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MINUTES

The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in regular session on September 16, 2021, in Room 301, Council Chambers, Government Office Building with the following persons participating:

COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman
Dr. James McNaughton
Scott Rogers
Jim Thomas
Jack Heath
Joe Holloway

PLANNING STAFF:

Henry Eure, City of Salisbury, Department of Infrastructure and Development ("DID")
Brian Soper, City of Salisbury, DID
Brian Wilkins, City of Salisbury, DID
Keith D. Hall, AICP, Deputy Director, Wicomico County Planning, Zoning, and Community Development ("PZCD")
Janae Merchant, Administrative Office Assistant I, Wicomico County Planning, Zoning, and Community Development ("PZCD")

Paul Wilber, Wicomico County Department of Law

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

MINUTES: The minutes from the August 12, 2021 meeting were brought forward for approval. There was a motion by Mr. Rogers to approve the minutes and seconded by Mr. Holloway. Dr. McNaughton requested a discussion about the process of recordings and documentation of minutes. There was a brief discussion of the minutes and Mr. Wilber, Wicomico County Attorney, agreed to review July and August recordings and compare to the minutes. If applicable, Mr. Wilber will

offer suggestions for revisions. Chairman Dashiell requested a motion to rescind the previous approval then defer the approval of the August 12th minutes. After the original motion and second to approve were withdrawn, Mr. Rogers made a motion to defer the approval of the meeting minutes until Mr. Wilber reviews the recording and compares to the minutes. The motion was seconded by Mr. Holloway, and carried unanimously. The approval of minutes from the August 12, 2021, meeting was **DEFERRED**.

PUBLIC HEARING – PROPOSED AMENDMENT TO THE CITY OF SALISBURY ZONING CODE - ADDING 17.16.090 Non-Conforming Use Zoning Exemption Program (R. Strickler)

Chairman Dashiell asked Mr. Hall to read the Public Hearing – Proposed Text Amendment notice into the record. Chairman Dashiell inquired if anyone from the public would like to be heard, which no one from the public requested to be heard. Mr. Strickler was sworn in prior to his testimony.

Mr. Strickler discussed the special exemption program for a non-conforming use. The program would be for properties that have been vacant for more than one (1) year to five (5) years. Vacant properties tend to lead to blight and experience more calls for service, in addition to decreased property values. If the amendment is approved, the surrounding community would see an increase in property values. Property owners would have a 12 month period to prepare the property for rental. However, if additional properties were identified, we could possibly extend the application another 12 months. We don't want to experience a long period of time for the rehabilitation process.

Chairman Dashiell thanked Mr. Strickler then asked if Commissioners had any questions or comments. Mr. Holloway inquired about the 12 month turnaround time due to the difficulty in getting supplies and work completed, which may be a short period to get a vacant property rehabilitated. Mr. Strickler wants to encourage a quick turnaround time because many of the properties have seen improvements; however, a few could take up to the 12 months. Mr. Strickler is encouraging the quick turnaround due to the national and City housing shortage crisis. Salisbury's growth is fastest in Maryland and much higher than many other cities in the United States. Mr. Holloway asked if there is the ability to apply for an extension. Mr. Strickler stated it was not initially considered in the program, but are open to guidance. Mr. Heath mentioned there is a housing inventory problem in the City and the County and believes this is a good move. Mr. Thomas asked if this is an insertion of the whole section 90 into the present Code as opposed to renovation of existing wording. Mr. Strickler confirmed it is an amendment to the existing Zoning Code.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and carried unanimously, the Commission approved forwarding a favorable

recommendation to the Mayor and City Council for the amendment that inherently permits the Non-conforming Use Zoning Exemption Program.

Hearing no additional questions or comments, Chairman Dashiell stated the motion was approved.

PRELIMINARY/FINAL COMPREHENSIVE DEVELOPMENT PLAN – 7-ELEVEN – 31997 Beaver Run Drive – Mixed Use Non-Residential Zoning District (“MUNR”) – M-39, G-6, P-264, Lots 1 & 2 (H. Eure)

Chairman Dashiell acknowledged Mr. Jeff Harmon, Civil Engineer with Becker Morgan Group, and asked Mr. Eure to present the Staff Report.

