

WORCESTER COUNTY PLANNING COMMISSION AGENDA

Thursday April 7, 2022

Worcester County Government Center, Room 1102, One West Market Street,
Snow Hill, Maryland 21863

Thursday, April 7, 2022

- I. **Call to Order** (1:00 p.m.)
- II. **Administrative Matters** (1:00 p.m. est.)
 - A. Review and Approval of Minutes – March 3, 2022
 - B. Board of Zoning Appeals Agenda – April 14, 2022
 - C. Technical Review Committee Agenda – April 13, 2022
- III. **Residential Planned Community (RPC) Architectural Review** (1:05 p.m. est.)
 - **Architectural review only – not subject to design guidelines**
Amended Seaside Village Residential Planned Community (RPC) Phase 2A – Architectural review of revisions to the general exterior building design, Northerly side of US Route 50 (Ocean Gateway), East of Golf Course Road, Tax Map 27, Parcel 707, Tax District 10, R-3 Multifamily Residential District, Seaside Venture, LLC, Owner/ George, Miles & Buhr, LLC, Engineer.
- IV. **Site Plan Review §ZS1-325** (1:15 est.)
Sea Oaks Village – Major site plan review
Step I review for Phase II of Sea Oaks Village Residential Planned Community (RPC). Proposed construction of 76 town house units. Located on Sea Oaks Lane, off of Stephen Decatur Highway (MD Rt. 611) northeast of the intersection with Sinepuxent Road, Berlin, MD, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential District, Sea Oaks, LLC, owner / Carpenter Engineering, LLC, engineer.
- V. **Rezoning** (1:25 p.m. est.)
Case No. 435 – 0.5 acre located south of Patey Woods Road, west of Newark (Tax Map 40, Parcel 38) – request to rezone from V-1 Village District to A-1 Agricultural District – Henry Robinson (property owner), Hugh Cropper, IV, Esquire (attorney)
- VI. **Text Amendment - §ZS 1-343(b)(2)(B)(1)(iii) Antennas, Towers and Telecommunication Uses** (1:35 p.m. est.)
Amend text to allow a separation distance of less than 1,000' between a telecommunications tower and an existing or permitted residential structure on an adjacent family-owned parcel; Joshua Kurtz, Applicant, represented by Sean P. Hughes, Attorney.
- VII. **Amendment of the Worcester County Comprehensive Plan for Water and Sewerage Systems** (1:45 p.m. est.)
Request to expand the Mystic Harbour sewer planning area to include the subject property. This property is located on Tax Map 26 as Parcel 156, and has a street

WORCESTER COUNTY PLANNING COMMISSION AGENDA

Thursday April 7, 2022

address of 2325 Old Bridge Road in West Ocean City, Maryland. Hugh Cropper IV is the applicant on behalf of the owner, KCK 7, LLC; SW 2021 -03

VIII. Adjournment

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – March 3, 2022**

Meeting Date: March 3, 2022

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Rick Wells, Vice Chair
Marlene Ott, Secretary
Mary Knight
Brooks Clayville
Betty Smith
Ken Church

Staff

Jennifer Keener, Director, DRP
Gary Pusey, Deputy Director, DRP
Kristen M. Tremblay, Zoning Administrator
Stu White, DRP Specialist
Roscoe Leslie, County Attorney

I. Call to Order

II. Administrative Matters

A. Board of Zoning Appeals Agenda, March 10, 2022

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for March 10, 2022. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

B. Technical Review Committee Agenda

There was no meeting scheduled for March.

III. Site Plan Review (§ ZS 1-325)

- A. As the next item of business, the Planning Commission reviewed a site plan for a proposed 2.0 Megawatt (MW) solar energy system located at 6025 George Island Landing Road, Stockton, MD, Tax Map 94, Parcel 134, Tax District 08, A-1 Agricultural District, Horace and Elwath, owner / ARM Group LLC, engineer. Representatives for the project were absent from the meeting. The Commissioners proceeded with discussion regarding the project.

After discussion, Ms. Knight made a motion to approve the revised site plan, which was seconded by Ms. Ott, and carried unanimously by the Commissioners.

- B. As the next item of business, the Planning Commission reviewed a site plan for a proposed 5,161 square foot addition to the existing Comfort Suites Hotel located at 12718 Ocean Gateway, Ocean City, MD, Tax Map 27, Parcel 145, Lot 6, Tax District 10, C-2 General Commercial District, KW Ocean City, LLC, owner / McCrone, engineer. Robert Kane, P.E. from McCrone

**WORCESTER COUNTY PLANNING COMMISSION
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Engineering presented the proposal. Mr. Kane described the proposal and stated that the proposal had changed from a previous submittal. The new proposal consists of a 3-story addition including 25 rooms and additional parking and no longer includes a previously proposed pool. The Commissioners questioned if mechanicals are part of the proposal and if so, what the plans for screening would be. Mr. Kane stated that he did not believe that rooftop mechanicals are part of the proposal but if they are necessary, he would provide plans for a parapet for staff to review.

After discussion, Ms. Knight made a motion to approve the site plan with waivers to Design Guidelines and Standards (flat roof design and entrance architectural features) and subject to staff comments. The motion was seconded by Mr. Church and was carried unanimously to approve the site plan as proposed.

IV. Text Amendment

- A. As the next item of business, the Planning Commission reviewed a proposal to amend the zoning ordinance so that the requirements for the maximum length of 200' and maximum number of units of 10 for a series of townhouse units to be a recommendation, as opposed to a requirement; Kathleen M. Clark, Applicant, represented by Hugh Cropper IV, Attorney.

Mr. Cropper stated that the amendment would allow the Planning Commission greater flexibility while reviewing townhouse development plans to approve innovative designs while still ensuring the Commission had the authority to require design standards related to scale, layout, landscaping, and architectural style. He also noted that when the limitation on the number of units and length of a series of townhouse units were initially included in the County Code pre-2009, townhouse projects were not subject to Residential Planned Community (RPC) requirements of the Code. He concurred with staff comments that projects containing more than 20 units must comply with the RPC requirements, and those of 20 units or fewer have the opportunity to be reviewed as a Minor RPC.

After discussion, Ms. Knight made a motion to forward a favorable recommendation for the proposed text amendment to the County Commissioners. The motion was seconded by Ms. Smith and carried unanimously by the Commissioners.

V. Administrative Matters

Review and approval of minutes, December 2, 2021

As the first item of business, the Planning Commission reviewed the minutes of the December 2, 2021 meeting.

A motion was made by Ms. Ott, seconded by Mr. Knight, and carried unanimously to approve the minutes as amended.

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – March 3, 2022**

- VI. Adjourn** – A motion to adjourn was made by Mr. Church and seconded by Ms. Ott. The Planning Commission adjourned at 1:22 P.M.

Rick Wells, Vice Chair

Stuart White, DRP Specialist

DRAFT

**NOTICE OF PUBLIC HEARING
WORCESTER COUNTY
BOARD OF ZONING APPEALS
AGENDA**

THURSDAY APRIL 14, 2022

Pursuant to the provisions of the Worcester County Zoning Ordinance, notice is hereby given that a public hearing will be held in-person before the Board of Zoning Appeals for Worcester County, in the Board Room (Room 1102) on the first floor of the Worcester County Government Center, One West Market Street, Snow Hill, Maryland.

6:30 p.m.

Case No. 22-20, on the lands of James Kurtz, requesting a variance to the front yard setback to Public Landing Road (MD 365) from 50 feet to 41 feet (to encroach 9 feet), and a variance to the rear yard setback from 50 feet to 20 feet (to encroach 30 feet) for a proposed dwelling in the A-1 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4) and ZS 1-201(b)(5), located at 7439 Public Landing Road, Tax Map 64, Parcel 127, Tax District 2 of Worcester County, Maryland.

6:35 p.m.

Case No. 22-22, on the lands of Paul & Nancy Bounds, requesting a special exception to operate a surface mine and a special exception to operate a dredge spoil disposal site in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-201(c)(16), ZS 1-201(c)(27) and ZS 1-330, located on Langmaid Road, about 1,100 feet east of Bowden Road, Tax Map 49, Parcel 24, Parcel 123, Lot 2A and Parcel 156, Lot 3, Tax District 4 of Worcester County, Maryland.

6:40 p.m.

Case No. 22-19, on the application of Mark Cropper, on the lands of Christina and Michael Lawson, Jr., requesting a variance to the Atlantic Coastal Bays Critical Area regulations to exceed the allowable 100 foot tidal wetland crossing by 118 feet for a proposed 3' x 218' walkway over wetlands, pursuant to NR 3-125(b)(1) and Zoning Code §§ ZS 1-116(n)(2), located at 13039 Riggins Ridge Road, Tax Map 22, Parcel 397, Block 8, Lots 8 & 41, Block 9, Lot 8, Tax District 10 of Worcester County, Maryland

6:45 p.m.

Case No. 22-24, on the application of Hugh Cropper, IV, on the lands of Salt Life Park, LLC, requesting a variance to the front yard setback down to 2 feet from Greenridge Road, for a proposed replacement mobile home in the R-4 General Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-314(c)(4)B and ZS 1-314(e)(1), located at 12346 Old Bridge Road, Tax Map 26, Parcel 164, Unit 106, Tax District 10 of Worcester County, Maryland.

6:50 p.m.

Case No. 22-25, on the application of Hugh Cropper, IV, on the lands of Salt Life Park, LLC, requesting a variance to the front yard setback down to 2 feet from Greenridge Road, for a proposed replacement mobile home in the R-4 General Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-314(c)(4)B and ZS 1-314(e)(1), located at 12346 Old Bridge Road, Tax Map 26, Parcel 164, Unit 121, Tax District 10 of Worcester County, Maryland.

6:55 p.m.

Case No. 22-26, on the application of Hugh Cropper, IV, on the lands of Sea Squared, LLC, requesting a special exception to allow contractor shops in the A-2 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-202(c)(14), ZS 1-305, ZS 1-322 and ZS 1-325, located at 11206 Five-L Drive, Tax Map 21, Parcel 261, Lot 7, Tax District 3 of Worcester County, Maryland.

7:00 p.m.

Case No. 22-23, on the application of Arcola Towers, LLC, on the lands of John Taylor Farms, LLC requesting a special exception to reduce the minimum separation distance to an existing or permitted residential structure from 1000 feet to no less than 500 feet in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-201(b)(15) and ZS 1-343(b)(2)B(1)(ii), located on the northwest corner at the intersection of Carey Road and Worcester Hwy. (US 113), Tax Map 20, Parcel 371, Tax District 3 of Worcester County, Maryland.

7:05 p.m.

Case No. 22-21, on the lands of Walter West, Jr., requesting a special exception to incorporate Lot 5 to allow parking and a septic reserve area to serve an existing day-care center on Parcel 332 in the A-2 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-202(c)(25) and ZS 1-305, located on West Holland Circle, about 690 feet south of Griffin Road, Tax Map 20, Parcel 332 and Parcel 339, Lot 5, Tax District 3 of Worcester County, Maryland.

Administrative Matters

**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE
AGENDA**

Wednesday, April 13, 2022 at 1:00 p.m.

**Worcester County Government Center, Room 1102, One West Market Street,
Snow Hill, Maryland 21863**

- I. Call to Order
- II. Sketch Plan Review
 - a. **O.C. Beer Works** – sketch plan
Proposed 8,904 square foot brewery, tasting room and restaurant/entertainment facility with a 75,134 square foot outdoor beer garden. Located at 9724 Stephen Decatur Highway, Ocean City, MD, Tax Map 27, Parcels 255, 499, and 586, Tax District 10, C-2 General Commercial District, 9724 Holdings, LLC, owner / Rick Schoellkopf, architect.
- III. Site Plan Review (§ ZS 1-325)
 - a. **Triple Crown** – Major site plan review
Step I review for Phase II of Triple Crown Residential Planned Community (RPC). Proposed construction of 30 Single Family Units. Located on the northerly side of Gum Point Road east of Preakness Drive, Tax Map 21, Parcels 67 & 74, Tax District 3, R-1 Rural Residential District, Triple Crown Estates, LLC, owner / Vista Design, Inc., architect.
 - b. **Diakonia** – Major site plan / land development plan review
Proposed retail, office, storage, and conference space in addition to 48 one bedroom housing units. Located at 9601 Stephen Decatur Highway, Ocean City, MD, Tax Map 26, Parcels 292 & 365, Tax District 10, C-2 General Commercial District, Diakonia, Inc., owner / Carpenter Engineering, LLC, engineer.
- IV. Adjourn

WORCESTER COUNTY PLANNING COMMISSION

MEETING DATE: April 7, 2022

PURPOSE: Residential Planned Community (RPC) Architectural Review (originally approved prior to adoption of Design Guidelines, and as such, is not subject to these requirements).

DEVELOPMENT: Seaside Village Residential Planned Community (RPC)

PROJECT: Proposed architectural revisions of two (2) buildings (Buildings A & B, lots 122 through 129).

LOCATION: Located on the northerly side of US Route 50 (Ocean Gateway), East of Golf Course Road, Tax Map 27, Parcel 707, Tax District 10,

ZONING DESIGNATION: R-3 Multi-family Residential District

BACKGROUND: The original proposed design on the master plan was reviewed and approved by the Planning Commission on June 2, 2005 (under the 1992 Zoning Ordinance). Revised elevations were approved by Planning Commission March 6, 2021. A second revision was received and reviewed by staff on March 31, 2022.

The revised plans approved at the May 2021 Planning Commission meeting, while remaining in-kind with the '*Seaside Architectural*' tradition, offered a more fundamental design than the original design approved in 1995. The current concept offers a more '*Seaside Architectural*' feel using vertical features opposed to the traditional horizontal design approved in 2021.

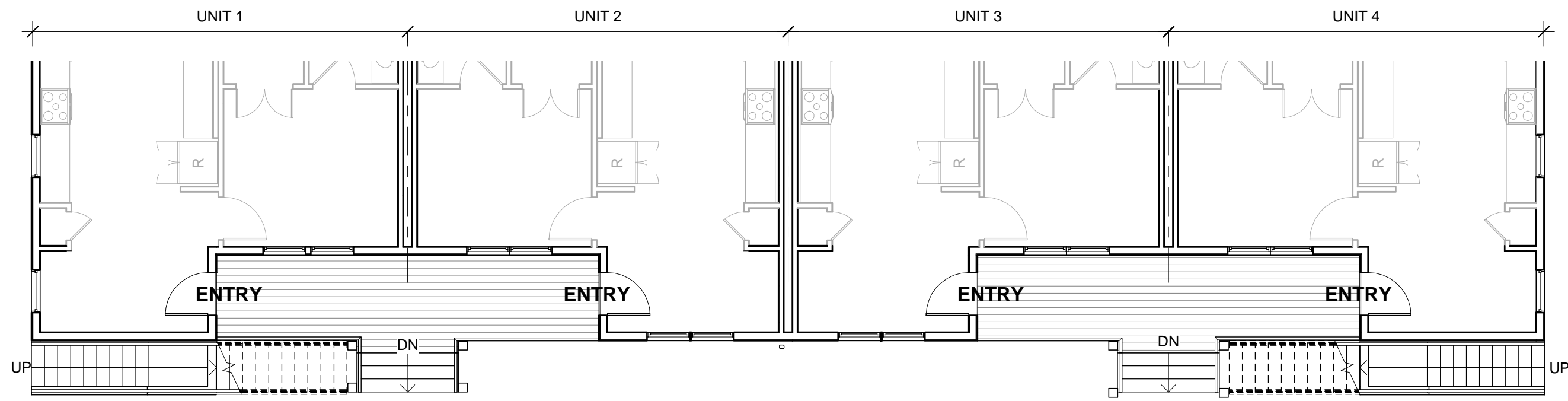
PLANNING COMMISSION CONSIDERATIONS: The elevation plans are not subject to Worcester County Design Standards as the project was approved prior to the adoption of the Design Standards, however the changes to the previously approved design are significant and may merit discussion by the Planning Commission.

RECOMMENDATION: It is recommended that the Planning Commission review the materials presented and discuss as appropriate. After review and discussion, if the Planning Commission feels comfortable with the changes proposed, it may wish to consider approval.

OWNER: Seaside Venture, LLC

ENGINEER: / George, Miles & Buhr, LLC

PREPARED BY: Kristen M. Tremblay, Zoning Administrator and Stuart White, DRP Specialist



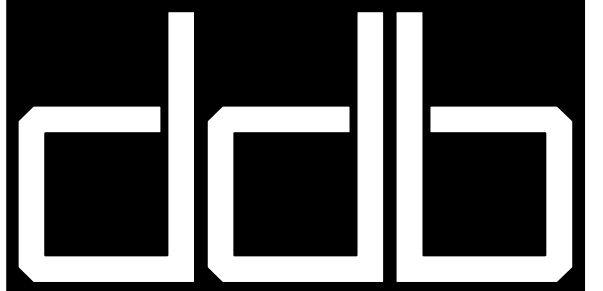
1 PLAN - OPTION 1
1/8" = 1'-0"



2 ELEVATION - OPTION 1
1/8" = 1'-0"



3 3D VIEW - OPTION 1



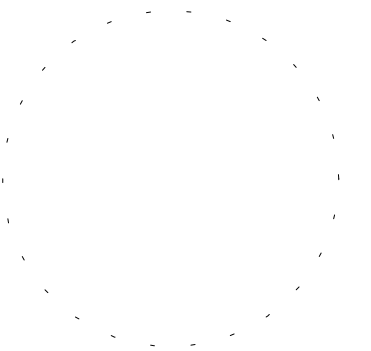
architect _____
ddb WORKSHOP, LLC
11110 Radcliff Lane
Fulton, MD 20759
301.580.1441

structural consultant _____

project _____

**SEASIDE
VILLAGE RPC**
Worcester County, MD

Seal | Signature _____



revisions _____
No. Date Title

OPTION 1

Issue Date: 2/23/2022

A-1.1



architect **ddb WORKSHOP, LLC**
11110 Radcliff Lane
Fulton, MD 20759
301.580.1441

structural consultant _____

project _____

SEASIDE VILLAGE RPC

Worcester County, MD

Seal | Signature _____

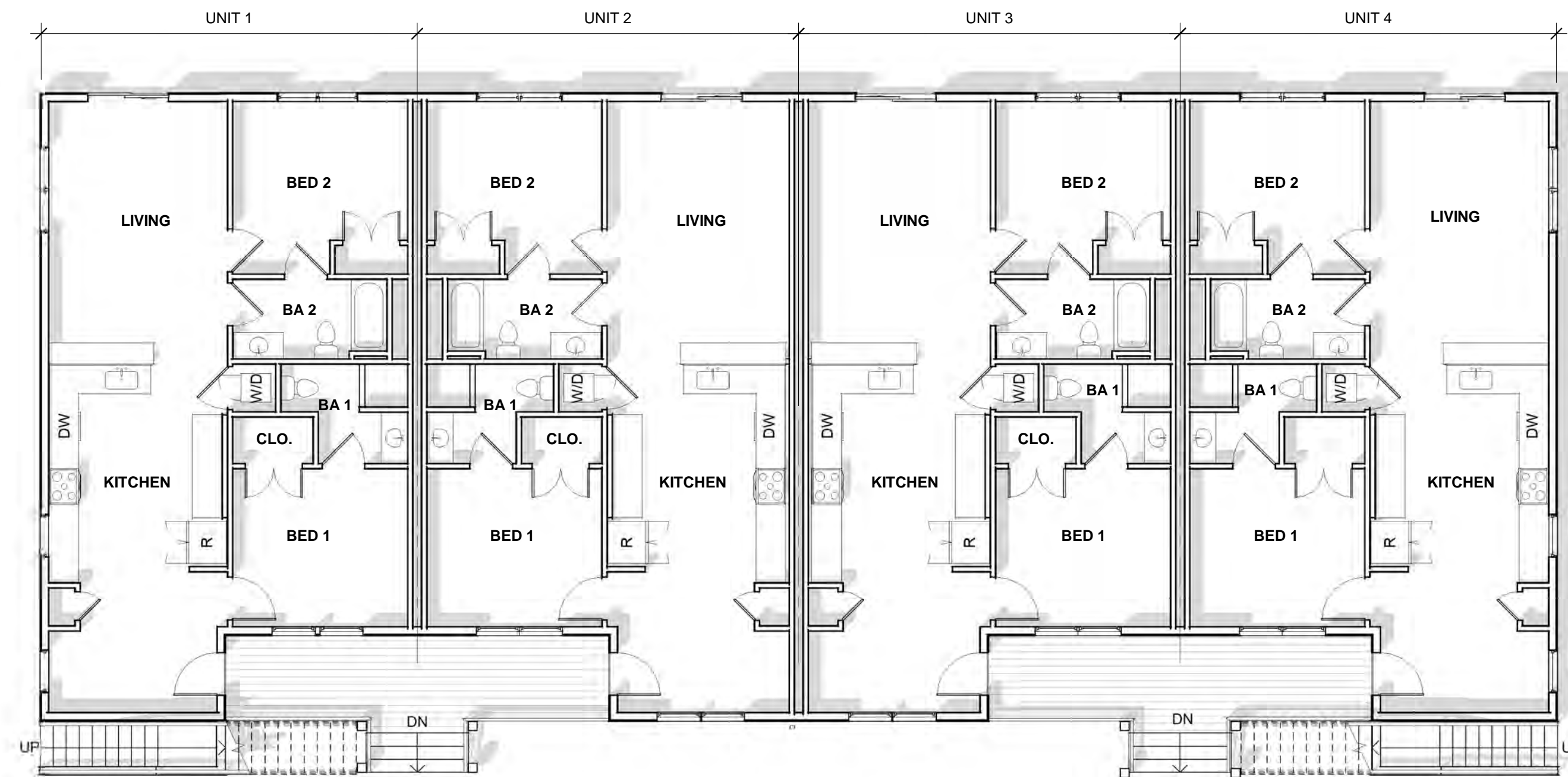
revisions _____

No.	Date	Title

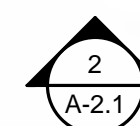
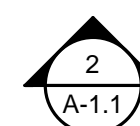
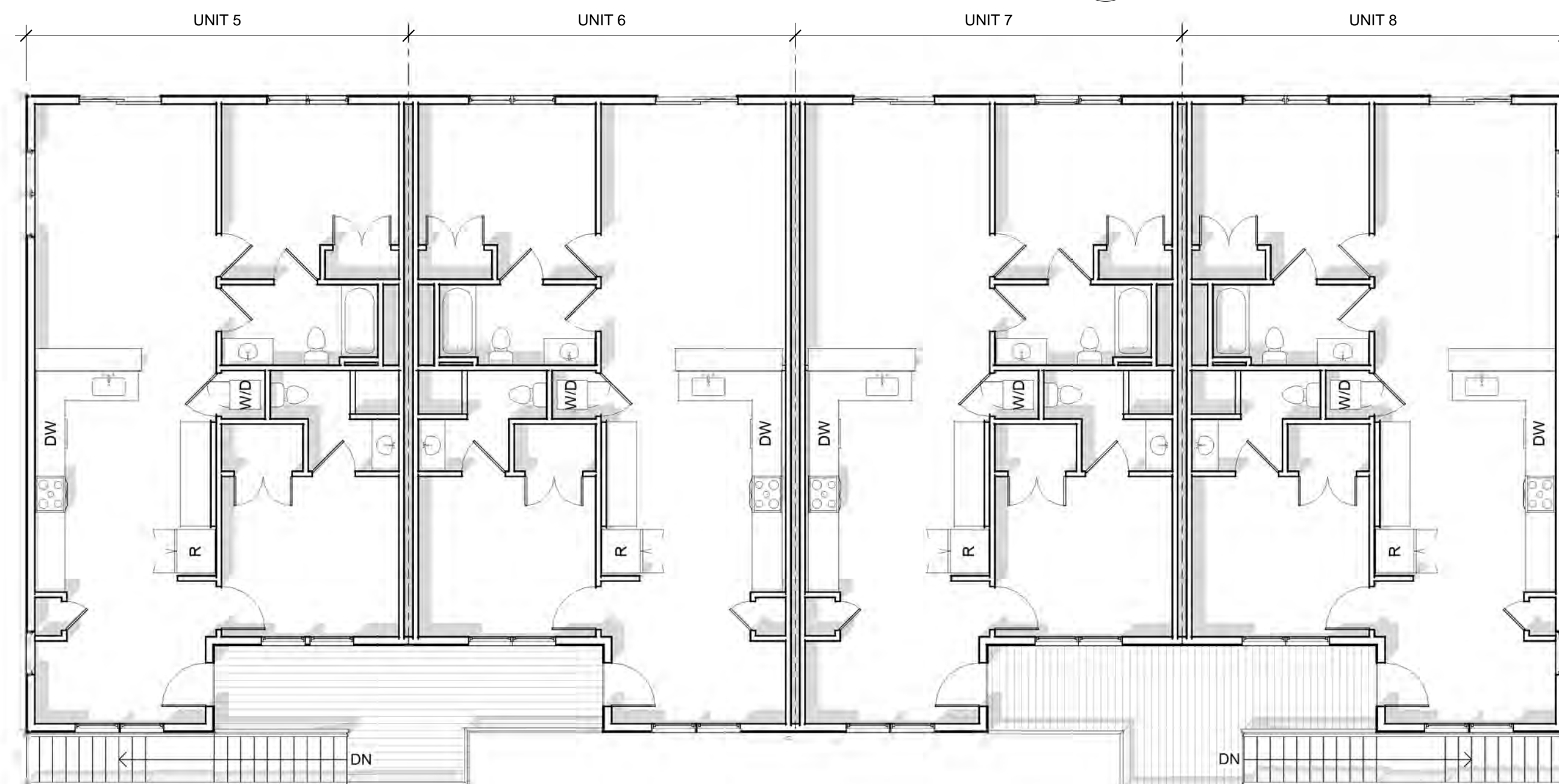
OPTION 1 PLANS

Issue Date: 2/23/2022

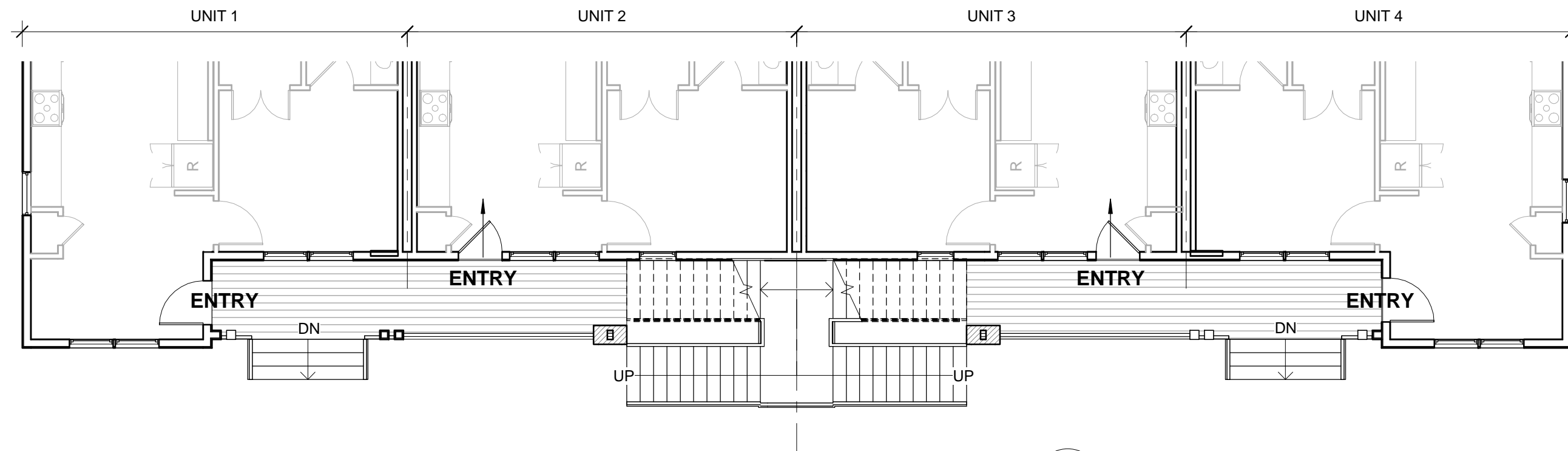
A-1.2



1 1ST FLOOR PLAN - OPTION 1
1/8" = 1'-0"



2 2ND FLOOR PLAN - OPTION 1
1/8" = 1'-0"



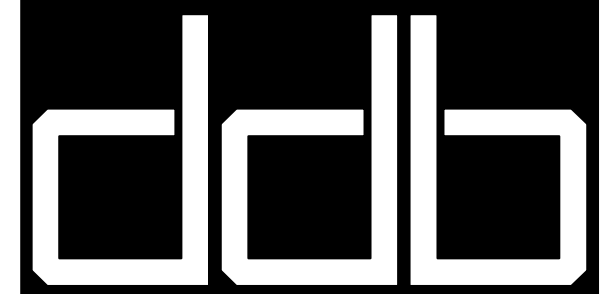
1 PLAN - OPTION 2
1/8" = 1'-0"



2 ELEVATION - OPTION 2
1/8" = 1'-0"



3 3D - OPTION 2



architect _____

ddb WORKSHOP, LLC

11110 Radcliff Lane
Fulton, MD 20759
301.580.1441

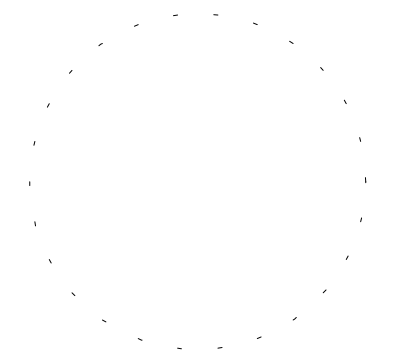
structural consultant _____

project _____

SEASIDE VILLAGE RPC

Worcester County, MD

Seal | Signature _____



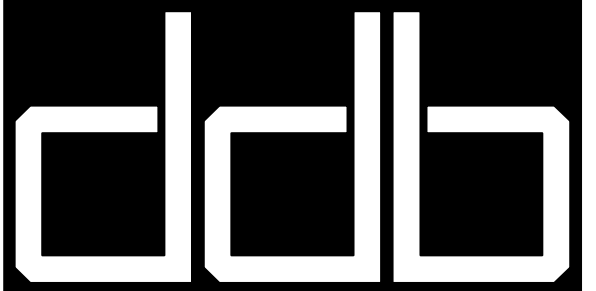
revisions _____

No.	Date	Title

OPTION 2

Issue Date: 2/23/2022

A-2.1



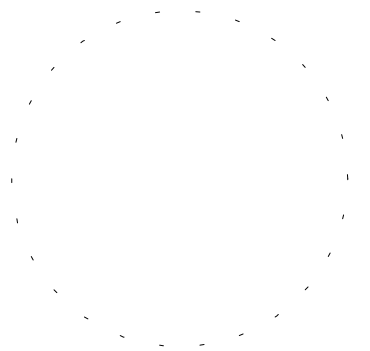
architect **ddb WORKSHOP, LLC**
11110 Radcliff Lane
Fulton, MD 20759
301.580.1441

structural consultant _____

project _____

**SEASIDE
VILLAGE RPC**
Worcester County, MD

Seal | Signature _____

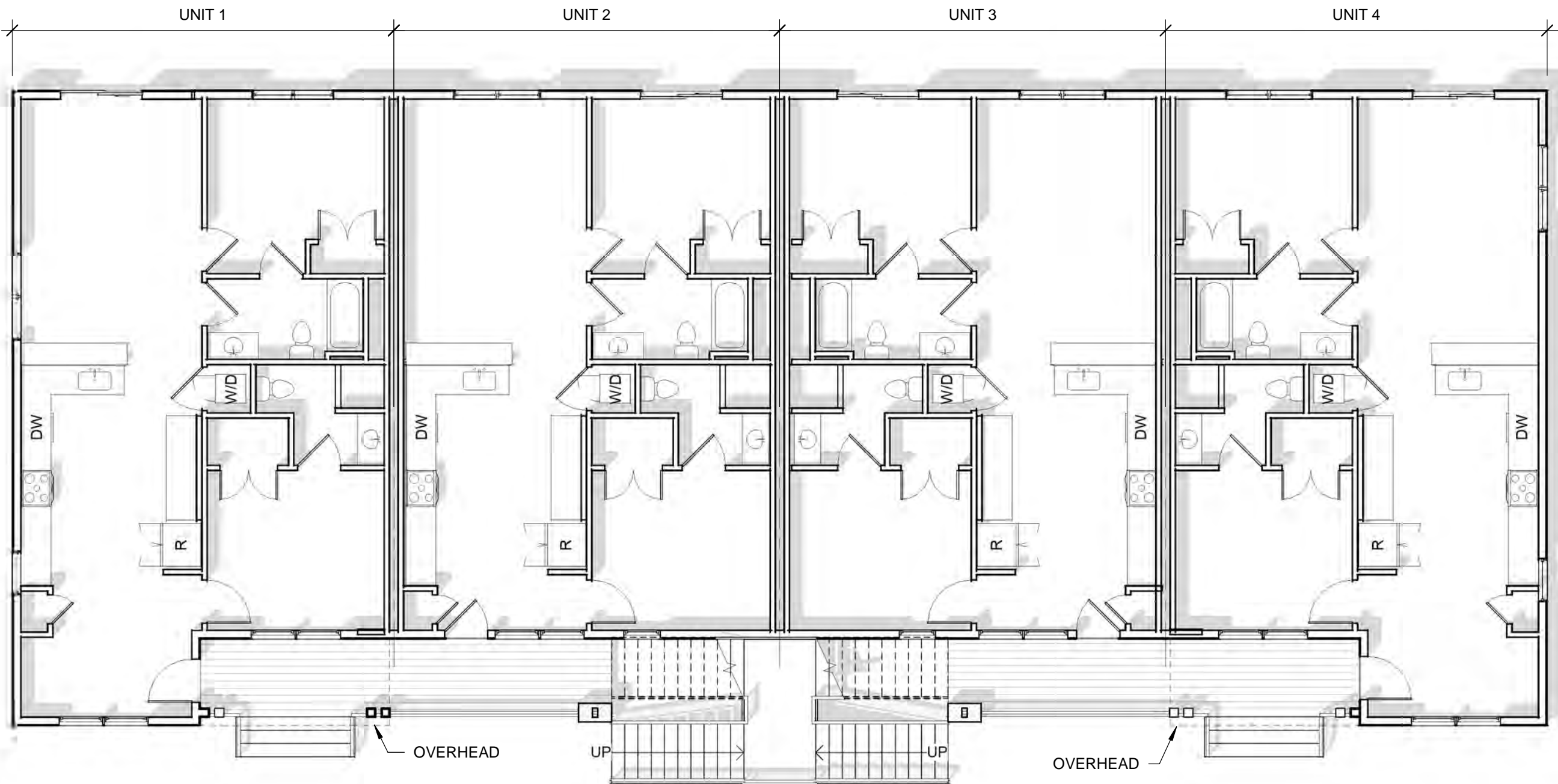


revisions		
No.	Date	Title

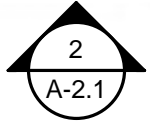
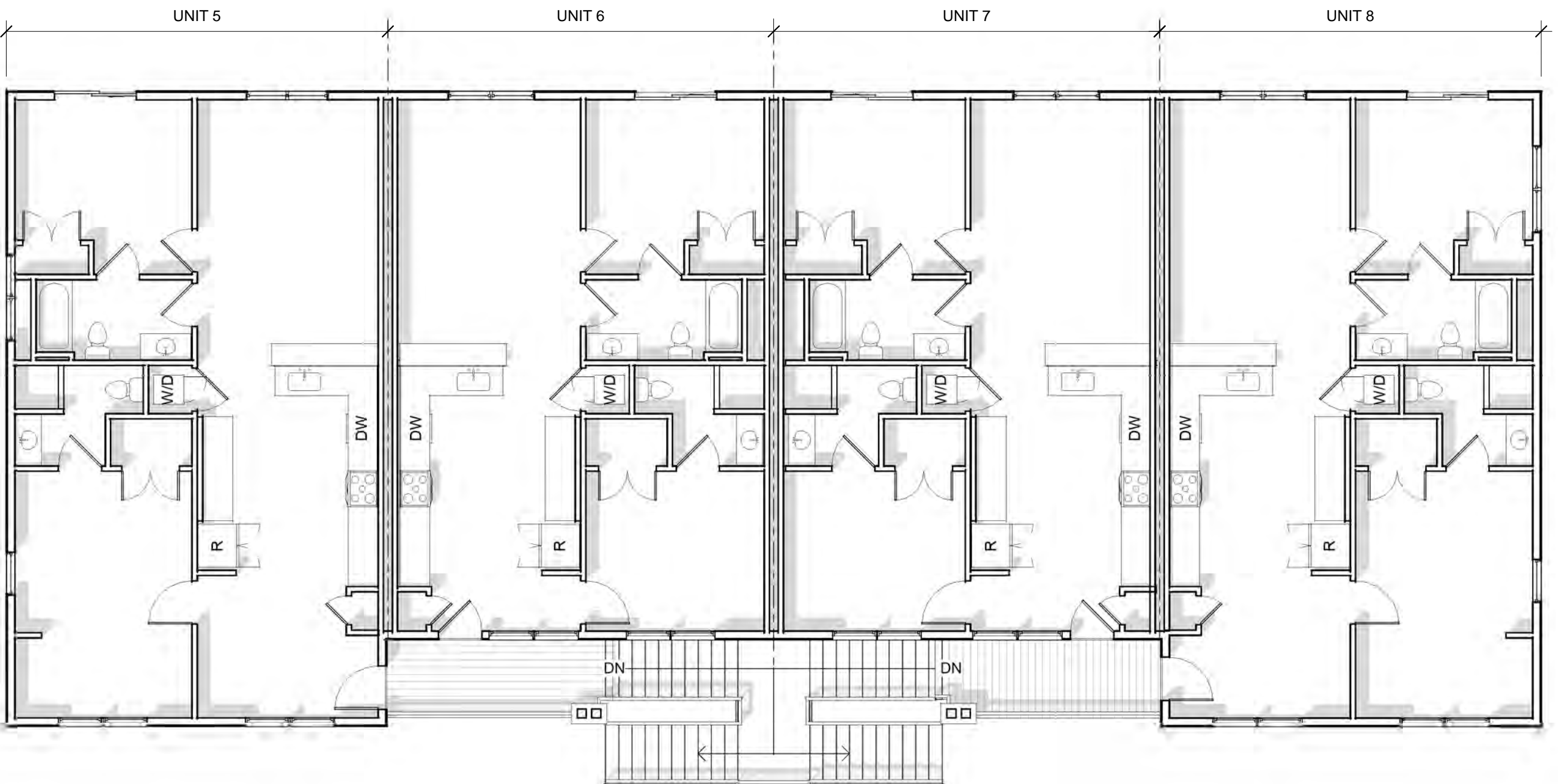
**OPTION 2
PLANS**

Issue Date: 2/23/2022

A-2.2



1 1ST FLOOR PLAN - OPTION 2
1/8" = 1'-0"



2 2ND FLOOR PLAN - OPTION 2
1/8" = 1'-0"

Unit A

Seaside Venture (#9???)

