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## MINUTES

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The Salisbury-Wicomico Planning and Zoning Commission met in regular session on November 17, 2011 in the Council Chambers of the Government Office Building, Room 301, with the following persons in attendance:

**COMMISSION MEMBERS:**

Charles "Chip" Dashiell, Chairman  
James W. Magill  
Gail Bartkovich  
Glen Robinson (Absent)  
Scott Rogers  
Tim Spies  
Jacob Day

**CITY/COUNTY OFFICIALS:**

Mary Phillips, County Public Works Department  
Maureen Lanigan, Assistant County Attorney  
Gary Hales, City Public Works Department

**PLANNING STAFF:**

Jack Lenox, Director  
Gloria Smith, Planner  
Keith Hall, Planner  
Beverly Tull, Recording Secretary



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



**Minutes:**

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the minutes of the October 20, 2011 meeting as submitted.



Mr. Magill discussed the Maryland Citizen's Planners Association conference that had taken place in Easton the week before. The purpose of the group is to train the citizen planners and the Board of Zoning Appeals members. A speaker from Montgomery County discussed how multi-family units bring in more revenue than single family units. Another session discussed deleting cul de sacs and putting stormwater down the center of the street and having the entry street "U" shaped.

Mr. Magill also noted that any Board of Appeals member or Planning Commission member is supposed to take the training course that is available online at the Maryland Department of Planning's website within six (6) months of their appointment.



#### **CITY/COUNTY SUBDIVISION/SKETCH PLATS:**

#### **Foskey Plat – Preliminary/Final – 2 Lots – Gumboro Road – M-32; G-3; P-3.**

Mrs. Gloria Smith presented the Staff Report. The applicants propose removal of a deeded item line and then subdivision of this 12.64 acre tract into two lots. Lot #1 will have frontage on Gumboro Road and will contain 2.138 acres of land and the existing dwelling and a shed. Lot #2 will be a pipestem lot with 50 ft. of frontage on Gumboro Road, and will contain 10.48 acres of land. The Public Works Department received notification from the State Highway Administration that they did not object to the creation of Lot #2.

Mrs. Bartkovich questioned if the three (3) lots by right would be lost due to the pipestem lot. Mrs. Phillips responded that the reason for the pipestem was because there wasn't enough road frontage but that the three (3) lots by right were still applicable.

Upon a motion by Mr. Magill, seconded by Mr. Day, and duly carried, the Commission **APPROVED** the Preliminary/Final subdivision for Foskey, subject to the following Conditions of Approval:

#### **CONDITIONS:**

1. The Final Plat shall comply with all requirements of the County Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Final Plat.
3. Adequate drainage and maintenance easements for any existing ditches shall be required.

4. The front setback line for Lot #2 shall be established at 50 ft. from the rear lot line of Lot #1.
5. A setback equal to 75 ft. from the center line of the private road is required along the northern property line.
6. The Final Plat shall comply with all requirements of the Forest Conservation Program.
7. This approval is subject to further review and approval by the County Department of Public Works.



**Kaywood, Section 12 – Sketch Plat – 18 Lots – Crawford Drive – M-39; G-19; P-410 & 407.**

Mr. Brock Parker and Mr. Kirk Kinnamon came forward. Mrs. Gloria Smith presented the Staff Report. The applicant proposes the subdivision of 16 lots averaging 0.80 acres each from this property at the westerly end of Crawford Drive. All new lots will have frontage on extensions of existing streets or cul-de-sacs. In addition, Lot 19 (8.77 acres) will have frontage on Sunset Drive and Parcel "B" will be created for a new drainage facility. The land area is in an R-15 Residential zoning district just east of the City of Salisbury.

Mr. Parker stated that this project had come before the Commission in 2008 as a larger sketch plat. As the project moved through the perc tests, it was determined that the east side of the project wasn't suitable for percs which led to this proposed sketch. He explained that the design of two (2) cul de sacs was done to minimize the traffic impacts to Kaywood or Gunby's Mill. The proposed lots are the maximum amount of lots that the property can yield. The project should be ready to move forward with a preliminary plat submittal in the near future.