Mr. Eure stated the Becker Morgan Group, on behalf of the owner, has submitted a Preliminary/Final Comprehensive Development Plan for construction of a 7-Eleven convenience store. The applicants propose to construct 4,505 sq. ft. convenience store including gasoline and diesel pumps with canopies and underground fuel storage tanks. The total acreage of the site is 2.75 acres.

The Planning Commission recommended to the City Council on June 17, 2021, that the site be annexed into the City with a zoning designation of Mixed Use Non-Residential. The annexation process is currently under review by the City Council.

Mr. Eure proceeded with presenting the Comprehensive Development Plan Review, Building Plans, Sign Plan, Landscaping Plan, Development Schedule, Community Impact Statement, Statement of Intent to Proceed and Financial Capability, Fire Service, Stormwater Management, Paleochannel Protection District, and Forest Conservation Program comments contained in the Staff Report.

Staff recommends approval as submitted with the following five (5) 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 landscaping plans shall be incorporated in the Final Comprehensive Plan;
2. Re-subdivide Lots 1 and 2 to create one (1) lot;
3. Provide 8 ft. wide landscaped islands at the ends of the parking rows at the east end of the building;
4. Reduce pylon sign height to a maximum of 25 ft. tall; and

5. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development and the Salisbury Fire Department.

Mr. Harmon thanked Mr. Eure for his presentation of the plan. He is in agreement with the recommendation to re-subdivide the lots to create one (1) and has updated the rendering to show two (2) landscaped islands. He is working with the 7-Eleven representatives concerning the sign height. If they require 30 ft., Mr. Harmon understands they will have to come back to ask for a variance. Landscaping detail will be part of the final rendering.

Chairman Dashiell asked if Commissioners had any questions or comments. Mr. Holloway asked if there was any consideration of making an exit onto Walston Switch Road. Mr. Harmon said the concern is the queue length at the signal, the traffic tends to back up with Tri-County Council being there and buses. He believes the State Highway Administration will not grant them permission to add the direct exit from the property. Some traffic improvements have been made such as the radius at the entrance to Beaver Run Drive is being increased to allow for adequate room for turning of larger vehicles.

Mr. Thomas inquired about the location of fuel tanks and if existing fuel tanks are being utilized. Mr. Harmon said all fuel tanks are new and will have all appropriate sensors and double walls required by MDE. There will be a total shutdown during new construction.

Mr. Eure believes the extensive landscaping was a fair trade to increase the parking area beyond normal conditions. They are also relying on the company to know the amount of parking needed for the establishment.

Chairman Dashiell asked if the directional signage, being limited to four (4) ft. instead of five (5) ft., would be a concern with the developer. Mr. Harmon doesn't believe it will be an issue.

Upon a motion by Mr. Rogers, seconded by Mr. Heath, and carried unanimously, the Commission approved the Preliminary/Final Comprehensive Development Plan for 7-Eleven, Beaver Run Drive, in accordance with the five (5) conditions presented in the Staff Report, amending item four (4) to include reducing the height of the directional sign to four (4) ft. and adding condition #6 waiving the Statement of Intent to Proceed and Financial Capability, and the Community Impact Statement.

The motion was approved.

**PRELIMINARY SUBDIVISION PLAT AND COMPREHENSIVE DEVELOPMENT PLAN
– PARSON'S LAKE SUBDIVISION – Parson's Lake Drive and Brown Road – R-10A
Residential Zoning District – M-30, G-7, P-223 & 398 (B. Wilkins)**

Chairman Dashiell confirmed Mr. Harmon from the Becker Morgan Group (on behalf of the owner) was present. Chairman Dashiell asked Mr. Wilkins to present the Staff Report.

Mr. Wilkins stated the Becker Morgan Group, on behalf of the owner, proposes a subdivision of a 162.49-acre tract of land into 333 lots with a typical lot size of 10,650 sq. ft. Due to lot width requirements, corner lots and lots on cul-de-sacs are larger with the maximum size lot of approximately 17,800 sq. ft. All lots have frontage on new interior streets and will have City services and utilities. Per City of Salisbury Subdivision Regulations, this subdivision plat requires Planning Commission approval.

The proposed subdivision conforms to development standards as stated in the City of Salisbury Municipal Code (Chapter 17.160) for lot size (min. 10,000 sq. ft.) and lot width (70 ft., corner lots 85 ft.). Planning Staff recommends granting Preliminary/Final Subdivision Plat Approval for Parson's Lake Subdivision, subject to all conditions of approval being met. A Forest Conservation Plan shall be approved by Wicomico County Planning & Zoning prior to approval and recordation of the plat.

