



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on December 17, 2015 in Room 301, Council Chambers of the Government Office Building, with the following persons in attendance:

COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman
James W. Magill, Vice Chairman
Scott Rogers
Marc Kilmer
Newell Quinton
James McNaughton (Absent)
Jack Heath

CITY/COUNTY OFFICIALS:

Brian Wilkins, Salisbury Public Works Department
Rachel Harris, Assistant County Attorney

PLANNING STAFF:

Jack Lenox, Director
Gloria Smith, Planner
JaLeesa Tate, Environmental Planner
Beverly Tull, Recording Secretary



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



Mr. Dashiell introduced Mr. Jack Heath as the new City Council representative for the Commission. He welcomed Mr. Heath and his insight into the cases heard by the Commission.



Minutes:

Upon a motion by Mr. Magill, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the minutes of the November 19, 2015 meeting as submitted.

Mr. Heath abstained due to not having been appointed to the Commission at the November meeting.



#SP-9702-15G SIGN PLAN AMENDMENT - Sprint/Radio Shack - College Square - 119 W. College Ave., represented by Gary Kleiman/SignFixers of Delmarva - General Commercial District - M-115; G-15; P-2949.

Mrs. Gloria Smith presented and entered the Staff Report. Gary Kleiman has submitted a request on behalf of the applicant for a Sign Plan Amendment for wall signs and a pylon sign panel. The wall signs will contain two signs each and the Sprint logo and the pylon sign panel will contain the color gray.

Upon a motion by Mr. Magill, seconded by Mr. Rogers, and duly carried, the Commission **APPROVED** the Sign Plan Amendments as submitted.



COUNTY SUBDIVISIONS:

David & Angela Davis - Preliminary/Final - 3 Lots - South Division Street - M-48; G-20; P-372.

Mr. Jack Plummer came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose subdivision of Parcel # 372 into Lot 1 (0.77 acres), Lot 2 (0.73 acres) and Lot 3 (0.92 acres). All lots will have frontage and access on South Division Street.

Mr. Plummer stated that his client has no off-site area to provide afforestation nor does he wish to purchase property for that. The afforestation shown on the plat is the best that

can be done and he would prefer not to do a payment in lieu. There is public water for these lots. The Health Department has approved the septic systems.

Mr. Dashiell questioned Mrs. Smith if the forestation areas could be clarified. Mrs. Smith responded that the trees are being proposed in the areas shown on the plat. Ms. JaLeesa Tate, Environmental Planner, stated that the plan needed a small revision to show 0.49 acres of afforestation. Mr. Plummer responded that the plan has been revised to show 0.49 acres of afforestation. Mr. Dashiell questioned if there were any other hardships. Mr. Plummer responded in the negative, stating that the owner would do the plantings.

Mr. Magill questioned the frontage. Mrs. Smith responded that the Subdivision Regulations require 100 ft. of frontage but these lots are less along the road but expand out in the rear. Neither of these lots are pipestem lots. She added that the Commission must approve lots with less than 100 ft. of road frontage. Mr. Dashiell questioned if there is concern over the frontage. Mrs. Smith responded in the negative, explaining that this was the maximum that could be done with the land area. There is public water so there isn't an issue with the lots size in regards to the well and septic area separation.

Mr. Heath questioned if the proposed house on Lot 2 was under construction. Mr. Plummer responded in the affirmative. Mrs. Smith explained that they could obtain a permit for one (1) structure but couldn't pull any other permits until the subdivision plat was recorded.

Mr. Magill stated that he still had concerns over the frontage of the lots. Mrs. Smith stated that the frontage exceeds the Code requirements for a pipestem lot. Mr. Lenox added that this does comply with the Code with Commission approval.

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

CONDITIONS:

1. Health Department approval is required prior to the recordation of the Final Plat.
2. The Final Plat shall comply with the requirements of the Forest Conservation Program.
3. The Final Plat shall comply with the County Subdivision Regulations and is subject to further review by the County Department of Public Works.