DATE 05-29-2020

JPG

REVISTA DE ECONOMÍA Y ESTADÍSTICA

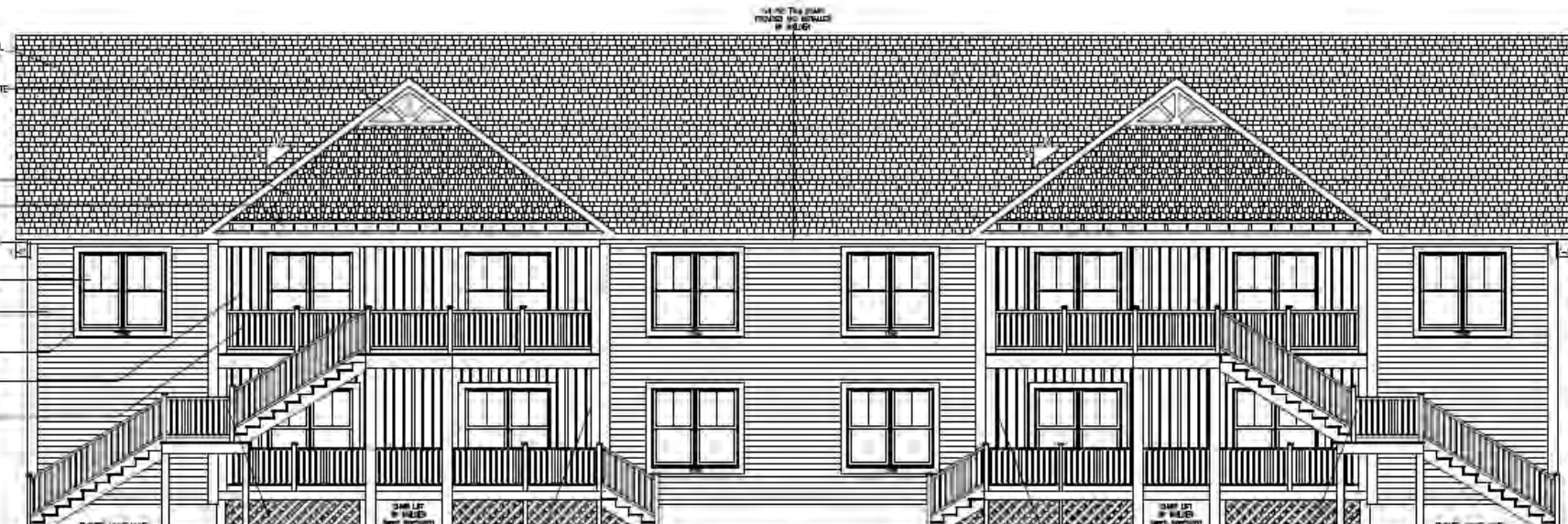
Apartment Complex: 104'-0" x 38'/44' (8 Unit) MD, Worcester Co., Green City

A.3

PROJECT

20-2905

3/12/2021 9:10 AM



Front Elevation
SCALE 1/8"=1'-0"

NOTE:
ELEVATIONS MAY SHOW ITEMS NOT PROVIDED BY BERACAH HOMES, PLEASE SEE CONTRACT FOR INCLUDED OPTIONS.
ALL FOUNDATIONS ARE BY THE BUILDER



Rear Elevation

SCALE: 1/8"=1'-0"

NOTE:
ELEVATIONS MAY SHOW ITEMS NOT PROVIDED BY BERACAH HOMES, PLEASE SEE CONTRACT FOR INCLUDED OPTIONS.
ALL FOUNDATIONS ARE BY THE BUILDER



BERACAH HOMES

9590 Nanticoke Business Park Drive
Greenwood, Delaware 19950
www.beracahomes.com

NAME: Seaside Venture (#???) Unit A

DRAWN: JRG DATE: 05-29-2020

REVISION: Juan Gonzalez
20-2905_V2

SCALE: AS NOTED

HOUSE
STYLE:

Apartment Complex: 104'-0" x 38'/44' (8 Unit) MD, Worcester Co., Ocean City

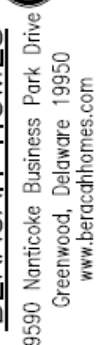
SHEET:

A3.3

PROJECT:

20-2905

3/9/2021 9:18 AM



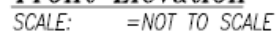
NAME: Seaside Venture (#????)

DATE: 07-16-2020

REVISION: Juan Gonzalez 20-2906_V2	SCALE: AS NOTED
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HOUSE
STYLE:

Apartment Complex: 133'-0" x 38'/44' (10 Unit) MD, Worcester Co., Ocean City



NOTE:

NOTE: ELEVATIONS MAY SHOW ITEMS NOT PROVIDED BY BERACAH HOMES, PLEASE SEE CONTRACT FOR INCLUDED OPTIONS.
ALL FOUNDATIONS ARE BY THE BUILDER

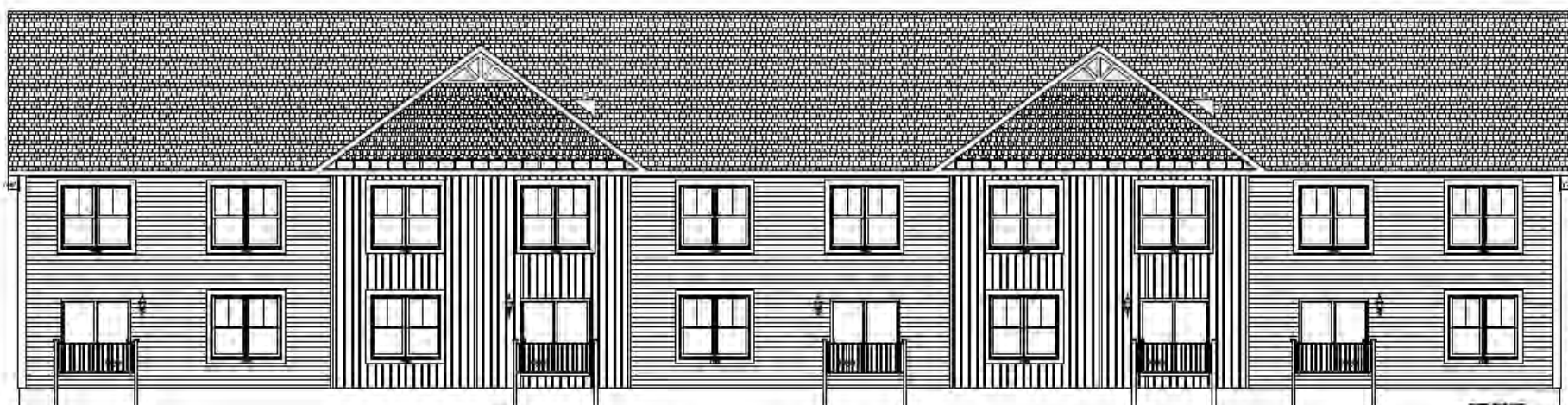
SHEET:

A3

PROJECT:

20-2906

3/9/2021 10:45 AM



Rear Elevation
SCALE = NOT TO SCALE

NOTE:
ELEVATIONS MAY SHOW ITEMS NOT PROVIDED BY BERACAH HOMES. PLEASE SEE CONTRACT FOR INCLUDED OPTIONS.
ALL FOUNDATIONS ARE BY THE BUILDER



BERACAH HOMES

9550 Nantuxwiz Business Park, Unit 10
Greensboro, Delaware 19907
www.beracahhomes.com

NAME: Segside Venture (#???) Unit B

DATE: 07-15-2020

REVISION: John Corralice
20-2906.YT

SCALE: AS NOTED

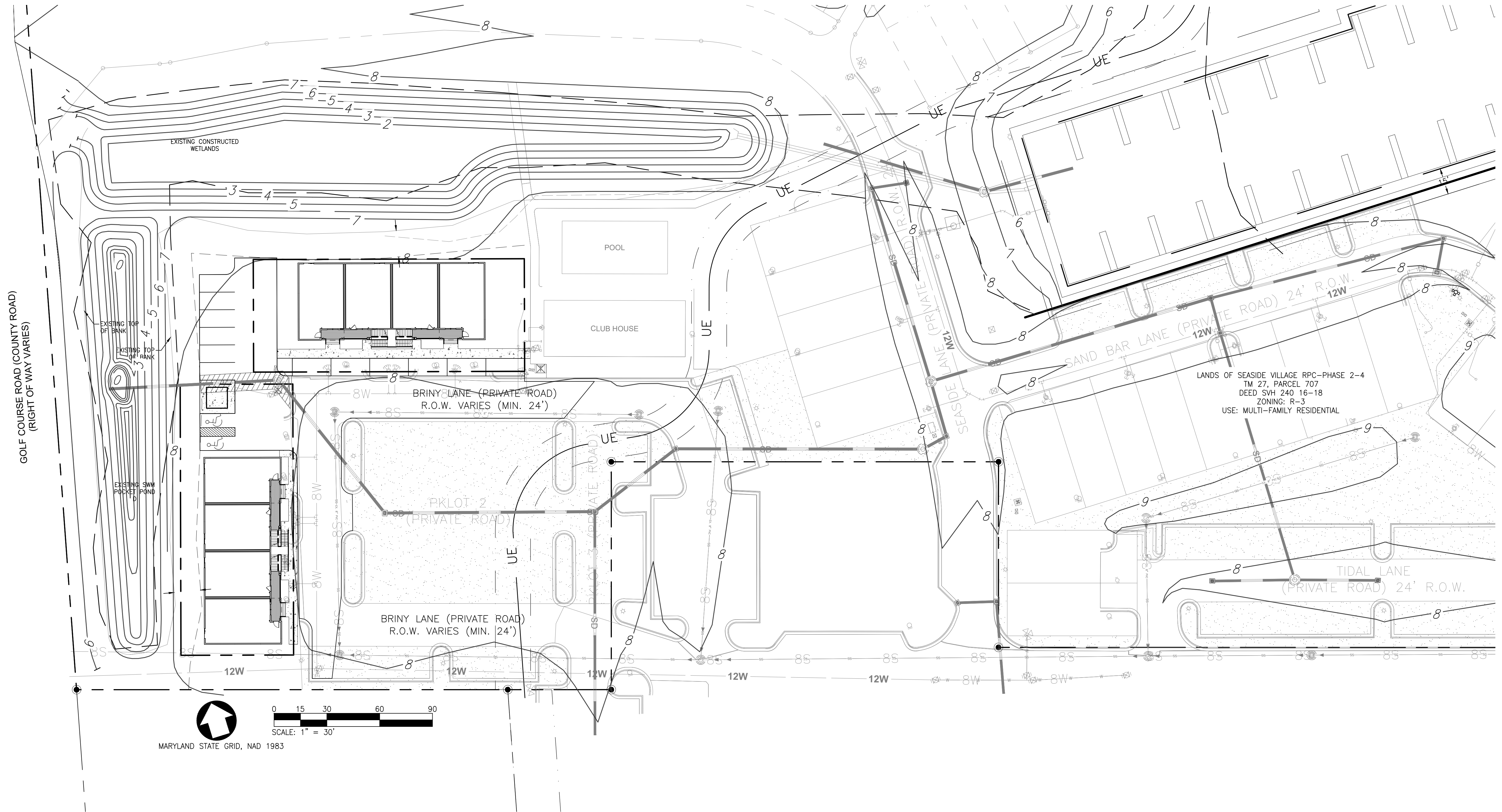
HOUSE STYLE: Apartment Complex, 133'-0" x 38'-4" (10 Unit) MD, Worcester Co., Ocean City

A3.3

PROJECT:

20-2906

3/17/2021 10:45 AM



SITE DATA - PHASE 2A (LOT 96):

NUMBER OF LOTS: 1
SUBDIVISION AREA: ±0.52 AC
BUILDABLE AREA: ±0.48 AC
OPEN SPACE AREA: 0 AC
PRIVATE ROAD AREA: 0 AC
LINEAR FEET OF PRIVATE ROAD FRONTAGE: ±311 LF
MAX. BUILDING HEIGHT: 45'
DEPTH OF FRONT YARD: 0'
DEPTH OF SIDE YARD: 0'
DEPTH OF REAR YARD: 0'
PARKING SPACES RESERVED: 16

GENERAL NOTES

- WATER WILL BE PROVIDED BY MYSTIC HARBOR.
- SEWER WILL BE PROVIDED BY WEST OCEAN CITY.
- SITE PLAN APPROVAL IS FOR THE SUBDIVISION OF PHASE 2A (LOT 96). FUTURE DEVELOPMENT OF LOT 96 WILL BE SUBJECT TO WORCESTER COUNTY DRP AND PLANNING COMMISSION APPROVAL FOR UP TO EIGHTEEN (18) REMAINING EDU'S. THIS APPROVAL DOES NOT SUPERCEDE ANY PREVIOUS APPROVALS OF THE OVERALL STEP III RPC PLAN.
ALL OTHER INFRASTRUCTURE WITHIN SEASIDE VILLAGE RPC IS CURRENTLY INSTALLED AND HAS BEEN INSPECTED BY THE RESPECTIVE COUNTY AGENCIES. ALL OTHER CONDITIONS/IMPROVEMENTS WITHIN SEASIDE VILLAGE RPC ARE IN ACCORDANCE WITH THE MASTER PLAN APPROVED BY THE PLANNING COMMISSION ON JUNE 2005.

EDU CHART - OVERALL RPC

TOTAL ALLOCATED TO RPC:	142
RESIDENTIAL UNITS PHASE 1-4:	121
POOL REPLENISHMENT:	1
RESERVE:	2
PHASE 2A (LOT 96):	16

- LIMITS OF PHASE 2A
- PROPERTY LINE
- PROPOSED LOT LINE
- BUILDING SETBACK LINE
- UTILITY EASEMENT
- FLOOD ZONE LINE

LEGEND

NOT TO SCALE

- ELECTRIC BOX
- TRANSFORMER
- TELEPHONE PEDESTAL
- LIGHT POLE
- UTILITY POLE
- STORM DRAIN, INLET, AND STORM DRAIN MANHOLE
- SEWER MANHOLE, CLEANOUT
- WATER VALVE, WATER METER, FIRE HYDRANT
- FOUND PROPERTY CORNER
- PROPERTY CORNER TO BE SET
- FOUND IRON PIPE
- FOUND IRON ROD - DISTURBED
- UNDERGROUND ELECTRIC LINE
- WATER LINE
- SEWER LINE

PRINTS ISSUED FOR:
RECORDATION

DATE

REVISIONS

NO.

**BECKER
MORGAN**
GROUP

ARCHITECTURE
ENGINEERING

GMB

GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY • BALTIMORE • SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5780
www.gmbnet.com

SEASIDE VILLAGE RPC
RECORD PLAT PHASE 2A
WORCESTER COUNTY, MARYLAND

RECORD PLAT
PHASE 2A

SCALE : 1" = 30'
DESIGN BY : KK
DRAWN BY : KK
CHECKED BY : DJR
GMB FILE : 2000090.00
DATE : MAR 2022

SHEET NO.
RP-2

© COPYRIGHT 2020 GEORGE, MILES & BUHR, LLC

TECHNICAL REVIEW COMMITTEE
REPORT

SEA OAKS VILLAGE
RESIDENTIAL PLANNED COMMUNITY

STEP 1 PHASE 2

April 4, 2022

GENERAL INFORMATION:

Date of TRC Review: April 14, 2021

Approval Requested: Step I Residential Planned Community – Establishment of the RPC Floating Zone – Sea Oaks Village Phase II

Project Description: Proposed 76 Townhome units and ‘ball courts’ for a total of 135 units (Phase I was 59 units with associated parking and recreational amenities consisting of a swimming pool, pool house, multi-purpose athletic court, playground, kayak launch and walking/bird watching trails; 12,000 square feet of contractors shops and 11,480 square feet of retail).

Location: West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 274, Tax District 10, R-3 Multifamily Residential and C-1 Neighborhood Commercial.

Owner: Sea Oaks Village, LLC
841 E. Fort Avenue, Suite 152
Baltimore, MD 21230

Engineer: Carpenter Engineering, LLC
P.O. Box 3460
Ocean City, MD 21843

Existing Conditions: Phase I development is underway and buildout is quickly approaching. The existing conditions on the totality of the lot is comprised of approximately 21.85 acres of uplands and 18.13 acres of non-tidal wetlands. The property is located within the R-3 Multi-Family Residential District, with approximately 4.22 acres located in the C-1 Neighborhood Commercial District. The property has existing forested areas surrounding the .

Proposed Project: The Sea Oaks Village RPC as shown on the Step I plan is proposed to be a fee-simple townhouse residential development with 59 townhouse units in Phase 1 and an additional 76 townhouse units and a ‘ball court’ for Phase 2. Proposed open space totals approximately 25.07 acres, consisting of 7.72 acres of upland and 17.29 acres of non-tidal wetlands. Within this total, 1.56 acres of active recreation and 2.4 acres of passive recreation are proposed. The Step 1 plan indicates that there will be one point of access to the project from Maryland Route 611 (Stephen Decatur Highway).

COMMENTS RELATIVE TO COMPLIANCE WITH BASIC RPC REQUIREMENTS:

Zoning: A development is required to meet the major RPC standards when consisting of greater than 20 proposed units. RPC's are permitted in the R-3 Multi-Family Residential District, and are allowed in the C-1 Neighborhood Commercial District. However, the C-1 District acreage cannot be counted towards the total lot area associated with the calculation of density. In addition, the commercially zoned lands shall not exceed fifteen percent (15%) per Bill 17-8. This bill also requires that fifty percent (50%) of the commercial zoning acreage be developed for commercial purposes somewhere within the project. Therefore, of the 4.22 acres of C-1 zoned lands, 2.11 acres must be developed for commercial purposes. Construction of the previously approved commercial (contractors shops and retail at 12,000 and 11,480 square feet respectively) portion of the RPC is currently underway.

Permitted Uses: In that the proposed RPC is comprised of townhouses and mixed-use commercial buildings, it complies with the RPC regulations relative to permitted uses.

Density: In the R-3 District, a maximum of six (6) units per one acre of the total gross lot area are allowed, exclusive of lands in the C-1 District. A total of 35.78 acres of land are in the R-3 District, and 4.22 acres are in the C-1 District. The total permitted density is 214 units and with the previously approved 59 units, the 76 unit Phase II addition brings the total to 135 total units. The proposed density is approximately 3.78 units per acre.

Maximum limitation of 70% for residential uses: The project proposes to utilize 8.63 Acres of its land area for residential uses including streets and parking, or 24%.

Maximum limitation of 20% of retail and service uses: The project proposes to utilize 4.22 acres of its land for commercial uses including the travelways, parking and stormwater management facility, or 11.8%. Furthermore, the project meets the requirement of utilizing at least 50% of the commercially zoned acreage for commercial purposes.

Minimum requirement of 30% for common use open space and recreational areas: Given the projects acreage of 39.98 acres, a total of 12 acres is required to be provided for open space. A total of 25.07 acres of the sites acreage is proposed to be set aside in open space and reserved lands of the developer. According to the Step I plan, it will consist of a total of 7.72 acres of uplands and 17.29 acres of non-tidal wetlands. Open space is required to have a certain amount of active and passive recreational features, as well as lands preserved in their natural state. The breakdown is required as follows:

- **Minimum of 50% of required open space shall be retained in its natural state:** The project is proposing to provide 25.07 acres of the total open space/reserved lands of the

developer in a natural state. A minimum of six (6) acres is required; therefore this requirement has been exceeded.

- **Minimum of 10% of required open space shall be for active recreation:** The project is proposing to provide 1.56 acres of the total required open space in active recreation. Active recreation is defined as uses, areas or activities that are oriented towards potential competition and involving special equipment. The project includes features such as a community swimming pool and ‘ball courts’ as active recreation.
- **Minimum of 20% of the required open space shall be for passive recreation:** The project is proposing to provide 2.4 acres of the total open space in passive recreation. Passive recreation is defined as uses, areas or activities oriented to noncompetitive activities which typically require no special equipment. The written narrative states that walking and bird watching trails will be provided as passive recreation.

FINDINGS AND RECOMMENDATIONS OF THE TECHNICAL REVIEW COMMITTEE:

1. The relationship of the RPC with the Comprehensive Plan, zoning regulations and other established policy guidelines:

The subject property is currently in the “Existing Developed Areas” and “Green Infrastructure” land use categories of the Comprehensive Plan. The zoning boundary line between the residential and commercial districts is a fairly accurate representation of the boundary between these two (2) land use categories. The ‘Existing Developed Areas’ (EDA) category is located at the front of the parcel where the property is commercially zoned, and the residentially zoned, forested wetlands are within the Green Infrastructure category.

The EDA category recognizes the importance of maintaining the neighborhood character, and strongly encourages mixed-use developments. The Residential Planned Community regulations allow for the flexibility of mixing residential and commercial land uses to encourage imaginative and environmentally sensitive development. When a RPC includes commercially zoned lands within its boundaries as is proposed for the Sea Oaks Village development, the developer is required to utilize a portion of that gross acreage for commercial services within the project (in this instance, 4.22 acres). This will provide services to the residents of the development, as well as those within the general neighborhood. This project includes the necessary components, but maintains the traditional zoning distinction between residential and commercial uses.

The residentially zoned portion of the property is within the Green Infrastructure land use category, with significant amounts of forested non-tidal wetlands. The Comprehensive Plan encourages the use of low impact development and cluster techniques in order to

reduce overall impervious surface and maintain wildlife habitat. The project is shown to retain large tracts of the sensitive forested wetland areas that are an important aspect of the Green Infrastructure land use category. There will continue to be connectivity of the open space areas to larger tracts of naturally forested areas on surrounding properties. While exempt from the Forest Conservation Law, protection of these area by easement is strongly encouraged. Overall, this project recognizes the surrounding existing development and provides for protection of the green infrastructure inherent in this property, in conformance with the Comprehensive Plan.

As noted in the Technical Review Committee Report for Phase I, this property is located near the Ocean City Airport, and as such is within one of the extended runway approaches. This project is therefore subject to review by the Maryland Aviation Administration (MAA) and Federal Aviation Administration (FAA). The Town of Ocean City reviewed the initial plans for Phase I, and shared them with the MAA and FAA and determined that they have no objection to the original development as presented. The revised plans were sent to the Town of Ocean City staff, and they reaffirmed that there were no further comments based on the reduced scale of the project. However, they are still requiring the execution of an “Avigation” easement by the property owner.

Relative to consistency with the zoning regulations, the Technical Review Committee finds that the project site is zoned R-3 Multi-Family Residential and C-1 Neighborhood Commercial District, the R-3 Zoning District being a zoning classification in which residential planned communities are permitted. It also finds that the project as proposed complies with those requirements cited in §ZS1-315 relative to maximum density, maximum limitation for residential uses, minimum requirement for common use open space and recreational areas, and types of permitted uses. Furthermore, the Technical Review Committee finds that the submittals relative to the proposed project comply with the requirements cited in ZS10315(k)(2) A1. The Technical Review Committee reminds the Planning Commission that for individual structures, there shall be no minimum lot area, setback, bulk, lot width, or road frontage requirements. Such standards shall be approved by the Planning Commission during Step II review.

2. The general location of the site and its relationship to existing land uses in the immediate vicinity:

The subject property is located on the westerly side of MD Route 611 (Stephen Decatur Highway), just north of Sinepuxent Road. The Technical Review Committee finds that this area can best be characterized as a mix of residential and commercial land uses. The neighboring developments of Whispering Woods, Mystic Harbor, Deer Point and Ocean Reef all consist of primarily single-family dwellings. While this development will consist

of clusters of townhouse multi-family buildings, the development is more densely placed so as to protect the natural green infrastructure of the property. The R-3 Multi-Family Residential District encourages infill development and higher densities to encourage traditional neighborhood development while still utilizing conservation features in its design.

Relative to the commercial uses, there are many commercial developments along MD Route 611 (Stephen Decatur Highway) to serve the needs of this development. As part of the 2017 text amendment, which permitted an increase in the percentage of commercially zoned lands within a RPC, at least 50% of the acreage zoned commercially has to be utilized for such purpose within the development. Generally, those commercial uses are assumed to first serve the needs of the development in which they are located, though not exclusively. Allowing the developer the flexibility to rearrange the uses within the development will achieve the holistic goal of the RPC regulations. However as previously stated, this project includes the necessary components, but maintains the traditional zoning distinction between residential and commercial uses. In summary, the Technical Review Committee finds that the proposed use as a townhouse and mixed-use commercial development is consistent with existing land uses in the vicinity.

3. The availability and adequacy of public facilities, services and utilities to meet the needs of the RPC and the long-term implications the project would have on subsequent local development patterns and demand for public facilities and services:

The Technical Review Committee finds that the properties proposed to be developed into the Sea Oaks RPC are presently zoned R-3 Multi-Family Residential District and C-1 Neighborhood Commercial Districts. The surrounding undeveloped lands to the north are similarly zoned for residential and commercial uses. Due to the R-3 Multi-Family Residential District zoning classification, townhouse residential development at a density of six (6) dwelling units per one acre is permitted by zoning. Furthermore, residential planned communities of the same density are permitted by that zoning district. Thus the proposed density of 3.78 units per acre was anticipated for this immediate vicinity. The townhouse dwelling units and mixed-use commercial developments are consistent with the surrounding residential and commercial developments located within this area. In addition, the development proposed to cluster the residential dwelling units in an effort to preserve the existing forested areas and wetlands, resulting in approximately 62.7% of the total site, which is encouraged by the Comprehensive Plan. For those areas that are required to be set aside to meet the active and passive recreation requirements, they shall be dedicated, developed and perpetually protected as outlined in ZS1-315(d)(2)B.5(iv). Therefore the Technical Review Committee concludes that the proposed Sea Oaks RPC will not have an adverse long-term implication on development patterns in this area.

The lots have been designated for the existing development and are proposed to continue for the remaining lots. All roads within the development will be constructed to approved private road specifications per Resolution 20-2 as approved by the Worcester County Commissioners.

Relative to certain public facilities, the developer has received approval from the County Commissioners for the remaining 19 EDU's to be served by public water and sewer via connection to the Mystic Harbor service area. Approval was granted on March 15, 2022. In consideration of their review, the Technical Review Committee finds that there will be no negative impacts to public facilities and services resulting from the proposed RPC.

4. The consistency of the RPC with the general design standards as contained in Subsections (j)(1) through (j)(5):

Relative to the protection of key environmental features, the Technical Review Committee finds that the development has taken steps to protect the sensitive areas on the subject property, such as the large tracts of existing forested areas and non-tidal wetlands. The open space provided well exceeds the minimum required under the RPC regulations. There will be minimal impact to the existing forested area, wetlands and associated buffer. Given the significant amount of forested non-tidal wetlands being projected, the project has been designated as exempt from the Forest Conservation Law. Further, the property is not subject to the Atlantic Coastal Bays Critical Area regulations.

Relative to the general layout and clustering of the development, the Technical Review Committee finds that the proposed RPC consists of clustered townhouse buildings, minimizing land impacts, especially to environmentally sensitive lands, while maximizing contiguous open spaces. The traffic circulation patterns promote connectivity within the proposed development and limit access to the public road system to one commercial entrance that has been designed to meet the State Highway Administration (SHA) standards. Subsection (j)(4) of the design standards encourage limiting the number of cul-de-sacs. One cul-de-sac has been proposed that is located on the southeastern portion of the residential section.

Access to the available commercial development without accessing the public road system will be a convenience for the residential unit owners. Consideration has been given to sidewalks for pedestrian access to and from the commercial areas which will promote walkability.

Overall, the Technical Review Committee finds that the RPC has demonstrated consistency with the general design standards contained in ZS1-315(j)(1) through (j)(5).

5. The relationship of the RPC's proposed construction schedule, including any phasing, and the demand for and timely provision of public facilities, services and utilities necessary to serve the project:

As noted in the April 13, 2021 narrative by R.D. Hand and Associates, Inc., Phase 1 construction began in the winter of 2019. Phasing will consist of construction of all sewer, water and cart ways for the residential and commercial components. A temporary sales office was constructed for the sales of residential and commercial units and is open to the public. Recreational areas will be provided in accordance with code requirements and prorated based on the number of units constructed. Construction of phase 2 is anticipated to occur after receiving appropriate approvals.

6. The capacity of the existing road network to provide suitable vehicular access for the RPC, the appropriateness of any existing or proposed improvements to the transportation network, the adequacy of the pedestrian and bicycle circulation, and the proposed means of connectivity of the project to surrounding residential, commercial and recreational development and uses:

Connectivity to the main transportation networks are another feature of the proposed development that are consistent with the Comprehensive Plan. Access will be via a single commercial entrance onto MD Route 611 for both the commercial uses as well as the residential uses, therefore limiting multiple points of access. A Traffic Impact Analysis was conducted by the Traffic Group during the first Step I approval review in 2017 to evaluate the existing and proposed levels of service based on the previous development plans which had a higher number of residential units. Based on that original study, all intersections were operating or projected to operate at a Level of Service A or B during peak travel times. The traffic study also determined that a left turn lane from the northbound travel lanes of MD Route 611 is warranted.

Relative to the adequacy of pedestrian and bicycle circulation, as stated in Item #4 above, consideration has been given to sidewalks for pedestrian access to and from the commercial areas which will promote walkability.

Based on the traffic analysis provided, the Technical Review Committee concludes that the access point to MD Route 611 will not have a significantly adverse impact on traffic patterns in the area. The committee also concludes that the State Highway Administration

is ensuring that all public road improvements and entrance design requirements are being met.

