

**Processing Action Team/Permitting Review
Site Plan Process Task Force
Minutes of Meeting of November 28, 2006**

Present:

- Bill Gordy, Facilitator
- Matthew Drew, AWB Engineers
- David Bates, Vista Design Group, Inc.
- Brock Parker, Parker and Associates
- John Redden, Deputy Director, Wicomico County Public Works
- Dale Pusey, Supervisory Civil Engineer, City of Salisbury

Meeting Discussion Points:

1. Bill Gordy made opening remarks. There was a brief review of the last meeting, and the agenda for the night's meeting was discussed. Consultants who made a list of complaints/compliments on the review process will discuss what they have. He received emailed comments from Matt Drew, we will go through those. Dale Pusey brought The Top 10 Salisbury Public Works Observations about the Development Plan Review Process to be discussed. If time permits we will discuss the last Development Process Action Plan Recommendation Implementation Plan.
2. Matt Drew began his list of comments on the review process.
 - a. Include water main profile requirement in the design checklist rather than in the P-1 response letter.
 - b. Design standards are not communicated by the City. They are not made available until mistakes are found. Brock Parker added that an out-of-town consultant should be able to develop a plan correctly by the standards that are available to him. Dale Pusey agreed that the standards do need to be updated.
 - c. The design checklist needs to be updated. Rules need to be available upfront in the beginning of the project.
 - d. Reviewers' personal preferences for drawing style and content vary. Dale Pusey said that Salisbury Public Works is planning on creating a specific example of how the plans should look, to eliminate reviewers' personal preferences. John Redden said that County Public Works uses something like that. He will provide a copy of what they use to Dale.

- e. Standard construction details should be included on the design plans. When they are not included it requires the contractors to refer to the City Standards Manual, which can cause confusion in the field. Dale Pusey commented that Public Works wants the contractor to refer to the City Standards Manual, because if a standard changes from the time the plans are approved and when the project is built, the change will be caught by the contractor and corrected.
- f. He recommended requiring a pre-submission design review meeting. Many problems could be identified early on in the process, before anything is actually submitted. Brock Parker said that it would seem to be in the City's favor to have this requirement; it would save them time in the long run.

Dale Pusey said that he would like to see that implemented, possibly a concept phase that would need to be approved before the consultant can move forward. However, there may be developers who want to fast track their project and skip the concept phase. Brock said that it should be required; in the long run it would save both the developer and the City money. It could be included in the submission for the planning commission.

David Bates said the issue is going to be if a concept phase is going to extend the project out further. It would have to be a quick process; have a meeting, make comments, fix problems, and then it would be ready for submittal.

- g. Design criteria for a project should not change after the construction plans have been submitted. The consultant shouldn't have to go back and change things that didn't apply to them when the project started. Once the design has been approved in the concept phase, changes in the criteria shouldn't apply to that project.
- h. The City currently requires all items be addressed before the plan approval happens, they do not allow any conditional approvals. He recommends that once a project is close to approval, the developer could proceed with an approved as noted status.

Brock Parker added that before, as long as you got the plat recorded before you got your Certificate of Occupancy you were fine. Now that the City has a new policy the subdivision has to be recorded before the grading permit is issued.

Dale Pusey said there is not a new policy; it is just now being enforced by Public Works. Brock asked if there is an ordinance that is causing that policy. Dale said that there is, if the policy is going to be changed they would have to modify the subdivision code first.

Brock said that County Public Works is the opposite of the City on that issue. Their policy is that the construction drawings have to be done before the plat can be recorded. It seems that City has 2 reviews, Dale's and Clay's. He suggests that once Dale's part has been approved the developer should be allowed to go ahead and get the grading permit.

- i. The Public Works agreements, letter of credit, Storm Water Management maintenance agreements must all be in place before plans are approved. Brock added that all those things coincide with the subdivision approval.
- j. The City oversteps its design review authority. The City should be responsible for construction within public right of ways and storm water management design review only. If a parking lot floods it should be between the designer and the developer, the City shouldn't be involved. John Redden added that he has to draw a line somewhere. He might not like how their plan looks, but as long as it drains it gets approved.