Kenneth Mills – Preliminary/Final – 2 Parcels – Walnut Tree Road – M-57; G-4; P-p/o 242.

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. The applicant proposes subdivision of Parcel A into Parcel AA (8.88 acres) and Parcel AB (25.33 acres). Both parcels have frontage on Walnut Tree Road. At this time, neither lot has been granted approval for building construction that requires water and sewage.

Mr. Parker explained that this was an ag subdivision and would only be used for agricultural use. There will not be any homes built on these lots. Parcel AB has a contract for an ag use. The owner intends on keeping Parcel AA.

Mr. Magill questioned why this subdivision was being done. Mr. Parker responded that the owner was contracting to sell the 25 acre parcel being created and wanted to keep the other parcel for himself.

Mr. Dashiell questioned why this subdivision was before the Commission. Mrs. Smith responded that this would be the fourth subdivision off the property therefore it required Commission approval.

Upon a motion by Mr. Magill, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the Preliminary/Final plat for Kenneth A. Mills, subject to the following Conditions of Approval:

CONDITIONS:

1. Health Department approval is required prior to the recordation of the Final Plat. A new plat shall be recorded upon health Department evaluation and approval of water and sewage services on these lots, prior to issuance of permits for any building construction thereon requiring such services.
2. The Final Plat shall comply with the requirements of the Forest Conservation Program.
3. The Final Plat shall comply with the County Subdivision Regulations and is subject to further review by the County Department of Public Works.



Omar Estrada – Preliminary/Final – 2 Lots – Meadowbridge Road – M-58; G-19; P-244.

Mr. Brock Parker came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose subdivision of Parcel # 244 into Lot 1 (2.0 acres) and Lot 2 (4.38 acres). Lot 1 will have 163.68 ft. of frontage on Meadowbridge Road, while Lot 2 will be a pipestem lot with 51.69 ft. of frontage on Meadowbridge Road.

Mr. Dashiell questioned if the way it was presented satisfied the concerns. Mrs. Smith responded that the way it is presented satisfies the Code. The section that is 25 ft. wide is due to the location of the existing drainfield. Mr. Parker stated that there is 50 ft. of frontage but it can't be 50 ft. all the way back because of the drainfield.

Mr. Rogers questioned why the comment about extending the 50 ft. to the back of the property. Mr. Parker stated that he hadn't heard this before. Mr. Magill questioned doing an easement. Mr. Parker responded that he couldn't put an easement over an easement.

Mr. Dashiell questioned if the plat could have a note for if the road must be installed in the future. Mr. Parker responded in the affirmative.

Mr. Magill stated that he didn't have an issue with the 25 ft.

Mr. Dashiell questioned the rationale for 50 ft. all the way back. Mr. Heath stated that it didn't make sense. Mr. Lenox stated that he was careful about not putting something in the Code that doesn't have criteria. In this case, if it is less than 100 ft. of frontage but at least 50 ft. then the subdivision can be done with Commission approval. The frontage is for adequate access for utilities and vehicles. A public road is not in the future. There are wetlands to consider on this property. If this property is not going to have any future subdivision, then the Commission can consider the plat as submitted.

Mr. Parker stated that the property cannot be further subdivided because of the wetlands.

Upon a motion by Mr. Magill, seconded by Mr. Rogers, and duly carried, the Commission **APPROVED** the Preliminary/Final plat for Omar Estrada, subject to the following Conditions of Approval:

CONDITIONS:

1. Health Department approval is required prior to the recordation of the Final Plat.
2. The Final Plat shall comply with the requirements of the Forest Conservation Program.
3. The Final Plat shall comply with the County Subdivision Regulations and is subject to further review by the County Department of Public Works.