Staff recommends approval as submitted with the following five (5) conditions:

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. A Homeowner's Association shall be created to maintain the open space, recreation, and stormwater management facilities, drainage and maintenance easements and forest conservation easements; and
5. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development.

Mr. Harmon thanked Mr. Wilkins for his presentation of the plan. He said the location is behind the mall off of Naylor Mill Road. Parson's Lake Drive is currently serving the townhomes that are located nearby. They are going to extend Parson's Lake Drive into the property, a 36 ft. wide street that will extend to Brown Road. There will be two access points on Brown Road. Surrounding the area is existing green space, they are leaving at least 50 ft. up to 100 ft. wide areas for existing woods and wetlands. A community center is located centrally and there

will be a small clubhouse (architecture to be determined at a later date), which will have a pool and patio surrounding it. There is space available for a recreational area for the community. A traffic study is almost complete, it has not been reviewed by State Highway Administration or the City. They met with SHA and the City to discuss intersections and hope to have everything resolved shortly. Christopher Duke, Becker Morgan Group, is the traffic engineer and will answer any questions related to traffic.

Chairman Dashiell asked if Commissioners had any questions or comments. Mr. Thomas inquired if they know the traffic numbers going each way. Mr. Duke mentioned they are assuming 40% of the traffic will exit to Brown Road while 60% will go towards Parson's Lake Drive toward Naylor Mill Road.

Mr. Holloway asked if there are any requirements to talk with the School Board to discuss the number of children going to school from this area. Mr. Harmon indicated they have not discussed this subdivision with the School Board. Additionally, Mr. Holloway wanted to know if any discussions were held with the County Roads Department in regards to the traffic on Brown Road. Chris Clasing was part of the scoping meeting and a study will be submitted for their review when completed.

Upon a motion by Mr. Rogers, seconded by Mr. Holloway, and carried unanimously, the Commission approved the Preliminary Subdivision Plat and Comprehensive Development Plan for Parson's Lake Subdivision subject to the five (5) conditions presented in the Staff Report and adding condition #6 to review and determine the impact of the scope of this development with the Wicomico County Schools to determine the student count impact.

The motion was approved.

PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – PARSON'S LAKE – SINGLE FAMILY – Parson's Lake Drive and Brown Road – Parcels 223 & 398 Residential Zoning District – R-10A (B. Wilkins)

Chairman Dashiell confirmed Mr. Harmon from Becker Morgan Group (on behalf of the owner) was present. Chairman Dashiell asked Mr. Wilkins to present the Staff Report.

Mr. Wilkins stated Becker Morgan, on behalf of the owner, has submitted a narrative and a Site Plan for construction of 332 single-family dwellings, a 5,400 sq. ft. community center and pool. The proposal includes new public streets, sidewalks with street lighting and public utilities. The total acreage of the parcels being developed is 162.49 acres.

Salisbury City Council Resolution 1191 was passed in March 2005 proposing the annexation of these parcels with the annexation becoming effective in April 2005.

Staff recommends approval as submitted with the following nine (9) 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, landscaping and lighting plan shall be incorporated in the Final Comprehensive Plan;
2. Provide building elevations and floor plans for the community center prior to final plan approval;
3. Provide additional information about the typical layout of the single-family lots and information on pool capacity to determine allowable parking;
4. Provide bicycle parking at the community center;
5. Provide a detailed signage plan for approval by the Planning Commission;
6. Provide a detailed landscaping plan prior to final plan approval;
7. Provide a Traffic Impact Study;
8. Provide Development Schedule, Community Impact Statement and Statements of Intent to Proceed and Financial Capability; and
9. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development and the Salisbury Fire Department.

Mr. Wilkins would like to add a condition requesting details concerning what pool chemicals will be stored onsite since they are over the Paleochannel.

Mr. Harmon thanked Mr. Wilkins for his presentation of the plan. There are no concerns with the recommendations. It is very early on in the process, but wanted to present the project to the Commission.

