
MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on August 20, 2009 in the Council Chambers of the Government Office Building, Room 301, with the following persons in attendance:

COMMISSION MEMBERS:

Corinne Les Callette, Chairman (Absent)
Donald B. Bounds, Vice Chairman
Gail Bartkovich
James W. Magill
Glen Robinson
Scott Rogers
Gary Comegys

CITY/COUNTY OFFICIALS:

Ed Baker, County Attorney
Maureen Lanigan, Assistant County Attorney
Dale Pusey, Salisbury Public Works Department
Mary Phillips, County Public Works Department
Joseph Arthur, County Public Works Department
Jim Grindle, County Public Works Department
Gary Hales, Salisbury Public Works Department

PLANNING STAFF:

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



The meeting was called to order at 1:32 p.m. by Mr. Bounds, Chairman.



Minutes:

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the minutes of the July 16, 2009 with a correction on Page 4.



Mr. Magill noted that the Fall MCPA Conference would be held in Hartford County and the main topic would be education requirements.



#WP-0906

PUBLIC HEARING – COMPREHENSIVE PLAN AMENDMENT – to include a Water Resources Element as required by Article 66B, as amended by HB-1141-06.

Mr. Lenox read the ad and administered the oath to anyone wishing to testify in this matter. Mr. Bounds explained the public hearing procedure.

Mr. Keith Hall explained that the purpose of the WRE was to account for water resources for new growth and should cover until the year 2030. A lot of public workshops have taken place with input for the WRE. He added that a letter was received from MDP stating that the County WRE fully covers the requirements of House Bill 1141.

Mr. Bounds reiterated the Commission's thanks to the public for participating in the workshops for the WRE.

Mr. Lenox explained that the Comprehensive Plan update is an ongoing process and that there is still a lot to do. If there are significant changes to the Land Use Plan then the WRE will be amended.

Mrs. Bartkovich stated that at a Council work session it was stated that on Page 25 of the WRE under Implementation that agricultural rural areas would be added under Bullet #2.

Mr. Eric Fisher, CBF, commended the Staff and Commission on their work on the WRE. He explained that there were shortfalls in Hebron and Pittsville based on the Point and Non-Point Source analyses. There needs to be additional detail on the impacts of the three different growth scenarios used in the Non-Point Source analysis will affect nutrient TMDLs. Although not yet released at the time of this public hearing, Mr. Fisher requested that future revisions include a discussion of Bay-wide TMDLs. He added that the plan will only be as good as the steps taken to implement it.

Mr. George Frigon, Wastewater Consultant for Hebron, listed discrepancies between the numbers for the Town of Hebron and Hebron's actual numbers and population projection. Specifically, he noted the discrepancies in the draft WRE as they apply to the Town of Hebron:

1. Revise Table 5-1 to reflect a Hydromatic tank system, instead of "Addition of water storage loop.";
2. Existing sewer capacity numbers on PP. 11 were incorrect;
3. Revise Table 5-5 to reflect a facultative lagoon instead of "aerated lagoon.";
4. Revise Table 5-5 to delete "Addition of water storage loop.";
and
5. Concerns about Table 5-10. Appears to be incorrect.

Mrs. Dot Truitt, Kinsdale Court, questioned where the recharge areas for the aquifers were located. The stormwater is being sent into the rivers. She requested that Salisbury stop allowing individual wells to water yards. She requested that the Planning Department encourage more trees and shrubs and not sod. Mrs. Truitt also asked that any lakes and fountains be discouraged that would require water. All developments should build the stormwater ponds before any construction is done. She added that there are no reservoirs.

Mr. John Groutt, WET, complimented the Staff on the fine work that has been done on the WRE. This was a new element and was very demanding. There needs to be more discussion and protection for aquifers, especially as it relates to saltwater intrusion. There should be an annual review and revision required and sent to the County Council as a recommendation.