Mr. Dashiell recognized Mr. Tim Spies for his service on the Commission and his service to the City of Salisbury. Mr. Spies expressed his appreciation and offered Mr. Heath well wishes. He told Mr. Heath that the Planning Commission was the committee he had the most fun on. He offered to the Commission to keep in mind the things he brought up while on the Commission, wished all a Merry Christmas.



CAPITAL IMPROVEMENT PROJECTS:

Mrs. Smith presented a summary of the Capital Improvement Projects that had been submitted for FY2017-FY2021.

Mr. Magill questioned if the Elections Office was combined with the City and the State. Mrs. Smith responded that the Elections Office was a state agency that handles the City and County elections. Mr. Kilmer added that the County funds the Elections Office.

Upon a motion by Mr. Magill, seconded by Mr. Quinton, and duly carried, the Commission **APPROVED** the Capital Improvements Projects as submitted as to their location and use.



Mr. Lenox came forward. He explained that amendments to the Zoning Code come before the Commission for public hearings. There have not been many amendments to the text of the County Code, and only one map amendment to the County Code in the last 11 years.

Mr. Lenox explained that he briefed the Council this week on the largest poultry house farm which would have 13 houses on one parcel. Up until three years ago, the County didn't require a permit for ag buildings. Up until 2004, you could apply to do almost anything in the A-1 District. In 2004, the Code sorted things out. Two-thirds of the County is zoned A-1. The requirements have changed to require permits for ag building due to environmental laws that changed and the enforcement of stormwater guidelines and designs. Agricultural buildings also include poultry houses. The rules from the County after 2004 were 100 ft. Approximately nine months ago a discussion came up with large-scale operations, and whether the applicable regulations should be reviewed. There has not been any discussion about location such as the Paleochannel or Airport but there likely will be further discussion. Delmarva Poultry Industry has "Good Neighbor" policies. Mr. Lenox stated that there would be future work sessions and that Wicomico is an ag county and wishes to support the poultry industry.

Mr. Dashiell stated that the density of the chicken house operation becomes an issue.

Mr. Kilmer stated that he wasn't sure density was the issue but location was.

Mr. Quinton questioned if the size was as critical as the number. Mr. Lenox responded that the houses are getting larger and the flocks are getting bigger.

Mr. Lenox stated that Delmarva Poultry Industry didn't envision the large growth of chicken houses that are being built.

Mr. Kilmer questioned if the changes would come from the Council or the Commission. Mr. Lenox responded that the changes could start at the Commission level but a discussion needs to be held as to whether anything even wanted to be addressed. Currently an evaluation is being done to see if there is a concern.

Mr. Magill stated that his first concern is the Paleochannel. Mr. Lenox responded that MDE said to stop the runoff and keep the water on site and put it back in the

ground. The potential harm from infiltration that MDE regulations require has to be determined? Poultry litter has specific regulations on how it is handled.

Mr. Kilmer questioned how big the Paleochannel is. Mr. Lenox responded that he didn't have the technical measurement in hand, but that it is extensive. He noted that the concern with nitrogen and phosphorus is largely in regard to surface water.

Mr. Magill stated that this needs to be discussed in the forefront in case it is put in front of the Commission.

Mr. Lenox stated that the question of whether there is an adverse impact on the Paleochannel hasn't been determined.

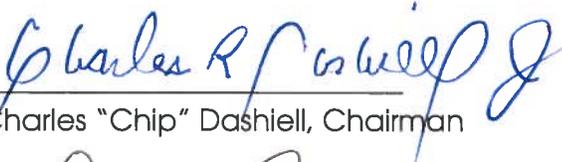
Mr. Lenox also advised the Commission that the Comprehensive Plan is back on the table as previously forwarded. Mr. Lenox stated that he and Mr. Hall would be with the Council regularly on the Comprehensive Plan.



There being no further business, the Commission meeting was adjourned at 2:46 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.


Charles "Chip" Dashiell, Chairman


John F. Lenox, Director


Beverly R. Tull, Recording Secretary