
MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on March 18, 2010 in the Council Chambers of the Government Office Building, Room 301, with the following persons in attendance:

COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman
Donald B. Bounds, Vice Chairman (Absent)
Gail Bartkovich
James W. Magill
Glen Robinson
Scott Rogers
Gary Comegys

CITY/COUNTY OFFICIALS:

Ed Baker, County Attorney
Maureen Lanigan, Assistant County Attorney
Henry Eure, Department of Building, Permits, and Inspections
Mary Phillips, County Public Works Department
Paul Wilber, City Solicitor
Darrin Scott, Acting Assistant Fire Chief, Salisbury Fire Department

PLANNING STAFF:

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



The meeting was called to order at 1:31 p.m. by Mr. Dashiell, Chairman.



Minutes:

Upon a motion by Mrs. Bartkovich, seconded by Mr. Magill, and duly carried, the Commission **APPROVED** the minutes of the February 18, 2010 with the correction on Page 10.



#SP-1003

PUBLIC HEARING (CONTINUED) – TEXT AMENDMENT – SALISBURY MUNICIPAL CODE – R. S. Smethurst, Jr. – To amend Sections 17.04.120 and 17.156.030 – To add a definition and to permit a Veterans Training Center by Special Exception in the R-5 Residential District.

Mr. Jack Lenox administered the oath to anyone who had not been present at the February meeting. Mr. Dashiell explained the public hearing procedure.

Mr. Matt Mills and Mr. Jerry Black came forward. Mrs. Gloria Smith presented the revised Staff Report and explained that the Staff and the attorneys had met to discuss possible revisions to the proposed definition of a Veterans Training Center. It was concluded that this use more closely resembled a Care Home but was restricted to a specific group. A revised definition for a “Care Home – Veterans Services Facility” was presented and recommended for submission to the Mayor and City Council.

Mr. Lenox explained that a great deal of work had taken place about 10 years ago to define what was acceptable in a single family neighborhood. The continuance from last month's meeting allowed time to determine what type of facility the Veterans Facility would be. The revised amendment before the Commission moves the Veterans Facility into a category that is more of a facility and an institutional use. The type of facility would be a subset of a care home. Mr. Lenox stated that by adopting the proposed language before the Commission it would protect the single family neighborhoods.

Mr. Mills stated that after working with Mr. Lenox and Mr. Wilber that a good fit for language for this facility was proposed. The definition more accurately describes what the Veterans Facility would be doing. He added that he appreciated Secretary Forbes from the Department of Veterans Affairs attendance at the meeting.

Mr. Wilber stated that Mr. Lenox had done a fine job of explaining the revisions. This will be a policy question for the Commission as to whether they are willing to locate the Veterans Facility in an R-5 Residential Zoning District in the City by Special Exception.

Mr. Comegys stated that this was a good way to compromise and meet the needs of the Veterans and still protect the single family neighborhoods. The special exception will allow the Board of Appeals to review each request on a case by case basis.

Mr. Rogers questioned how the Code defined temporary housing. Mr. Wilber responded that there was not a definition for temporary housing. Mr. Wilber questioned if there was any type of average stay. Mr. Black responded that the Veterans can stay for as long as two (2) years but the national average stay is approximately nine (9) months. The longer stay may come with college training. Mr. Wilber suggested addressing the length of stay. Mr. Lenox stated that the length of stay could be included as a condition of approval with the special exception.

Mr. Rogers questioned if there were Code requirements for the number of occupants. Mr. Lenox responded that Zoning couldn't exempt the facility from the Building Code. Mr. Rogers questioned if there would be parking requirements. Mr. Lenox responded that the parking requirements would be addressed at the special exception as well.

Mr. Wilbert Forbes, Jr., Deputy Secretary of the Maryland Department of Veterans Affairs, stated that it was an honor and privilege to be before the Commission. He stated that he was proud to be here with Veterans who have served our Country. He stated that the Veterans are underserved. There are 484,000

Veterans in the State of Maryland and approximately 40,000 of them are on the Eastern Shore. When Veterans return from combat, they may have visible and invisible scars. A lot of these people were living productive lives before serving their country. Many of these Veterans have problems integrating back into their families. This facility will serve as a place to go to regain their dignity and go on with their lives. This facility will provide exactly the kind of therapy that they need. There are still services that the Veterans can provide to their community. The Veterans on the Eastern Shore find themselves migrating to other places so the allowance of this facility would keep them on the Eastern Shore. Mr. Forbes requested approval of the text amendment from the Commission.