7. The relationship of the proposed method of wastewater disposal and provision of potable water service with the goals, objectives and recommendations of the Comprehensive Plan, Comprehensive Water and Sewer Plan, and other established policy guidelines:

The Comprehensive Plan notes that “sewer service...is one of the county’s most powerful growth management tools” (Chapter 6). As of March 15, 2022, the County Commissioners approved an additional 19 EDU’s to serve Phase 2 of the development. The development was originally allocated 29 EDU’s in July 2021 to be assigned to 29 units, an additional allocation of 18 EDU’s was granted in September 2021 and another 10 EDU’s were granted in January 2022.

The Technical Review Committee finds that, based in the recommendation and limited approvals granted to the developer thus far for public water and sewer, provisions for public facilities have been made to serve this development in the Mystic Harbor service area.

NOTE: It should be noted that many of the comments submitted by various TRC members pertain to Step II and III of the review process at which time, site plans and subdivision plats would be submitted, or to the permit submittals.

Procedure: The Planning Commission shall make findings of fact relative to the application and its consistency with the Comprehensive Plan, the terms of the Zoning and Subdivision Control Article, and all other applicable laws and regulations. The seven findings of the Technical Review Committee above must also be addressed by the Planning Commission in their report to the County Commissioners. The Planning Commission shall make a recommendation (favorable or unfavorable) relative to the application which may address the items outlined in the Technical Review Committee Report or other items as appropriate.

**SEA OAKS VILLAGE/PHASE 2
RESIDENTIAL PLANNED COMMUNITY**

**TAX MAP 26, P/O PARCEL 274
TENTH ELECTION DISTRICT
WORCESTER COUNTY, MARYLAND**

**PREPARED FOR
SEA OAKS VILLAGE, LLC
841 E. FORT AVENUE, SUITE 152
BALTIMORE, MD 21230**

**PREPARED BY
R.D. HAND AND ASSOCIATES, INC.
12302 Collins Road
Bishopville, MD 21813
410-352-5623**

April 13, 2021

Sea Oaks Village is a proposed Residential Planned Community (RPC) consisting of 135 townhouse units, associated parking and recreational amenities consisting of a swimming pool, playground and walking/bird watching trails. The commercial component of the project consists of +/- 12,000sf of Contractor shops and +/-11,480 sf of retail.

The first phase of the RPC has been approved and is under construction and consists of 59 townhouse units, swimming pool, playground, kayak launch and commercial components. The second phase consists of 76 townhouse units and court games.

Sea Oaks Village is consistent with the goals and objectives of the Worcester County Comprehensive plan in that it is close to population centers (West Ocean City and Mystic Harbour) and has direct access to MD Route 611 a major collector highway. In addition, Sea Oaks is within the Mystic Harbour water and sewer service areas.

Sea Oaks Village is zoned R-3, Multi-Family Residential and C-1, Neighborhood Commercial. The R-3 zoning allows single family, multifamily and townhouse uses by right. Single family, multi-family and townhouses developments consisting of 20 units or more are required to conform to the RPC process. Sea Oaks Village's design is consistent with RPC and zoning code criteria and requirements.

Sea Oaks Village is directly across Route 611 from the Mystic Harbour subdivision. There are numerous residential subdivisions in the neighborhood including Whispering Woods, Deer Point, Ocean Reef to name a few. In addition, there are numerous commercial establishments in the neighborhood including restaurants, ministorage, supply houses etc. Sea Oaks Village is compatible with all the uses in the neighborhood.

Sea Oaks Village will be serviced by MD Route 611 which is a major collector highway. Sewer and water will be provided via the Mystic Harbour service area facilities which have enough capacity for the project. Sea Oaks Village will be an infill development and compliment the neighborhood.

Sea Oaks Village design has identified key environmental features and avoided disturbances to non-tidal wetlands, floodplains, critical, and/or special habitat and aquifer recharge areas. The project clusters residential and commercial uses in a pedestrian friendly scale. The commercial component will allow for convenient access and diminished vehicle trips to surrounding areas.

The clustered design of Sea Oaks Village minimizes the consumption of land, optimizes open space and maximizes open space while reducing impervious surfaces.

In order to reduce impacts to sensitive areas and non-tidal wetlands, Sea Oaks Village's design proposes a minimum of cul-de-sacs to service the residential component of the project.

Sea Oaks Village was granted an exemption to the Worcester County Forest Conservation Act in 2008. Although the area of the overall project has increased the exemption is still valid. Non-tidal wetland and non-tidal wetland buffer impacts have been reviewed and are pending approval by MDE.

Phase 1 construction began in the winter of 2019. Phasing will consist of construction of all sewer, water and cart ways for the residential and commercial components of the project. It is anticipated that a temporary sales office will be constructed in the commercial area for sales of the residential units. Construction of the residential units will be based on market demand. Recreational areas will be provided in accordance with code requirements and prorated based on the number of units constructed in the individual phases. Construction of phase 2 is anticipated to proceed seamlessly with phase 1 upon receipt of required approvals.

A traffic study to determine required upgrades and improvements to the transportation system has been performed. The entrance design is being reviewed by the Maryland State Highway Administration.

The project will be provided sewer and water service via the Mystic Harbour service area which has recently been upgraded to meet all State and Federal requirements. These upgrades meet all the recommendations of the Worcester County Comprehensive Plan.

NARRATIVE FOR PLANNING COMMISSION STEP 1

**SEA OAKS VILLAGE II
RESIDENTIAL LOTS 60 - 135**

OCEAN CITY, WORCESTER COUNTY, MARYLAND

March 2022

Prepared for:

Sea Oaks Village, LLC
c/o Mr. Steve Murphy
841 East Fort Avenue, Unit 152
Baltimore, Maryland 21230
(410) 404-4393

Prepared by:



P.O. Box 3460 Ocean City, Maryland 21843
(302) 438-6745 phone (888) 372-2844 fax
Ronnie@CarpenterEngineeringLLC.com

SEA OAKS VILLAGE II
RESIDENTIAL LOTS 60 - 135
TAX MAP 26, P/O PARCEL 274
TENTH ELECTION DISTRICT
OCEAN CITY, WORCESTER COUNTY, MARYLAND

Prepared for:

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c/o Mr. Steve Murphy
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(410) 404-4393

Land Planning by:

Robert D. Hand
R.D. Hand and Associates, Inc.
12302 Collins Road
Bishopville, Maryland 21843
(410) 352-5623

Site Engineering by:

Ronnie B. Carpenter, P.E.
Carpenter Engineering, LLC
P.O. Box 3460
Ocean City, Maryland 21843
(302) 438-6745

PROFESSIONAL CERTIFICATION

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 32667, Expiration Date: January 17, 2024.

Ronnie B. Carpenter, P.E.

Sea Oaks Village is a Residential Planned Community (RPC) consisting of 135 single family semi-detached units (townhomes) with recreational amenities consisting of a swimming pool, pool house, multi-purpose athletic court, playground, kayak launch, and walking paths. The RPC also includes a commercial development consisting of 12,000 square feet of Contractor Shops, and 11,480 square feet of retail. Onsite parking and onsite stormwater management are provided for both the residential and commercial areas. The development has a single entrance off of Stephen Decatur Highway, MD Route 611, and the project is serviced by public sewer and public water.

The first section of development is an active construction site, and buildout is quickly approaching. In Section I, 59 townhome units and both commercial buildings have been approved, and subdivision plats have been recorded. Building permits have been issued for the majority of the proposed townhomes, and one of the commercial buildings. Section II consists of the remainder 76 townhome units as well as construction of the multi-purpose court.

Sea Oaks Village is consistent with the goals and objectives of Worcester County's Comprehensive Plan in that the development is close to population centers such as West Ocean City and Mystic Harbour. Also in agreement with the Comprehensive Plan, the development takes access from MD Route 611, a major collector highway, and the site is situated within the Mystic Harbour water and sewer service areas.

Sea Oaks Village is zoned R-3 Multi-family Residential, and C-1 Neighborhood Commercial. The R-3 zoning district allows single family, multi-family, and townhome units by right and without special exception. In accordance with the requirements set forth by Worcester County, a development project consisting of 20 or more units is required to follow the RPC process. Sea Oaks Village Section I and Section II are consistent with RPC and zoning code criteria and requirements.

Specifically, the site is located approximately 100 feet northeasterly along Stephen Decatur Highway from the intersection of Stephen Decatur Highway with Sinepuxent Road. The site is located within the Sinepuxent Bay watershed and is hydraulically connected by an unnamed tributary running through Mystic Harbour subdivision. The site is bound to the southwest by a large wooded areas. To the northeast of the subject property, undeveloped commercial land exists. The subdivision of Mystic Harbour lies directly to the East across MD Route 611, other subdivisions within the area include Whispering Woods, Deer Point, and Ocean Reef. Also, there are numerous commercial buildings within the immediate area, such as restaurants, mini-storage facilities, hardware / supply stores, and retail shops. Sea Oaks Village is compatible with all the uses in the immediate area.

As part of the land planning, R.D. Hand and Associates, Inc. worked closely with environmental consultants to identify protective resources, such as non-tidal wetlands, and their associated buffers, as well as forested areas within non-tidal wetlands and contiguous to non-tidal areas located in uplands. As seen on the master plans for development, R.D. Hand and Associates, Inc. has proposed a cluster style development to reduce the consumption of protected resources as well as reduce the amount of proposed impervious coverage. The proposed disturbance of the

buffer areas has been approved and permitted by MDE, and the proposed construction plans of Sea Oaks Village Section II are in concert with the MDE permits.

Due to the amount forested areas lying within non-tidal wetland areas, Sea Oaks Village was granted a variance from the Worcester County Forest Conservation Act of 2008. However, the land plan proposes the protection of nearly 18 acres of wooded non-tidal wetlands within the residential portion of the development.

Construction of Section I began in Winter of 2019. The majority of construction was planned as a single phase and included the clearing and filling of the site, construction of the MDOT SHA entrance, roadway, drainage stormwater management and utility infrastructure. At this time, the sewer, water and stormwater management features have been constructed, and accepted by the County as substantially complete with the as-built plans and reports that have been prepared by the project team. Individual lot construction is ongoing at this time, and as previously stated, buildout is approaching quickly.

Subsequent to the County's acceptance of the subdivision infrastructure, the developer is looking to move seamlessly in to Section II development. This part of the project will include filling of the cleared area, extension of roadways, sewer, water and electric infrastructure, as well as bulk grading of the site to accommodate drainage and stormwater management features. Once complete, building lots will be padded to grade and application for building permits will be submitted to the County. Unlike Section I of Sea Oaks, Section II construction will not require construction of a MDOT SHA Entrance and will not require construction of a pump station. Accordingly, we believe construction for Section II will occur at a faster pace than Section I, and providing sales remain strong for the residential development, the project may be completed within two years.

Noteworthy, Section II has been a part of the overall subdivision plan from the beginning of subdivision design, thus the project team has previously planned and engineered for the extension of roads, water and sewer, as well as drainage, stormwater management, and the creation of open space and active recreation area. In greater words, we have made allowances for extending gravity sewer to the rear portion of the development, accommodating additional sewer flows for the onsite pumping station, looping of water lines, and traffic demand for the MDOT SHA Entrance. Aside from removal of temporary cul-de-sacs and utility stub outs, construction of Section II should have no substantial negative impact to Section I. Per Resolution 20-2 as approved by the Worcester County Commissioners, the proposed private roads will be built to the "Approved Private Road" specifications, as completed in Section I.

In February 2022, we met with the Worcester County Fire Marshal's Office to review roadway geometry, fire hydrant placement, and fire department connections to the proposed buildings. We anticipate gaining their approval in April 2022.

During the first week of March 2022, we received our first round of comments for Stormwater Management and Erosion and Sediment Control Plans and Reporting from Worcester County Department of Environmental Programs (DEP). The comments were favorable and we anticipate gaining approval from DEP and Worcester County Soil Conservation within the next two months.

**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE
AGENDA**

Wednesday, April 14, 2021 at 1:00 p.m.

- I. Call to Order
- II. § ZS 1-315 Residential Planned Communities

Sea Oaks Village RPC – Phase 2 (Tax Map 26, Parcel P/O 274)
C-1 Neighborhood Commercial & R-3 Multifamily Residential; Tax District 10

Description: Concept plan approval (establishment of the RPC floating zone) of Phase 2 of Sea Oaks Village, consisting of 76 townhome units and ‘ball courts.’

Location: West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road.

Owner:	Engineer:
Sea Oaks Village, LLC 841 E. Fort Avenue, Suite 152 Baltimore, MD 21230	Carpenter Engineering, LLC P.O. Box 3460 Ocean City, MD 21843 302-438-6745 <u>Ronnie@carpenterEngineeringLLC.com</u>

- III. Adjourn

Governor Larry Hogan has issued an Executive Order that limits public gatherings to no more than 10 persons in a further effort to reduce the spread of the COVID-19 virus. All in-person meetings have been suspended for the time being.

To facilitate the review of current projects, county staff will be holding a teleconference that will be open to the public during the regularly scheduled meeting time.

Please review the attached page following the agenda that outlines the call number and procedures for the meeting

**Technical Review Committee
Conference Call Directions
April 14, 2021 Meeting**

To members of the public dialing in:

- Call **(410) 632-9400**
- You will be prompted for the conference ID: **03#**
- You will then be prompted for the PIN: **123456#**

At approximately 1:00 PM, the Chair will call the meeting to order, and take roll call of all staff present, using the typical order found on each TRC packet cover sheet. Those persons should also identify any additional staff present with them on the call. We will follow the normal procedure for introduction of the project, identification of each of the applicants on the line, and will go through the review comments by department.

For ease of the discussion, zoning staff has numbered each page in the respective comment packet so that staff and the applicants can first refer to the page number, then the particular comment on that page. Please keep in mind that while everyone should have their site plans open and available, you will need to ensure that your method of conveying the comments is tailored to this new discussion format.

If you are listening in but are not participating in the discussion, please mute the call on your end to avoid disruptions.

For Minor Site Plan Review Projects:

The Technical Review Committee is the approving authority for minor projects. If your project qualifies, you will need to address the staff comments outlined in the packet, and submit plan sets to staff for follow-up review. Final signature approval will follow the normal review and email approval process. Once the revised plans have been approved, the zoning staff will direct you to submit the final copies for signature approval, along with any additional information. You may then proceed to permitting.

For Major Site Plan Review Projects:

The Planning Commission is the approving authority for major projects. If your project qualifies, you will need to address the staff comments outlined in the packet, and submit 10 sets of the plans for review by the Planning Commission. We will continue to adhere to our regular application submittal deadline in the event that the restrictions are lifted or modified, or until other solutions are identified.

TECHNICAL REVIEW COMMITTEE

STAFF PERSON: Kristen M. Tremblay DATE OF MEETING: April 14, 2021

PROJECT: **Sea Oaks Village RPC – Phase 2 (Residential Planned Community (RPC) Site Plan Review)**

Concept plan approval (establishment of the RPC floating zone) of Phase 2 of Sea Oaks Village, consisting of 76 townhome units and ‘ball courts.’ Located at the west side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road. Tax Map 26, Parcel P/O 274, Tax District 10, C-1 Neighborhood Commercial and R-3 Multifamily Residential, Sea Oaks Village, LLC, owner; Carpenter Engineering, LLC, Engineer.

APPLICANT(S) IN ATTENDANCE: _____

TRC MEMBERS IN ATTENDANCE:

____ Tremblay, Zoning Administrator
____ White, DRP Specialist
____ Miller, Building Plans Reviewer III
____ Mitchell, Environmental Programs
____ Marsh, Environmental Programs
____ Bradford, Environmental Programs
____ Birch, Environmental Programs
____ Gerthoffer, Environmental Programs
____ Mathers, Environmental Programs
____ Owens, Fire Marshal
____ Adkins, County Roads
____ Berdan, County Roads
____ Wilson, State Highway Admin.
____ Conner, State Highway Admin.
____ Ross, W & WW, DPW
____ Clayville, Planning Commission Rep.

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Under the terms of ZS 315, this application is considered to be a major residential planned community. This Step I of the proposed Concept Master Plan must be reviewed by the Technical Review Committee prior to submission to the Planning Commission. A subsequent review and approval after a public hearing must also be held by the County Commissioners at a later date. Step II shall follow a similar process before Step III may be conducted (consisting of an implementation plan and subdivision approval).



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

## Worcester County

GOVERNMENT CENTER  
ONE WEST MARKET STREET, ROOM 1201  
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TECHNICAL SERVICES DIVISION

### WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE – Staff Report

April 14, 2021

**Project:** **Sea Oaks Village Residential Planned Community (RPC Overlay Zone) Phase II** – Request for concept plan approval for townhome units and associated ‘ball courts,’ in the ‘Seaside Architectural Style,’ on the west side of Stephen Decatur Highway (MD Route 611), north of Sinepuxent Road, Tax Map 26, Parcel 274, Tax District 10, R-3 Multi-family Residential District and C-1 Neighborhood Commercial District.

**Background:** *Phase I, Step II (Floating Zone Establishment), was approved by the Worcester County Commissioners on November 20, 2018. The Sea Oaks Village (Phase I) Subdivision was recorded with the Clerk of Courts on July 17, 2020. Additionally, a commercial major site plan approval for ‘contractor shops’ (12,000 square feet) and ‘retail’ (11,480 square feet) was approved by the Planning Commission on December 5, 2019. A building permit application has recently been received by the Department.*

**Prepared by:** Kristen M. Tremblay

**Contact:** [ktremblay@co.worcester.md.us](mailto:ktremblay@co.worcester.md.us)

#### **General Procedure:**

1. The Technical Review Committee (TRC) shall meet with the applicants and shall review the residential planned community (RPC) application, including the Step I concept plan and required written statement. The TRC shall, subsequent to the meeting and review, identify areas of concern and issues to be addressed by the Planning Commission. It shall report its findings and recommendations to the applicants and to the Planning Commission in writing in a report known as the "Technical Review Committee Report." The TRC may solicit other agency comments prior to making its report and may require additional information, studies or reports. The TRC shall review the submission and present its report within ninety (90) days after receipt of the applicant's submission of a complete application, unless extended by the Planning Commission.



2. The Planning Commission shall then meet with the applicant to review the submission and the TRC Report and may as a group visit the site of the proposed project. **The Planning Commission shall produce findings based on the items considered under Subsections (k)(2)A1(ix)a through (k)(2)A1(ix)g of the zoning ordinance.** The Planning Commission shall also produce a recommendation to the County Commissioners as to approval or disapproval of the RPC application, which may address the areas identified in the TRC Report and such other areas of concern and such requirements as the Planning Commission may deem necessary and appropriate to advise the County Commissioners. The Planning Commission shall submit its recommendation within ninety (90) days after receipt of the TRC Report, unless extended by the County Commissioners.
3. **The County Commissioners shall consider the application and recommendation and hold a public hearing within ninety (90) days of receipt of the Planning Commission's recommendation, unless extended by the County Commissioners.** The hearing shall have the same procedural formalities as a map amendment as described in section § ZS 1-113(c) of the zoning ordinance. Notice of such public hearing shall be as required in section § ZS 1-114.
4. The County Commissioners shall review the application, TRC Report and Planning Commission's recommendation and shall, following the public hearing, approve or disapprove the application and, if approved, establish the residential planned community floating zone. Failure of the County Commissioners to reach a formal decision to approve or disapprove the application within six (6) months of the public hearing shall constitute a denial of the application. **In granting an approval, the County Commissioners may impose conditions which shall become a part of the approval regulating the RPC.** In addition, the County Commissioners may require independent reports of consultants, at the expense of the developer, prior to Step I concept plan approval.
5. Any RPC approved by the County Commissioners must be unconditionally accepted as approved, in writing, by the applicant requesting such use within ninety (90) days after approval by the County Commissioners. Failure to so accept, in writing, any such residential planned community so approved by the County Commissioners shall be considered a rejection and abandonment by the applicant of the approval, and thereafter any such RPC so approved shall be null and void and of no effect whatsoever. Any transfers of the property shall be subject to the approved plan. Step I concept plan approval by the County Commissioners shall be considered a reclassification and subject to appeal as such.
6. **Step I approval shall automatically expire and terminate unless the Step II approval is obtained within one (1) year from the date of Step I approval.** The County Commissioners may extend the Step I approval for a maximum of one (1) additional year, provided the one (1) year extension is requested not less than sixty (60) days prior to the expiration of the Step I approval and granted prior to expiration as well.
7. **Step II master plan approval.** Upon completion of Step I, an applicant shall develop and submit to the TRC and the Planning Commission a detailed plan which shall serve as a master plan for the entire project and which shall be in accordance with the Step I approval

\*Any questions relative to the review process should be directed to Kristen M. Tremblay at [ktremblay@co.worcester.md.us](mailto:ktremblay@co.worcester.md.us)

**Project Specific Comments:** This project is subject to, but not limited to, the following sections of the Zoning and Subdivision Control Article:

|          |                                                                                |
|----------|--------------------------------------------------------------------------------|
| §ZS1-209 | C-1 Neighborhood Commercial District                                           |
| §ZS1-207 | R-3 Multi-Family Residential                                                   |
| §ZS1-305 | Lot Requirements Generally                                                     |
| §ZS1-306 | Access to Structures                                                           |
| §ZS1-315 | Residential Planned Communities                                                |
| §ZS1-326 | Classification of Highways                                                     |
| §ZS1-327 | Additional Setbacks from Drainage Ditches and Stormwater Management Facilities |

**Major Residential Planned Community Concept Master Plan Corrections Required:**

1. Please note that the Site Plan Approval for the Phase I Commercial contractor shops and retail **will expire on December 5, 2021** if building permits have not yet been obtained. The Department may provide an extension of up to twelve (12) months, however the extension application must be made at least sixty (60) days prior to expiration. A Building Permit Application for the Commercial has been received and is in process.
2. Please provide a slightly more visible, distinct delineation between phases prior to Step II submission.
3. Please note that the Planning Commission will be reviewing the minimum lot area, setbacks, lot width, and road frontage requirements during Step II, if Step I is approved by the County Commissioners. Also, please indicate the maximum heights of all structures proposed at that time.
4. While the number of units is to be addressed more specifically during Step II of the RPC process, if it is going to be presented on the Step I concept master plan, please verify the number of townhome units proposed as provided as there appears to be a discrepancy between the number counted and the number indicated in the notes section.
5. Common Use Open Space Calculations:
  - a. A minimum of thirty percent (30%) of the total site acreage must be provided:
    - i. Parcel is 39.98 acres; 12 acres have been provided (equivalent to 30%)
  - b. A minimum of fifty percent (50%) of the required open space (6 acres) must be retained in its natural state and not used to satisfy the requirements for passive or active recreation. No more than fifty percent (50%) of this may be private wetlands.
    - i. Six (6) acres required; 3.76 acres upland provided and not used for passive or active recreation; remainder (17.923 acres) is wetlands (only 2.24 acres may be applied towards this standard). Requirement met.
  - c. A minimum of ten percent (10%) of the required open space must be for *active* recreation (1.2 acre required).
    - i. 1.56 acres of upland is provided for *active* recreation (12.8%). Exceeds ten percent (10%) minimum.

- d. A minimum of twenty percent (20%) of the required open space must be for *passive* recreation (2.4 acres required).
    - i. 2.4 acres of upland is provided for *passive* recreation. Requirement met.
- 6. Section ZS1-315(d)(2)(B)(5)(iv), requires that all open space and areas for active and passive recreation be dedicated, developed and perpetually protected. Please indicate the mechanism for its long-term protection.
- 7. Please provide a preliminary capacity and availability analysis of water and wastewater facilities for the proposal to be served by existing public utilities.
- 8. **Please provide a narrative of the previous Master Plan approval along with an update of construction completed to-date as well as an estimated timeframe for construction of both Phase I and Phase II.**
- 9. A written narrative **must** be provided which addresses the following (Section §ZS1-315(k)(2)(A)(1)(ix) which may be placed on the site plan or as an attached letter:
  - a. The RPC's conformance with the goals, objectives and recommendations of the Comprehensive Plan, compliance with the zoning regulations and other established development policy guidelines, and with the Comprehensive Plan, zoning regulations, development policy guidelines and annexation policies of any municipality within one (1) mile of the proposed project's boundaries.
  - b. The general location of the site, a description of existing and anticipated land use in the immediate vicinity and the residential planned community's compatibility with those land uses.
  - c. The availability and adequacy of public facilities, services and utilities to meet the needs of the RPC and the long-term implications the project would have on subsequent local development patterns and demand for public facilities and services.
  - d. The consistency of the RPC with the general design standards as contained in Subsections (j)(1) through (j)(5) hereof.
  - e. The relationship of the RPC's proposed construction schedule, including any phasing, and the demand for and timely provision of public facilities, services and utilities necessary to serve the project.
  - f. The capacity of the existing road network to provide suitable vehicular access for the RPC, the appropriateness of any existing or proposed improvements to the transportation network, the adequacy of the pedestrian and bicycle circulation, and the proposed means of connectivity of the project to surrounding residential, commercial and recreational development and uses.
  - g. The relationship of the proposed method of wastewater disposal and provision of potable water service with the goals, objectives and recommendations of the Comprehensive Plan, Comprehensive Water and Sewer Plan, and other established policy guidelines.
- 10. Phase I:
  - a. Staff would also like to know what is proposed for the northeast portion of the first phase.

**Other Items for Consideration:**

**If approval of Step I is granted by the County Commissioners, the following will need to be addressed prior to the submission of any Step II materials:**

1. The master plan shall conform to the regulations as set forth in the zoning ordinance and include any details and specifications as may be required by the TRC and the Planning Commission. The master plan shall include, at a minimum, the following:
  - a. An accurate topographic and boundary line survey of the project site, including the survey location of the perimeter of all forested areas, existing significant trees, the one-hundred-year floodplain line, the Critical Area boundary line, where applicable, the tidal and nontidal wetland lines and their buffers, location of important habitat or sensitive areas, and source water and aquifer recharge areas and a location map showing its relationship to surrounding properties.
  - b. Proposed extent of forest clearing, wetland and buffer impacts, Critical Area buffer impacts or variances, and the proposed percentage of impervious area.
  - c. The use, type, size and location of proposed structures, particularly with regard to the provision of mixed uses and clustering.
  - d. The general size, arrangement and location of any lots and proposed building groups.
  - e. The pattern of existing and proposed access points, public and private roads, vehicular travelways, parking, pedestrian and bicycle paths, internal and external circulation and connectivity, particularly to surrounding residential, commercial and recreational development and uses, and the intended design and construction standards.
  - f. The general location, type and size of proposed landscaping.
  - g. The location of existing and proposed water and wastewater facilities, including how and when such facilities are to be provided.
  - h. Architectural drawings, elevations, sketches or models illustrating the general design, character and pedestrian-scale of the proposed structures and a written description of how they relate to the architectural style and landscape design in the existing County towns, villages, and surrounding development.
  - i. The general location of recreational and open space areas and areas reserved or dedicated for public uses, such as schools, community centers, libraries, fire stations and park sites, and any open space to be owned and maintained by a property owners' association. Areas proposed for active and passive recreation shall be shown, along with a description of the facilities and equipment to be provided in these areas.
  - j. The existing topography and drainage pattern and the proposed stormwater management system showing basic topographic changes.
  - k. Statistical data on the total size of the project area, density computations, proposed number of residential units by type, compliance with area limitations and requirements for uses, area in streets, area in parking and parking tabulation and any other similar data pertinent to a comprehensive evaluation of the proposed development.
- l. A detailed time schedule for the implementation and construction of the development and, if appropriate, a plan for phasing the construction of the RPC, showing the general geographical coverage of future plats or plans, their approximate sequence of submission, each of which must meet pertinent requirements either on their own or in conjunction with prior phases.



## Worcester County

Department of Environmental Programs  
Environmental Programs Division

### Memorandum

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**To:** Technical Review Committee (TRC) for April 14, 2021 Meeting

**From:** Environmental Programs Staff

**Subject:** Minor Site Plan: Sea Oaks Village RPC – Phase 2; TM 26 P 274

**Date:** April 9, 2021

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Environmental Programs comments are based on the plans submitted. These comments are subject to change every time a change is made to the plans that affect water and/or sewage for this site.

1. Environmental Programs requires a \$60 fee for any Technical Review Committee projects submitted on public water & sewer. This fee will need to be submitted prior to Signature Approval being given on this project.
2. The proposed pool could require an EDU, depending on the treatment unit for the backwash.
3. The proposed construction will require the acquisition of Mystic sanitary sewer capacity. To do that, an application and deposit must be presented to Ms. Michelle Carmean, Enterprise Fund Controller, who will begin the processing for a Mystic Sewer allocation to be reviewed by the County Commissioners for approval.
4. We again note that natural gas main extensions & service conversions are currently completed in this area & gas is available.
5. The Plumbing Code is the 2018 International Plumbing Code (IPC) illustrated.
6. The Gas Code is the International Fuel Gas Code (IFGC), 2018 edition, for natural gas.
7. Plumbing permits, & potentially gas permits, will be required.
8. Please note the source of public water & sewer on the site plan. This would be the Mystic Harbour Sanitary Area.

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9. All additional water & sewer EDUs will need to be purchased & completely paid for prior to this office giving final approval & signature on the plat.

**WORCESTER COUNTY  
DEPARTMENT OF PUBLIC WORKS  
WATER & WASTEWATER DIVISION  
INTEROFFICE MEMORANDUM**

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**TO:** Kristen M. Tremblay, Zoning Administrator  
Development Review and Permitting  
**FROM:** John S. Ross, P.E., Deputy Director of Public Works  
**DATE:** April 9, 2021  
**SUBJECT:** TRC Meeting – April 14, 2021

---



**Residential Planned Communities**

**Sea Oaks Village RPC – Phase 2** (Tax Map 26, Parcel P/O 274)

C-1 Neighborhood Commercial & R-3 Multifamily Residential, Tax District 10

Description: Concept plan approval (establishment of the RPC floating zone) of Phase 2 of Sea Oaks Village, consisting of 76 townhome units and 'ball courts.'

Location: West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road.  
Owner: Sea Oaks Village, LLC  
841 E. Fort Avenue, Suite 152  
Baltimore, MD 21230  
Engineer: Carpenter Engineering, LLC  
P.O. Box 3460  
Ocean City, MD 21843

**Comments:**

1. Ensure adequate EDUs are assigned to the project
2. Reserve further comments for final utility design drawings

cc: John H. Tustin, P.E. Director





**Worcester County**  
**DEPARTMENT OF PUBLIC WORKS**  
6113 TIMMONS ROAD  
SNOW HILL, MARYLAND 21863

**JOHN H. TUSTIN, P.E.**  
DIRECTOR

**JOHN S. ROSS, P.E.**  
DEPUTY DIRECTOR

TEL: 410-632-5623  
FAX: 410-632-1753

**DIVISIONS**

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**WATER AND  
WASTEWATER**  
TEL: 410-641-5251  
FAX: 410-641-5185

**MEMORANDUM**

**TO: Kristen Tremblay, Zoning Administrator**  
**FROM: Frank J. Adkins, Roads Superintendent** (FA)  
**DATE: April 6, 2021**  
**SUBJECT: TRC Meeting – April 14, 2021**

.....  
**Section 1-315 Residential Planned Communities**

**A. Sea Oaks Village – Phase 2**

1. All roads to be built to the “Approved Private Road” specifications per Resolution 20-2 as approved by the Worcester County Commissioners.
2. Any structures, drainage easements, drainage ponds, drainage pipes, or utilities inside or outside the right-of-way will not be the responsibility of Worcester County DPW – Roads Division.
3. A road construction bond will need to be posted and in place prior to construction. All road stabilization must meet 95% compaction and require 24 hour notice before paving begins.
4. A geo-tech must be on-site during all phases of road construction. Copies of all written reports from the geo-tech must be submitted to Worcester County DPW – Roads Division on a daily basis and prior to any approvals.
5. A pre-construction meeting is required before construction begins.

cc: John H. Tustin, P.E.

FJA:ll\\wcfiler2\\users\\llawrence\\TRC\\2021\\4.14.21





GOVERNMENT CENTER

ONE WEST MARKET STREET, ROOM 1003

SNOW HILL, MARYLAND 21863-1194

TEL: 410-632-5666

FAX: 410-632-5664

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## TECHNICAL REVIEW COMMITTEE COMMENTS

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PROJECT: **Sea Oaks Village - Phase II**  
LOCATION: **Tax Map 26; Parcel 274**  
CONTACT: **Sea Oaks Village, LLC**  
MEETING DATE: **April 14, 2021**

TRC #: **2021124**

COMMENTS BY: **Matthew Owens**  
**Chief Deputy Fire Marshal**

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As you requested, this office has reviewed plans for the above project. Construction shall be in accordance with applicable Worcester County and State of Maryland fire codes. This review is based upon information contained in the submitted TRC plans only, and does not cover unsatisfactory conditions resulting from errors, omissions or failure to clearly indicate conditions. A full plan review by this office is required prior to the issuance of a building permit. The following comments are noted from a fire protection and life safety standpoint.

### Scope of Project

The proposed phase II of Sea Oaks consisting of 76 townhouse lots and "ball courts".

### General Comments

1. A water supply for fire protection shall be identified indicating the following:
  - a. Water Source
  - b. Engineering study for reliability of water source
  - c. Size (in gallons) of water source
  - d. Replenishment of water supply
  - e. Diameter of in ground pipe
  - f. Number of hydrants
  - g. Location of hydrants
  - h. Roadway width and surface types
  - i. Distance from hydrant to roadway
2. If public water source, approved plans by the public works department.
3. Water source plans must be approved prior to recording of plat.

4. Fire hydrants shall be located within 3 ft. of curb line. Placement of fire hydrants shall be coordinated with this office prior to installation.
5. Obstructions shall not be placed or kept near fire hydrants, fire department inlet connections, or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately visible and accessible.
6. All underground water mains and hydrants **shall be installed, completed, and in service** prior to construction work or as soon as combustible material accumulates, which ever comes first. A stop work order will be issued if fire hydrants are not in service prior to construction work start.
7. Fire Lanes shall be provided at the start of a project and shall be maintained throughout construction. Fire lanes shall be not less than 20 ft. in unobstructed width, able to withstand live loads of fire apparatus, and have a minimum of 13 ft. 6 in. of vertical clearance. Fire lane access roadways must be established prior to construction start of any structure in the project. Failure to maintain roadways throughout the project will be grounds to issue stop work orders until the roadway access is corrected.
8. Coordinate 9-1-1 addressing with Worcester County Department of Emergency Services (410) 632-1311.

### Specific Comments

1. **A fire hydrant shall be located within 100 feet of fire department connection for sprinkler system.**
2. Multifamily units shall be protected by an automatic sprinkler system. Plans shall be submitted and approved by this office prior to the installation of such system.
3. Provide the appropriate code compliant fire rated separation between units.
4. Complete set of building plans shall be submitted and approved prior to start of construction.
5. No further comments at this time.

