

**Worcester County Planning Commission  
Meeting Minutes**

**Meeting Date:** July 3, 2019

**Time:** 1:00 P.M.

**Location:** Worcester County Government Office Building, Room 1102

**Attendance:**

**Planning Commission**

Mike Diffendal, Chair

Jay Knerr, Vice Chair

Marlene Ott

Brooks Clayville

Rick Wells

Jerry Barbierrri

Betty Smith

**Staff**

Maureen Howarth, County Attorney

Ed Tudor, Director

Phyllis Wimbrow, Deputy Director

Jennifer Keener, Zoning Administrator

Jessica Edwards, Customer Service Representative

Katherine Munson, Natural Resources Planner V

**I. Call to Order**

**II. Administrative Matters**

**A. Review and approval of minutes, June 6, 2019** — As the first item of business, the Planning Commission reviewed the minutes of the June 6, 2019 meeting. Following the discussion it was moved by Ms. Ott, seconded by Mr. Knerr and carried unanimously to approve the minutes as submitted.

**Board of Zoning Appeals agenda, July 11, 2019** — As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for July 11, 2019. Mrs. Keener was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

**III. FY20 MALPF Application Review and Approval**

As the next item of business, the Planning Commission reviewed the FY20 MALPF Applications. Katherine Munson, Natural Resources Planner, was present for the discussion.

Ms. Munson reminded the planning commission that the Maryland Agricultural Land Preservation Foundation (MALPF) purchases agricultural preservation easements in all counties in Maryland. She provided aerial images and county-wide maps depicting the following eleven (11) applications to sell an easement to MALPF in Worcester County that have been received by the county for the FY 20 funding cycle:

**Re-applications**

- Fair, Freddie and Fay; TM 93, Grid 16, P 41; W side Steel Pond Rd, Stockton; 102.0 acres
- Gross, Mark; TM 32, Grid 16, P 217; Harrison Road, Berlin; 210.13 acres

- Holland, Glenn and Everett; TM 99, Grid 12, P 35; 1975 Colona Road, Pocomoke City; 153.91 acres
- Holland, Everett and Mark; TM 99, Grid 11, P 39; 1546 Colona Road, Pocomoke City; 199.12 acres
- Shockley, Samuel (“Glenn”) and Brenda; TM 38, Grid 23; P 4; 5910 Laws Road, Snow Hill; 153.9 acres
- Shockley, Stephen; TM 38, Grid 5, P 26; Davis Branch Road; 91.3 acres

### **New Applications**

- Aydelotte, Annette and Brooks; TM 100, Grid 12, P. 16, 17, 34, 147; Payne and Johnson Roads; 136 acres
- Blank, William Jr.; TM 64, Grid 17, P. 112; 7440 Public Landing Road; 283.69 acres
- Guy, Dean and Deborah; TM 99, Grid 15, P. 27; Hall Road; 95 acres
- Holland, Glenn and Jean Irrevocable Trusts; TM 100, Grid 1, P 6, 55, 84; Colona and New Bridge Roads; 32.14 acres
- Wilkins, Thomas, Beverly and Paul; TM 77, Grid 5, P 102; Route 364; 139.9713 acres

A table summarizing information for each application was also provided.

Ms. Munson noted that all applications meet the minimum requirements of the MALPF Program—50 acres in size, or adjacent to another MALPF easement or applicant property, and meet minimum soils requirements. The maps provided indicate that all applications are zoned A-1 and/or RP and all are within the Agriculture or Green Infrastructure 2006 land use category. She stated that on June 5, 2019, the Worcester County Agricultural Land Preservation Advisory Board reviewed the applications and recommended that the top seven (7) be forwarded to the state for consideration. Ranking was not provided because this is confidential information that cannot be provided to the public until after the application cycle ends.

In response to a question Ms. Munson stated that applications are ranked based upon a ranking system established in prior years by the Agricultural Land Preservation Advisory Board and approved by the Commissioners. The ranking system includes soil quality, development rights available, farm management considerations, and other factors. It also includes ranking points for discounting, determined by comparing the landowner bid to the easement value.

She explained that the Planning Commission must determine whether an easement on each applicant property is compatible with existing county plans and policy and thus whether or not approval of the application is recommended to the Worcester County Commissioners.

In response to a question from the audience about a specific application’s ranking, Ms. Munson stated that ranking of individual applications is confidential. This information was not provided to the Planning Commission and not relevant to their review.

Following the discussion, a motion was made by Mr. Barbierrri, seconded by Ms. Ott, and carried unanimously to recommend to the County Commissioners that all applications be forwarded to MALPF for consideration for easement purchase.

#### **IV. §ZS 1-325 Site Plan Review – Ebenezer Solar**

As the next item of business, the Planning Commission reviewed a site plan associated with the proposed construction of a 1.35 MW (DC) solar photovoltaic facility, located on the easterly side of Whaleyville Road (MD Route 610), south of Ebenezer Road, Tax Map 8, Parcels 41 & 162, Lot 2, Tax District 5, A-1 Agricultural District. Finn McCabe, Groundstar Energy, was present for the review. Mr. McCabe stated that this was a large solar project, and that they are in compliance with the landscaping, stormwater management and forestry provisions of the County Code. As a 1.3 MW system, this project could serve an anticipated 150 single-family dwellings. He noted that there will be a single point of access, and that the panels will be mounted on posts with no concrete foundation to minimize impervious surfaces. Ms. Ott inquired if all of the adjoining parcels were agriculturally zoned, and Mr. McCabe confirmed that they were. Mr. Barbierrri asked if he had addressed all of the staff requirements, and Ms. Ott asked if he was still requesting the waiver. Mr. McCabe noted that he was requesting a waiver to the requirement for an automatic irrigation system with rain sensor as noted in the staff report. He stated that there was no need for it, as they were going to use native vegetation.