Chairman Dashiell asked if Commissioners had any questions or comments. A clarification was made by Mr. Wilkins that in the previous agenda item they mentioned 333 lots, but this plan states 332. The missing one (1) lot represents the community center. Chairman Dashiell asked if we needed to make reference to the conditions of the refuse disposal area; it needs to be addressed by the time the final is presented for approval. Recommended to add condition #11 for this topic.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and carried unanimously, the Commission approved the Preliminary Comprehensive

Development Plan for Parson's Lake in accordance with the nine (9) conditions presented in the Staff Report, adding #10 to confirm the type and quantity of pool chemicals to be stored on site and #11 to confirm how refuse disposal for the community will be handled.

The motion was approved.

PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN – SWEETBAY PARK AT THE FOUNTAINS PLANNED BUSINESS CENTER – Sweetbay Drive – RC-Regional Commercial Zoning District – M-110, G-6, P-4487, Lots 3A & 4 (B. Soper)

Chairman Dashiell welcomed Mr. Brock Parker from Parker and Associates (on behalf of the owner) was present. Chairman Dashiell asked Mr. Soper to present the Staff Report.

Mr. Soper stated Parker and Associates, on behalf of the owner, has submitted a Preliminary Comprehensive Development Plan ("PCDP") for the construction of two (2) buildings located on Lots 3A and 4 in Sweetbay Park at The Fountains Planned Business Center. The applicant proposes to construct two (2) 14,700 sq. ft. buildings. The total acreage of the lots is 4.08 acres. The plan indicates 164 total parking spaces including eight (8) handicap accessible spaces. A re-subdivision to combine Lots 3A and 4 into a single lot is proposed.

The Fountains Planned Business Center was recorded on April 10, 2003. The existing development within the business center was completed in the mid-2000s.

Staff recommends approval as submitted with the following eight (8) conditions:

1. The site shall be developed in accordance with a Final Comprehensive Development Plan Approval. Minor plan adjustments may be approved by the Salisbury Department of Infrastructure and Development. Detailed building elevations, landscaping and lighting plan shall be incorporated in the Final Comprehensive Plan;
2. Parking will need to be reduced unless the Planning Commission grants approval to exceed the parking maximum and comply with chapter 17.196.020.H.1 of the Zoning Code;
3. Provide a detailed signage plan for approval by the Planning Commission;
4. Provide a detailed landscaping plan for review by the Salisbury Department of Infrastructure and Development and Planning Commission;
5. Re-subdivision to combine Lots 3A and 4;
6. Provide a Development Schedule;

7. Waive the Community Impact Statement, Statements of Intent to Proceed and Financial Capability requirements based upon the staff report findings; and
8. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development and the Salisbury Fire Department.

Mr. Soper would like to amend the conditions by adding condition #9 to provide the number of bicycle parking spaces required per the Zoning Code.

Mr. Parker indicated this is the completion of the side of The Fountains Business Park. The two (2) buildings, under one roof, are being geared to medical or professional establishments. Stormwater Management is about 90% complete and anticipate submitting for review shortly. There is no problem with the recommended conditions. Mr. Heath stated the 118 parking spaces are not a minimum requirement, but a maximum requirement. Mr. Parker indicated there will be an overage of parking spaces when the final plan is submitted. Mr. Soper suggested to move forward and discuss the parking spaces at the time of the final plan and re-word condition #2.

Chairman Dashiell asked if Commissioners had any additional questions or comments, there were none.

Upon a motion by Mr. Rogers, seconded by Mr. Heath, and carried unanimously, the Commission approved the Preliminary Comprehensive Development Plan for Sweetbay Park at The Fountains Planned Business Center in accordance with the eight (8) conditions presented in the Staff Report and amending condition #2 to state the Planning Commission will approve or disapprove at the final plan review, the parking maximum and also #9 to provide bicycle parking per the Zoning Code.

The motion was approved.

PRELIMINARY/FINAL PLAT APPROVAL – Diane J. and Alice L. Smith, Minor Subdivision – 4376 Smith Road – A-1 Zoning District – M-57, G-2, P-58 (M. Williams)

Chairman Dashiell welcomed Ms. Williams (on behalf of the owner) and asked her to present the Staff Report.

This plat proposes the creation of one (1) new minor lot from Parcel 58. The lot will be the fourth lot subdivided from the parent parcel since our regulatory date. The lot is proposed as 1.76 +/- acres and it is improved by a single-family home.