Brock Parker said as long as the property isn't draining onto adjacent land, it should not involve the City. Public Works is spending too much time on the inside of the project. The City needs to learn to say it is good enough. He would like to know if many of the problems that the city is having involve one employee or if it's a citywide problem. He said if there is a problem with the quality of the project it should be between the developer and the consultant. The developers will correct problems when they present themselves.

Dale commented that in his experience the developers only correct the problem when the City applies a lot of pressure to them. It takes many calls from the property owner to Salisbury Public Works and to the Mayor's office before the developer is willing to fix the problem. It shouldn't take that much more effort to make sure the plans that the consultant sends out are done correctly. Brock said that on one project he went through three rounds of submittals regarding contour lines with a reviewer. Dale said he would speak to that employee.

- k. The City's Growth pays for Growth philosophy is enforced in a less-than fair manner and causes unanticipated project delays and costs. Dale said that Public Works has very clear instructions to enforce the Growth pays for Growth policy. They have been told that there is no transition period, it is effective now.

David Bates said that some developers do not mind that, it wastes more money to put everything on hold to argue about it than to just pay for whatever improvement the City is requiring. However, when the developer does agree to pay, they expect to get something in return, like a faster plan review. They are spending a lot of money before they are getting any kind of payment, and just want the process to move faster for them. There has to be a give and take on both sides. Brock Parker agreed with this.

John Redden added that it seems that they just don't want to have any surprises in the middle of a project and that a concept meeting in the beginning stages would help.

3. Matt Drew listed recommendations from the past Development Process Action Team Recommendation Implementation Plan that have either not been implemented or enforced.
 - a. Standardize the size of plans.
 - b. Divide plan review comments into two sections (designer responsibilities & developer responsibilities).
 - c. Education Program.
 - d. One Storm Water Management Authority.
4. Matt Drew suggested that in future meetings a schedule be defined for the outsourcing of Public Works review to 3rd party consultants. A schedule should also be set for adopting state and national standards for design.
5. Brock Parker began his list of comments on the review process.
 - a. Codes and standards need to be updated. There are a lot of requirements that are outdated. The policy and procedures manual needs to be something that can be used like a bible, anyone using it should be able to turn in plans that are correct.

- b. The Mayor's office must have received a lot of complaints and comments regarding Salisbury Public Works for this Task Force to be started; he would be interested to know what percentage of the complaints that were made were regarding a specific employee. Matt Drew said that once specific design guidelines are set, if a reviewer steps outside of the guidelines that should raise a red flag. Bill Gordy suggested that once an employee "has been flagged" he and Dale Pusey need to be notified so the issue can be resolved.
- c. Comment letters need to be in a general format. Only the things on the drawings that need to be changed should be listed in the letter.
- d. All comments need to be addressed after the first submittal. Second and third sets of comments include comments that have nothing to do with the last comments. The reviewers are missing things the first and second time around.
- e. Comments need to be more specific. He recommends red-lining the plans. He feels it would save time for Salisbury Public Works and the developer. It would be very helpful for the developer to find mistakes and prevent recurring comments.

Dale Pusey doesn't agree with doing red-lines. It would take a lot of the reviewer's time, especially since the developer wants everything found at the first submittal.

Brock feels that it wouldn't take the City any more time. They are already going through the plans page by page to create their comment letter. If a mistake is found it is easy for them to mark the sheet and circle the actual mistake. They can still do the comment letter if they want to, it would just be something extra for the developer to find specific examples of what is in the comment letter.

Dale feels that the consultant is being paid by the developer to turn in plans correctly. Red-lining is doing the consultants job for them.

John Redden said that he does do red-lining at County Public Works. He feels it makes what needs to be changed clearer for the consultant. It also gives him something to go by when the plans come in for a second review. He uses his copy of red-lines to check off what needed to be done. If everything has been corrected the plans are approved.

Bill Gordy said that it would force the reviewer to do a more thorough review the first time.