March 26, 2021

Ms. Kristen Tremblay, Zoning Administrator  
Department of Developing, Review, and Planning  
Worcester County Government Center  
One West Market Street, Room 1201  
Snow Hill MD 21863

Dear Ms. Tremblay:

Thank you for the opportunity to review the concept plan for the proposed Sea Oaks development, located on the west side of MD 611, north of Sinepuxent Road, in Worcester County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the plans, and we are pleased to respond.

This site plan proposes the construction of 76 townhome units and associated 'ball courts.' This project is currently undergoing the Commercial Access Permit Review process, in which the District Office is still awaiting the second plan review submission. After having been in contact with Carpenter Engineering LLC., the design engineering group drafting this project, the attached access and pavement marking revisions were agreed upon, which are required to be reflected in the revised plan review submission to the District Office. No work can be initiated in the State right of way until a Commercial Access Permit has been issued through this Office.

If you have any questions or require additional information please contact Mr. Daniel Wilson, Access Management Regional Engineer, at 410-677-4048, by using our toll-free number (in Maryland only) at 1-800-825-4742 (x4048), or via email at [dwilson12@mdot.maryland.gov](mailto:dwilson12@mdot.maryland.gov). He will be happy to assist you.

Sincerely,

*Daniel Wilson / for*

James W. Meredith  
District Engineer

Attachment

cc: Mr. Dallas Baker, Assistant District Engineer, D-1 Project Development, MDOT SHA  
Mr. Jeff Fritts, D-1 Access Management Inspector, MDOT SHA  
Mr. Rodney Hubble, Resident Maintenance Engineer, Snow Hill Shop, MDOT SHA  
Mr. Tony Turner, Asst. Resident Maintenance Engineer, Snow Hill Shop, MDOT SHA  
Mr. Daniel Wilson, D-1 Access Management Regional Engineer, MDOT SHA









## Worcester County

Department of Environmental Programs  
Natural Resources Division

### Memorandum

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**To:** Technical Review Committee

**From:** David Mathers, Natural Resources Planner (DM)

**Subject:** Forest Conservation & Stormwater Management Review

**Date:** March 24, 2021

**Date of Meeting:** April 14, 2021

**Project:** Sea Oaks Village RPC – Phase 2

**Location:** Stephen Decatur Highway; Tax Map: 26; Parcel: 274

**Owner/Developer:** Sea Oaks Village, LLC

**Engineer:** Carpenter Engineering, LLC

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**This project is exempt from the Worcester County Forest Conservation Law per NR 1-403(b)(15).** The area of forested non-tidal wetland, including any regulated buffer, is greater than or equal to the area of reforestation and afforestation required. The Forestry Calculation sheet and summary of approved non-tidal wetland impacts must be included on all plans and plats to ensure that all stages of the project support this exemption. Furthermore, a voluntary easement is recommended for all remaining forested non-tidal wetlands. If changes are made, and reforestation/afforestation requirements are greater than the area of remaining forested non-tidal wetlands, compliance with the Forest Conservation Law will be required.

**This project is subject to the Worcester County Stormwater Ordinance.** The project has obtained Stormwater Concept Plan approval. Site Development Plan approval must be received prior to this project being reviewed by the Planning Commission. All projects with a limits of disturbance (LOD) over one acre shall be required to file for a General Permit/Notice of Intent (NOI) for construction activity through Maryland Department of Environment. This is mandated through the Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES). Any permits to be issued by Worcester County for disturbance that exceeds one acre will not be issued without NOI authorization being obtained prior to.

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DEPARTMENT OF  
ENVIRONMENTAL PROGRAMS


## **Worcester County**

GOVERNMENT CENTER  
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### **MEMORANDUM**

**DATE:** March 11, 2020  
**TO:** Applicant  
**FROM:** Jenelle Gerthoffer, Natural Resources Administrator   
**SUBJECT:** Stormwater/Sediment Erosion Control Plan/Permit

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Please note, if a Stormwater plan is approved by this office and does not include phasing, the corresponding permit can only receive Stormwater Final approval once all improvements are completed and the entire site is stabilized. This includes properties which have multiple Building or Zoning permits associated with the Stormwater plans. If a Stormwater Bond is required per the permit, the bond will only be released once a Stormwater Final approval takes place.

Additionally, if pervious pavement (i.e. asphalt, concrete) is proposed as a Stormwater Best Management Practice (BMP), an engineer will be required to ensure that this BMP is installed per the approved plan and the correct sequence is detailed on approved plans. Furthermore, all site disturbance must be stabilized prior to beginning the BMP installation process to avoid any contamination or performance issues. If components of the BMP become contaminated, excavation may be required. A detail/schematic must be site specific and reflect how associated sub drains are connected to piping and also illustrate all material being used in subgrade when using this BMP.

If you have any questions, please feel free to contact the Natural Resources Administrator, Jenelle Gerthoffer, at (410) 632-1220, ext. 1147.



DEPARTMENT OF  
ENVIRONMENTAL PROGRAMS


## Worcester County

GOVERNMENT CENTER  
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CRITICAL AREAS/FORESTRY  
COMMUNITY HYGIENE

### MEMORANDUM

DATE: March 24, 2021  
TO: Worcester County Technical Review Committee  
FROM: Joy S. Birch, Natural Resources Specialist III   
RE: April 14, 2021 - Technical Review Committee Meeting

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Sea Oaks – Request for Concept Plan Approval for Establishment of the RPC Floating Zone of Phase II of Sea Oaks Village, consisting of 76 townhome units and ball courts, West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 27, Lot 3A, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood Commercial Districts, Sea Oaks Village, LLC, owner/ R.D. Hand & Associates, Inc., land planner / Carpenter Engineer, LLC, engineer.

**Critical Area:** According to the plan provided dated October 16, 2018 the property and project boundaries are not located within the Atlantic Coastal Bays Critical Area (ACBCA) program; therefore, we have no comments.

#### **Storm Water Management & Erosion and Sediment Control:**

##### **Storm Water Management & Erosion and Sediment Control:**

Final Storm water Approval has been obtained.

##### **General Provisions:**

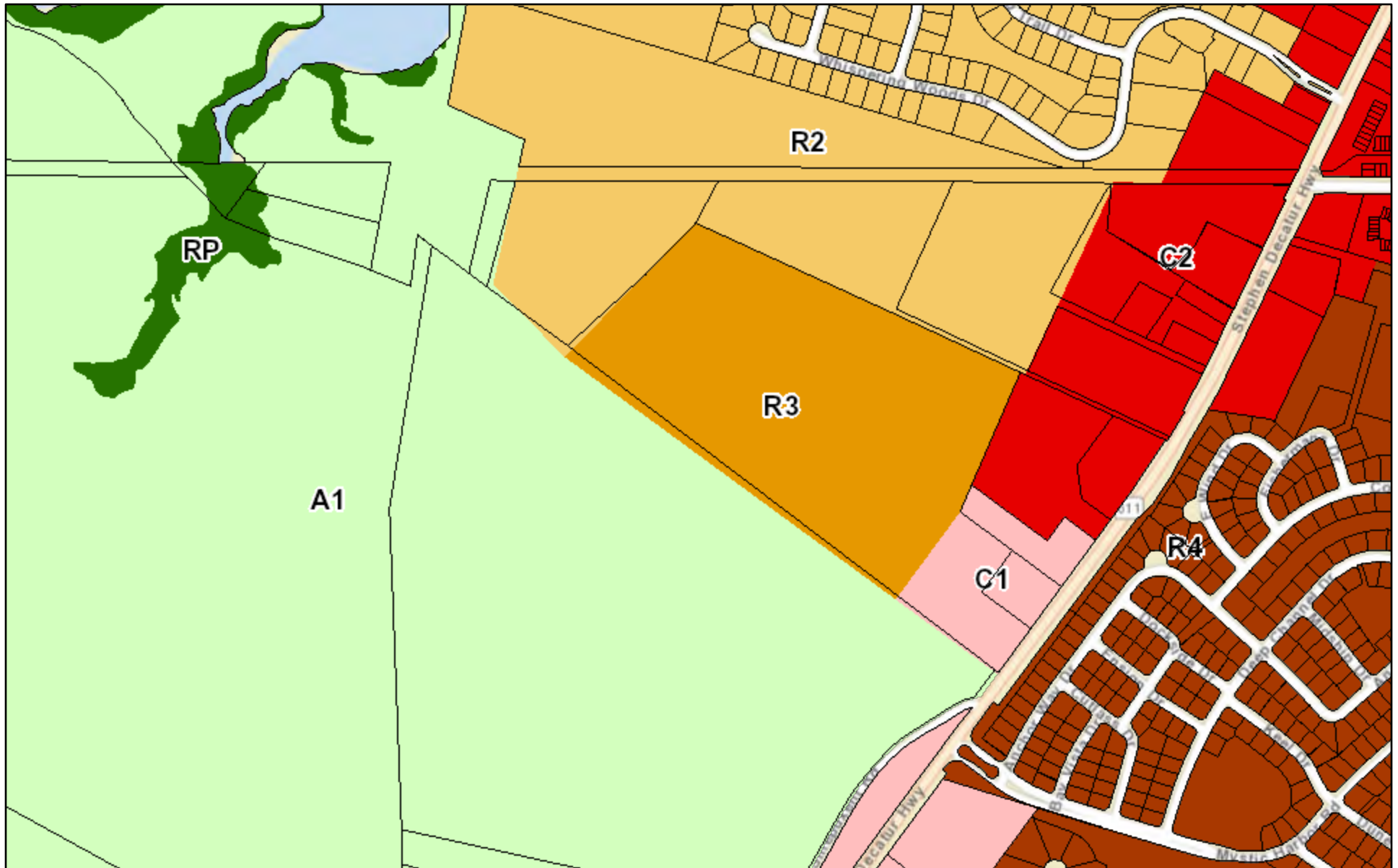
- All Erosion and Sediment controls should comply with the 2011 Maryland Standards and Specifications for Erosion and Sediment Control.
- All Storm water Management practices shall be designed to meet the requirements of the 2007 Maryland Storm water Management Act.
- All projects over one (1) acre shall be required to file for a General Permit / Notice of Intent (NOI) for construction activity through Maryland Department of

Environment. This is mandated through the Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES). Any permits to be issued by Worcester County for disturbance that exceeds one acre will not be issued without NOI authorization being obtained prior to.

cc: File;  
R. D. Hand & Associates, Inc.;  
Jenelle Gerthoffer, NR Administrator;  
David Bradford, NR Deputy Director.



# Sea Oaks Village RPC



October 17, 2018

Property Lines

Zoning

A1 - Agricultural

A2 - Agricultural

CA - Commercial Airport

RP - Resource Protection

E1 - Estate

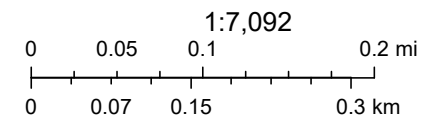
R1 - Rural Residential

R2 - Suburban Residential

R3 - Multi-family Residential

R4 - General Residential

I1 - Light Industrial



The most current PFA data, received from the MD Dept. of Planning via email, 6/2013., U.S. Department of Agriculture, Natural Resources, Sources:

Web AppBuilder for ArcGIS

This map is intended for planning purposes only and not for regulatory application.



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

## **Worcester County**

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ZONING DIVISION  
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ADMINISTRATIVE DIVISION  
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TECHNICAL SERVICES DIVISION

August 4, 2020

R.D. Hand & Associates, Inc.  
12302 Collins Road  
Bishopville, MD 21813

Re: Sea Oaks Village Commercial - Proposed construction of a 12,000 square foot building for contractor shops and an 11,480 square foot retail building, Westerly side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential District and C-1 Neighborhood Commercial district (RPC Overlay Zone)

Dear Mr. Hand:

This is to confirm that the Worcester County Planning Commission, during its regular business meeting held on Thursday, December 5, 2019, reviewed the site plan for the above referenced project. Based upon its review, the Planning Commission granted site plan approval subject to addressing various comments. The Department reviewed a revised site plan and on behalf of the board, approves the site plan as revised.

This site plan approval shall expire twenty-four (24) months after the date of such approval, on December 5, 2021, unless building permits have been obtained for the construction in accordance herewith. The Department may grant a maximum of three extensions for up to twelve (12) months each based upon the criteria found in §ZS 1-325(g)(5). The extension application must be made at least sixty (60) days prior to the expiration of the site plan approval. The monitoring of the site plan approval period and the request for extensions is the sole responsibility of the property owner/developer, not the Department.

A copy of the approved site plan is enclosed for your records. The approval of this site plan does not constitute a building permit and does not authorize any construction or use of land as shown on the site plan. Once a building/use of land permit is obtained, Planning Commission approval shall authorize construction only in accordance with the approved site plan. Deviation from the approved site plan or

failure to abide by any above-referenced restrictions or conditions shall be considered a violation of the Zoning Code and may result in the issuance of civil infraction.

Upon satisfactory completion of the installation of all required improvements shown on the approved site plan, the developer shall submit to the Department two (2) copies of the completed as-built site plan. Such shall be submitted at least one (1) week prior to the anticipated occupancy of any building for the review and approval by the Department for conformity with the approved site plan and the ordinances and regulations of the County agencies and for verification that the as-built plan accurately represents actual improvements on the site. No building shall be occupied until all requirements and conditions of the site plan approval have been complied with or completion thereof bonded to the County Commissioners in accordance with bonding procedures as may be adopted from time to time by the County Commissioners or otherwise approved for occupancy by the County Planning Commission. Upon satisfactory completion of the required improvements and the submission of an as-built site plan, the Department shall furnish a certificate of approval to the developer covering all required improvements on the site.

Please do not hesitate to contact me with any questions you may have concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer K. Keener".

Jennifer K. Keener, AICP  
Deputy Director

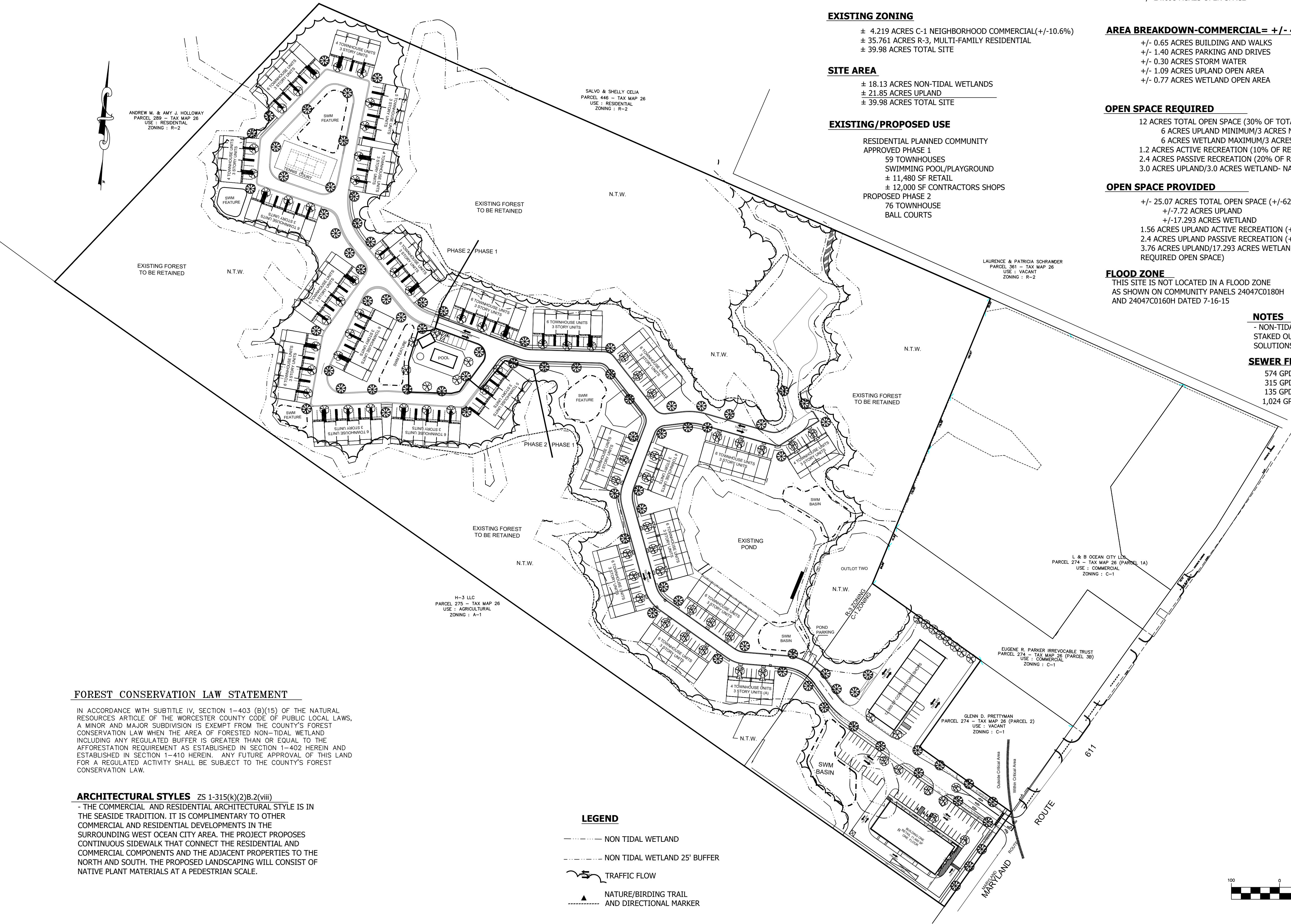
Enclosure

cc: Steve Murphy, owner  
Carpenter Engineering, Inc.  
Fisher Architecture, LLC  
Hugh Cropper, IV, Esquire  
file



# SEA OAKS VILLAGE

## RESIDENTIAL PLANNED COMMUNITY



### SITE DATA

#### PARCEL DESCRIPTION

P/O PARCEL 274, TAX MAP 26  
10th TAX ELECTION DISTRICT  
WEST OCEAN CITY MARYLAND

#### PROPERTY OWNERS

SEA OAKS VILLAGE, LLC  
841 E. FORT AVENUE, SUITE 152  
BALTIMORE, MD 21230

#### EXISTING ZONING

± 4.219 ACRES C-1 NEIGHBORHOOD COMMERCIAL(+/-10.6%)  
± 35.761 ACRES R-3, MULTI-FAMILY RESIDENTIAL  
± 39.98 ACRES TOTAL SITE

#### SITE AREA

± 18.13 ACRES NON-TIDAL WETLANDS  
± 21.85 ACRES UPLAND  
± 39.98 ACRES TOTAL SITE

#### EXISTING/PROPOSED USE

RESIDENTIAL PLANNED COMMUNITY  
APPROVED PHASE 1  
59 TOWNHOUSES  
SWIMMING POOL/PLAYGROUND  
± 11,480 SF RETAIL  
± 12,000 SF CONTRACTORS SHOPS  
PROPOSED PHASE 2  
76 TOWNHOUSE  
BALL COURTS

### RESIDENTIAL DENSITY R-3 AREA ONLY

136 UNITS ON 35.76 ACRES = +/- 3.80 UNITS/ACRE

### AREA BREAKDOWN-RESIDENTIAL= +/-35.76 ACRES

+/- 4.28 ACRES UNITS AND WALKS  
+/- 4.35 ACRES PARKING AND DRIVES  
+/- 0.085 ACRES UTILITY OUTLOT  
+/- 2.95 OPEN AREA WITHIN LOTS  
+/- 24.095 ACRES OPEN SPACE

### AREA BREAKDOWN-COMMERCIAL= +/- 4.219 ACRES

+/- 0.65 ACRES BUILDING AND WALKS  
+/- 1.40 ACRES PARKING AND DRIVES  
+/- 0.30 ACRES STORM WATER  
+/- 1.09 ACRES UPLAND OPEN AREA  
+/- 0.77 ACRES WETLAND OPEN AREA

### OPEN SPACE REQUIRED

12 ACRES TOTAL OPEN SPACE (30% OF TOTAL SITE)  
6 ACRES UPLAND MINIMUM/3 ACRES NATURAL MINIMUM  
6 ACRES WETLAND MAXIMUM/3 ACRES NATURAL MINIMUM  
1.2 ACRES ACTIVE RECREATION (10% OF REQUIRED OPEN SPACE)  
2.4 ACRES PASSIVE RECREATION (20% OF REQUIRED OPEN SPACE)  
3.0 ACRES UPLAND/3.0 ACRES WETLAND- NATURAL OPEN SPACE (50% OF OPEN SPACE)

### OPEN SPACE PROVIDED

+/- 25.07 ACRES TOTAL OPEN SPACE (+/-62.7% OF TOTAL SITE)  
+/-7.72 ACRES UPLAND  
+/-17.293 ACRES WETLAND  
1.56 ACRES UPLAND ACTIVE RECREATION (+/-12.8% OF REQUIRED OPEN SPACE)  
2.4 ACRES UPLAND PASSIVE RECREATION (+/- 20.0% OF REQUIRED OPEN SPACE)  
3.76 ACRES UPLAND/17.293 ACRES WETLAND - NATURAL OPEN SPACE (+/- 175% OF REQUIRED OPEN SPACE)

### FLOOD ZONE

THIS SITE IS NOT LOCATED IN A FLOOD ZONE  
AS SHOWN ON COMMUNITY PANELS 24047C0180H  
AND 24047C0160H DATED 7-16-15

### NOTES

- NON-TIDAL WETLANDS DELINEATED BY RON GATTON IN 2000 AND STAKED OUT AND RECONFIRMED BY COASTAL COMPLIANCE SOLUTIONS LLC IN 2017

### SEWER FLOW- COMMERCIAL

574 GPD -11,480 SF RETAIL L@ 0.05 GSF  
315 GPD - 10,500 SF CONTRACTORS SHOPS @0.03 GSF  
135 GPD - 1,500 SF OFFICES IN CONTRACTOR SHOPS @ 0.09 GSF  
1,024 GPD/ 300 GPD-EDU = 4 EDU'S

### RESIDENTIAL SETBACKS

0' SIDE YARD SETBACK  
20' FRONT YARD SETBACK  
15' REAR YARD SETBACK

### COMMERCIAL SETBACKS

6' SIDE YARD SETBACK  
10' FRONT YARD SETBACK ALONG SEA OAKS DRIVE  
50' FRONT YARD SETBACK ALONG MD. RTE. 611  
15' REAR YARD SETBACK

PROPOSED SEPARATION BETWEEN STRUCTURES = MINIMUM 10'

### FOREST CONSERVATION LAW STATEMENT

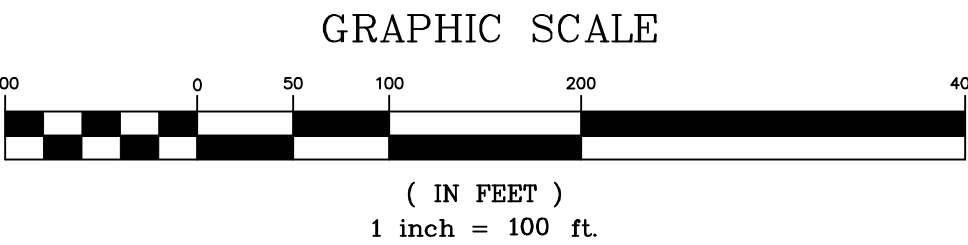
IN ACCORDANCE WITH SUBTITLE IV, SECTION 1-403 (B)(15) OF THE NATURAL RESOURCES ARTICLE OF THE WORCESTER COUNTY CODE OF PUBLIC LOCAL LAWS, A MINOR AND MAJOR SUBDIVISION IS EXEMPT FROM THE COUNTY'S FOREST CONSERVATION LAW WHEN THE AREA OF FORESTED NON-TIDAL WETLAND INCLUDING ANY REGULATED BUFFER IS GREATER THAN OR EQUAL TO THE AFFORESTATION REQUIREMENT AS ESTABLISHED IN SECTION 1-402 HEREIN AND ESTABLISHED IN SECTION 1-410 HEREIN. ANY FUTURE APPROVAL OF THIS LAND FOR A REGULATED ACTIVITY SHALL BE SUBJECT TO THE COUNTY'S FOREST CONSERVATION LAW.

### ARCHITECTURAL STYLES ZS 1-315(k)(2)B.2(viii)

- THE COMMERCIAL AND RESIDENTIAL ARCHITECTURAL STYLE IS IN THE SEASIDE TRADITION. IT IS COMPLIMENTARY TO OTHER COMMERCIAL AND RESIDENTIAL DEVELOPMENTS IN THE SURROUNDING WEST OCEAN CITY AREA. THE PROJECT PROPOSES CONTINUOUS SIDEWALK THAT CONNECT THE RESIDENTIAL AND COMMERCIAL COMPONENTS AND THE ADJACENT PROPERTIES TO THE NORTH AND SOUTH. THE PROPOSED LANDSCAPING WILL CONSIST OF NATIVE PLANT MATERIALS AT A PEDESTRIAN SCALE.

### LEGEND

- NON TIDAL WETLAND
- NON TIDAL WETLAND 25' BUFFER
- TRAFFIC FLOW
- NATURE/BIRDING TRAIL AND DIRECTIONAL MARKER





# SEA OAKS VILLAGE

## RESIDENTIAL PLANNED COMMUNITY

### SITE DATA

#### PARCEL DESCRIPTION

P/O PARCEL 274, TAX MAP 26  
10th TAX ELECTION DISTRICT  
WEST OCEAN CITY MARYLAND

#### PROPERTY OWNERS

SEA OAKS VILLAGE, LLC  
841 E. FORT AVENUE, SUITE 152  
BALTIMORE, MD 21230

#### EXISTING ZONING

± 4.219 ACRES C-1 NEIGHBORHOOD COMMERCIAL(+/-10.6%)  
± 35.761 ACRES R-3, MULTI-FAMILY RESIDENTIAL  
± 39.98 ACRES TOTAL SITE

#### SITE AREA

± 18.13 ACRES NON-TIDAL WETLANDS  
± 21.85 ACRES UPLAND  
± 39.98 ACRES TOTAL SITE

#### PROPOSED USE

RESIDENTIAL PLANNED COMMUNITY  
135 TOWNHOUSES  
SWIMMING POOL/BALL COURTS  
± 11,480 SF RETAIL  
± 12,000 SF CONTRACTORS SHOPS

#### FLOOD ZONE

THIS SITE IS NOT LOCATED IN A FLOOD ZONE  
AS SHOWN ON COMMUNITY PANELS 24047C0180H  
AND 24047C0160H DATED 7-16-15

### NOTES

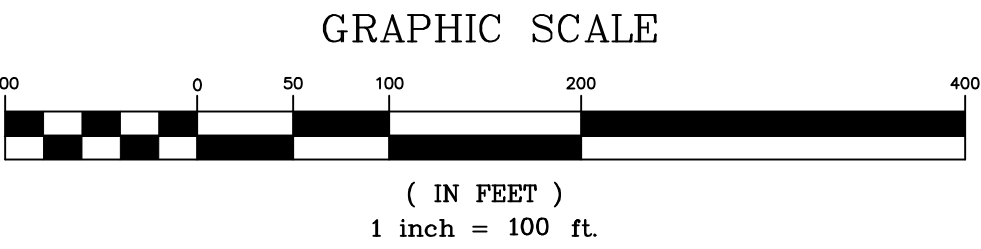
- NON-TIDAL WETLANDS DELINEATED BY RON GATTON IN 2000 AND  
STAKED OUT AND RECONFIRMED BY COASTAL COMPLIANCE  
SOLUTIONS LLC IN 2017

### FOREST CONSERVATION LAW STATEMENT

IN ACCORDANCE WITH SUBTITLE IV, SECTION 1-403 (B)(15) OF THE NATURAL  
RESOURCES ARTICLE OF THE WORCESTER COUNTY CODE OF PUBLIC LOCAL LAWS,  
A MINOR AND MAJOR SUBDIVISION IS EXEMPT FROM THE COUNTY'S FOREST  
CONSERVATION LAW WHEN THE AREA OF FORESTED NON-TIDAL WETLAND  
INCLUDING ANY REGULATED BUFFER IS GREATER THAN OR EQUAL TO THE  
AFFORESTATION REQUIREMENT AS ESTABLISHED IN SECTION 1-402 HEREIN AND  
ESTABLISHED IN SECTION 1-410 HEREIN. ANY FUTURE APPROVAL OF THIS LAND  
FOR A REGULATED ACTIVITY SHALL BE SUBJECT TO THE COUNTY'S FOREST  
CONSERVATION LAW.

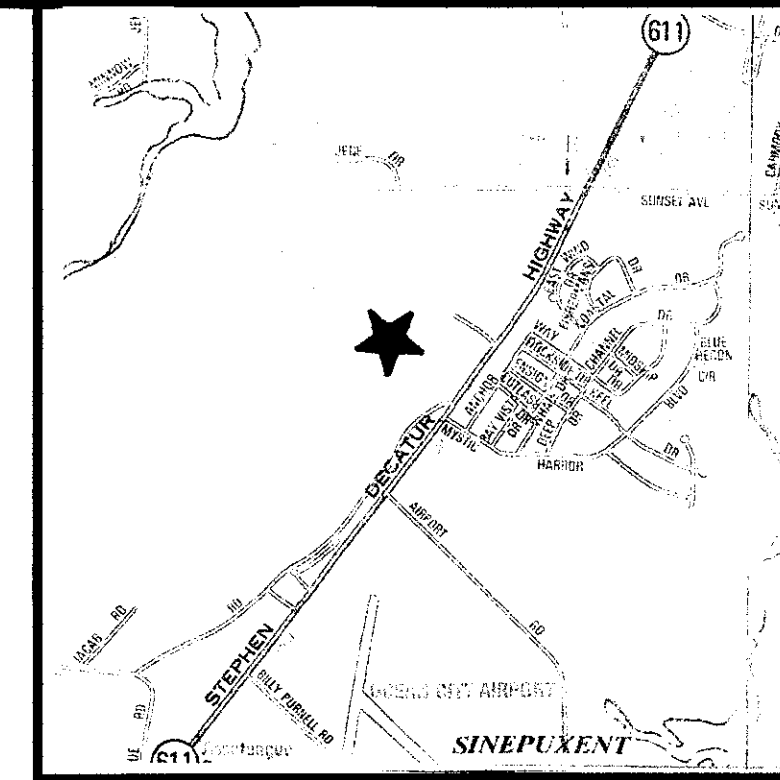
### LEGEND

- NON TIDAL WETLAND
- NON TIDAL WETLAND 25' BUFFER
- TREELINE TO REMAIN
- DRAINAGE FLOW DIRECTION
- CATCH BASIN AND PIPE SYSTEM
- HIGH POINT OF FLOW





THE INFORMATION CONTAINED ON THESE PLANS, PLATS OR OTHER DOCUMENTS IS PROVIDED FOR THE EXCLUSIVE USE OF THE CLIENT NAMED HEREON, AND IS SUBJECT TO THE CLIENT AND/OR WORK PRODUCT PRIVILEGE. ANY AMENDMENTS, COPYING OR DISTRIBUTION, INCLUDING COMPUTER GENERATED AMENDMENTS, COPYING OR DISTRIBUTION IS STRICTLY PROHIBITED UNLESS AUTHORIZED IN WRITING BY RD HAND AND ASSOCIATES, INC..



### VICINITY MAP

## SITE DATA

### PARCEL DESCRIPTION

P/O PARCEL 274, TAX MAP 26  
10th TAX ELECTION DISTRICT  
WEST OCEAN CITY MARYLAND

## PROPERTY OWNERS

SEA OAKS VILLAGE, LLC  
841 E. FORT AVENUE, SUITE 152  
BALTIMORE, MD 21230

### PROPOSED USE

RESIDENTIAL PLANNED COMMUNITY  
59 TOWNHOUSES/SWIMMING POOL  
+/-24,000 SF MIXED USE RETAIL

## EXISTING ZONING

± 4.22 ACRES C-1 NEIGHBORHOOD COMMERCIAL(+/-10.6%)  
± 35.78 ACRES R-3, MULTI-FAMILY RESIDENTIAL  
± 40.00 ACRES TOTAL SITE

### SITE AREA

± 18.13 ACRES NON-TIDAL WETLANDS  
± 21.87 ACRES UPLAND  

---

± 40.00 ACRES TOTAL SITE

LAURENCE & PATRICIA SCHRAWDER  
PARCEL 361 - TAX MAP 26  
USE : VACANT  
ZONING : R-2

ANDREW M. & AMY J. HOLLOWAY  
PARCEL 289 - TAX MAP 26  
USE : RESIDENTIAL  
ZONING : R-2

SALVO & SHELLY CEJA  
PARCEL 446 - TAX MAP 28  
USE : RESIDENTIAL  
ZONING : R-2






H-3 LLC  
PARCEL 275 - TAX MAP 26  
USE : AGRICULTURAL  
ZONING : A-1

L & B OCEAN CITY LLC  
PARCEL 274 - TAX MAP 26 (PARCEL 1A)  
USE : COMMERCIAL  
ZONING : C-1

EUGENE R. PARKER IRREVOCABLE TRUST  
PARCEL 274 - TAX MAP 26 (PARCEL 3B)  
USE : COMMERCIAL  
ZONING : C-1

GLENN D. PRETTYMAN  
PARCEL 274 - TAX MAP 26 (PARCEL 274)  
USE : VACANT  
ZONING : C-1

### LEGEND

 NON TIDAL WETLAND  
 NON TIDAL WETLAND 25' BUFFER  
 TREE LINE  
 EXISTING CONTOUR  
 EXISTING FOREST

**NOTES (PROVIDED BY COASTAL COMPLIANCE SOLUTIONS LLC)**

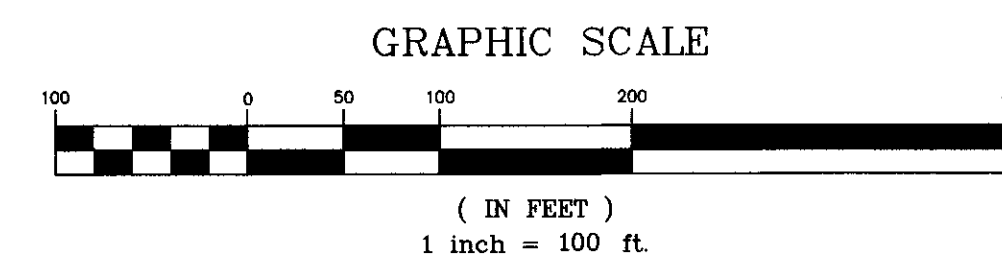
There are no significant trees to be removed within the proposed limits of disturbance on the site.