Mrs. Bartkovich questioned if the Groundwater Protection Report would cover the protection of aquifers. She added that the figures regarding Hebron should be discussed with Hebron's consultant and the Staff. Mr. Lenox stated that only technical changes can be made regarding the County WRE. All municipalities will have to do their own WRE. Mrs. Bartkovich questioned the TMDL's. Mr. Eric Fisher stated that the WRE is presented with loading numbers, but TMDL's also have numbers and they should be compared. Mr. Hall stated that the pollution forecast, although capable of comparing the relative benefits of different land use plans, are not precise enough to allow for direct comparison to nutrient TMDLs. Mrs. Bartkovich stated that this is a guidance document and is not regulatory.

Mr. Comegys questioned how the Comprehensive Plan and Water and Sewer Plan relate. Mr. Lenox responded that the WRE is a policy document, while the Groundwater Protection Report is part of the Water and Sewer Plan and has more regulatory effect. This document will be constantly reviewed.

Mr. Hall announced that the County Council will hold a public hearing on the WRE on September 15, 2009 at 10:30 a.m.

Upon a motion by Mrs. Bartkovich, seconded by Mr. Comegys, and duly carried, the Commission made a recommendation to forward the document to the County Council with the additional comments including:

1. Fact checking the document – Hebron; and
2. Revision on Page 25 of the WRE under Implementation that agricultural rural areas would be added under Bullet #2.



CITY/COUNTY SUBDIVISION PLATS:

JWC Johnson Road LLC – Preliminary/Final – 1 Lot – Johnson & Snow Hill Roads – M-48, P-282, G-4.

Mr. Phil Parker came forward. Mrs. Gloria Smith presented the Staff Report. The proposed plat will dedicate relocated Johnson Road and a cul-de-sac street, Stanley Court, to the City. A portion of existing Johnson Road will be closed to through traffic but remain a city-owned right-of-way to provide street frontage to the lots in Tamarac Village.

Mr. Magill questioned access to the townhomes. Mr. Parker responded that the townhomes must have legal frontage. Mrs. Smith stated that all townhomes must have frontage on the road per the City Code. Mr. Magill questioned who would maintain the area. Mr. Parker responded that the area would become a right-of-way for utilities and that maintenance would be covered in the Public Works agreement.

Mrs. Bartkovich questioned if the Commission had reviewed a piece of this with the Summersgate project. Mr. Parker responded in the affirmative. Mrs. Bartkovich questioned why there was a forest conservation condition. Mrs. Smith responded that the forest conservation condition is a standard condition of approval and may have already been covered.

Upon a motion by Mrs. Bartkovich, seconded by Mr. Comegys, and duly carried, the Commission **APPROVED** the Preliminary/Final Plat for the JWC Johnson Road et al Plat, subject to the following Conditions of Approval:

CONDITIONS:

1. The Final Plat shall comply with all requirements of the Salisbury Subdivision Regulations and all Conditions of Approval noted below.
2. Health Department approval is required.
3. This subdivision is subject to further review and approval for compliance with the Forest Conservation Act.
4. This plat is subject to further review and approval by the Salisbury Public Works Department.



Walnut Acres – Development Plan – 22 Lots – Walnut Tree Road – M47, G-19, P-265.

Mr. Phil Parker came forward. Mrs. Gloria Smith presented the Staff Report. The Development Plan indicates the location of the lots, building envelopes, septic reserve areas, proposed cul-de-sac streets, Forest Conservation area, Open Space and stormwater management pond/swale. The location of the two inherent lots is also shown. The plan proposes 22 single-family lots.

Mr. Parker stated that this was the same plat that the Commission had reviewed in November.

Mr. Bounds questioned if the developer was going to move ahead with this development. Mr. Parker responded in the affirmative.

Mrs. Bartkovich stated that she had driven to this site from the downtown area and it was approximately eight (8) miles. She questioned who would manage the ag/timber site. Mr. Parker responded that the owner could retain the ag area and farm it or turn it over to the Homeowners Association. Mrs. Bartkovich questioned if this would be specified in the documents. Mr. Parker responded that it is not required to be in the Homeowners Association documents. Mrs. Bartkovich questioned if all the lots had perced. Mr. Parker responded in the affirmative. Mrs. Bartkovich questioned if there would be any sand mounds. Mr. Parker responded in the negative.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission **APPROVED** the Development Plan, with the Community Impact Statement and Environmental Assessment for Walnut Acres, as submitted.