Mr. Magill stated that he supports the Public Works comments regarding connectivity. Mr. Parker responded that he believed that connectivity was a discretionary issue and that they would like to avoid being connected to Gunby's Mill as the two (2) subdivisions are very different. Mr. Kinnamon added that they didn't want this to become a raceway. Mrs. Bartkovich stated that emergency response vehicles prefer connectivity to allow for access for fire,

for access for fire, police, and EMS during an emergency. Mr. Day stated that the thrust is towards connectivity. If the subdivisions were connected, the amount of lots may be decreased. He added that for future developments, he would encourage connectivity.

Mr. Parker explained that bringing the two (2) cul de sacs together would have decreased the number of lots by two (2). He added that the two (2) cul de sac design would not interrupt the existing Kaywood subdivision way of life.

Mr. Magill questioned what a 90 degree intersection would do to the lots. Mr. Parker responded that they would still have to have a cul de sac at the end of the street and have a minimum road width per County standards.

Mr. and Mrs. Ralph Murray, 1605 S. Kaywood Drive, submitted a copy of their concerns regarding this sketch. The major concerns are as follows:

- Increase in traffic
- Stormwater drainage onto their property as they have the lowest lot on the street and already have drainage issues
- The location of the easement
- Four (4) houses already for sale in the neighborhood and some of the vacant houses being leased out to non-related persons which are causing problems
- Where the extension of Somers Drive is
- Suggestion of having an extension off of Gunby Road
- Cutting the woods behind their home down. There are 40 species of birds that visit their yard and would be unhappy if the woods were decreased or done away with.
- Lack of thought regarding soils and drainage.
- The use of the paper street to access their driveway and the effect this development would have on access to their property.

Mr. Clint Bradway, 711 S. Kaywood Drive, stated that he was an officer of the Homeowners Association and had just learned about this project. He stated that he would prefer not to see the cul de sacs connected. He questioned if this would become a part of the HOA. Mr. Parker responded that the County recommends this section becoming a part of the existing HOA. Mr. Bradway explained that the HOA is currently in litigation in District Court about renting homes in the neighborhood to unrelated individuals and expect a ruling in January. Mr. Bradway stated that he hopes that adequate drainage is

done with this development. He added that he hopes that any new homes built will match the existing 50 ft. setback that the existing homes have.

Mr. Day questioned if there was an intention to alter the wood line to 35 ft. buffer. Mr. Parker responded that Lot 19 will be used as a forest conservation area.

Mrs. Bartkovich questioned if mitigation would have to be done. Mr. Kinnamon responded in the affirmative, adding that they would add more woods for cutting trees to put in the septic and homes. Mr. Parker added that as many trees would be conserved as possible.

The Commission advised the applicants to consider the comments they had heard as they proceed with the preliminary plat submission.



**The Orchard, Lot 2 - Preliminary/Final – 3 Lots – South Division Street – M-48; G-9; P-214.**

Mr. Jerry Friedel came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose subdivision of Lot 2 into three lots. Lot 2A will front on South Division Street and the private right-of-way to Parcel #213 and consist of 1.103 acres. Lot 2B will front on South Division Street and the private right-of-way to Parcel #213 and consist of 1.144 acres. Lot 2C will consist of 24.863 acres and include the pipestem/private right-of-way to Parcel #213 that will also provide street frontage for this parcel.

Mr. Friedel stated that the subdivision follows the exact zoning boundary line established with the Comprehensive Development Plan. Three (3) lines are being created with this subdivision.

Mr. Magill questioned if the southwest corner had existing buildings on Lot 2C. Mr. Friedel responded that those buildings were the Hearn's buildings.