Dale added that there is a big difference in what City Public Works reviews and what County Public Works reviews. The County has no Water & Sewer, and they don't have huge 500 lot developments. The City has a lot of those coming through right now.

Brock doesn't see why there is such resistance for the City to help the consultant find the mistakes that they have already found.

Dale said that Public Works can do some red-lining, but they will not be marking every mistake.

- f. A meeting should be required for presenting comments.
- g. He has been having problems getting his as-built drawings approved. The City rejects as-built drawings without providing specific comments. The City has not been willing to share sketches or other knowledge of as-built information with the consultants to help him prepare the as-built drawings for submittal.

Dale said that it's the consultant's responsibility to ensure that what goes in the as-built drawings is an accurate representation of what is actually built. Brock said that he had to hire a locator to find the water mains because the City wouldn't tell him where they were. Dale said that Brock needs to include a price to hire a locator in the price he gives to the developer for his services.

David Bates said that the contractor is supposed to do red-lines as the project is being built. The as-built drawings are based on those red-lines.

- h. He recommends outsourcing and filling Public Works vacancies. He asked Dale if he was planning on filling the open positions. Dale said that he has two positions that are being advertised and that they have been advertised for awhile.
6. David Bates said that he can basically say "ditto" for everything already mentioned. He added one comment: Empower Public Works employees to make decisions. The way things are now, decisions have to be approved by other people, which takes a long time. He doesn't feel that John Jacobs understands the impact that those decisions have on the developer.

7. Dale Pusey briefly went through his list of top ten observations about the development plan review process, to be discussed further at the next meeting.
 - a. Submission of fully engineered site plan based on conversations with or past requirements of Salisbury Public Works. Conversations are misunderstood, details are forgotten and requirements change. Recommendation is to submit a concept plan, in response to which Salisbury Public Works will offer written comments. Inefficient use of time by the consultant and Salisbury Public Works.
 - b. Incomplete submittals. (e.g. Lack of gutter spread calculations in early submittal may result in additional comments following a detailed review in a later submittal. 100 comments in first plan review letter becomes 110 comments in the second letter) Lengthens the approval process.
 - c. Lack of quality control and attention to detail. (e.g. Plan view information does not agree with profile information, point by point response says and item has been addressed when it hasn't.) Additional submittal and review iterations required. Lengthens the approval process.
 - d. Consultant submits plans in response to comments that are not thoroughly understood. (I thought you wanted it done this way, not that way) E-mail the Salisbury Public Works project manager for comment clarifications. E-mail is more efficient use of time than meetings and produces a written record of the communication.
 - e. Lack of justification for design. (e.g. Grass channel Stormwater Management credit claimed without providing itemized criteria.) Adds an extra iteration to the review and resubmittal process. Lengthens the approval process.
 - f. Improvements are not shown where they should be. (e.g. Manhole to be abandoned shown on traffic control plan, not on utility drawing.) Design feature is missed in Salisbury Public Work's review, possible field change during construction process. Developer is not happy.
 - g. An item that was resolved on an earlier submittal is changed on a later submittal. (A CAD layer is mistakenly turned off.) Salisbury Public Works is forced to do an additional detailed review of pre-final original prior to plan approval. Inefficient use of time by Salisbury Public Works.

- h. Requests for exceptions to Salisbury Public Works standards and specifications. (e.g. Proposal to fit more than three sewer laterals into a manhole.) Consultants' proposal must be considered by utilities personnel, construction inspectors, project manager, civil engineer, director of engineering. Lengthens the approval process.
 - i. Plans are difficult to read (e.g. Print is too small or print overlaps.) Additional submittal and review required. Lengthens the approval process.
 - j. Miscommunication or lack of communication between the developer and his consultant. (Developer thinks plan is in Salisbury Public Works but it has actually not been submitted.)
7. For the next meeting everyone is to go through the Development Process Action Plan (PAT) Recommendation Implementation Plan and make a list of anything that has been implemented, and a list of what still needs to be implemented. Dale Pusey's list of Public Works observations will be discussed.
8. The next meeting has been scheduled for Wednesday, December 6, 2006 at 4:00 in Room 305.