Sensitive areas onsite are considered non tidal wetlands and the majority of those are remaining with less than 5000 square feet to be impacted for construction. Currently that impact is being reviewed by the Maryland Department of Environment for permit issuance.

Regarding source water and aquifer recharge, the site will be utilizing an existing public water source with no requirement to upgrade. This flow capacity has been considered in the water and sewer plan for servicing this property. Source water protection is not contemplated in this area due to the existing public water system. Implementation of current stormwater management facilities will allow water quantity and quality management which will allow for aquifer recharge through the impounding and detention of the runoff for an extended period of time.

ROUTE

MARYLAND



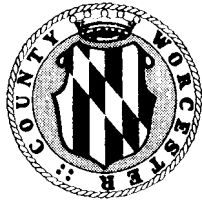
## EXISTING CONDITIONS

**R<sub>D</sub>. HAND AND ASSOCIATES, INC.**

LANDSCAPE ARCHITECTURE, SITE PLANNING AND FEASIBILITY  
12302 COLLINS ROAD BISHOPVILLE, MD. 21813 410-352-5623

DATE 11/14/18  
REV. DATE \_\_\_\_\_  
DRAW BY J.MAYHUE  
CHK'D BY R.D.HAND  
DRAWING EC-1  
SCALE 1"=100'

SHEET  
EC-1



## WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE

Department of Development Review & Permitting  
Worcester County Government Center  
1 W. Market St., Room 1201  
Snow Hill, Maryland 21863  
410-632-1200, Ext. 1151  
pmiller@co.worcester.md.us

\*\*\*\*\*

Project: Sea Oaks Village (Phase II)

Date: 4/13/2022

Tax Map: 26 Parcel: 274 Section:        Lot: 3A

### STANDARD COMMENTS

1. Items listed in this review are **not** required for Technical Review Committee approval.
2. Provide complete code review. List type of construction, use groups, height and area, occupant loads, live, dead and other structural loads.
3. Soils report required at time of building permit application.
4. Compaction reports due at all footings and slab inspections as well as any site work and structural fill.
5. Complete sealed architectural, structural, mechanical, plumbing and electrical plans are required.
6. Provide information for wind, snow, floor, roof and seismic loads.
7. Special inspections (Third party) required per IBC Chapter 17 for steel, concrete, masonry, wood, prepared fill, foundations and structural observations.
8. Provide plan for owner's special inspection program, list inspections and inspection agencies.
9. A Maryland Registered Architect must seal plans. This architect or architectural firm will be considered the architect of record.
10. A pre-construction meeting will be required before any work starts.
11. Provide complete accessibility code requirements and details.
12. List on construction documents all deferred submittals.
13. Truss and other shop drawings will be required prior to installation. Design professional in responsible charge shall review and approve all shop drawings.
14. Please provide your design professional with a copy of these comments.

## Site specific comments: Townhomes

1. Current Codes:     Current codes as of 4/1/2022  
                          2018 International Building Code  
                          2018 International Residential Code  
                          2018 International Energy Conservation Code  
                          2018 International Mechanical Code  
                          2017 NEC  
                          Maryland Accessibility Code  
                          2010 ADA Standards for Accessible Designs  
                          **(In 2022 the Maryland Codes Administration will begin the process of  
                          adopting the 2021 International Codes)**
2. Wind Design: 128 MPH (assumed); Risk category II; Exposure “C”
3. Complete sealed architectural, structural, mechanical, plumbing and electrical plans are required.
4. The overall building height is to be clearly indicated on the construction documents. Maximum 45 feet building height permitted for townhomes, an as-built height certification may be required prior to framing inspection.
5. Townhomes to be signed and sealed by Maryland registered Architect.
6. Soils report and compaction testing required for all building pads, townhome sites and parking areas. Soils report to be submitted with building permit application.

There is not enough information provided at this time to provide additional comments.





GOVERNMENT CENTER

ONE WEST MARKET STREET, ROOM 1003

SNOW HILL, MARYLAND 21863-1194

TEL: 410-632-5666

FAX: 410-632-5664

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## TECHNICAL REVIEW COMMITTEE COMMENTS

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PROJECT: **Sea Oaks Village - Step 1 Phase II**      TRC #: **2022154**

LOCATION: **Tax Map 26; Parcel 274**

CONTACT: **Sea Oaks Village, LLC**

MEETING DATE: **April 13, 2022**

COMMENTS BY: **Matthew Owens**  
**Fire Marshal**

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As you requested, this office has reviewed plans for the above project. Construction shall be in accordance with applicable Worcester County and State of Maryland fire codes. This review is based upon information contained in the submitted TRC plans only, and does not cover unsatisfactory conditions resulting from errors, omissions or failure to clearly indicate conditions. A full plan review by this office is required prior to the issuance of a building permit. The following comments are noted from a fire protection and life safety standpoint.

### Scope of Project

The proposed step 1 phase II of Sea Oaks consisting of 76 townhouse units.

### General Comments

1. A water supply for fire protection shall be identified indicating the following:
  - a. Water Source
  - b. Engineering study for reliability of water source
  - c. Size (in gallons) of water source
  - d. Replenishment of water supply
  - e. Diameter of in ground pipe
  - f. Number of hydrants
  - g. Location of hydrants
  - h. Roadway width and surface types
  - i. Distance from hydrant to roadway
2. If public water source, approved plans by the public works department.
3. Water source plans must be approved prior to recording of plat.

4. Fire hydrants shall be located within 3 ft. of curb line. Placement of fire hydrants shall be coordinated with this office prior to installation.
5. Obstructions shall not be placed or kept near fire hydrants, fire department inlet connections, or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately visible and accessible.
6. All underground water mains and hydrants **shall be installed, completed, and in service** prior to construction work or as soon as combustible material accumulates, which ever comes first. A stop work order will be issued if fire hydrants are not in service prior to construction work start.
7. Fire Lanes shall be provided at the start of a project and shall be maintained throughout construction. Fire lanes shall be not less than 20 ft. in unobstructed width, able to withstand live loads of fire apparatus, and have a minimum of 13 ft. 6 in. of vertical clearance. Fire lane access roadways must be established prior to construction start of any structure in the project. Failure to maintain roadways throughout the project will be grounds to issue stop work orders until the roadway access is corrected.
8. Coordinate 9-1-1 addressing with Worcester County Department of Emergency Services (410) 632-1311.

### Specific Comments

1. **A fire hydrant shall be located within 100 feet of fire department connection for sprinkler system.**
2. Multifamily units shall be protected by an automatic sprinkler system. Plans shall be submitted and approved by this office prior to the installation of such system.
3. Provide the appropriate code compliant fire rated separation between units.
4. Complete set of building plans shall be submitted and approved prior to start of construction.
5. No further comments at this time.




**Worcester County**  
Department of Environmental Programs  
Natural Resources Division

## Memorandum

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**To:** Technical Review Committee

**From:** Jenelle Gerthoffer, Natural Resources Administrator 

**Subject:** Forest Conservation & Stormwater Management Review

**Date:** March 30, 2022

**Date of Meeting:** April 13, 2022

**Project:** Sea Oaks Village RPC Step I – Phase II

**Location:** Stephen Decatur Highway; Tax Map: 26; Parcel: 274

**Owner/Developer:** Sea Oaks Village, LLC

**Engineer:** Carpenter Engineering, LLC

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**This project is exempt from the Worcester County Forest Conservation Law per NR 1-403(b)(15).** The area of forested non-tidal wetland, including any regulated buffer, is greater than or equal to the area of reforestation and afforestation required. The Forestry Calculation sheet and summary of approved non-tidal wetland impacts must be included on all plans and plats to ensure that all stages of the project support this exemption. Furthermore, a voluntary easement is recommended for all remaining forested non-tidal wetlands. If changes are made, and reforestation/afforestation requirements are greater than the area of remaining forested non-tidal wetlands, compliance with the Forest Conservation Law will be required.

**This project is subject to the Worcester County Stormwater Ordinance.** The project has obtained Stormwater Concept Plan approval. Site Development Plan approval must be received prior to this project being reviewed by the Planning Commission. All projects with a limits of disturbance (LOD) over one acre shall be required to file for a General Permit/Notice of Intent (NOI) for construction activity through Maryland Department of Environment. This is mandated through the Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES). Any permits to be issued by Worcester County for disturbance that exceeds one acre will not be issued without NOI authorization being obtained prior to.

Attachment: Phasing Memo

**Citizens and Government Working Together**

WORCESTER COUNTY GOVERNMENT CENTER 1 WEST MARKET STREET, ROOM 1306 SNOW HILL, MARYLAND 21863  
TEL: 410-632-1220 FAX: 410-632-2012



DEPARTMENT OF  
ENVIRONMENTAL PROGRAMS


**Worcester County**

GOVERNMENT CENTER  
ONE WEST MARKET STREET, ROOM 1306  
SNOW HILL, MARYLAND 21863  
TEL: 410.632.1220 / FAX: 410.632.2012

LAND PRESERVATION PROGRAMS  
STORMWATER MANAGEMENT  
SEDIMENT AND EROSION CONTROL  
SHORELINE CONSTRUCTION  
AGRICULTURAL PRESERVATION  
ADVISORY BOARD

WELL & SEPTIC  
WATER & SEWER PLANNING  
PLUMBING & GAS  
CRITICAL AREAS  
FOREST CONSERVATION  
COMMUNITY HYGIENE

## MEMORANDUM

DATE: March 11, 2020  
TO: Applicant  
FROM: Jenelle Gerthoffer, Natural Resources Administrator   
SUBJECT: Stormwater/Sediment Erosion Control Plan/Permit

.....

Please note, if a Stormwater plan is approved by this office and does not include phasing, the corresponding permit can only receive Stormwater Final approval once all improvements are completed and the entire site is stabilized. This includes properties which have multiple Building or Zoning permits associated with the Stormwater plans. If a Stormwater Bond is required per the permit, the bond will only be released once a Stormwater Final approval takes place.

Additionally, if pervious pavement (i.e. asphalt, concrete) is proposed as a Stormwater Best Management Practice (BMP), an engineer will be required to ensure that this BMP is installed per the approved plan and the correct sequence is detailed on approved plans. Furthermore, all site disturbance must be stabilized prior to beginning the BMP installation process to avoid any contamination or performance issues. If components of the BMP become contaminated, excavation may be required. A detail/schematic must be site specific and reflect how associated sub drains are connected to piping and also illustrate all material being used in subgrade when using this BMP.

If you have any questions, please feel free to contact the Natural Resources Administrator, Jenelle Gerthoffer, at (410) 632-1220, ext. 1147.

## **STAFF REPORT**

### **REZONING CASE NO. 435**

**PROPERTY OWNER:** Henry Robinson  
316 West Street  
Berlin, MD 21811

**ATTORNEY:** Hugh Cropper, IV  
9927 Stephen Decatur Highway, F-12  
Ocean City, Maryland 21842

**TAX MAP/PARCEL INFO:** Tax Map 40 – Parcel 38 - Tax District 4

**SIZE:** The petitioned area is approximately 0.5 acre in size.

**LOCATION:** The petitioned area is located south of, but does not front on, Patey Woods Road. A 20-foot wide deeded right-of-way provides access from the property to Patey Woods Road, as the road is located approximately 400 feet to the north of the property. The subject property is located on the west side of Newark, approximately 1,600 feet west of Newark Road.

**CURRENT USE OF PETITIONED AREA:** The property is undeveloped and wooded.

**CURRENT ZONING CLASSIFICATION:** V-1 Village District.

As defined in the Zoning Code, the intent of this district is to protect and preserve the unique mixed use character and historical charm of the existing crossroads villages of the County. New development within this district should be of an appropriate scale and use so as to be compatible with the existing pattern of development. In addition, new development is intended to be channeled into effective service areas to permit the efficient provision of public services.

**REQUESTED ZONING CLASSIFICATION:** A-1 Agricultural District.

As defined in the Zoning Code, the intent of this district is to preserve, encourage and protect the County's farms and forestry operations and their economic productivity and to ensure that agricultural and forestry enterprises will continue to have the necessary flexibility to adjust their production as economic conditions change. The Code also states, in part, that this district is also intended to protect the land base resources for the County's agricultural and forestry industries from the disruptive effects of major subdivision or nonagricultural commercialization.

**APPLICANT'S BASIS FOR REZONING:** The application indicates the basis for the rezoning is a mistake in the existing V-1 zoning.

The application also states that the Applicant intends to place a "small" mobile (manufactured) home on the property, and the application states this use is not permitted in the V-1 District. To

clarify, a manufactured home is allowed as a Permitted Use in the V-1 District, provided the structure meets certain standards as listed in Section 1-314(b), which include a minimum gross floor area of 1,000 s.f.; a minimum depth of 20' for the manufactured home; a minimum roof pitch of 5/12; and a minimum 12" roof overhang, among other items. Double-wide manufactured homes can meet these standards, but single-wides typically cannot.

A comparison of the lot requirements for dwellings (single-family and manufactured homes) in the A-1 and V-1 Districts is shown below. The parcel meets the lot size and lot width requirements of the V-1 District. If the rezoning to A-1 is approved, the parcel will become nonconforming in terms of required lot size and width.

#### **LOT STANDARDS FOR DWELLINGS IN THE A-1 AND V-1 DISTRICTS**

| <b>STANDARD</b>    | <b>A-1</b>         | <b>V-1</b>         | <b>SUBJECT PROPERTY</b> |
|--------------------|--------------------|--------------------|-------------------------|
| Lot Size           | 40,000 s.f. (Min.) | 10,000 s.f. (Min.) | 21,978 s.f. (Deed)      |
| Lot Width          | 200'               | 80'                | 111' (Deed)             |
| Front Yard Setback | 35'                | 25'                | ---                     |
| Side Yard Setback  | 20' Each           | 8' Each            | ---                     |
| Rear Yard Setback  | 50'                | 30'                | ---                     |

**ZONING HISTORY:** At the time zoning was first established in the 1960's, the petitioned area was given an A-1 Agricultural District classification. The A-1 zoning remained in place during the 1978 and 1992 comprehensive rezonings. During the 2009 comprehensive rezoning, the property was zoned V-1 Village District.

**SURROUNDING ZONING:** Adjoining properties to the west are zoned A-1, and adjacent properties on the north, east and south are zoned V-1. Across Patey Woods Road to the east is I-1 Light Industrial zoning.

**COMPREHENSIVE PLAN:** The County's Comprehensive Plan was adopted by the County Commissioners on March 7, 2006, and is intended to be a general guide for future development in the County. Whether a proposed rezoning is compatible with the recommendations of the Comprehensive Plan is one of the criteria that must be considered in all rezoning requests, as listed in Section 1-113(c)3 of the Zoning Ordinance and as summarized at the end of this Staff Report.

According to Chapter 2 – Land Use of the Comprehensive Plan and associated land use map, the petitioned area lies within the Village Use Category, as are adjoining properties on the west, north and east. However, adjoining properties to the south are in the Agriculture Land Use

Category. The Land Use Plan's recommended land uses correspond with the zoning of these properties. With regard to the Village Land Use Category, the Comprehensive Plan states the following:

"[The Village] category is a special case of an Existing Developed Area. It designates traditional villages that serve as rural centers. Their character should be retained, so they are planned for infill and only limited expansion. Villages are not growth areas. Such areas are not planned for sanitary services or average densities of greater than one unit per acre. Any additional development should be of very limited scope." (Page 14)

Pertinent objectives cited in Chapter 2 – Land Use state the following:

2. Continue the dominance of agriculture and forestry uses throughout the county's less developed regions.
3. Maintain the character of the county's existing population centers.
4. Provide for appropriate residential, commercial, institutional, and industrial uses.
5. Locate new development in or near existing population centers and within planned growth centers.
6. Infill existing population centers without overwhelming their existing character.
8. Regulate development to minimize consumption of land, while continuing the county's rural and coastal character.
9. Minimize conflicts among land uses due to noise, smoke, dust, odors, lighting, and heavy traffic.
19. Limit rural development to uses compatible with agriculture and forestry.

(Pages 12, 13)

In Chapter 7 – Transportation, the Comprehensive Plan states that "the county's rural road system continues to have an excellent service record. Local car and truck traffic share this system with farm machinery. On-going maintenance will remain the primary need for these roads. Due to their configuration, rural roads within this plan's growth areas will require improvements to handle the expected additional traffic." (Page 80)

In this same chapter, under the heading General Recommendations – Roadways, it states the following (pages 87, 88):

1. Acceptable Levels of Service - It is this plan's policy that the minimal acceptable level of service for all roadways be LOS C. Developers shall be responsible for maintaining this standard.
2. Rural Roadways - Institute access controls for rural roads if their LOS drops below B for daily peak traffic.

13. Road Widening – Adequate right-of-way should be dedicated for roads anticipated for widening during the development review process.

**WATER AND WASTEWATER:** According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the property is not included within the Newark Sanitary Service Area and has a designation of a Sewer Service Category of S-6 (No Planned Service) in the Master Water and Sewerage Plan.

The soil type on the petitioned area according to the Worcester County Soil Survey is as follows:

Ot – Othello silt loam, severe limitations to on-site wastewater disposal

Soils on the property are hydric and are generally poorly drained.

**EMERGENCY SERVICES:** Fire and ambulance service are available from the Newark Volunteer Fire Company, located less than one-half away. The Fire Chief responded that they had no objections to the proposed rezoning. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately 10 miles away, and the Worcester County Sheriff's Office in Snow Hill, approximately nine miles away. The Sheriff's Office responded that they had no comments, and no comments were received from the Maryland State Police Barracks.

**ROADWAYS AND TRANSPORTATION:** The petitioned area fronts on Patey Woods Road, a County maintained road with a 30-foot wide ROW. No comments were received from the State Highway Administration or the County Roads Department.

**SCHOOLS:** The petitioned area is within Zone 4 of the Worcester County Public School Zones and is served by the following schools: Snow Hill Elementary School, Snow Hill Middle School, and Snow Hill High School. No comments were received from the Worcester County Board of Education (WCBOE).

**CHESAPEAKE/ ATLANTIC COASTAL BAYS CRITICAL AREAS:** Mr. Mitchell also notes in his memorandum that the petitioned area is not located within the Atlantic Coastal Bays Critical Area (ACBCA).

In addition, although located outside of the ACBCA, this property will also not be subject to the Forest Conservation Law (FCL) as the property is less than 40,000 s.f. in size.

**FLOOD ZONE:** The FEMA FIRM map (24047C0145H, effective July 16, 2015) indicates that this property is located in Zone X (Area of Minimal Flood Hazard).

**PRIORITY FUNDING AREA (PFA):** The petitioned area is within a PFA Comment Area.

**INCORPORATED TOWNS:** This site is not within one mile of any incorporated town. Both Berlin and Snow Hill are located approximately eight miles from the property.



**ADDITIONAL COMMENTS RECEIVED: N/A.**

**!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!IMPORTANT!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!**

**THE PLANNING COMMISSION MUST MAKE FINDINGS OF FACT IN EACH SPECIFIC CASE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING MATTERS:**

1. What is the applicant's definition of the neighborhood in which the subject property is located? (Not applicable if request is based solely on a claim of mistake in existing zoning.)
2. Does the Planning Commission concur with the applicant's definition of the neighborhood? If not, how does the Planning Commission define the neighborhood?
3. Relating to population change.
4. Relating to availability of public facilities.
5. Relating to present and future transportation patterns.
6. Relating to compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact on waters included on the State's impaired waters list or having an established total maximum daily load requirement.
7. Relating to compatibility with the Comprehensive Plan.
8. Has there been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property (November 3, 2009) or is there a mistake in the existing zoning of the property?
9. Would a change in zoning be more desirable in terms of the objectives of the Comprehensive Plan?



**Worcester County**  
Department of Environmental Programs

## Memorandum

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**To:** Gary Pusey, Deputy Director, DDRP

**From:** Robert J. Mitchell, LEHS, REHS/RS  
Director, Environmental Programs

**Subject:** **EP Staff Comments on Rezoning Case No. 435**  
Worcester County Tax Map 40, Parcel 38  
0.5 Acres  
V-1 Village District to A-1 Agricultural District

**Date:** 3/22/22

---

This response to your request for comments is prepared for the map amendment application associated with the above referenced properties. The Worcester County *Zoning and Subdivision Control Article*, Section ZS1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning of the property or that a mistake has been made in the existing zoning classification. The application argues a mistake occurred in the November 3, 2009 Comprehensive Rezoning. The Code requires that the Commissioners find that the proposed "change in zoning" would be more desirable in terms of the objectives of the *Comprehensive Plan*.

1. The subject property has a designation of Sewer Service Category S-6 (No planned service) in the *Master Water and Sewerage Plan*. The property was not included within the Newark Sanitary Service Area.
2. This proposed rezoning is proposed for a portions of the property located in an area outside the ACBCA. That area will be not be subject to the Forest Conservation Law (FCL) per NR 1-403(s) and the property is less than 40,000 square feet in size.

If you have any questions on these comments, please do not hesitate to contact me.



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

**Worcester County**

GOVERNMENT CENTER  
ONE WEST MARKET STREET, ROOM 1201  
SNOW HILL, MARYLAND 21863

TEL: 410-632-1200 / FAX: 410-632-3008

<http://www.co.worcester.md.us/departments/drp>

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICE DIVISION

## MEMO

**TO:** Robert Mitchell, Director, Worcester County Environmental Programs  
Billy Birch, Director, Worcester County Emergency Services  
Matthew Crisafulli, Sheriff, Worcester County Sheriff's Office  
Dallas Baker, P.E., Director, Worcester County Public Works Department  
Chris Classing, P.E., Deputy Director, Worcester County Public Works Department  
Kevin Lynch, Roads Superintendent, Worcester County Public Works Department  
Matt Owens, Fire Marshal, Worcester County Fire Marshal's Office  
Melanie Pursel, Director of Tourism & Economic Development  
Louis H. Taylor, Superintendent, Worcester County Board of Education  
James Meredith, District Engineer, Maryland State Highway Administration  
Lt. Earl W. Starnes, Commander, Barracks V, Maryland State Police  
Rebecca L. Jones, Health Officer, Worcester County Health Department  
Luke Marcek, Project Manager, Maryland Forest Service  
Nelson D. Brice, District Conservationist, Worcester County Natural Resources Conservation Service  
Steve Orth, Fire Chief, Newark Volunteer Fire Department

**FROM:** Gary Pusey, Deputy Director *GP*

**DATE:** February 10, 2022

**RE:** Rezoning Case No. 435- Henry Robinson, Property Owner and Hugh Cropper, IV, Attorney-  
South Side of Patey Woods Road

\*\*\*\*\*

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application on April 7, 2022. This application seeks to rezone approximately .5 acres of land shown on Tax Map 40 as Parcel 38, from V-1 Village District to A-1 Agricultural District. Uses allowed in the District include, but are not limited to, Agriculture, including feeding lots, dairy barns, stables, agricultural lagoons, hog houses, and noncommercial grain dryers, etc.

*Citizens and Government Working Together*

Worcester County Commissioners  
Worcester County Government Center  
One W. Market Street, Room 1103  
Snow Hill, Maryland 21863

PLEASE TYPE  
OR PRINT IN  
INK

**APPLICATION FOR AMENDMENT OF OFFICIAL ZONING MAP**

(Office Use One - Please Do Not Write In This Space)

Rezoning Case No. 435

Date Received by Office of County Commissioners: \_\_\_\_\_

Date Received by Development, Review and Permitting: 1/28/2022

Date Reviewed by Planning Commission: \_\_\_\_\_

I. Application

Proposals for amendment of the Official Zoning Maps may be made only by a governmental agency or by the property owner, contract purchaser, option holder, leasee, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. \_\_\_\_\_ Governmental Agency  
B. \_\_\_\_\_ Property Owner  
C. \_\_\_\_\_ Contract Purchaser  
D. \_\_\_\_\_ Option Holder  
E. \_\_\_\_\_ Leasee  
F. XXX Attorney for B (Insert A, B, C, D, or E)  
G. \_\_\_\_\_ Agent of \_\_\_\_\_ (Insert A, B, C, D, or E)

II. Legal Description of Property

- A. Tax Map/Zoning Map Number(s): 40  
B. Parcel Number(s): 38  
C. Lot Number(s), if applicable: \_\_\_\_\_  
D. Tax District Number: 04

III. Physical Description of Property

- A. Located on the South side of Patey Woods Road.  
B. Consisting of a total of .5 acres of land.  
C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area:

- 
- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and such other information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): V-1, Village District  
(Name and Zoning District)
- B. Acreage of zoning classification(s) in "A" above: .5
- C. Requested zoning classification(s): A-1 Agricultural District  
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: .5

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- A. Please list reasons or other information as to why the rezoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:


**This rezoning is based upon a mistake. A more detailed summary is attached.**

IV. Filing Information and Required Signatures


- A. Every application shall contain the following information:
1. If the application is made by a person other than the property owner, the application shall be co-signed by the property owner or the property owner's attorney.

2. If the applicant is a corporation, the names and mailing addresses of the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of all partners who own more than 20 percent of the interest of the partnership.
4. If the applicant is an individual, his/her name and mailing address.
5. If the applicant is a joint venture, unincorporated association, real estate investment trust or other business trust, the names and mailing addresses of all persons holding an interest of more than 20 percent in the joint venture, unincorporated association, real estate investment trust or other business trust.

B. Signature of Applicant in Accordance with VI.A. above.

Signature:   
Printed Name of Applicant: \_\_\_\_\_  
Hugh Cropper, IV, Attorney for Property Owner  
Mailing Address: 9923 Stephen Decatur Hwy., D-2, Ocean City,  
MD 21842 Phone Number: 410-4213-2681  
E-Mail: hcropper@bbcmllaw.com  
Date: January 2022

C. Signature of Property Owner in Accordance with VI.A. above

Signature:  attorney  
Printed Name of Owner: \_\_\_\_\_  
Henry Robinson  
Mailing Address: 318 West Street, Berlin, MD 21811  
Phone Number: 443-754-5651  
E-Mail: 1930vlhd@gmail.com  
Date: January 2022

(Please use additional pages and attach to application if more space is required.)

VII. General Information Relating to the Rezoning Process

- A. Applications shall only be accepted from January 1<sup>st</sup> to January 31<sup>st</sup>, May 1<sup>st</sup> to May 31<sup>st</sup>, and September 1<sup>st</sup> to September 30<sup>th</sup> of

any calendar year.

- B. Applications for map amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- C. Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for the purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.

The Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within 90 days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners.

After receiving the recommendation of the Planning Commission concerning any such amendment, and before adopting or denying same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing.

- D. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Commissioners shall make findings of fact in each specific case including but not limited to the following matters:

population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development and existing environmental conditions for the area, including no adverse impact on waters included on the State's Impaired Waters List or having an established total maximum daily load requirement, the recommendation of the Planning Commission, and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that (a) there a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) there is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive

**Plan.**

**The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth above shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.**

- E. No application for map amendment shall be accepted for filing by the office of the County Commissioners if the application is for the reclassification of the whole or any part of the land for which the County Commissioners have denied reclassification within the previous 12 months as measured from the date of the County Commissioners' vote of denial. However, the County Commissioners may grant reasonable continuance for good cause or may allow the applicant to withdraw an application for map amendment at any time, provided that if the request for withdrawal is made after publication of the notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of such withdrawal, unless the County Commissioners specify by formal resolution that the time limitation shall not apply.**



## **ATTACHMENT IN SUPPORT OF REZONING APPLICATION**

This application for a Rezoning Map Amendment is based upon a mistake in the November 3, 2009 Comprehensive Rezoning.

The subject property is 19,432 square feet, more or less, by virtue of a 2005 survey. It abuts property zoned A-1, Agricultural District, and V-1, Village District. It is located approximately 430 feet from Patey Woods Road, the nearest County Road.

The purpose and intent of the V-1 Village District is to protect and preserve the unique mixed use character and historical charm of the existing crossroads of the villages of the County. Unfortunately, during the November 3, 2009 Comprehensive Rezoning, the County Commissioners cast their net a little too far, and encompassed this agricultural property.

Because it is located over 400 feet from the road, it is really not part of the village of Newark. There are neither adjacent structures, nor adjacent conditions, that make this a village property. Instead, it is just like the hundreds of other agricultural properties in the County.

In the Village District, new development is intended to be channeled into effective "Service Areas" to permit the efficient provision of public services. The term "Service Areas" is not defined by the Zoning Code, but presumably this means areas providing public utilities, such as water and sewer. There is no provision of water or sewer to this property.

Moreover, the Village District is inappropriate for this property because it actually provides for too many uses. For example, professional offices,

restaurants, and fuel sales are permitted by special exception. This is an agricultural property, and those uses should not be permitted, even by special exception.

The property owner is desirous of placing a small mobile home on the property, which is precluded by the V-1, Village District.

The property should be zoned A-1, Agricultural District.

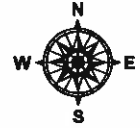
Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'H. Cropper IV', written over a horizontal line.

Hugh Cropper IV  
Attorney for Henry Robinson, Owner

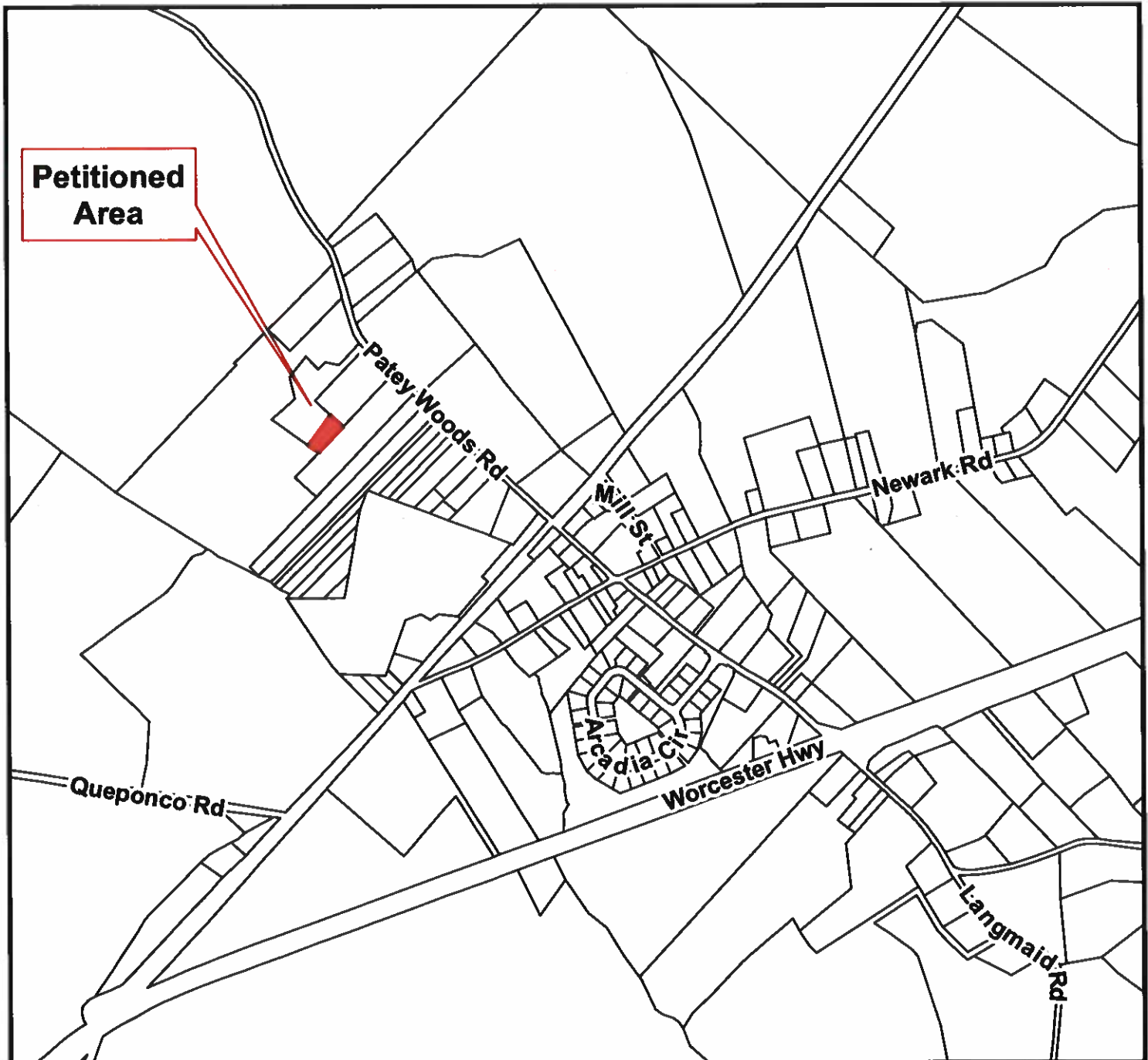


# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 435  
V-1 Village District to A-1 Agricultural District  
Tax Map: 40, Parcel 38

## LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared February 2022

Source: Worcester County GIS Data Layers: 2019 Aerial Imagery  
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

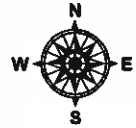
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Feet