Mr. Billy McLamb, American Legion Post 64, stated that the Post supports this facility. He added that they would be hosting a Poker Run to help support this case.

Mrs. Donna Clark, representative of Tri County Alliance for the Homeless, stated that she had been working with Mr. Black for the last two and a half (2 ½) years. The facility would be a great benefit for Salisbury. The rehabbed Veterans will provide a better financial source for the City of Salisbury. The Veterans can offer their services to the citizens of Salisbury. She added that she had been in contact with Blind Industries who would be looking to offer jobs to the Veterans.

Mr. Bill Hagan, American Legion Post 64, stated that the Veterans in the area are underserved and requested support for the text amendment.

Mr. Dave Carmean, Vietnam Veterans Motorcycle Club, stated that he had worked with Mr. Black and hopes to work with him again. There is no help for the Veterans on the Shore. He stated that he got fired from his job for not being able to get off his medications and had this facility been available eight (8) years ago then he would have been able to be in the facility. He stated that he supports this amendment and facility 100 percent.

Mr. Dashiell thanked Secretary Forbes and the Veterans for coming in support of this amendment and for all the services that have been rendered to the community and to the Country.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the Mayor and City Council for the following Text Amendments:

- (1) **Amend Section 17.04.120 – To add a definition for a “Care Home – Veterans Services Facility” as follows:**

CARE HOME – VETERANS SERVICES FACILITY – means a care home as defined above and further defined as a facility providing educational, employment, reintegration and counseling services and temporary housing in a single building to American Veterans. The facility must be authorized and approved by the Veterans Health Administration of the Department of Veterans Affairs and operated in accordance with its rules and regulations. The residents of the facility shall not include any person who, while residing there, commits a violent act or causes substantial physical damage to the property of others, and any such person must be removed from the facility. The facility also shall not include any resident with current, illegal use of, or addiction to, a controlled substance.

(2) Amend Section 17.156.030 – Uses permitted by special exception – To add Item F as follows:

F. Care Home – Veterans Services Facility in the R-5 Residential District Only.

The Commission requested that the length of stay be consistent with the Veterans Program guidelines.



COUNTY SUBDIVISION PLATS:

Ronald Townsend – Preliminary – 3 Lots – Dagsboro Road – M-22, G-22, P-142.

Mr. Ronald Townsend and Mrs. Jacqueline Townsend came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose subdivision of a 19.42 acre tract into three lots. All lots will front and have access on a small cul-de-sac. Lot #2 will contain 14.15 acres and a proposed Forest Conservation Area. Lot #3 will contain 2.10 acres and the existing one-story dwelling and accessory structures. Lot #4 is 2.67 acres but is not approved for on-site well and septic at this time.

Mrs. Phillips stated that this was a cluster development and that a Development Plan is typically required for a cluster but the Commission can waive that if they choose. Mr. Lenox stated that the Development Plan is essentially a Community

Impact Statement and would come with the Final Plat submission. He explained that they could work with the applicants to provide minimal information.

Mr. Townsend stated that they were really looking to build a house for their son or for themselves. He requested not to be made to put the cul-de-sac in as they have 1100 ft. of road frontage and the other parcel has 450 ft. of road frontage. The other parcel has not had a perc test done. He added that they wouldn't have the expense of stormwater management if they could just put in a driveway and not install a cul-de-sac.

Mrs. Phillips stated that the minor lot rights were exhausted before 1972 and the Townsends purchased the property in 1975. The cluster regulations state that there must be an interior street.

Mr. Lenox questioned Mrs. Phillips if there was any provision for reduction of standards other than going before the Council. Mrs. Phillips stated that Mr. Redden would have to make that determination. Mr. Lenox stated that the cluster regulations require the lots to have frontage on an interior street.

Mr. Dashiell questioned if the Commission needed to act based on the plat before them. Mr. Lenox responded in the affirmative, explaining that if the standards are changed then the Commission would see that at the Final Plat.

