plan showing a proposed new drive aisle between the two parcels. He is concerned that with an intersection interfacing the two shopping centers, there are more options for traffic. Ms. White stated that presenting this to the State Highway Administration could pose a burden financially, and on this project's timeline if they have to wait on a response that will not change in terms of code. Mr. Thomas agreed with Mr. Shertz, and stated that the drive aisle is close to the entrance. Chairman Dashiell stated that the staff is suggesting this be submitted to the State Highway Administration for consideration.

Discussion followed regarding what recommendations could come from the State Highway Administration review. Mr. Soper commented that the State Highway Administration review was being required by the City because the City does not control the entrances to this property.

Staff recommends approval for the Preliminary Comprehensive Development Plan for 1010-1018 N. Salisbury Blvd. & 618 Naylor Street, with the following (4) conditions:

1. The site shall be developed in accordance with a Preliminary Comprehensive Development Plan Approval that meets all Code Requirements. Minor plan adjustments may be approved by the Salisbury Department of Infrastructure and Development. Detailed building elevations, landscaping, and sign plans shall be incorporated in the Final Comprehensive Plan.
2. Provide landscaped islands at the ends of parking rows.

3. The Community Impact Statement, intent to proceed and financial capability are to be waived.
4. Prior to any decision being made, the report from the engineer should be provided to the Department of Infrastructure and Development in regards to the driveway staying as gravel, or being paved.
5. Site plan approval by the State Highway Administration.

Upon a motion by Mr. Thomas, seconded by Mr. Shertz, and duly carried, the Commission approved the Final Comprehensive Plan for 1010 North Salisbury Boulevard – 1010 – 1018 North Salisbury Boulevard and 618 Naylor Street, subject to the (5) conditions of approval.

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

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**PUBLIC HEARING – Proposed Amendment to the City of Salisbury Zoning Code – Amending 17.04.04 “Method of Regulation” to Include Language Exempting Federal, State and Local Governments from Title 17 Zoning (B. Soper)**

Ms. Lauren Hay, City of Salisbury, read the public notice, and then swore in witness Mr. Brian Soper.

Mr. Brian Soper presented the proposed Text Amendment.

This request is to amend Section 17.04.040 of the Salisbury City Code, entitled “Method of Regulation,” by striking out Article 66B and replacing it with “the Land Use Article.”

The proposed amendment will provide consistency with what is widely accepted in Maryland; that a local government, when it owns, leases, or otherwise controls property to public use, is not subject to its own zoning laws.

Upon a motion by Mr. Thomas, seconded by Mr. Shertz, and duly carried, the Commission forwarded a Favorable recommendation for adoption of the proposed amendment to the Mayor of City Council.

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

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**DISCUSSION – City of Salisbury Zoning Code Text Amendment – Townhouses in General Commercial District (B. Soper)**

Mr. Soper presented the proposed Text Amendment.

The purpose of the amendment is to allow townhouse developments within the General Commercial District that are contiguous to the R-8A and R-10A residential districts. The General Commercial District currently permits apartments.

Text amendments to Section 17.36.020 of the Salisbury City Code, entitled "Permitted Use," to add townhouse development as a permitted use in the General Commercial District, and Chapter 17.224 to add Section 17.224.040 entitled "Requirements in General Commercial District," have been proposed. The requirements in the General Commercial District is contiguity and density. The parcel(s) on which townhouses are to be built shall have a continuous boundary line in common, of at least 200', with a parcel(s) in the R-8A or R-10A zoning districts; and a road dividing zoning districts cannot be used to establish contiguity. The townhouse developments shall be at the density requirements for R-5A of this chapter.

The Commission did not have input on the proposed language. The public hearing will be held on Thursday, May 19, 2022.

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### **DISCUSSION – Wicomico County Zoning Code – Private Solar Utility (A. Illuminati and C. Meadows)**

Mr. Clark Meadows presented the Discussion.

PZCD has been tasked to consider adding private solar utilities to their code. Currently this use is processed as a privately-owned utility. Across the Industrial, General Commercial, Residential & Agricultural Districts in the County, these facilities would be required to obtain a special exception. The State of Maryland considers anything exceeding (2) megawatts of output a power generating station. These larger facilities are required to consider local zoning matters. The facilities that are (2) megawatts or smaller are processed according to code for the privately owned and operated utility.

PZCD is considering cutting the "Private Solar Utility" out of the general heading, and modifying the code to reflect consistency with other jurisdictions up and down the shore, and across the State of Maryland.

Mr. Andrew Illuminati stated that he has researched what the Eastern Shore, Lower/Mid/Upper Shore, and Southern Maryland have done. The biggest concern is decommissioning to prevent future abandoned solar projects. The County is currently addressing this internally.



Mr. Meadows and Mr. Illuminati are working together on a draft of legislation for consideration by the Commission. At such time they will compile it into a Directors Staff Report, which will then be scheduled for a work session. Ms. Carter will be scheduling this session at a later date.

Chairman Dashiell stated that this currently has application in our community, and stressed the importance of its reference as a part of our code.

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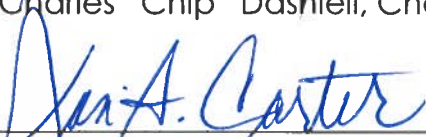
Upon a motion to adjourn and seconded, and carried unanimously, the Commission meeting was adjourned at 3:20 p.m.

The next regular Commission meeting will be on May 19, 2022.

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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.

  
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Charles "Chip" Dashiell, Chairman

  
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Lori A. Carter, MBA, Secretary

  
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Stacie Johnston, Recording Secretary