Drawn By: KLH Reviewed By: GP



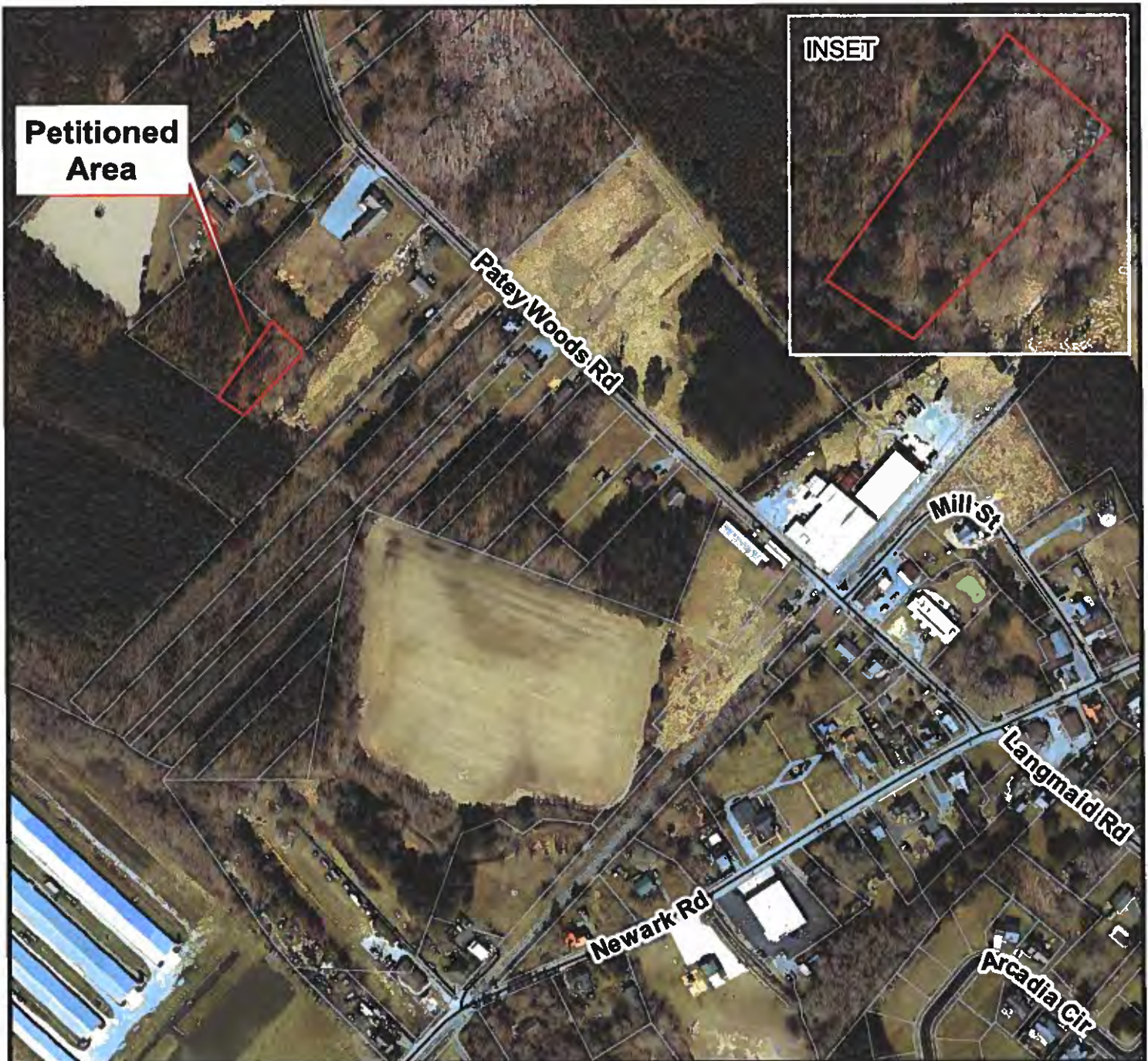


# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 435  
V-1 Village District to A-1 Agricultural District  
Tax Map: 40, Parcel 38

## AERIAL MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared February 2022

Source: Worcester County GIS Data Layers: 2019 Aerial Imagery

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

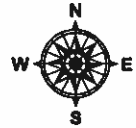
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Feet

Drawn By: KLH Reviewed By: GP



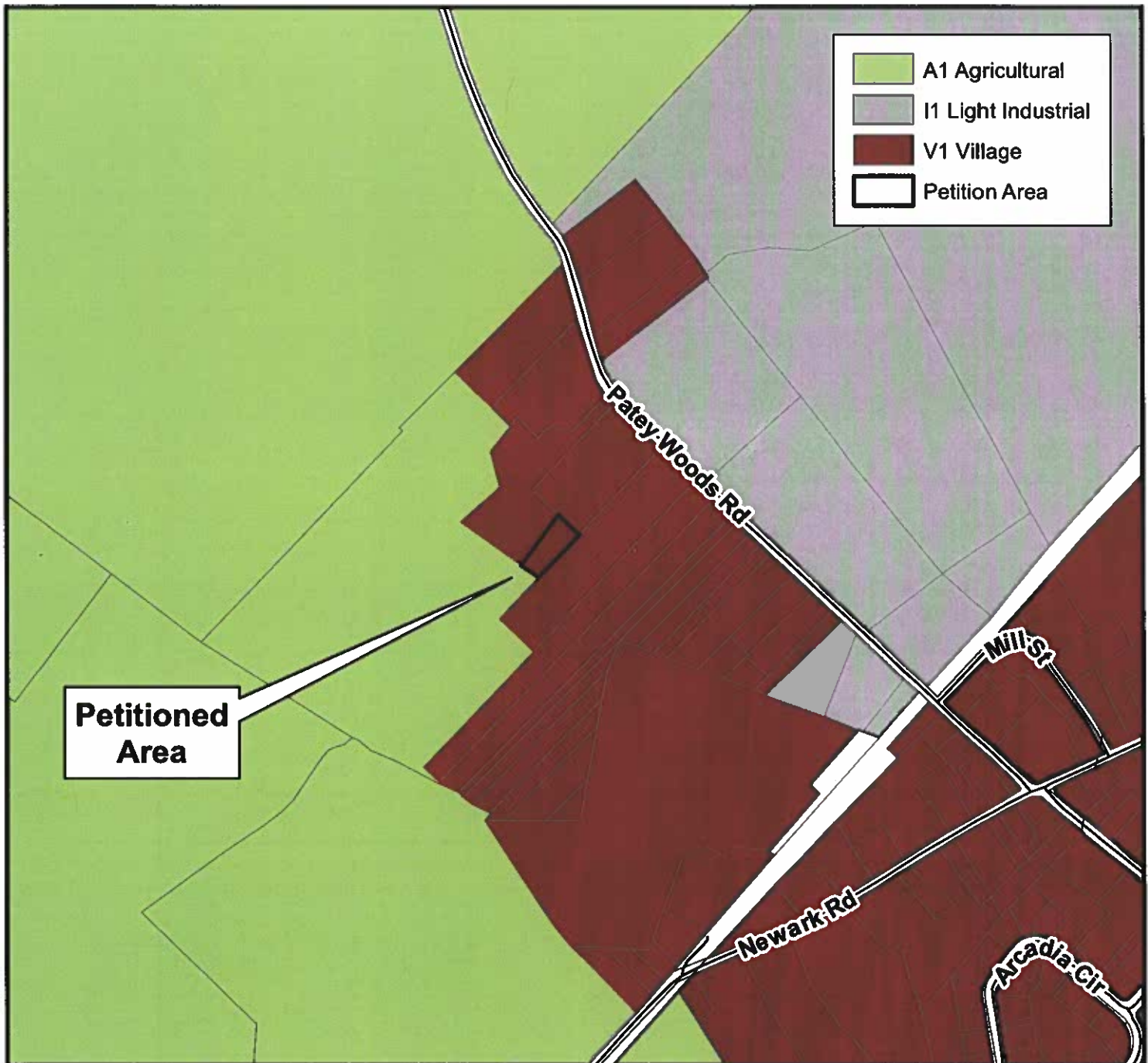


# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 435  
V-1 Village District to A-1 Agricultural District  
Tax Map: 40, Parcel 38

## ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared February 2022

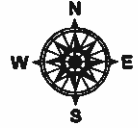
Source: 2009 Official Zoning District Map

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP

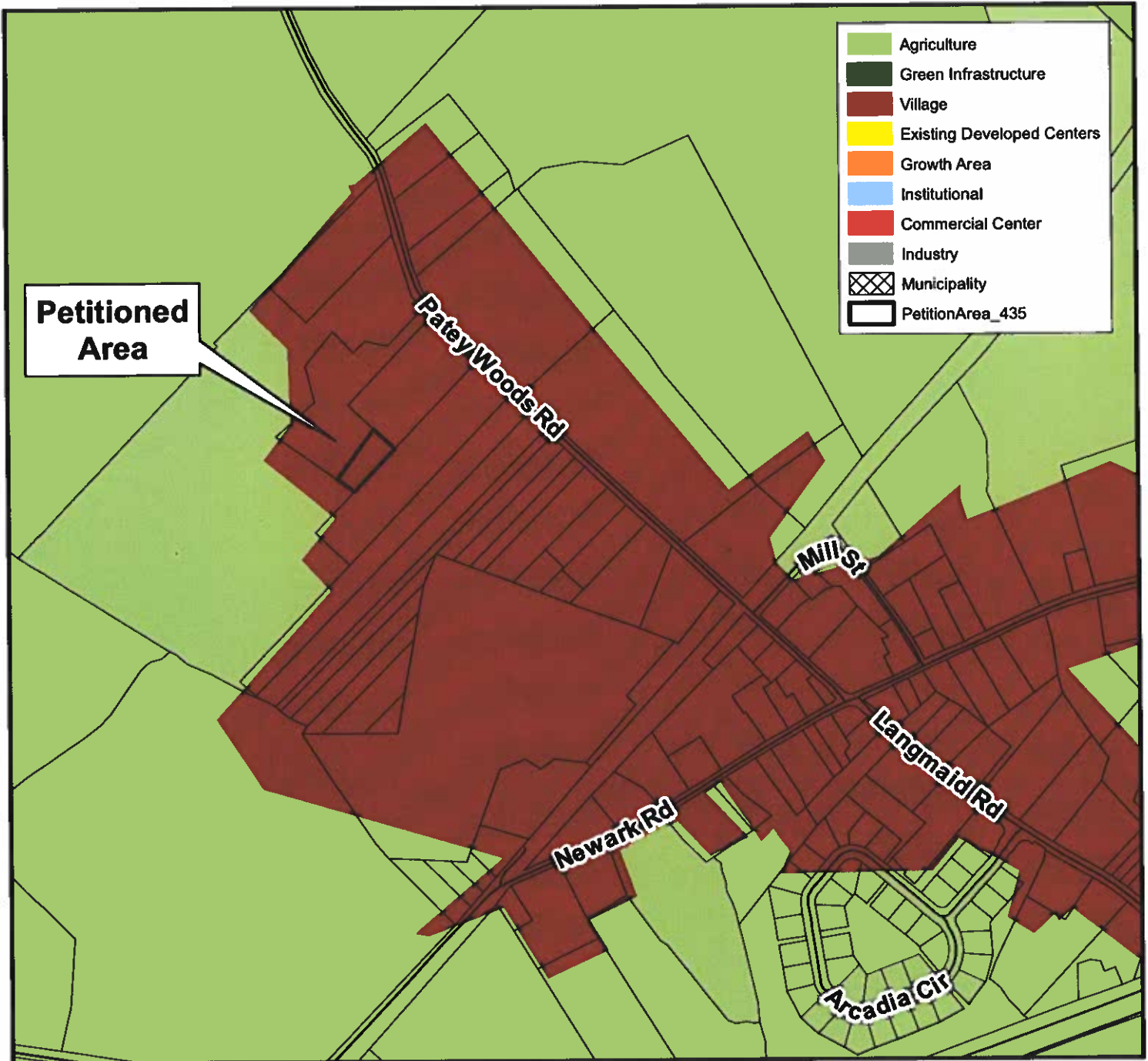


# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 435  
V-1 Village District to A-1 Agricultural District  
Tax Map: 40, Parcel 38

## LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared February 2022

Source: 2006 Land Use Plan

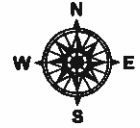
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP



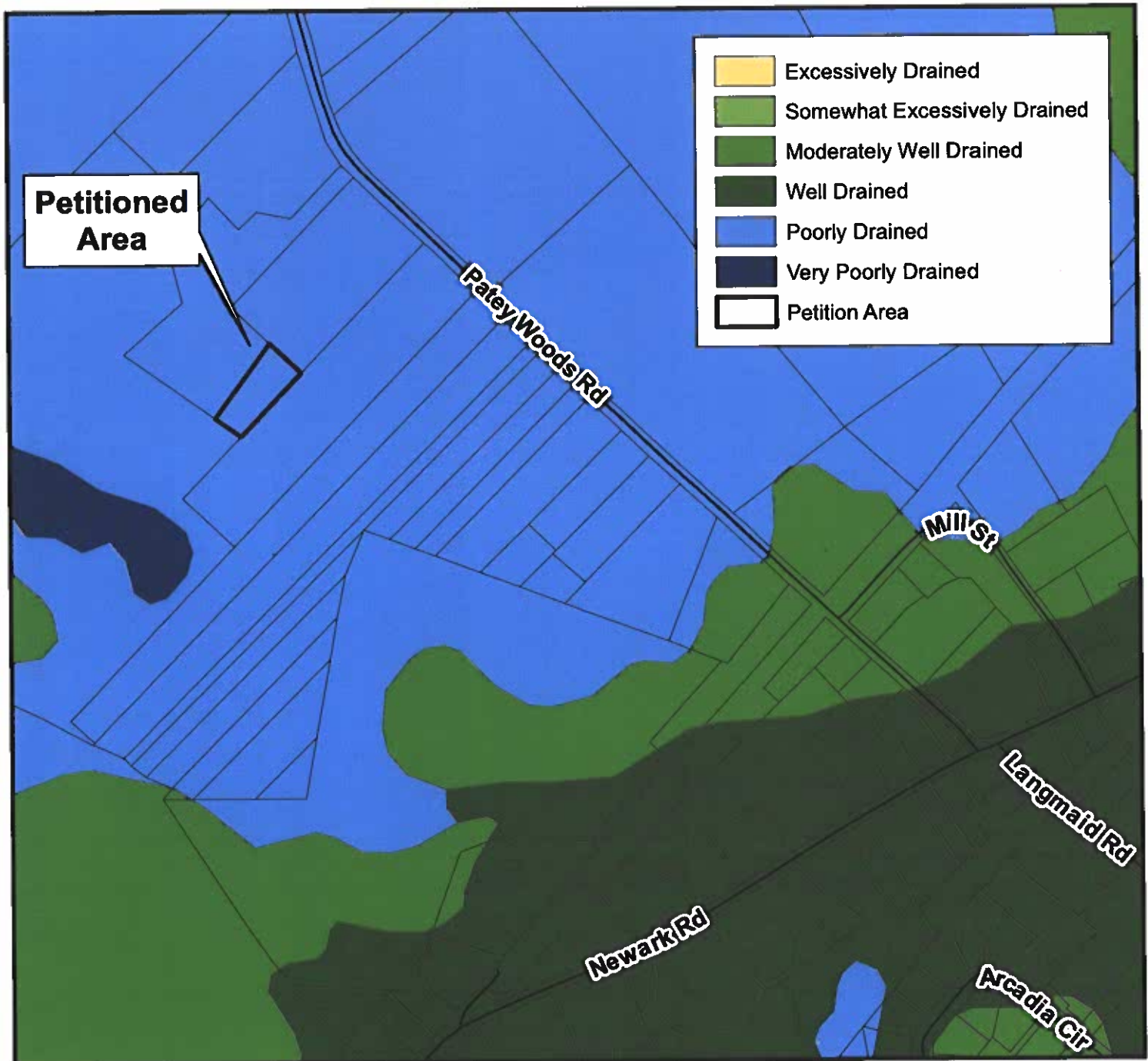


# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 435  
V-1 Village District to A-1 Agricultural District  
Tax Map: 40, Parcel 38

## SOIL SURVEY MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared February 2022

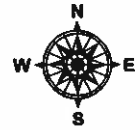
Source: 2007 Soil Survey

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP

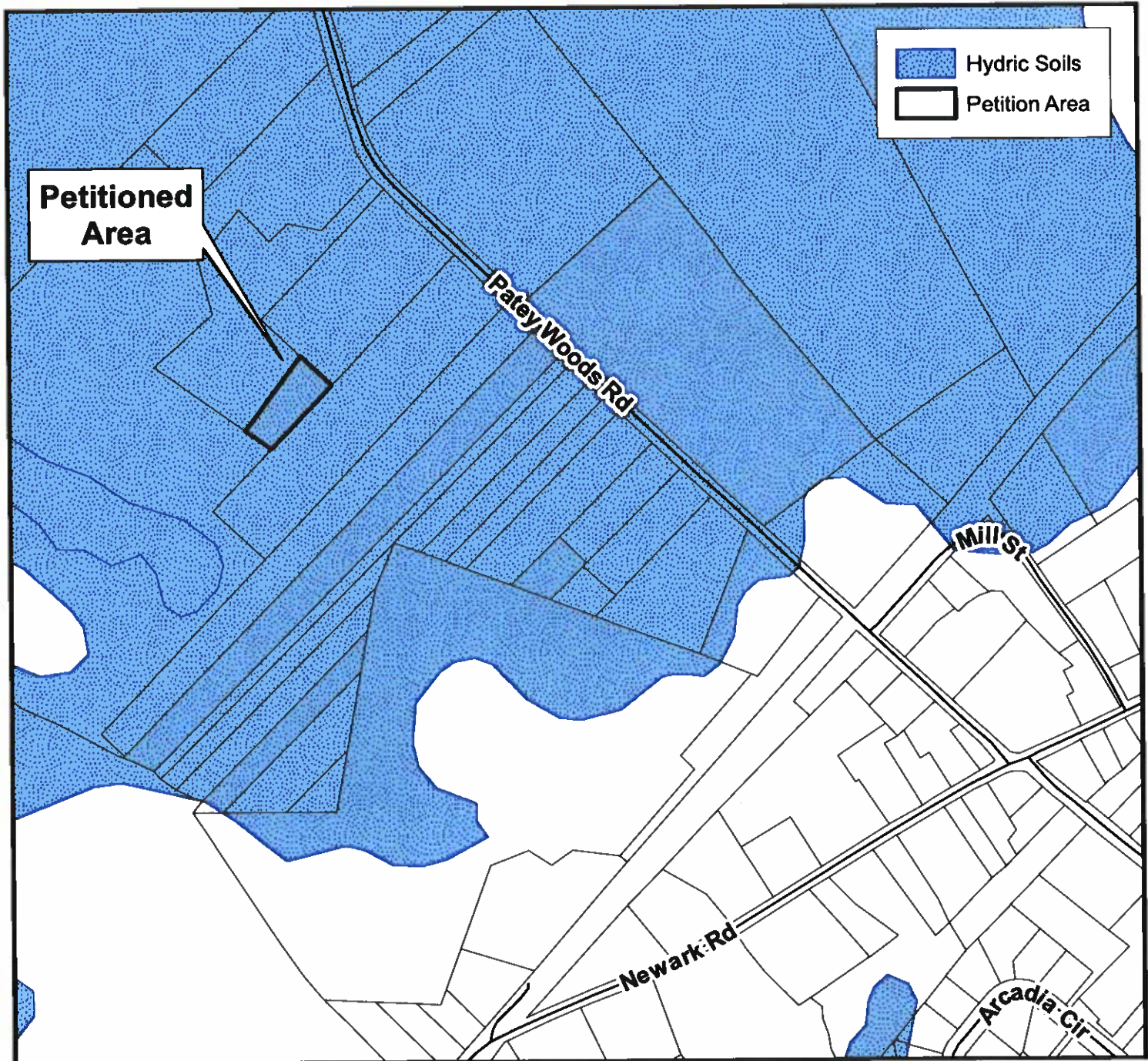


# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 435  
V-1 Village District to A-1 Agricultural District  
Tax Map: 40, Parcel 38

## HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared February 2022

Source: 2007 Soil Survey

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: GP



**Worcester County Commissioners  
Worcester County Government Center  
One W. Market Street, Room 1103  
Snow Hill, Maryland 21863**

PLEASE TYPE  
OR PRINT IN  
INK

**APPLICATION FOR AMENDMENT OF OFFICIAL ZONING MAP**

(Office Use One - Please Do Not Write In This Space)

Rezoning Case No. \_\_\_\_\_

Date Received by Office of County Commissioners: \_\_\_\_\_

Date Received by Development, Review and Permitting: \_\_\_\_\_

Date Reviewed by Planning Commission: \_\_\_\_\_

**I. Application**

Proposals for amendment of the Official Zoning Maps may be made only by a governmental agency or by the property owner, contract purchaser, option holder, leasee, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. \_\_\_\_\_ Governmental Agency
- B. \_\_\_\_\_ Property Owner
- C. \_\_\_\_\_ Contract Purchaser
- D. \_\_\_\_\_ Option Holder
- E. \_\_\_\_\_ Leasee
- F. XXX Attorney for B (Insert A, B, C, D, or E)
- G. \_\_\_\_\_ Agent of \_\_\_\_\_ (Insert A, B, C, D, or E)

**II. Legal Description of Property**

- A. Tax Map/Zoning Map Number(s): 40
- B. Parcel Number(s): 38
- C. Lot Number(s), if applicable: \_\_\_\_\_
- D. Tax District Number: 04

**III. Physical Description of Property**

- A. Located on the South side of Patey Woods Road.
- B. Consisting of a total of .5 acres of land.
- C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area:

- 
- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and such other information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): **V-1, Village District**  
(Name and Zoning District)
- B. Acreage of zoning classification(s) in "A" above: .5
- C. Requested zoning classification(s): **A-1 Agricultural District**  
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: .5

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- A. Please list reasons or other information as to why the rezoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:


**This rezoning is based upon a mistake. A more detailed summary is attached.**

IV. Filing Information and Required Signatures

- A. Every application shall contain the following information:
1. If the application is made by a person other than the property owner, the application shall be co-signed by the property owner or the property owner's attorney.

2. If the applicant is a corporation, the names and mailing addresses of the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of all partners who own more than 20 percent of the interest of the partnership.
4. If the applicant is an individual, his/her name and mailing address.
5. If the applicant is a joint venture, unincorporated association, real estate investment trust or other business trust, the names and mailing addresses of all persons holding an interest of more than 20 percent in the joint venture, unincorporated association, real estate investment trust or other business trust.

B. Signature of Applicant in Accordance with VI.A. above.

Signature:   
Printed Name of Applicant: Hugh Cropper, IV, Attorney for Property Owner  
Mailing Address: 9923 Stephen Decatur Hwy., D-2, Ocean City,  
MD 21842 Phone Number: 410-4213-2681  
E-Mail: hcropper@bbcmlaw.com  
Date: January 2022

C. Signature of Property Owner in Accordance with VI.A. above

Signature:   
Printed Name of Owner: Henry Robinson  
Mailing Address: 318 West Street, Berlin, MD 21811  
Phone Number: 443-754-5651  
E-Mail: 1930vlhd@gmail.com  
Date: January 2022

(Please use additional pages and attach to application if more space is required.)

VII. General Information Relating to the Rezoning Process

- A. Applications shall only be accepted from January 1<sup>st</sup> to January 31<sup>st</sup>, May 1<sup>st</sup> to May 31<sup>st</sup>, and September 1<sup>st</sup> to September 30<sup>th</sup> of

any calendar year.

- B. Applications for map amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- C. Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for the purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.

The Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within 90 days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners.

After receiving the recommendation of the Planning Commission concerning any such amendment, and before adopting or denying same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing.

- D. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Commissioners shall make findings of fact in each specific case including but not limited to the following matters:

population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development and existing environmental conditions for the area, including no adverse impact on waters included on the State's Impaired Waters List or having an established total maximum daily load requirement, the recommendation of the Planning Commission, and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that (a) there a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) there is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive

Plan.

The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth above shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.

- E. No application for map amendment shall be accepted for filing by the office of the County Commissioners if the application is for the reclassification of the whole or any part of the land for which the County Commissioners have denied reclassification within the previous 12 months as measured from the date of the County Commissioners' vote of denial. However, the County Commissioners may grant reasonable continuance for good cause or may allow the applicant to withdraw an application for map amendment at any time, provided that if the request for withdrawal is made after publication of the notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of such withdrawal, unless the County Commissioners specify by formal resolution that the time limitation shall not apply.

## **ATTACHMENT IN SUPPORT OF REZONING APPLICATION**

This application for a Rezoning Map Amendment is based upon a mistake in the November 3, 2009 Comprehensive Rezoning.

The subject property is 19,432 square feet, more or less, by virtue of a 2005 survey. It abuts property zoned A-1, Agricultural District, and V-1, Village District. It is located approximately 430 feet from Patey Woods Road, the nearest County Road.

The purpose and intent of the V-1 Village District is to protect and preserve the unique mixed use character and historical charm of the existing crossroads of the villages of the County. Unfortunately, during the November 3, 2009 Comprehensive Rezoning, the County Commissioners cast their net a little too far, and encompassed this agricultural property.

Because it is located over 400 feet from the road, it is really not part of the village of Newark. There are neither adjacent structures, nor adjacent conditions, that make this a village property. Instead, it is just like the hundreds of other agricultural properties in the County.

In the Village District, new development is intended to be channeled into effective "Service Areas" to permit the efficient provision of public services. The term "Service Areas" is not defined by the Zoning Code, but presumably this means areas providing public utilities, such as water and sewer. There is no provision of water or sewer to this property.

Moreover, the Village District is inappropriate for this property because it actually provides for **too many** uses. For example, professional offices,

restaurants, and fuel sales are permitted by special exception. This is an agricultural property, and those uses should not be permitted, even by special exception.

The property owner is desirous of placing a small mobile home on the property, which is precluded by the V-1, Village District.

The property should be zoned A-1, Agricultural District.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Hugh Cropper IV", is written over a horizontal line.

Hugh Cropper IV  
Attorney for Henry Robinson, Owner



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

**Worcester County**

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ZONING DIVISION  
BUILDING DIVISION  
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Worcester County Planning Commission  
From: Gary Pusey, Deputy Director *GP*  
Date: March 28, 2022  
Re: Text Amendment Application – §ZS 1-343 Antennas, Towers and Telecommunications Uses to add a new §ZS 1-343(b)(2)B1(iii) to allow a separation distance of less than 1,000' between a telecommunications tower and an existing or permitted residential structure on an adjacent family-owned parcel

\*\*\*\*\*

On behalf of Joshua Kurtz, a county resident and property owner, Arcola Towers LLC and its attorney Sean P. Hughes have submitted a text amendment application to reduce the required 1,000' separation distance between a cell tower and an existing or permitted residence on an adjacent property, provided both properties are owned by family members, and subject to other conditions. (See the attached application.)

Currently, the Code allows the 1,000' separation distance to be reduced to 500' in two other situations (one for an existing nonconforming tower and the second for a tower along a high demand transportation corridor), and this proposed amendment would add family ownership of an existing or permitted residence on an adjacent parcel as a third situation, provided certain conditions are met.

Following our customary practice, once the text amendment application was received, it was reviewed by Jennifer Keener, Director; Kristen Tremblay, Zoning Administrator; Roscoe Leslie, County Attorney and Planning Commission Attorney; and myself for comment. Staff comments relative to this request are attached and are summarized in the "Discussion" section below.

As is the case with all text amendment applications, the Planning Commission reviews the request and makes a recommendation to the County Commissioners. If at least one member of the County Commissioners is willing to introduce the amendment as a bill, then a Public Hearing date will be set for the Commissioners to obtain public input prior to acting on the request.



## DISCUSSION

Specific development standards for telecommunication (cell) towers are contained in Section 1-343 of the Zoning Ordinance. Included in the standards are setback requirements from property lines and minimum "separation distances" that are in addition to the setbacks. These separation distances are between a tower and specific uses, and are as follows:

1. 1,000' from an existing or permitted residential structure on an adjacent parcel;
2. 2,000' from existing or permitted schools, day-care centers, nursing homes and long-term care facilities;
3. 5,000' from any property designated on the National Historic Register; and
4. A distance based on the setback requirements to any easement line of any overhead utility.

The separation distances listed above do not apply if a tower is less than 200' in height and is camouflaged.

The Code allows the 1,000' separation distance from an existing or permitted residential structure to be reduced to 500' in two instances:

1. By Special Exception from the Board of Zoning Appeals (BZA) within a high-demand transportation corridor, defined as a state highway with an annual average daily traffic volume of at least 10,000 trips per day; and
2. By Special Exception from the BZA on a property with an existing nonconforming telecommunication facility.

The amendment proposed by this application would add a third situation that addresses family ownership in the Agricultural Districts, under the following conditions:

1. A Special Exception from the BZA must be obtained;
2. The separation distance can be no less than 500';
3. The properties must be in either the A-1 or A-2 District;
4. Owners of the properties must be "immediate family" as defined in the Code (see definition of "family or housekeeping unit" from the Code, which defines who qualifies as "immediate family"); and
5. The property owner with the existing or permitted residence must sign an affidavit agreeing to the reduced separation distance.

The Code restricts "immediate family" to children, grandchildren and great-grandchildren, parents, grandparents and great-grandparents and their husbands or wives and children and to brothers and sisters and their husbands, wives and children.

As noted in the attached application, the reasons put forth by the Applicant for requesting this text change are as follows:

1. Rural and agricultural areas are often underserved by robust broadband and wireless services so tower development in these areas should be encouraged where possible.
2. Small parcels of farmland are often divided from a larger family farm and given to family members, which means family residences are close to the family farm.
3. To maintain usable farmland without impacting operations, the most logical and least disruptive tower location will often be near the edge of a large farm, close enough to meet tower setbacks from property lines.
4. This placement can put the tower within the 1,000' separation distance to residential structures, even though those structures may be owned by the same family, or even the same person, as the farmland hosting the tower. However, it still provides the 1,000' separation distance requirement to all non-family-owned adjacent residences.
5. The ability for family members who own the adjacent residences to acknowledge and waive the separation distance to less than 1,000' (but not less than 500') allows the farming family to determine which location least impacts their farming operations while allowing wireless services to be brought into the area.
6. This also provides an additional revenue stream resource for farming families in agricultural areas.

Staff's review indicated concerns with this application as proposed. The Director notes that the Code currently provides significant relief to both the setbacks and the separation distances for towers less than 200' in height if they are concealed, without needing to obtain a special exception or a variance. This indicates that these Code requirements, and the separation distance requirement in particular, also serve an aesthetic purpose and concealment is a method to achieve this goal.

The Director also notes concerns that the proposed amendment does not address if a tower can comply with the Code's separation distances as written, whether the tower can be concealed, or whether there is a unique condition that exists on the property that would justify a reduction in the separation distance. Instead, the proposed amendment creates a new standard based upon the discretionary decision of a family member who owns a residence on an adjoining parcel, and the Director points out that this type of approval does not currently exist anywhere in the zoning ordinance and if allowed in this case could create a precedent for future text amendment requests.

Finally, the Director points out that the proposed amendment could be applied to a structure of any design (i.e., a monopole or a guyed tower) or height, and could be located anywhere in the County zoned A-1 or A-2 provided a Special Exception is obtained, but the primary standard would be based on the opinion of the adjoining property owner/family member.

The Zoning Administrator expressed similar concerns, and as an alternative stated that the need for additional tower locations may be accomplished without requiring the approval of an adjacent property owner, suggesting that environmentally or historically sensitive areas, or preservation of productive farmland be considered instead.

The Director agreed, noting that there have been instances in the past when a reduction in the separation distance was warranted in order to provide needed services, and this was recognized most recently in 2017 when the provision to address high demand transportation corridors was added to the Code. The Director stated that factors that could result in another modification to the 1,000' separation distance could be based on the unique characteristics of a property, such as the protection or preservation of prime agricultural lands under production, avoidance of wetlands and existing forested areas, the availability of existing landscape screening or other similar, quantifiable features. The Director noted that because a special exception would be required, the Board of Zoning Appeals will be tasked with evaluating the tradeoff between the impact of the separation distance on the adjacent residential dwelling versus the impact such a structure could have on the natural resources of the site.

## SUMMARY

As a result of Staff review, Staff believes that a reduction to the 1,000' separation distance from an adjoining residence may be warranted in certain cases, in order to provide improved service in the more rural areas of the County. Limiting this reduction to the A-1 and A-2 Districts, requiring a Special Exception from the BZA, and ensuring that the reduction is based on a specific natural feature present on a site, such as preserving prime agricultural soils, avoiding wetlands and existing forested areas, or locating the tower along an existing forested area that provides screening would be appropriate. Staff suggests the following wording for a new §ZS 1-343(b)(2)B1(iii):

In the A-1 or A-2 District, where the proposed telecommunication site serves to reduce an environmental impact, including, but not limited to, the protection of prime agricultural soils; land actively utilized for a bona fide agricultural purpose; existing mature tree growth; natural features as identified in § ZS 1-343(b)(1)D hereof; or other similar features as determined by the Board of Zoning Appeals.

The proposed amendment above refers to “natural features as identified in 1-343(b)(1)D”, which is listed below – the “natural features” referenced in Staff’s proposed amendment are underlined:

- D. A complete description of the impact and a detailed plan for avoiding, minimizing, mitigating or buffering the effects of the proposed use on the following natural resources: steep slopes, wetlands, stream corridors, forests, and habitats of threatened or endangered species.

Two excerpts of Section 1-343 of the Code are attached that show the wording as proposed by the Applicant and an alternate as proposed by Staff. A draft bill, using the language proposed by the Applicant, is also attached for the Commission’s review.

Should you have any questions or require additional information, please do not hesitate to contact me.

## Attachments

cc: Jennifer Keener, AICP, Director  
Roscoe Leslie, County Attorney  
Kristen Tremblay, Zoning Administrator  
Sean P. Hughes, Attorney for the Applicant

**Excerpt from §ZS 1-343 Antennas, Towers and Telecommunications Uses**  
**(Amendment Proposed by Applicant is in B1(iii) and is Underlined)**

- B. Siting requirements. There shall be a minimum separation distance of one thousand feet from the nearest existing or permitted residential structure on an adjacent parcel; two thousand feet from all existing or permitted schools, day-care centers, nursing homes and long-term care facilities; and five thousand feet from any property designated on the National Historic Register except for monopoles, towers or facilities one hundred ninety-nine feet or less in height and which are concealed. There shall be a minimum separation distance equal to the calculated tower setback as defined in Subsection (b)(2)A hereof to any easement line of any overhead utility.
1. Notwithstanding the provisions of Subsection (b)(2)B hereof, the separation distance to an existing or permitted residential structure on an adjacent lot may be reduced to not less than five hundred feet as a special exception in the following cases:
- (i) Where requested in conjunction with any required special exception for the placement of additional telecommunication facilities on a site having a legal nonconforming telecommunication facility and provided that the entire site is brought into conformance with the provisions of Subsection (b)(2)E hereof.
  - (ii) Where the proposed telecommunication site is located within a high-demand transportation corridor. For the purposes of this section a high-demand transportation corridor is defined as the area between lines extending one thousand feet parallel to the center line of any portion of a state highway with an annual average daily traffic volume exceeding ten thousand trips per day as shown on the most recent maps published by the State Highway Administration Data Services Engineering Division for Worcester County.
  - (iii) Where the proposed telecommunication site is located within the A-1 or A-2 Districts, the existing or permitted residential structure on an adjacent parcel is owned by immediate family of the property owner where the proposed telecommunication site is located, and the adjacent property owner agrees by Affidavit to a lesser distance to his or her residence. For the purposes of this section, immediate family shall be as specified in the definition of "Family or Housekeeping Unit" per §ZS 1-103(b) hereof.