Mr. Magill questioned Mr. Lenox if it was appropriate to include a recommendation that Mr. Redden grant relief for the rural road standards. Mr. Lenox responded in the affirmative, adding that the rural road standards would have to be approved by the County Council as well.

Mrs. Bartkovich questioned if the Commission needed to decide the setback for Lot 3. Mrs. Phillips responded that the Commission could decide the setback at the Final Plat.

Mr. Townsend questioned if he still needed a forest conservation plan if the set aside was all in woods. Mr. Lenox noted that he would need a forest conservation plan.

Mr. Comegys questioned if the Commission should act on Mr. Magill's comment. Mr. Dashiell suggested making it part of the motion.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission **APPROVED** the Preliminary Subdivision for Ronald Townsend, including a request that the Public Works Department allow the use of rural road standards for the cul-de-sac and 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. The Final Plat shall comply with all requirements of the Forest Conservation Program.
4. Stormwater management in accordance with the State Design Manual shall be provided. Adequate drainage and maintenance easements will be required.
5. The Improvements Construction Plans shall be submitted to and approved by the Wicomico County Public Works Department prior to submission of the Final Plat.
6. The 50 percent Open Space area shall be delineated by metes and bounds on the Final Plat.
7. All lots shall be denied direct vehicular access to Dagsboro Road.
8. A dedication for road widening along Dagsboro Road equal to 30 ft. from the centerline is required.
9. A 25 ft. buffer surrounding the nontidal wetlands is required.
10. This approval is subject to further review and approval and conditions imposed by the County Department of Public Works.
11. Setback for Lot 3 shall be determined by the Planning Commission at the time of Final Plat submission.

**Weeping Willow, Section 1 – Preliminary/Final – 3 Lots – Hammond School Road – M-40, G-19, P-39.**

Mr. Steve Fuller and Mrs. Ola Meadowcroft came forward. Mrs. Gloria Smith presented the Staff Report. The applicants propose subdivision of two lots from a 15.20 acre tract. All lots will front and have access on Hammond School Road, a minor collector road. Lot #1 is proposed at 1.0474 acres and contains an existing two-story residence, a garage, and a 20 ft. wide ingress/egress easement to Lot #2. An existing kennel on the property is planned for removal. Lot #2 is proposed at 3.1024 acres and contains an existing kennel and gravel parking. This lot will be a pipestem lot with 50 ft. of frontage on Hammond School Road, south of Lot #1. Lot #3 is proposed at 10.9630 acres, contains an existing farm pond and farm structures, is partially wooded, and is proposed for agricultural use only. It is not approved at this time by the Health Department for any building construction requiring water supply and sewage disposal.

Mr. Fuller stated that they would comply with all the conditions.

Upon a motion by Mr. Magill, seconded by Mr. Robinson, and duly carried, the Commission **APPROVED** the Preliminary/Final Subdivision for Weeping Willow, Section 1, 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.
4. The Final Plat shall comply with all requirements of the Forest Conservation Program.
4. This approval is subject to further review and approval and conditions imposed by the County Department of Public Works.
5. This Property is within the Airport Overlay District and is subject to the restrictions of the Horizontal Surface.
6. This property shall comply with all requirements of the federal aviation administration (FAA) and the Maryland Aviation Administration (MAA). This includes when applicable filing Federal Aviation Administration Form 7460-1, "Notice Of Proposed Construction Or Alteration."
7. The front setback for Lot #2 shall be 10 ft. from the rear property line of Lot 1 as approved by the Planning Commission.
8. Lot #3 shall be labeled as Parcel A until such time as the parcel is approved for onsite septic and well.
9. A road widening dedication equal to 30 ft. from the centerline of Hammond School Road shall be provided.
10. Adequate drainage and maintenance easements shall be provided.



WORK SESSION - SALISBURY COMPREHENSIVE PLAN:

Mr. Hall stated that there were four (4) major milestones to get through the adoption of the Comprehensive Plan for the City of Salisbury. The plan has been worked on for the last 21 months. The four (4) major themes are:

- Connectivity
- Identity
- Livability
- Sustainability.