Following the discussion, a motion was made by Mr. Knerr, seconded by Ms. Ott, and carried unanimously to approve the site plan subject to compliance with the Code Requirements letter and the following waiver:

1. The Planning Commission granted a waiver to the requirement for an automatic irrigation system with rain sensor.

#### **V. §ZS 1-315 Residential Planned Communities – Evergreen Village Step I**

As the next item of business, the Planning Commission reviewed a Step I Residential Planned Community application for Evergreen Village, Request for Establishment of the RPC Floating Zone associated with a proposed 90 single-family lot subdivision, northwest side of Beauchamp Road, north of Racetrack Road (MD Route 589), Tax Map 15, Parcels 127 and 259, Tax District 3, R-1 Rural residential and RP Resource Protection Districts. Present for the review were Hugh Cropper, IV, Esquire, Bob Hand, landscape architect, Chris McCabe, environmental consultant and Bruce Laremore, owner. Mr. Cropper provided the background on this project and the steps that have been taken to date. He requested that the Planning Commission incorporate the staff report as the applicant's record. Mr. Cropper agreed to have the plans modified to clarify the 50% natural open space requirement as stated in the staff report. Mr. Cropper stated that they will most likely be requesting approved private roads as part of the project. Provided as Applicant's Exhibit No. 1 was a rendering of the project with the proposed sidewalks that will be

provided. Mr. Knerr inquired as to why the sidewalk along Beauchamp Road only extended from the proposed entrance and to the south towards MD Route 589 (Racetrack Road), and not towards to north. Mr. Hand stated that they are providing roughly over 6,000 linear feet of sidewalk throughout this project. He also said that it is unlikely that River Run or the other subdivisions would be required to install a sidewalk for connectivity at this point. Mr. Hand noted that it was proposed to be constructed to the RPC standard of 3' width, and that the homeowner's association would be responsible for its maintenance, just like the roads. Mr. Cropper added that the applicant will take the extension of the sidewalk into consideration as part of the Step II review.

Following the discussion, a motion was made by Mr. Barbierrri, seconded by Ms. Smith, and carried unanimously to find that the applicants have addressed the seven standards contained in §ZS 1-315 for the establishment of the floating zone as presented in the Technical Review Committee Report, to find the application consistent with the Worcester County *Comprehensive Plan*, and to provide a favorable recommendation to the Worcester County Commissioners.

#### **VI. Text Amendment - Request to further table §ZS 1-318 – Modification of the occupancy provisions for campground subdivisions only**

As the next item of business, the Planning Commission considered a request made by Mr. Hugh Cropper, IV to further table the text amendment application review by the Planning Commission. This item was scheduled to be reviewed at the June 6, 2019 Planning Commission meeting and was tabled for 30 days so that Mr. Cropper could further prepare his case. He is again requesting to table the application.

Following the discussion, a motion was made by Ms. Ott, seconded by Mr. Knerr and carried unanimously to table the request for an additional 60 days, until the Thursday, September 5, 2019 meeting.

#### **VII. Text Amendment - Boarding and Lodging Rentals**

As the next item of business, the Planning Commission reviewed a proposed text amendment that was prepared by staff on behalf of the Worcester County Commissioners. The proposed amendment will eliminate inconsistencies in the existing codes with respect to boarding and lodging rentals, revise definitions and establish new regulations for short term rentals of dwelling units as a proposed Section ZS 1-351. Three additional bills have been provided to the Planning Commission that address similar inconsistencies as well as the establishment of a rental license process, however those bills do not require a recommendation from the Planning Commission. Mr. Tudor was present for the review and discussion. He provided the Planning Commission with the history on how these bills came about, and noted that there was a thorough summary of each section of the zoning bill provided for the Planning Commission's review. He asked how they would like to go about their discussion. Several members stated that they did not feel that

they had adequate time to prepare for this, and therefore felt unprepared to vote on the matter. Mr. Tudor noted that they could review the bill at their August 1<sup>st</sup> meeting, provided that they made a recommendation prior to any scheduled public hearing.

Mr. Barbierri stated his concerns relative to the lack of an inspection process. Mr. Tudor stated that the County Commissioners could adopt one by resolution, but that the Fire Marshal's Office does not currently inspect single-family dwellings as part of the current tourist permit process, as it is not within their authority to do so. Mr. Knerr asked what sort of software program would be used to find these rentals. Mr. Tudor said that at this time, the County Commissioners have not decided whether or not to use a program or firm, as the costs could be exponential. It was noted that staff would still have to be hired. Ms. Howarth noted that the goal was to first make the regulations workable, then educate the public before making them comply. She briefly discussed the process that the Town of Ocean City took, and Mr. Tudor mentioned the costs associated with the software program that Talbot County uses.

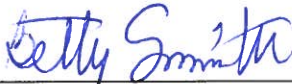
Following the discussion, a motion was made by Mr. Clayville, seconded by Mr. Wells and carried unanimously to table the discussion for 30 days, until Thursday, August 1, 2019.


#### **VIII. Election of Officers**

As the next item of business, the Planning Commission considered the election of officers. Following a motion by Mr. Barbierri, seconded by Ms. Ott, and carried unanimously, the following members were elected to the officers' positions:

Chair: Mr. Diffendal  
Vice Chair: Mr. Knerr  
Secretary: Mr. Barbierri  
TRC Representative: Mr. Clayville

**IX. Adjourn** – The Planning Commission adjourned at 1:39 P.M.

  
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Betty Smith, Secretary

  
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Jennifer K. Keener, AICP