**Excerpt from §ZS 1-343 Antennas, Towers and Telecommunications Uses**  
**(Amendment Proposed by Staff is in B1(iii) and is Underlined)**

- B. Siting requirements. There shall be a minimum separation distance of one thousand feet from the nearest existing or permitted residential structure on an adjacent parcel; two thousand feet from all existing or permitted schools, day-care centers, nursing homes and long-term care facilities; and five thousand feet from any property designated on the National Historic Register except for monopoles, towers or facilities one hundred ninety-nine feet or less in height and which are concealed. There shall be a minimum separation distance equal to the calculated tower setback as defined in Subsection (b)(2)A hereof to any easement line of any overhead utility.
1. Notwithstanding the provisions of Subsection (b)(2)B hereof, the separation distance to an existing or permitted residential structure on an adjacent lot may be reduced to not less than five hundred feet as a special exception in the following cases:
- (i) Where requested in conjunction with any required special exception for the placement of additional telecommunication facilities on a site having a legal nonconforming telecommunication facility and provided that the entire site is brought into conformance with the provisions of Subsection (b)(2)E hereof.
  - (ii) Where the proposed telecommunication site is located within a high-demand transportation corridor. For the purposes of this section a high-demand transportation corridor is defined as the area between lines extending one thousand feet parallel to the center line of any portion of a state highway with an annual average daily traffic volume exceeding ten thousand trips per day as shown on the most recent maps published by the State Highway Administration Data Services Engineering Division for Worcester County.
  - (iii) In the A-1 or A-2 District, where the proposed telecommunication site serves to reduce an environmental impact, including, but not limited to, the protection of prime agricultural soils; land actively utilized for a bona fide agricultural purpose; existing mature tree growth; natural features as identified in § ZS 1-343(b)(1)D hereof; or other similar features as determined by the Board of Zoning Appeals.



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ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICES DIVISION

### MEMORANDUM

To: Gary Pusey, Deputy Director  
From: Jennifer Keener, AICP, Director JKK  
Date: March 17, 2022  
Re: Text Amendment Application – Revision to § ZS 1-343 to allow a separation distance of less than 1,000' between a telecommunications tower and an existing or permitted residential structure on an adjacent family-owned parcel

.....

This memorandum is in response to your request for comments on the text amendment submitted by Mr. Sean Hughes on behalf of his client, Mr. Joshua Kurtz. The language proposes to include an additional situation in which an applicant could obtain a modification to the 1,000' separation distance to an existing or permitted residential structure on an adjacent parcel (reduced to no less than 500').

There is no doubt that there is high demand for fast and reliable cellular service. In consideration of this fact, the existing zoning code provides significant relief to the setbacks AND separation distances associated with a telecommunications facility 199' in height or less and which are concealed - without variance or special exception requirements. This suggests that the setbacks and separation distances provided in the code for telecommunication facilities also serve an aesthetic purpose, and establishes a provision for concealment as a method to achieve this goal.

I appreciate that the applicant has been willing to further refine their initial draft amendment with staff input to craft language that is more consistent with the local zoning regulations and more palatable with respect to the limits placed on such a request. However, I am still concerned that the amendment as proposed has no bearing on whether or not a tower can actually be situated on a particular parcel in compliance with the separation regulations, whether it can be concealed, nor whether there is even a unique condition on the subject property that would justify a reduction in the separation distance. Rather, the primary standard is based upon the discretionary decision of the immediate family that owns the adjoining parcel or lot. Nowhere in the code does a third-party agreement with an adjoining property owner, albeit immediate family members, dictate the primary standard for which a variance or special exception should be granted. I fear that if permitted here, it will be a slippery slope of precedence that could be requested for other uses and structures, taking the decision-making authority away from the boards and commissions responsible for promoting the health, safety and welfare of the general public through the implementation of the zoning code.

When the initial draft was presented to staff, I felt strongly that any such request should include a special exception component. As part of the Board of Zoning Appeals hearing process, one of the considerations the Board must consider in § ZS 1-116(c)(3)A is that the proposed telecommunication

facility “[w]ill be in harmony with the general character of the neighborhood considering population density, the design, scale and bulk of any proposed new structures...” This is important, because while the revised amendment narrows the proposed location to only the A-1 or A-2 zoning district, it does not limit the developer to a specific design or height of a structure. Therefore, it could apply equally to a 150’ monopole or to a 350’ guyed tower that is required to be lighted. Each have their own design components and level of obtrusiveness to the surrounding environment. The environment in question could be a rural farm field in the southern end of the county, or agriculturally zoned lands that are within proximity to a much denser population center in the northern end of the county. What may be context appropriate in one area may not be in another. However, even with this level of consideration, we still must acknowledge that under the proposed amendment, the primary standard for the granting of the special exception resides with the opinion of the adjoining property owner and immediate family member.

There are instances when a reduction to the separation distance may be needed in order to provide services. Such was the case in 2017 when a text amendment was approved to include a similar reduction to the separation distance to a residential dwelling where the telecommunication site was located in a high-demand transportation corridor. When reflecting on potential standards that could inform another modification to a separation distance, the uniqueness of the parcel or lot where the telecommunications facility is being proposed would be an appropriate consideration. Such standards could include the protection or preservation of prime agricultural lands under production, avoidance of wetlands and existing forested areas, the availability of existing landscape screening or other similar, quantifiable features. This standard would task the board with evaluating the tradeoff between the impact of the separation distance on the adjacent residential dwelling versus the impact such a structure could have on the natural resources of the site, consistent with one of the primary purposes of the zoning code.

As always, should you have any additional questions or need additional information, please let me know. I will be available to discuss this matter with the Planning Commission at their upcoming meeting.





DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

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ZONING DIVISION  
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TECHNICAL SERVICES DIVISION

**MEMORANDUM**

To: Jennifer K. Keener, AICP, Director  
Gary R. Pusey, Deputy Director  
From: Kristen M. Tremblay, AICP, Zoning Administrator  
Date: March 18, 2022  
Re: Zoning Ordinance Proposed Text Amendment - § ZS 1-343(v)(2)B1(iii) to allow a separation distance of less than 1,000 feet between a telecommunications tower and an existing or permitted residential structure on an adjacent family-owned parcel.

.....  
Thank you for providing me with an opportunity to comment on the proposed text amendment requested by Arcola Towers LLC.

The proposed text amendment seeks to allow a reduction in the required separation distance for residential structures from 1,000 feet to 500 feet provided that adjacent property owner agrees and is a member of the immediate family with additional conditions. In this instance, Arcola Towers is requesting that the separation distance be waived provided that the adjacent property owner is a member of the immediate family and that a special exception is sought.

Currently, the zoning ordinance sets a number of restrictions for antennas and telecommunications towers/monopoles, principally on setbacks, siting (location), heights, and visual impacts. Several text amendments to this provision in the past have allowed for the reduction in separation distances from residential structures where the parcel is located near a 'high-demand' transportation corridor, or if proposed to be placed on a property with an existing telecommunication facility. These two (2) provisions have guided the locations of *where* the separation distance may be applied. The request by Arcola Towers would increase the number of locations where a separation distance may be reduced to those properties located within the Agricultural zoning districts (A-1 and A-2, respectively), yet still restrict those whom would seek to request a reduction in other zoning districts unless they can meet the requirements of the other provisions.

As new technologies arise every day, it is difficult to predict the ultimate path that these technologies will affect our everyday lives. For example, in Ocean City cellular antennas may be found along the boardwalk and may not even be discernable by most who pass by. I raise this point as we will need to be able to accommodate these growing manifestations of technological progress. While an emerging trend for cellular services seems to have a much smaller visual presence than the cell towers we typically associate with our viewsheds, there does still seem to be a continued market and a need to provide these services on tall structures to reach more users. Furthermore, as I understand the current

situation, the existing tower network within the County has or is reaching capacity to hold more antennas from the various cellular providers. I anticipate more pressure to develop new locations and towers/monopoles in the near future.

All this being said, while I can appreciate that Arcola Towers has proposed a solution, I do believe that with the known emerging technologies perhaps a text amendment that can accommodate their request and those of other cellular providers more readily can be provided for consideration by the County Commissioners without involving the recommendation or approval of an adjacent property owner.

A potential solution could be that the separation distance may be reduced to no less than 500 feet provided that a special exception is sought and that the applicant can prove to the Board of Zoning Appeals that the reduction is warranted under more general scenarios. This would provide the applicants the flexibility to reduce the separation distance for *good site-based cause*, as well as ensure that appropriate review has been conducted on a site-by-site basis under the Board of Zoning Appeal's watchful eye.

**I propose the following language for consideration:**

**(iii) On lands zoned Industrial (I-1 or I-2) or Agricultural (A-1 or A-2) when requested in order to avoid environmentally or historically sensitive areas or productive farm lands in general accordance with the Comprehensive Plan. The applicant must provide evidence to the Board of Zoning Appeals that the proposed siting of the tower or monopole requires a reduction in the separation distance.**

Please let me know if you have any other questions regarding this proposed text amendment.



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

## Worcester County

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### MEMORANDUM

To: Jennifer Keener, AICP, Director  
Roscoe Leslie, County Attorney  
Kristen Tremblay, AICP, Zoning Administrator  
From: Gary Pusey, Deputy Director *GP*  
Date: March 9, 2022  
Re: Text Amendment Application – Revise the text of §ZS 1-343 Antennas, Towers and Telecommunications Uses to add a new §ZS 1-343(b)(2)B1(iii) to allow a separation distance of less than 1,000' between a telecommunications tower and an existing or permitted residential structure on an adjacent family-owned parcel

\*\*\*\*\*

Arcola Towers LLC has submitted the attached text amendment application to reduce the 1,000' separation distance between a cell tower and an existing or permitted residence on an adjacent property provided both properties are owned by family members, and subject to other conditions.

Currently, the Code allows the 1,000' separation distance to be reduced to 500' in two other situations, and this proposed amendment would add family ownership as a third situation.

As proposed, the amendment would require the following conditions to be met:

1. A Special Exception from the BZA must be obtained;
2. The separation distance can be no less than 500';
3. The properties must be in either the A-1 or A-2 District;
4. Owners of the properties must be "immediate family" as defined in the Code (see definition on the next page); and
5. The property owner with the existing or permitted residence must sign an affidavit agreeing to the reduced separation distance.

The existing text of §ZS 1-343(b)(2)B1 is shown on the next page, along with the proposed new text in "iii" that is underlined.

This request is scheduled to be presented to the Planning Commission at its April 7, 2022 meeting. Please provide any comments you may have by Friday, March 18, 2022.

If you have questions or need additional information, please let me know. Thanks!

**Excerpt from §ZS 1-343 Antennas, Towers and Telecommunications Uses**  
**(Proposed Amendment is in B1(iii) and is underlined)**

- B. Siting requirements. There shall be a minimum separation distance of one thousand feet from the nearest existing or permitted residential structure on an adjacent parcel; two thousand feet from all existing or permitted schools, day-care centers, nursing homes and long-term care facilities; and five thousand feet from any property designated on the National Historic Register except for monopoles, towers or facilities one hundred ninety-nine feet or less in height and which are concealed. There shall be a minimum separation distance equal to the calculated tower setback as defined in Subsection (b)(2)A hereof to any easement line of any overhead utility.
1. Notwithstanding the provisions of Subsection (b)(2)B hereof, the separation distance to an existing or permitted residential structure on an adjacent lot may be reduced to not less than five hundred feet as a special exception in the following cases:
- (i) Where requested in conjunction with any required special exception for the placement of additional telecommunication facilities on a site having a legal nonconforming telecommunication facility and provided that the entire site is brought into conformance with the provisions of Subsection (b)(2)E hereof.
  - (ii) Where the proposed telecommunication site is located within a high-demand transportation corridor. For the purposes of this section a high-demand transportation corridor is defined as the area between lines extending one thousand feet parallel to the center line of any portion of a state highway with an annual average daily traffic volume exceeding ten thousand trips per day as shown on the most recent maps published by the State Highway Administration Data Services Engineering Division for Worcester County.
  - (iii) Where the proposed telecommunication site is located within the A-1 or A-2 Districts, the existing or permitted residential structure on an adjacent parcel is owned by immediate family of the property owner where the proposed telecommunication site is located, and the adjacent property owner agrees by Affidavit to a lesser distance to his or her residence. For the purposes of this section, immediate family shall be as specified in the definition of "Family or Housekeeping Unit" per §ZS 1-103(b) hereof.

\*\*\*\*\*

**Definition from §ZS 1-103**

**FAMILY or HOUSEKEEPING UNIT** - An individual, two or more persons related by blood or marriage or a group of not more than five persons not related by blood or marriage living together as a single housekeeping group in a dwelling unit. Immediate family shall be restricted to children, grandchildren and great-grandchildren, parents, grandparents and great-grandparents and their husbands or wives and children and to brothers and sisters and their husbands, wives and children.



Worcester County Commissioners  
Worcester County Government Center  
One W. Market Street, Room 1103  
Snow Hill, Maryland 21863

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**PETITION FOR AMENDMENT TO THE OFFICAL TEXT  
OF THE ZONING AND SUBDIVISION CONTROL ARTICLE**

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(For Office Use Only – Please Do Not Write in this Space)

Date Received by Office of the County Commissioners \_\_\_\_\_

Date Received by Development Review and Permitting 3/8/2022

Date Reviewed by the Planning Commission \_\_\_\_\_

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- I. Application: Proposals for amendments to the text of the Zoning and Subdivision Control Article may be made by any interested person who is a resident of Worcester County, a taxpayer therein, or by any governmental agency of the County. Check applicable status below:

- a. Resident of Worcester County: X
- b. Taxpayer of Worcester County: \_\_\_\_\_
- c. Governmental Agency: \_\_\_\_\_ (Name of Agency)

II. Proposed Change to Text of the Zoning and Subdivision Control Article

- a. Section Number: ZS 1-343(b)(2)(B)(1)
- b. Page Number: p. 3 of Sec. 1-343
- c. Proposed revised text, addition or deletion:

Addition of:

(iii) Where the proposed telecommunication site is located within the A-1 or A-2 Districts, the existing or permitted residential structure on an adjacent parcel is owned by immediate family of the property owner where the proposed telecommunication site is located, and the adjacent property owner agrees by Affidavit to a lesser distance to his or her residence. For the purposes of this

section, immediate family shall be as specified in the definition of "Family or Housekeeping Unit" per §ZS 1-103(b) hereof. (SEE also attached Redline of Section 1-343).

III. Reasons for Requesting Text Change:

- a. Please list reasons or other information as to why the proposed text change is necessary and therefore requested:
- Rural and agricultural areas are often underserved by robust broadband and wireless services so tower development in these areas should be encouraged where possible.
  - Small parcels of farmland are often divided from a larger family farm and given to family members, which means family residences are close to the family farm.
  - To maintain usable farmland without impacting operations, the most logical and least disruptive tower location will often be near the edge of a large farm, close enough to meet tower setbacks from property lines.
  - This placement can put the tower within the 1,000 separations distance to residential structures, even though those structures may be owned by the same family, or even the same person, as the farmland hosting the tower. However, it still provides the 1,000 ft. separation distance requirement to all non-family-owned adjacent residences.
  - The ability for family members who own the adjacent residences to acknowledge and waive the separation to less than 1000 (but not less than 500) allows the farming family to determine which location least impacts their farming operations while allowing wireless services to be brought into the area.
  - This also provides an additional revenue stream resource for farming families in the AG zones.

IV. Signature of Applicants

Signature(s):  \_\_\_\_\_

Printed Name(s): Joshua Kurtz \_\_\_\_\_

Mailing Address: 7614 Scotland Rd, Snow Hill MD \_\_\_\_\_

Phone Number: (413) 598-2528 \_\_\_\_\_

Email: bushjeanie04@gmail.com \_\_\_\_\_

Date: 3/8/22 \_\_\_\_\_

V. Signature of Attorney

Signature: 

Printed Name: Sean P. Hughes

Mailing Address: 200-B Monroe Street, Rockville, MD 20850

Phone Number: (301) 762-5212

Email: sphughes@mmcanby.com

Date: 3/7/22

---

VI. General Information Relating to the Text Change Process

- a. Applications for text amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- b. Procedure for Text Amendments: Text amendments shall be passed by the County Commissioners of Worcester County as Public Local Laws according to legally required procedures, with the following additional requirements. Any proposed amendment shall first be referred to the Planning Commission for recommendation. The Planning Commission shall make a recommendation within a reasonable time after receipt of the proposed amendment. After receipt of the recommendation of the Planning Commission, the County Commissioners shall hold at least one public hearing in relation to the proposed amendment, at which parties and interested citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing and the nature of the proposed amendment shall be published in an official paper or a paper of general circulation in Worcester County. In the event no County Commissioner is willing to introduce the proposed amendment as a bill, it will not be considered.



## **§ ZS 1-343 Antennas, towers and telecommunications uses.**

**(a) Purpose and intent.** The purpose and intent of this section is to provide for the effective management, control and review of telecommunications uses, including towers, antennas, and related wireless equipment and structures.

**(b) Provisions in addition to other district provisions.** In addition to the standards and provisions contained elsewhere in this Title, the following additional provisions shall apply to all telecommunications uses.

**(1)** Applications for the addition of telecommunications equipment to existing structures or for new monopoles, freestanding towers, and guyed towers shall include the following:

**A.** A winds load analysis conducted by a qualified engineer.

**B.** A certificate by a qualified engineer attesting to the structural integrity of the existing structure and the projected effects resulting from the addition of the proposed equipment.

**C.** A certificate of compliance attesting to the fact that the proposed equipment meets or exceeds Federal Communications Commission (FCC) and American National Standards Institute (ANSI) standards on radiation emissions.

**D.** A complete description of the impact and a detailed plan for avoiding, minimizing, mitigating or buffering the effects of the proposed use on the following natural resources: steep slopes, wetlands, stream corridors, forests, and habitats of threatened or endangered species.

**E.** A complete description of the impact and a detailed plan for avoiding, minimizing, mitigating or buffering the effects of the proposed use on any area of local, regional or national historic or cultural significance.

**F.** Explanation of the necessity to place the facility in that particular location.

**G.** Supporting evidence regarding the proposed equipment's effects upon adjacent and adjoining property values.

**H.** A detailed description, assessing the impact that the proposed equipment will have upon aviation and overall visibility, including the following:

**1.** A copy of all information required by, or submitted to, the Federal Communications Commission and Federal Aviation Administration (FAA) concerning the proposed use and the impact that it will have upon aviation or overall visibility.

**2.** A copy of all plans and specifications required as a condition of approval by the FCC or FAA and an analysis of the impact that compliance with FCC or FAA mandates will have upon adjacent and adjoining land uses.

**3.** Proof of compliance with all FAA requirements relating to lighting, siting, height, and visibility shall be required prior to final permitting.

**I.** For additions to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, documentation that establishes that the applicant performed a diligent search for a suitable site that did not have the effect of increasing the height of existing structures.

**J.** For new monopoles, freestanding towers, and guyed towers, documentation that establishes that the applicant performed a diligent search for a suitable existing structure.

**K.** For new monopoles, freestanding towers and guyed towers, documentation that demonstrates that "approved County-owned sites" as designated by the County Commissioners by resolution, which may be amended from time to time, are unsuitable. Such documentation shall be subject to review and concurrence by the Department.

**L.** The provisions of Subsections (b)(1)H through (b)(1)K hereof shall not apply where additions to existing structures do not increase the overall height.

**(2)** Standards. Monopoles, freestanding towers and guyed towers approved after the adoption of this section shall comply with the following:

**A.** Minimum lot requirements. Lot area and lot dimensions shall be a function of the minimum setback required and are established as follows:

**1.** For all monopoles and freestanding towers of one hundred ninety-nine feet in height or less which are concealed or camouflaged, the minimum structure setback shall be: front yard setback, fifty feet; and side and rear setbacks, twenty feet.

**2.** For all non-concealed or -camouflaged monopoles of any height and any monopole of two hundred feet or greater in height, the minimum structure setback shall be equal to the height of the monopole plus fifty feet.

**3.** For all towers up to one hundred ninety-nine feet in height, the minimum structure setback shall be one and one-quarter (1.25) times the height.

**4.** For all towers two hundred feet in height or greater, the minimum setback shall be one foot of setback for every one foot of tower height up to two hundred feet plus one and one-half feet of setback for every one foot of tower height exceeding two hundred feet.

**B.** Siting requirements. There shall be a minimum separation distance of one thousand feet from the nearest existing or permitted residential structure on an adjacent parcel; two thousand feet from all existing or permitted schools, day-care centers, nursing homes and long-term care facilities; and five thousand feet from any property designated on the National Historic Register except for monopoles, towers or facilities one hundred ninety-nine feet or less in height and which are concealed. There shall be a minimum separation distance equal to the calculated

tower setback as defined in Subsection (b)(2)A hereof to any easement line of any overhead utility.

**1.** Notwithstanding the provisions of Subsection (b)(2)B hereof, the separation distance to an existing or permitted residential structure on an adjacent lot may be reduced to not less than five hundred feet as a special exception in the following cases:  
[Amended 2-21-2017 by Bill No. 17-1]

**(i)** Where requested in conjunction with any required special exception for the placement of additional telecommunication facilities on a site having a legal nonconforming telecommunication facility and provided that the entire site is brought into conformance with the provisions of Subsection (b)(2)E hereof.

**(ii)** Where the proposed telecommunication site is located within a high-demand transportation corridor. For the purposes of this section a high-demand transportation corridor is defined as the area between lines extending one thousand feet parallel to the center line of any portion of a state highway with an annual average daily traffic volume exceeding ten thousand trips per day as shown on the most recent maps published by the State Highway Administration Data Services Engineering Division for Worcester County.

**(iii)** Where the proposed telecommunication site is located within the A-1 or A-2 Districts, the existing or permitted residential structure on an adjacent parcel is owned by immediate family of the property owner where the proposed telecommunication site is located, and the adjacent property owner agrees by Affidavit to a lesser distance to his or her residence. For the purposes of this section, immediate family shall be as specified in the definition of "Family or Housekeeping Unit" per §ZS 1-103(b) hereof.

**C.** Lighting requirements. No lighting shall be required or permitted, except what is specifically required by the FCC, FAA or another relevant state or federal agency; additionally, in instances where the FCC or FAA require daytime high-intensity strobe lighting, a set of red marker lights shall be installed for nighttime use. All strobe lights shall be turned off at twilight.

**D.** Lighting conversion. Except as otherwise required by the FCC, FAA or other relevant state or federal agency, existing towers equipped with nighttime high-intensity strobe lighting shall be converted to red marker lights or alternating daytime strobe and nighttime red marker lights as described in Subsection (b)(2)C hereof not later than January 1, 2004.

**E.** Screening and security requirements. A fence with a minimum height of twelve feet shall be installed around the perimeter of the tower base. All equipment shall be located within this fenced area. The fence shall have an access gate which shall be kept in a locked condition at all times, except when servicing is required. The fence shall be equipped with additional entrance prevention devices as necessary to prevent compound access by unauthorized personnel. Except for monopoles in the C-2 District and monopoles, freestanding towers and guyed towers in the I-1 and I-2 Districts, there shall be an additional screening requirement consisting of a buffer at least twenty-five feet in width planted with native species trees capable of reaching not less than sixty feet in height when mature. For monopoles in the C-2 District and monopoles, freestanding towers and guyed towers in the I-1 and I-2 Districts, screening-type landscaping in accordance with § ZS 1-322 hereof shall be provided around the exterior perimeter of the fence.

**F.** Visibility. All telecommunications facilities and accessory structures shall be sighted in such a way as to have the least possible adverse effect on the visual environment. All non-concealed or -camouflaged facilities shall be of a galvanized finish or painted light gray or pale blue above any surrounding tree line while any portion below the tree line shall be painted gray, green, black or similar color and designed to blend into the natural environment or surrounding structures, unless otherwise required by the FAA. Furthermore, they shall be designed and sighted so as to avoid, wherever possible, application of FAA lighting and painting requirements. When located in any zoning district other than the I-1 or I-2 Districts, structures and facilities accessory to a monopole or tower shall use architecture, materials, colors and textures

designed to blend with the natural environment and other structures in the general area. The concealment or camouflaging of monopoles, towers and other telecommunication facilities, using industry standard techniques and structures such as artificial trees, architectural features on buildings, flag poles and grain silos, among others, is highly recommended and should be used wherever possible.

**G.** Additional provisions. All obsolete or unused towers and equipment shall be removed at the owner's expense within twelve months of the cessation of use.



COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 22-

---

BY:

INTRODUCED:

---

A BILL ENTITLED

AN ACT Concerning

Zoning – Antennas, Towers and Telecommunication Uses

For the purpose of amending the Zoning and Subdivision Control Article to allow a separation distance of less than 1,000' between a telecommunications tower and an existing or permitted residential structure on an adjacent family-owned parcel.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new § ZS 1-343(b)(2)(B)(1)(iii) be enacted to read as follows:

- (iii) Where the proposed telecommunication site is located within the A-1 or A-2 District, the existing or permitted residential structure on an adjacent parcel is owned by immediate family of the property owner where the telecommunication site is located, and the adjacent property owner agrees by Affidavit to a lesser distance to his or her residence. For the purposes of this section, immediate family shall be as specified in the definition of "Family or Housekeeping Unit" per § ZS 1-103(b) hereof.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

COUNTY COMMISSIONERS OF  
WORCESTER COUNTY, MARYLAND



DEPARTMENT OF  
ENVIRONMENTAL PROGRAMS

## Worcester County

GOVERNMENT CENTER  
ONE WEST MARKET STREET, ROOM 1306  
SNOW HILL, MARYLAND 21863  
TEL: 410-632-1220 / FAX: 410-632-2012

LAND PRESERVATION PROGRAMS  
STORMWATER MANAGEMENT  
SEDIMENT & EROSION CONTROL  
SHORELINE CONSTRUCTION  
AGRICULTURAL PRESERVATION  
ADVISORY BOARD

WELL & SEPTIC  
WATER & SEWER PLANNING  
PLUMBING & GAS  
CRITICAL AREAS  
FOREST CONSERVATION  
COMMUNITY HYGIENE

March 29, 2022

Worcester County Planning Commission  
Worcester County Courthouse  
1 West Market Street, Room 1201  
Snow Hill, MD 21863

RE: Transmittal-Comprehensive Water and Sewerage  
Plan Amendment –Mystic Harbour Sanitary Area –  
Expansion of Sewer Planning Area  
TM 26 Parcel 156  
(SW-2021-04)

Dear Commissioners:

We are writing to forward the proposed *Worcester County Comprehensive Water and Sewerage Plan (The Plan)* amendment to expand the sewer planning area for the Mystic Harbour Sanitary Area in *The Plan*, for your review and comment to the County Commissioners. According to Chapter One, Section 1.4.2 of *The Plan* ("Application for Amendments"), the applicant submitted a complete application and we have attached it.

The owner of the property, KCK7, LLC c/o Cole Taustin, is the applicant. The owner is represented by Hugh Cropper IV, attorney who applied on their behalf. This amendment seeks to expand the Mystic Harbour Sewer Planning Area for the subject property. The total area of the subject property is approximately 3.64 acres. The property is currently within the West Ocean City Sewer Planning Area with a designation of S-1 (immediate to two years). The owner is applying to also include the property within the Mystic Harbour Sewer Planning Area with a designation of S-1 (immediate to two years), and include in the Mystic Harbour sewer service information in *The Plan* to include a revised Mystic Harbour sewer planning area map that will reflect all of the property as a planned S-1 designation. This amendment would not change the prior planning designation for the West Ocean City sewer planning area, it would only include the property within the Mystic Harbour Sewer Planning Area with an S-1 designation as well.

The applicant requested the change in sewer service classification in order to serve future proposed development on the property as there is only one (1) EDU allocated to the property at the present time from the WOC Service area and WOC EDUs needed to develop the property are not available within

March 29, 2022

the WOC sanitary area. The subject property is located at 12325 Old Bridge Road (MD Route 707), in West Ocean City, Maryland. The land is more specifically identified on Worcester County Tax Map 26 as Parcel 156. The owner will need to seek an allocation of Mystic Harbour sewer EDUs from the County Commissioners to serve any future proposed development from available capacity within the Mystic Sanitary Service Area.

Other than the subject property, this amendment does not seek to amend or intensify the wastewater planning areas approved in prior amendments with respect to the mapped planning areas.

The Planning Commission is tasked by Section 1.4 of *The Plan* ("Procedures for Plan Amendments") to make a finding as to whether this amendment would be consistent with *The Comprehensive Plan*. The Planning Commission may also submit its project comments and recommendations. The findings and comments will be submitted to the County Commissioners. The County Commissioners will hold a public hearing and then take action on the proposal.

### **Comprehensive Plan Policies**

The *Comprehensive Plan* assigns a single use designation for these property within the Mystic Harbour sewer planning area:

#### **1. Commercial Center**

Commercial Centers are defined (p. 16) as follows:

- This category designates sufficient area to provide for anticipated needs for business, light industry, and other compatible uses.
- Retail, offices, cultural/entertainment, services, mixed uses, warehouses, civic, light manufacturing and wholesaling would locate in commercial centers. Not designated as growth areas, these areas should be limited to infill development.

The *Comprehensive Plan* goes on to state:

Chapter One, "Introduction" states:

- Provide for adequate public services to facilitate the desired amount and pattern of growth (p.8).

Chapter Three, "Natural Resources" states:

- Provides a goal that Worcester County recognizes the value of and is committed to conservation and protection of the following natural resources (...) clean surface and ground water (p.33).
- Worcester County recognizes the value of and is committed to conservation and protection of the following natural resources...clean surface and ground water (p. 33).
- Improve water bodies on the "Impaired Water Bodies (303d) List" to the point of their removal from this list (p. 33).

Chapter Three, "TMDLs" states:

- "all reasonable opportunities to improve water quality should be undertaken as a part of good faith efforts to meet the TMDL standards." (p.36)

March 29, 2022

Chapter Six, "Public Infrastructure" states:

- Consistent with the development philosophy, facilities and services necessary for the health, safety, and general welfare shall be cost effectively provided (p.70).
- Plan for efficient operation, maintenance, and upgrades to existing sanitary systems as appropriate (p. 73).
- Provide for the safe and environmentally sound water supply and disposal of wastewater generated in Worcester County (p.73).
- Use land application of treated wastewater as the preferred wastewater disposal method where appropriate (p. 73).
- Sewer systems should be sized to serve their service areas' planned for land uses (p. 74).

### **Zoning**

The *Planning Area* is has already been approved under various amendments and is appropriate zoned for the current and proposed uses planned for the existing sanitary area property, including the subject property. These property, carry a single zoning designation, C-2 (General Commercial District).

### **Staff's Comments**

Staff comments are submitted below for your consideration.

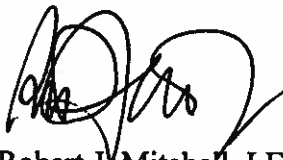
1. This proposal seeks to meet existing needs and demand generated by infill development within the planning areas. The project could provide needed sanitary service to a the property designated by the *Comprehensive Plan* and *Master Water and Sewerage Plan* for public sewer service. The applicant is upgrading an existing sewer planning area designation to reflect a desire to further develop this property.
2. The property is already designated as an S-1 in the West Ocean City sewer planning area. Since the West Ocean City area has limited capacity and overlays the subject property and adjacent property, this proposed expansion of the Mystic Harbour sewer planning area is designed to accommodate the proposed sanitary needs of this development.
3. The subject property is mapped as an IDA (Intensely Developed Area) for the Atlantic Coastal Bays Critical Area.
4. The *Planning Area's* comprehensive plan designations and zoning permits a commercial use. Any construction in the *Planning Area* would be required to meet the provisions of the storm water program, critical area program, and other local and state requirements.
5. This infill development will occur in the manner and character of the surrounding neighborhoods in existing developed areas.
6. *The Plan* states that proposed amendments must be consistent with *The Comprehensive Plan* and existing zoning classifications. As proposed, the project appears to be consistent with *The Comprehensive Plan* and existing zoning.

Mystic Harbour WS Amendment Case No. 2021-04

March 29, 2022

If you need further information, please contact me at (410) 632-1220 x 1601.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert J. Mitchell', with a large, stylized flourish at the end.