Each of these themes is carried through in multiple chapters. The Planning and Zoning public hearing is scheduled for April 8, 2010 at 6 p.m. but a vote won't be taken that night. The vote for Planning and Zoning Commission will take place at the regular April 15, 2010 meeting. The public hearing for City Council is scheduled for April 26, 2010 and no vote will be taken until May 10, 2010. The Commission will adopt the plan at their May 20, 2010 meeting. The plan is still subject to change, but there doesn't appear to be any substantive changes to be made. The comments from the State agencies should be in by March 31, 2010.

Mr. Hall stated that he had tried to do a lot of advertising, which included putting out a press release. The press release was put in The Daily Times under the briefing section. The Comprehensive Plan is available on the City's website as well as in the library and in the City Clerk and Planning and Zoning offices.

Mr. Hall stated that the WRE looks at the supply and demand issues. The Municipal Growth Element has been getting some attention and the office has been getting phone calls. A frequently asked questions document has been prepared and is also available on the City's website and was listed in the press release. Outreach letters have been sent to the people in the Growth Areas but due to budget constraints, not every person could be notified about the Comprehensive Plan. The idea of the Municipal Growth Element will be infill and redevelopment and the plan reinforces that.

Mr. Comegys stated that the Municipal Growth Element being proposed is not significantly different than what was in the Metro Core Plan. Mr. Hall agreed, explaining that it matches the County zoning and used the example of the Westside Collector opening up development pressure. He added that there had to be provisions made for Commercial and Industrial areas for growth.

Mr. Lenox stated that towards the back of Brick Kiln Road the City asked for an industrial area to be larger due to possible expansion of the landfill. He stated that those property owners were notified by mail. Mr. Hall stated that out of 80 letters that were sent out that eight (8) phone calls have been received.

Mr. Magill suggested sending notices to the local service agencies such as the Lions or Kiwanis. Mr. Comegys stated that it would not take many minutes to send the press release to the Lions, Kiwanis, Rotary, Chamber of Commerce, and other service groups. Mr. Magill stated that the Greater Salisbury Committee should also receive a press release. Mr. Lenox stated that they had been talking to the Greater Salisbury Committee and they will be represented at the public hearing. Mr. Comegys added that comments from these groups should be in prior to the public hearing.

Mr. Lenox stated that comments from the Library would be coming in and that he'd met with the City Park Committee as well.

Mr. Comegys stated that he didn't want to wait until the final hour to make changes to the Plan.

Mr. Hall stated that he believed that the Table of Contents had helped a lot of people. Mr. Magill questioned if an index could be developed. Mr. Lenox stated that the final document should have a detailed index.



DISCUSSION – PLANNING COMMISSIONER/BOARD OF APPEALS EDUCATION COURSE.

Mr. Lenox stated that the State of Maryland is requiring that the Board of Zoning Appeals and Planning Commission members have training.

Mrs. Smith stated that she had called the Maryland Department of Planning who generated the document. The documents discuss several topics. Ideally, the State wants the members to go to the MDP website and skim the document and then take the test. There are seven (7) modules and each test is five (5) questions. Mrs. Smith stated that she has called MDP to see if there are any opportunities to do an overview but not sure how it would work with the course work having to be completed by July 1, 2010.

Mr. Magill stated that Mr. Steve Allen from MDP is in charge of this program. He stated that Cumberland did a module at each meeting for several months to complete their requirements.

Mr. Lenox stated that he didn't want to abandon the small towns if a joint session is done.

Mr. Lenox stated that the Staff would send out the website and will wait to hear from Mr. Allen on how to proceed should a joint session be done.



Mr. Lenox stated that there was a scheduling issue for the Commission. The Hebron Commissioners have requested a public work session. Mr. Lenox stated that he would prefer not to schedule this for the next meeting. Hebron Commissioners meet at night so they've requested at late afternoon meeting at 4 p.m. on a Thursday. The suggestion of April 22, 2010 was put on the table. Mr. Comegys questioned the purpose of the meeting. Mr. Lenox stated that Hebron would like to describe their growth plans and why they are doing what they are doing. Mr. Lenox added that they would get some more details and confirm with Mr. Dashiell.



There being no further business, the Commission meeting was adjourned at 3:08 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 Tull, Recording Secretary