Since this is the fourth lot, it must meet the rural density requirements of one (1) lot per 15 acres, and the establishment of an Open Space easement. This will be the final lot from the parent parcel under current subdivision regulations.

This area has a mixture of smaller single family lots, as well as larger farm parcels.

Staff recommends approval with the following five (5) conditions:

1. The Final Minor Subdivision Plat shall comply with all requirements of the Wicomico County Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Minor Subdivision Plat.
3. The Minor Subdivision Plat shall comply with all requirements of the Forest Conservation Regulations.
4. An Open Space Easement agreement will be recorded in the land records of Wicomico County.
5. This approval is subject to further review and approval and conditions imposed by the Planning and Zoning and Public Works Departments.

Chairman Dashiell asked if Commissioners had any additional questions or comments, there were none.

Upon a motion by Mr. Rogers, seconded by Mr. Holloway, and carried unanimously, the Commission approved the subdivision of Parcel 58 into a fourth lot as proposed subject to the five (5) conditions presented in the Staff Report.

The motion was approved.

PRELIMINARY/FINAL PLAT APPROVAL – Kristi and Brooks Brittingham, Minor Subdivision – Warren Road and Morris Road – A-1 Zoning District – M-41, G-3, P-61 (M. Williams)

Ms. Williams presented the Staff Report.

This plat proposes the creation of three (3) new minor lots from Parcel 61. The lots will be the first lots subdivided from the parent parcel since our regulatory date. Two of the proposed lots are 2 acres; the third proposed lot is 3.41 acres; and the remaining lands are proposed at 15.05 acres. There is currently a mobile home located on the property. Most of the acreage is farmland with a couple of small wooded areas.

The Planning Staff recommends approval of Lots 2, 3 and 4 of lands of Kristi and Brooks Brittingham, with the remainder becoming Lot 1. There will be no more rural density lots available from this parcel under current subdivision regulations.

The Planning Staff would like to make an additional recommendation with regards to Lot 2 and the remote sewage reserve area. There currently is no language addressing a strip of land leading to a remote sewage reserve area. For that reason, the Planning Staff would like to recommend that the strip of land on proposed Lot 2 be a minimum of 20 feet in width to allow for machinery to access the sewage reserve area.

Staff recommends approval as submitted with the following six (6) conditions:

1. The Final Minor Subdivision Plat shall comply with all requirements of the Wicomico County Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Minor Subdivision Plat.
3. The Minor Subdivision Plat shall comply with all requirements of the Forest Conservation Regulations.
4. An Open Space Easement agreement will be recorded in the land records of Wicomico County.
5. This approval is subject to further review and approval and conditions imposed by the Planning and Zoning and Public Works Departments.
6. Access lane to Lot 2, sewage reserve area, be a minimum of 20 feet wide to remain open, accessible and free of obstruction.

Chairman Dashiell asked if Kristi and Brooks Brittingham were present, they were not. Mr. Holloway suggested adding a condition so that Lot 2 remains free of trees. As an additional condition, the strip of land leading to the remote sewage area for Lot 2 shall be a minimum of 20 ft. wide, which the strip of land should remain open, accessible and free of obstruction.

Upon a motion by Mr. Rogers, **seconded by Mr. Thomas, and carried unanimously, the Commission approved** Lots 2, 3 and 4 of the lands of Kristi and Brooks Brittingham with the remainder becoming Lot 1 in accordance with the five (5) proposed conditions presented in the Staff Report and adding condition number six (6) that the access lane to Lot 2 sewage reserve area be a minimum of 20 ft. wide, open, accessible and free of obstruction.

The motion was approved.

After a five (5) minute break, the meeting reconvened to discuss the last agenda item, **Open Work Session:** Proposed Zoning of Open Top Storage Tanks (P. Wilber).

Chairman Dashiell addressed Mr. Wilbur to begin the discussion of this item. Mr. Wilber mentioned this is a work session giving the opportunity for the Planning

Commission to discuss and interact with Staff. According to Code, there will be a Public Hearing scheduled where anyone from the Public may comment to the Planning Commission.