Mrs. Bartkovich questioned if Lot 1 was still going to be student

student housing. Mr. Friedel responded in the affirmative. Mrs. Bartkovich questioned how Frances Drive and Halsey Drive are still in the County. Mr. Friedel responded that South Division Street in front of Frances and Halsey is County. Mrs. Bartkovich questioned if there was still access concerns for Telewire. Mr. Friedel responded that access to Telewire was a condition of approval and will be provided.

Mr. Lenox explained that although the forest conservation language is standard, further assurances and associated language will have to be worked out before the Chairman signs the subdivision plat for this parcel.

Upon a motion by Mr. Magill, seconded by Mr. Day, and duly carried, the Commission **APPROVED** the Preliminary/Final Subdivision for The Orchard, Lot 2, subject to the Conditions of Approval:

**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. The front setback for Lot #2C shall be as shown on the plat.
5. This approval is subject to further review approval by the Salisbury Department of Public Works.

*Mr. Rogers recused himself due to professional conflicts.*



**COMMISSION DISCUSSION – DRAFT COUNTY COMPREHENSIVE PLAN.**

Mr. Keith Hall and Mr. Jack Lenox came forward. Mr. Lenox explained that at the last meeting the Commission discussed the proposed Priority Preservation Area (PPA). He explained that there is still a lot going on at the State level and not sure how that will turn out. PlanMaryland and the Septic

System Task Force are other projects that the Staff is covering as well as the Comprehensive Plan update. Mr. Lenox stated that the memo included in the Commission's package regarding the history of Agricultural Zoning in Worcester County would be explained by Mr. Hall.

Mr. Hall informed the Commissioners that Staff has worked closely with the Worcester County Zoning Administrator to learn more about their ag zoning. Included in the memo was a copy of Worcester County's ag zoning section of their Zoning Code. Mr. Hall explained how their ag districts work and what was included in each district.

Mrs. Bartkovich questioned the Consolidated Development Rights Subdivision density. Mr. Hall explained that this type of subdivision is permitted in the A-2 zoning district, not A-1 zoning district, and requires the use of Transfer of Development Rights (TDRs). Mrs. Bartkovich stated that she didn't see a density listed. Mr. Hall responded that Staff would conduct further research to determine the density.

Mr. Rogers questioned why they used 90,000 sq. ft. instead of two (2) acres in their lot size. Mr. Hall responded that he had seen both square footage and acreage used in their text.

Mr. Rogers questioned if there was any down side to having a two-tier ag district. Mr. Lenox responded that Staff was trying to determine if there was a down side to having a two-tier ag district.

Mr. Day questioned if Staff saw any challenges using the tool in Wicomico County for the ag district and the two-tier approach. Mr. Lenox responded that the same discussion took place when the Comprehensive Zoning Revision was done in 2004.

Mr. Day questioned if there were any challenges to implementing this tool to direct development to lands less suitable to ag uses. Mr. Lenox responded that it was probably done for the use of TDR and would be called an ag to ag transfer in the two-tier system.

Mr. Hall presented the three draft versions of PPA maps. Each map displayed a variation of the proposed PPA, A-1 Zoning District, and designated growth areas. Extensive discussion took place among Staff and the Commission regarding the areas for PPA, Ag District, and relationship to highly productive ag soils. There was general agreement that the PPA closely resembling the delineated highly productive ag soils was preferable. For the next meeting, the Commission requested seeing a mylar of the GI areas over the Ag District and PPA to see where they overlapped. In addition, Staff was

directed to reduce the PPA in the area north of U.S. Route 50 in close proximity to MD Route 54 (Delmar Road).



There being no further business, the Commission meeting was adjourned at 3:36 p.m. by Mr. Dashiell.



This is a summary of the proceedings of this meeting. Detailed information is in the permanent files of each case as presented and filed in the Salisbury-Wicomico County Department of Planning, Zoning, and Community Development Office.

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Charles "Chip" Dashiell, Chairman

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John F. Lenox, Director

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Beverly R. Tull, Recording Secretary