Asherwood, Section 2 – Final – 8 Lots – Asherwood Branch Road – M-42, G-3, P-97.

Mr. Steve Fuller and Mr. Dean Richardson came forward. Mrs. Gloria Smith presented the Staff Report. The applicant proposes subdivision of 7 residential lots and 1 commercial lot from 42.83 acres. The commercial lot is within the Town of Willards and is 1.97 acres in size. All residential lots are within the County and will front on and have access to an interior street, Nature Lane.

Mr. Bounds questioned how far down the Willards town limits went. Mr. Fuller responded that the dotted line along Bent Pine Road shows the Willards town limits.

Mrs. Bartkovich questioned if the Town of Willards was taking water and sewer across Route 50. Mr. Richardson responded that the water and sewer would only be extended to the commercial lot. Mrs. Bartkovich questioned the location of Parcel 1 on the attachments to the Staff Report. Mr. Fuller explained the layout of the maps and where Parcel 1 was located. He explained that there was a need for a 50 ft. buffer as the reasoning for how Parcel 1 was configured. Mr. Richardson stated that Parcel 2 would be preserved as farmland. Mr. Fuller added that the county road cut the parcel in half and made it two (2) parcels.

Mr. Bounds questioned Mr. Fuller how large the parcel was. Mr. Fuller responded that Parcel 2 was approximately 10.5 acres.

Upon a motion by Mr. Magill, seconded by Mrs. Bartkovich, and duly carried, the Commission **APPROVED** the Final Plat for Asherwood, Section 2, subject to the following Conditions of Approval:

CONDITIONS:

1. The Final Plat shall comply with the County Subdivision Regulations and is subject to further review by the County Department of Public Works.
2. Health Department approval is required prior to the recordation of the Final Plat.
3. A note shall be added to the Plat prohibiting vehicular access from Lot 4 to Bent Pine Road.



UPDATE – SALISBURY COMPREHENSIVE PLAN.

Mr. Bounds thanked the Staff and the public for their input with the WRE, adding that it was a tremendous document. Mr. Lenox noted that we didn't get the MDP approval letter on our first try but Keith Hall had been particularly persistent in getting the document to its final form.

Mr. Comegys questioned how the WRE's from the municipalities would roll into the County WRE. Mr. Lenox responded that each municipality is required to do its own WRE. Each municipality will do their own Comp Plan, WRE and then will butt heads with the County. Mr. Comegys questioned if as the other municipalities came on board with their numbers if the County Comp Plan would be updated. Mr. Lenox stated that the WRE would be updated regularly but were hoping to have it adopted by October 1, 2009.

Mr. Hall noted that Pittsville has not done an update for their Comprehensive Plan. Mr. Lenox noted that Pittsville would not be able to do any annexations or rezonings after October 1, 2009. Mrs. Bartkovich added that Pittsville has no additional capacities. Mr. Noonan noted that he believed that Pittsville wouldn't be allowed to do any rezonings in the existing town limits either after October 1, 2009.

Mr. Lenox noted that Mardela's new Mayor Marshall had indicated that they would be doing a feasibility study for water and sewer for the Town of Mardela Springs.

Mr. Lenox noted that the City of Salisbury got a six (6) month extension for their Comp Plan. Staff has been working with the City Council at work sessions for the last four (4) months. Maps will be shown at the September work session. He stated that the Mayor had concerns about how far out to extend City services.

Mrs. Bartkovich questioned if the six (6) month extension was for the entire plan. Mr. Lenox responded in the affirmative.

Mr. Hall noted that all of the City's information is available on the City's website and is constantly being updated.

Mrs. Bartkovich questioned how this affects the County Plan. Mr. Lenox responded that Salisbury would have to do the Municipal Growth Element. He added that Salisbury has a deadline where the County only has a deadline for the WRE.



There being no further business, the Commission meeting was adjourned at 3:02 p.m. by Mr. Bounds.



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.

Donald Bounds, Vice Chairman

John F. Lenox, Director

Beverly Tull, Recording Secretary