There are currently two existing open top storage tanks in Wicomico County. Both are located in Agricultural Zone, one (1) is about a million gallons in size and the other is about three million gallons in size. The three million gallon tank was built within the last few years and is the subject of litigation. The litigation is between the neighbors, the County, and the owner of the land where the tank is located. The County Council has heard from the neighborhood and had 2 – 3 work sessions concerning this topic and has issued a moratorium on any new open top storage tanks. The purpose of this work session is to address this topic going forward. The County Council has requested the Planning Commission review and provide a recommendation regarding Open Storage Tank Zoning Code Amendment legislation.

An open top storage tank is an above ground open topped structure, designed and used for the storage of an agricultural product, by-product, fertilizer or soil amendment.

Proposed Legislation - Uses and Standards:

1. An open top storage tank less than 150,000 gallons in capacity, or multiple open top storage tanks with an aggregate capacity not exceeding 150,000 gallons, are only permitted in the Heavy Industrial and Light Industrial Zones.
2. An open top storage tank with a capacity exceeding 150,000 gallons, or multiple open top storage tanks with an aggregate capacity exceeding 150,000 gallons, are permitted by special exception in the Heavy Industrial and Light Industrial Zoned districts.
3. An open top storage tank must have a minimum setback of 300 ft. from all property lines, regardless of capacity or Zoning District.
4. An open top storage tank may only be accessed by vehicle, in the Zoning District, from a collector street.
5. An open top storage tank erected prior to the enactment of this legislation, pursuant to a permit by the County, may continue as a non-conforming use in its current location regardless of Zoning District.

Chairman Dashiell asked if Commissioners had any questions or comments for Mr. Wilber. Mr. Holloway clarified one of the current tanks was built for the waste of a dairy farm and sits far from the road and asked if it was in front of any board for approval.

Mr. Hall stated at the time it was built permits were not required for agricultural uses in the A-1 Zoning District.

Mr. Holloway emphasized the importance of the agricultural community and stated the most recently built tank was built in close proximity to residential homes.

Dr. McNaughton asked Mr. Holloway how close was the recent tank build to residential homes.

Mr. Holloway asked Mr. Hall how close is the tank, which Mr. Hall responded within approximately 1,000 – 2,000 ft. He noted lots of traffic. The tanks do smell and draw flies when moved or agitated. His concern is they don't know what really is put in the tank. The product in these tanks is an amendment to the soil, not a fertilizer and is a product that farmers want to use.

Dr. McNaughton stated it is a processing plant chill tanks, that chill tank water is required to be changed nightly and sometimes weekly. It contains a product called Peroxide Acidic Acid ("PAA"), an oxidizer, disinfects chickens, and sometimes it goes through a wastewater system or directly to storage. It contains more than 80 parts per million of PAA and has a smell problem in the plant. It is applied directly on the land.

After a discussion about the products going into the tanks, where the products originated, time of year the product can be applied, and testing of the product, Chairman Dashiell asked if Mr. Wilber if he had any further guidance.

Mr. Wilber reiterated the Council position to restrict new structures to only being located in Industrial Zoning Districts, limit the size except by special exception, and setbacks in the proposed legislation.

Mr. Thomas asked if there is anything required about structural integrity of the tank.

Mr. Hall responded there are engineering standards based on what is going in the tank.

Dr. McNaughton stated he did not believe they require a double-wall tank. He mentioned the right of neighbors as well as right of farms is being looked at by several states.

Mr. Holloway thinks the poultry industry is aware of the situation they have now.

Chairman Dashiell asked if the Commissioners had any additional questions or comments.

Mr. Wilber mentioned we needed to schedule a Public Hearing and then bring it to a formal vote of the Planning Commission. Chairman Dashiell indicated the County Council has requested the Planning Commission to provide a

recommendation regarding Open Storage Tank Zoning Code Amendment Legislation, this is our charge.

Chairman Dashiell thanked the individuals who attended for this topic. A Public Hearing will be scheduled, at which time public comments will be heard and addressed. Mr. Steve Smethurst asked if the public could submit comments to the Planning Commission.

Mr. Hall mentioned a Public Hearing advertisement will run twice notifying the public of a Public Hearing scheduled for October 14th, public comments should be submitted by October 7th.

There being no further business, upon a motion by Mr. Rogers, seconded by Mr. Heath and with all members voting in favor the Commission meeting was adjourned.

The next regular Commission meeting will be on October 21st.


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, Zoning, and Community Development Office.



Charles "Chip" Dashiell, Chairman



Keith D. Hall, AICP, Secretary



Janae Merchant, Recording Secretary