Robert J. Mitchell, LEHS, REHS/RS  
Director

**Attachments**

cc: WS Amendment File (SW 2021-04)

# **Attachment 1**

## **Maps**





0 0.075 0.15 0.3 Miles

### Mystic Harbour Service Area

-  S1 Proposed- Expansion Area
-  S1
-  S3

### Aerial Image

Mystic Harbour Sewer Planning Area  
Case # SW-2021-04



Prepared by the Worcester County  
Department of Environmental Programs  
January 07, 2022





## Mystic Harbour Service Area

- |                                                                                                                |                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
|  S1 Proposed- Expansion Area |  All areas are prime farmland |
|                                                                                                                |  Prime farmland If drained    |
|                                                                                                                |  Prime farmland If irrigated  |
|                                                                                                                |  S1                           |
|                                                                                                                |  S3                           |

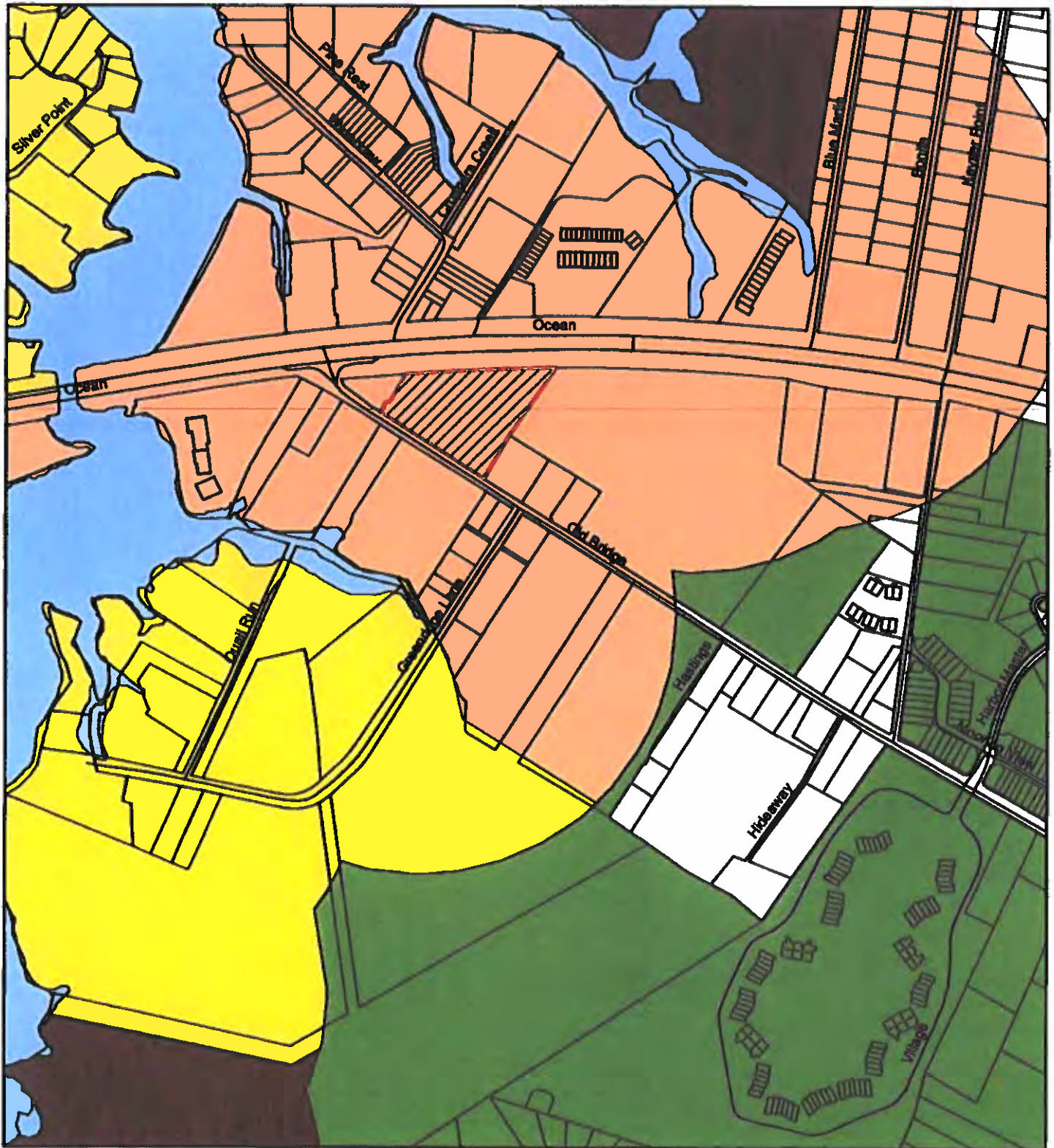
## Ag Sustainability

Mystic Harbour Sewer Planning Area  
Case # SW-2021-04



Prepared by the Worcester County  
Department of Environmental Programs  
January 07, 2022





0 0.05 0.1 0.2 Miles

#### Maryland Coastal Bays Critical Area

- IDA- Intensely Development Areas
- LDA- Limited Development Areas
- RCA- Resource Conservation Areas
- Tidal

#### Mystic Harbour Service Area

- S1 Proposed- Expansion Area
- Proposed Amend Addition
- S1
- S3

## Critical Area

Mystic Harbour Sewer Planning Area  
Case # SW-2021-04



Prepared by the Worcester County  
Department of Environmental Programs  
January 07, 2022



## Mystic Harbour Service Area

### Flood Zone

- 500 year floodplain
- 100 year floodplain
- S1 Proposed- Expansion Area
- S1
- S3

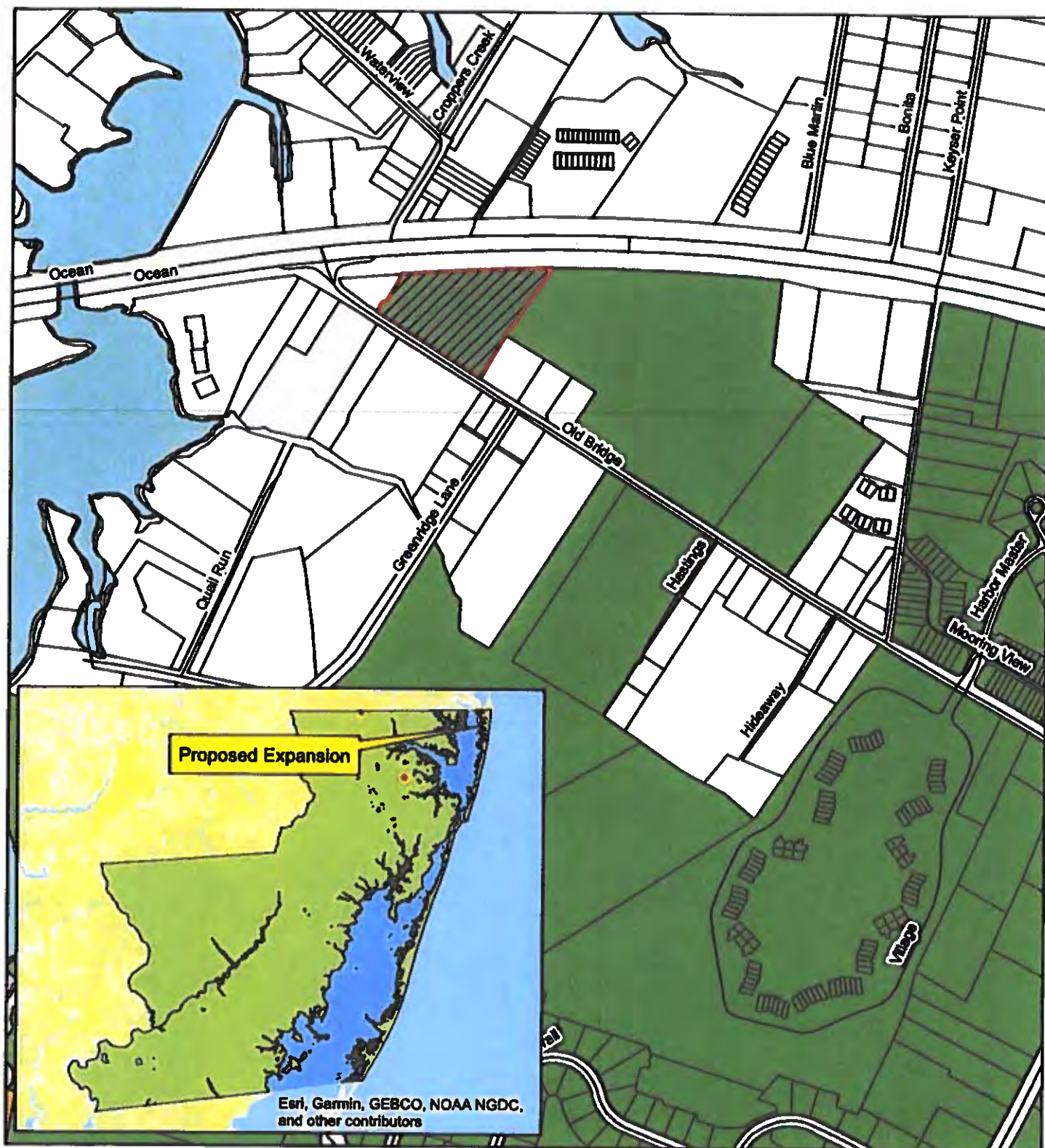
## Floodplain

Mystic Harbour Sewer Planning Area  
Case # SW-2021-04



Prepared by the Worcester County  
Department of Environmental Programs  
January 07, 2022





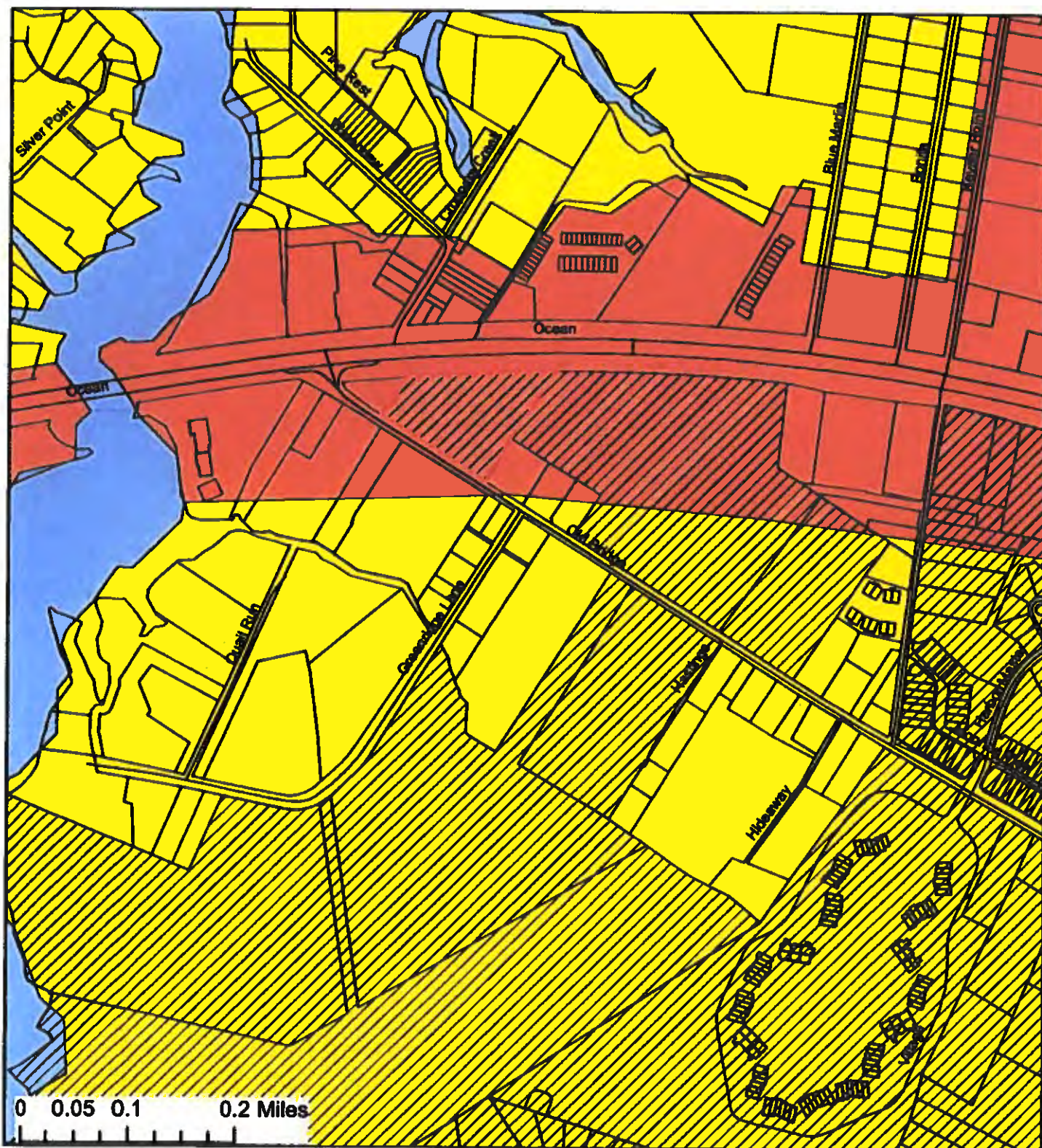
## General Location Map

Mystic Harbour Sewer Planning Area  
Case # SW-2021-04



Prepared by the Worcester County  
Department of Environmental Programs  
January 07, 2022





### Mystic Harbour Service Area



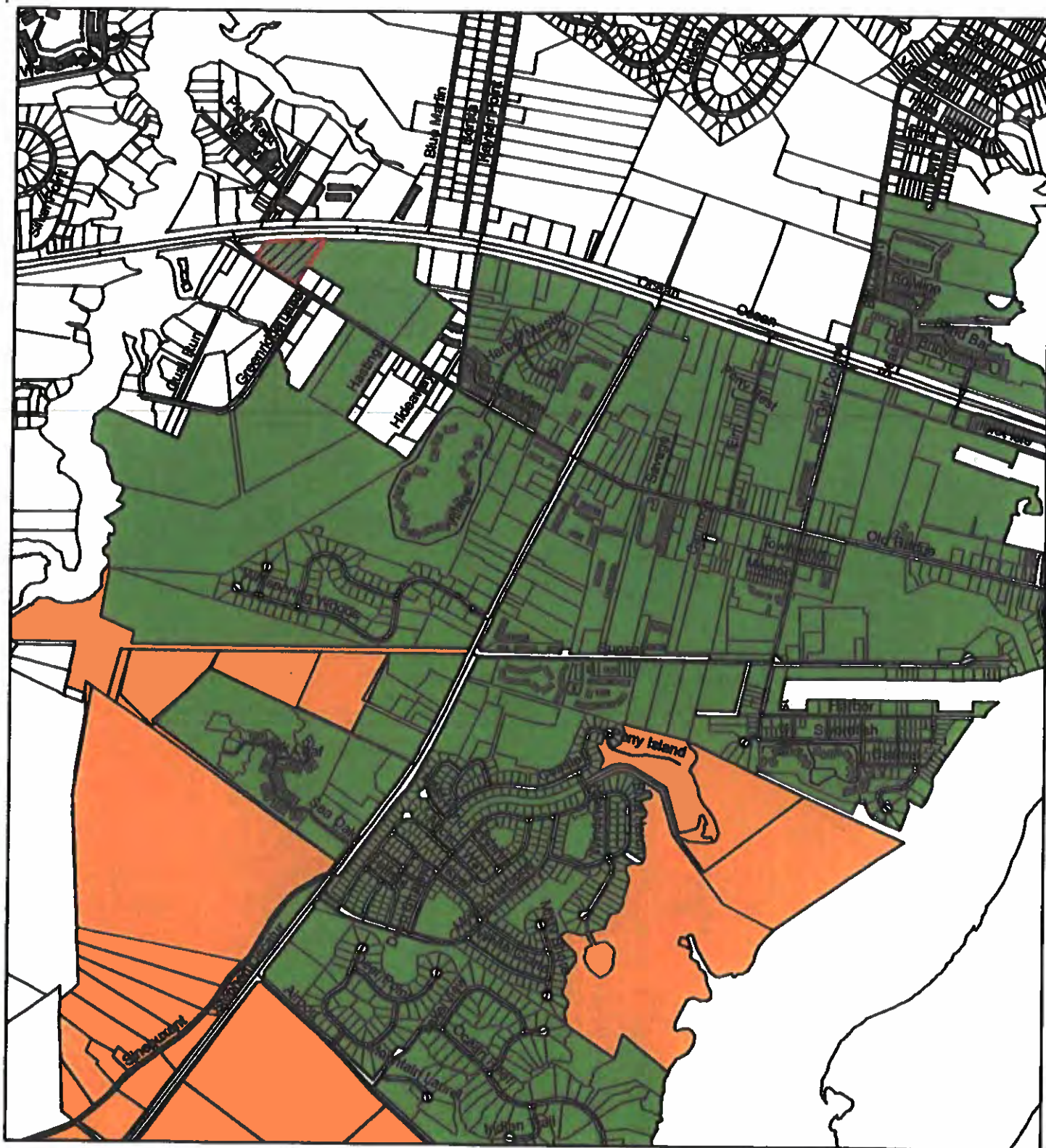
### Land Use Plan

Mystic Harbour Sewer Planning Area  
Case # SW-2021-04



Prepared by the Worcester County  
Department of Environmental Programs  
January 07, 2022





0 0.175 0.35 0.7 Miles

### Mystic Harbour Service Area

-  S1 Proposed- Expansion Area
-  S1
-  S3

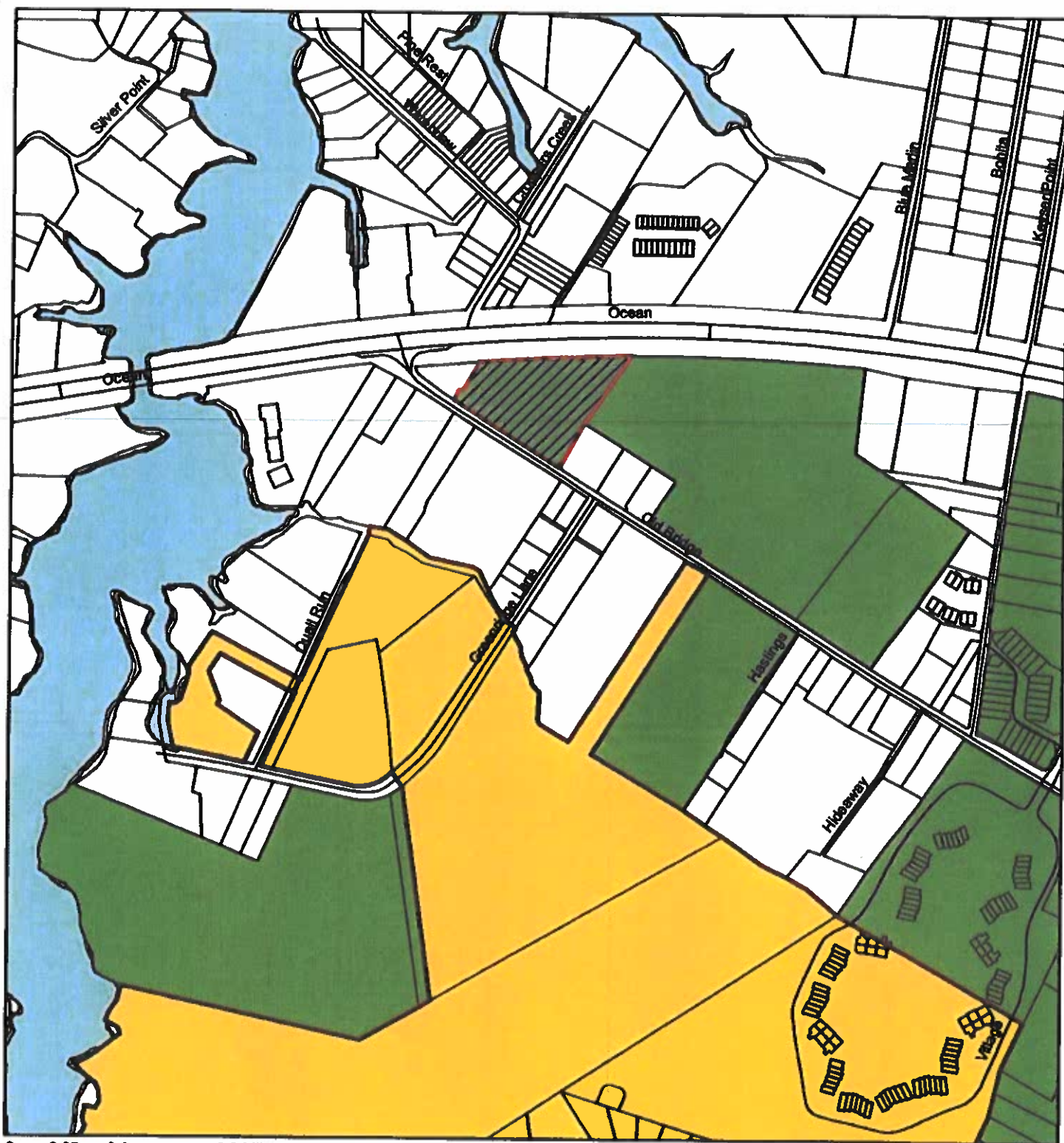
### Proposed Amendment

Mystic Harbour Sewer Planning Area  
Case # SW-2021-04



Prepared by the Worcester County  
Department of Environmental Programs  
January 07, 2022

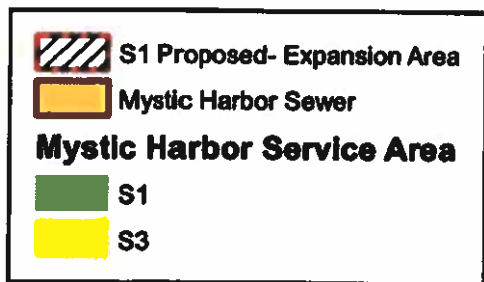




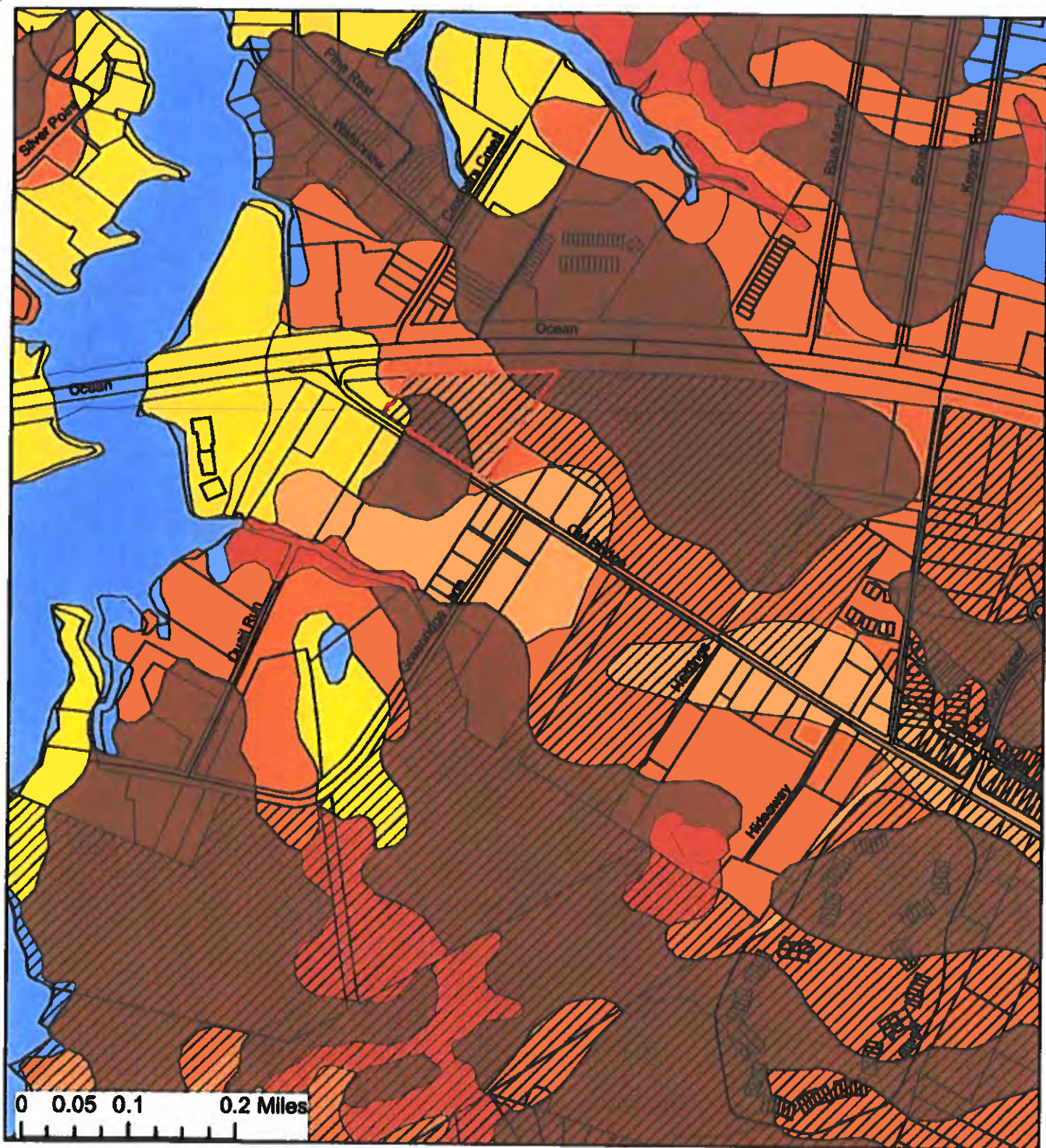
**Proposed Sewer Planning Areas**  
**Mystic Harbor Sewer Areas**  
**Case # SW-2021-04**



Prepared by the Worcester County  
 Department of Environmental Programs  
 January 05, 2022







#### Mystic Harbour Service Area



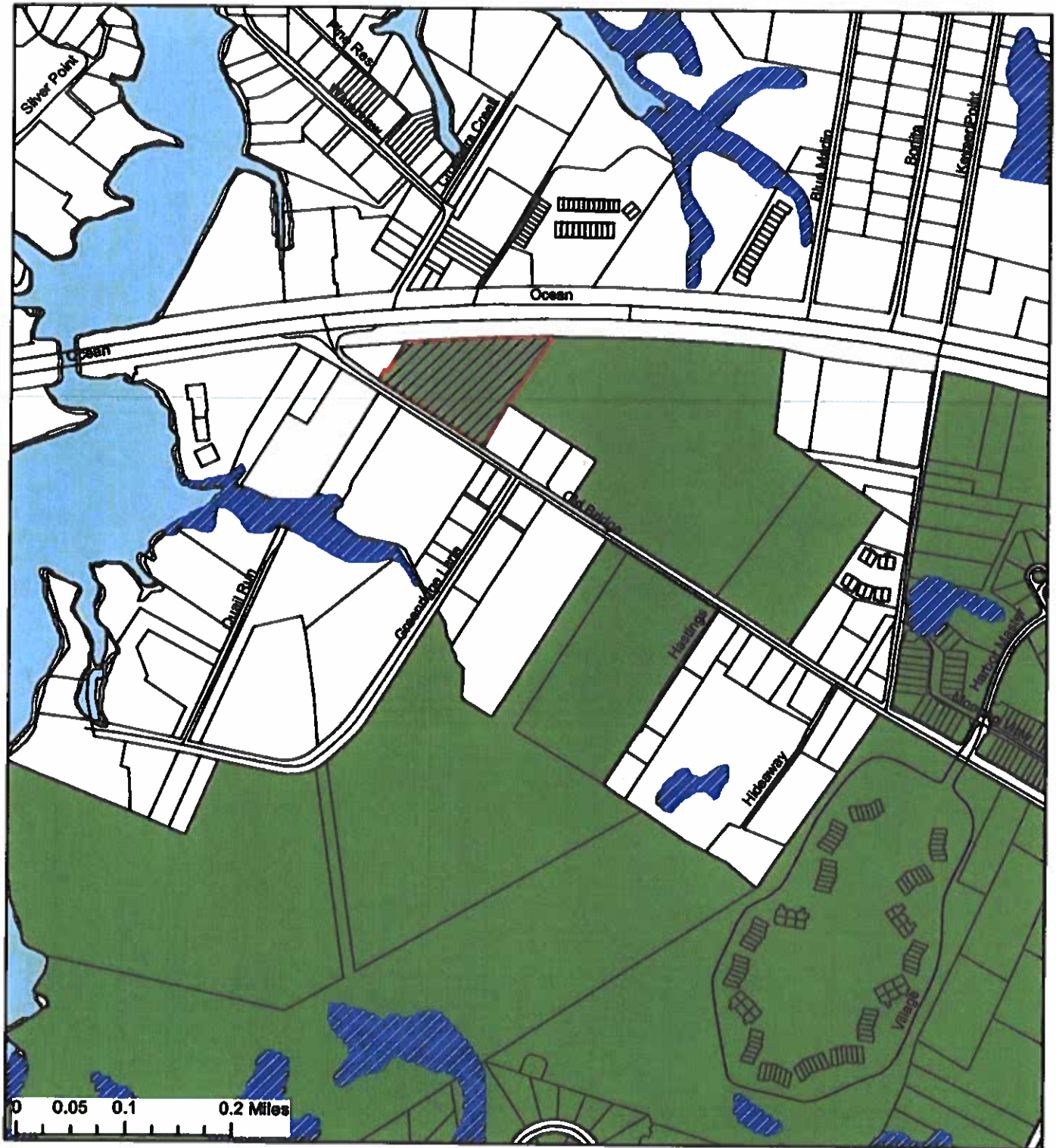
#### Soil Drainage Types

Mystic Harbour Sewer Planning Area  
Case # SW-2021-04



Prepared by the Worcester County  
Department of Environmental Programs  
January 07, 2022





## Mystic Harbour Service Area

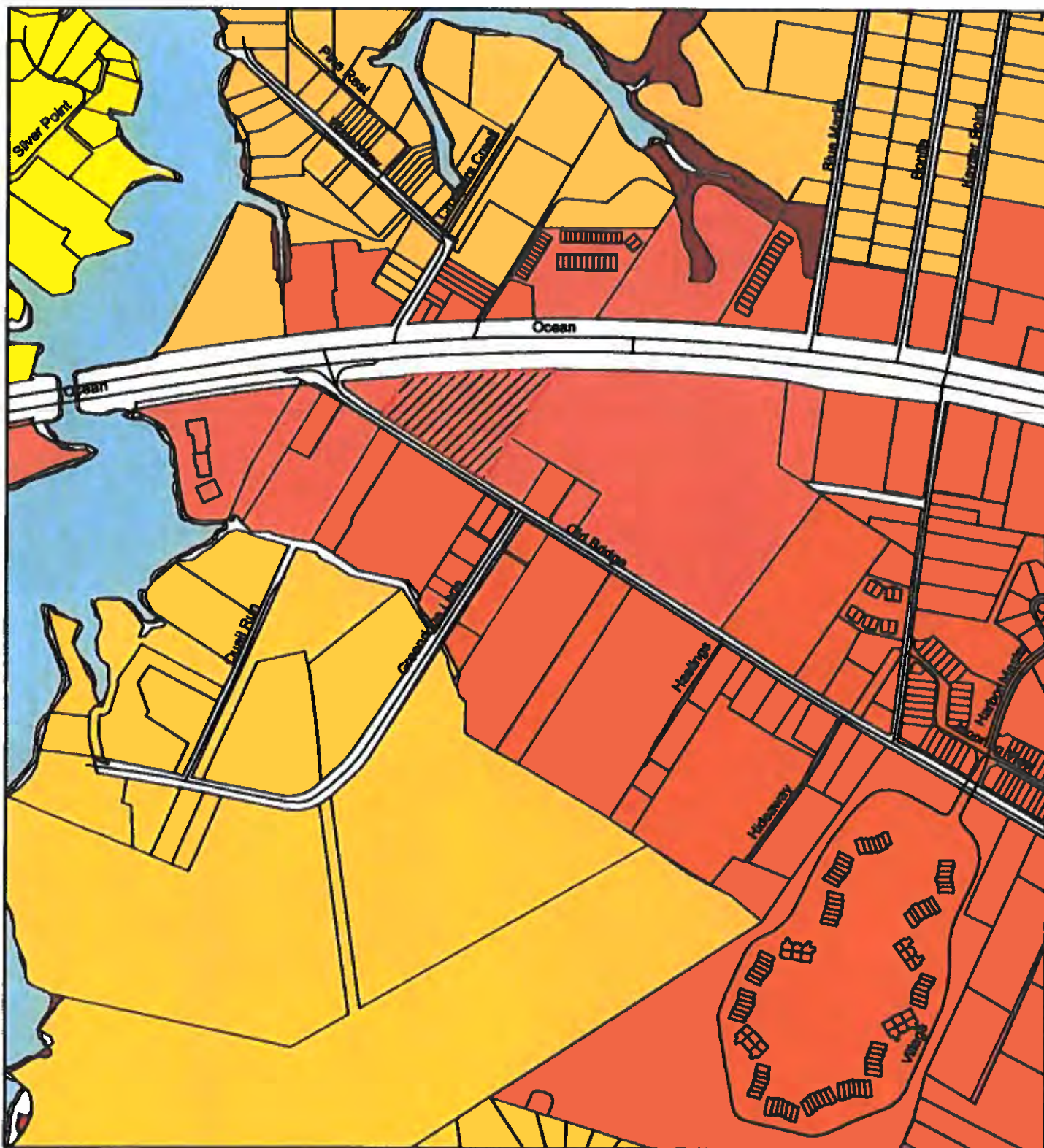
-  Wetlands
-  S1 Proposed- Expansion Area
-  S1
-  S3

## Wetlands

Mystic Harbour Sewer Planning Area  
Case # SW-2021-04



Prepared by the Worcester County  
Department of Environmental Programs  
January 07, 2022



0 0.05 0.1 0.2 Miles

#### Zoning Designation

- C2
- R1
- R2
- R4
- RP

#### Mystic Harbour Service Area

- S1 Proposed- Expansion Area

## Zoning

Mystic Harbour Sewer Planning Area  
Case # SW-2021-04



Prepared by the Worcester County  
Department of Environmental Programs  
January 07, 2022



# **Attachment 2**

# **Application**

---

Mystic Harbour Sewer Planning Area Expansion  
Case No. SW 2021-4  
March 29, 2022



LAW OFFICES

## BOOTH CROPPER & MARRINER

A PROFESSIONAL CORPORATION

9923 STEPHEN DECATUR HIGHWAY, D-2

OCEAN CITY, MARYLAND 21842

(410) 213-2681

FAX (410) 213-2685

EASTON OFFICE

130 N. WASHINGTON ST.  
EASTON, MD 21601

(410) 822-2929  
FAX (410) 820-6586

WEBSITE

[www.bbcmclaw.com](http://www.bbcmclaw.com)

CURTIS H. BOOTH  
HUGH CROPPER IV  
THOMAS C. MARRINER\*  
ELIZABETH ANN EVINS  
LYNDSEY J. RYAN  
LISA D. SPARKS\*\*

\*ADMITTED MD & DC

\*\*ADMITTED MD, DC & VA

December 13, 2021

Robert J. Mitchell, LEHS, REHS  
Director, Worcester County Department of  
Environmental Programs  
One West Market Street  
Snow Hill, Maryland 21863

RE: *Proposed Amendment, Comprehensive Water and Sewerage Plan*

Dear Mr. Mitchell:

Please accept this correspondence as my application for Amendment of the Comprehensive Water and Sewerage Plan on behalf of my client, KCK 7, LLC, c/o Cole J. Taustin, Managing Member, 10647 Griffin Road, Berlin, Maryland. The contact person is Hugh Cropper IV, email [hcropper@bbcmclaw.com](mailto:hcropper@bbcmclaw.com); telephone number: 410-213-2681.

This Amendment covers both domestic water and sewer, to designate the property S1, in the Mystic Harbour Sanitary Service Area.

The subject property is Worcester County Tax Map 26, Parcel 156, located in West Ocean City, Maryland.

I have also applied to expand the Mystic Harbour Sanitary Service Area ("MHSSA") to include the property.

If a more formal application is required, please let me know.

The application fee in the amount of \$500.00 is attached.

December 13, 2021  
Page Two

Have a great day.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a final arrow-like stroke pointing to the right.

Hugh Cropper IV

HC/tgb

Interview Dr

15B

Croppers Creek

0096

ean Gtwy



707

e Rd

Old Bridge