

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – July 6, 2023**

Meeting Date: July 6, 2023

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Jerry Barbierri, Chair
Mary Knight, Secretary
Ken Church
Marlene Ott
Betty Smith
Phyllis Wimbrow

Staff

Jennifer Keener, Director, DDRP
Matthew Laick, Deputy Director, DDRP
Kristen Tremblay, Zoning Administrator
Stu White, DRP Specialist
Bob Mitchell, Director, Environmental Programs
Katherine Munsen,, Planner V, Environmental Programs

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, June 1, 2023

As the first item of business, the Planning Commission reviewed the minutes of the June 1, 2023 meeting.

Following the review, a motion was made by Ms. Ott to approve the minutes as written, Ms. Smith seconded the motion, and the motion carried unanimously.

B. Board of Zoning Appeals Agendas, July 13, 2023

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for July 13, 2023. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission.

No comments were forwarded to the Board.

C. Technical Review Committee Agenda, July 12, 2023

As the next item of business, the Planning Commission reviewed the agenda for the Technical Review Committee meeting scheduled for July 12, 2023. Mr. White was present for the review to answer questions and address concerns of the Planning Commission.

No comments were forwarded to the Committee.

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III. FY24 MALPF Easement Sale Application Review and Approval

As the next item of business, the Planning Commission met with Katherine Munson, Planner V, Worcester County Environmental Programs, to review the following eight (8) FY24 applications to sell an easement to the Maryland Agricultural Land Preservation Foundation (MALPF):

1. Aydelotte, Ben, TM 92, P 62; Aydelotte Road; 114.4 acres
2. Drew, Kathy and Mark, TM 10, P 55; 11539 St. Martins Neck Road, Bishopville; 28.5 acres*
3. Drew, Kathy and Mark, TM 10, P 99/100; 11828 Back Creek Road, Bishopville; 29.6 acres*
4. Hahn, Jimmy and Theresa, TM 90, P 6; 356 Hickory Point Road; 71.2 acres
5. Holland, Mark and Candy, TM 100, P 1, 134; Tulls Corner Road; 50.01 acres
6. LeVinh Farms, Inc.; TM 92, P 69; Sheephouse Road, Pocomoke City; 144.93 acres (new owners, previous owners applied in FY22 and FY23)
7. Queponco Farms, Inc. TM 49, P 71; 6636 Basket Switch Road; Newark; TM 187.75 acres (re-application, FY22 and FY23)
8. Riley, Whitlock, et al; TM 31, P 61; 8720 Evans Road, Berlin; 470.4 acres

Ms. Munson explained as background that the MALPF program is a state program that purchases permanent agricultural easements on farmland, and that there are currently 70 MALPF easements in Worcester County (4 purchases pending) on nearly 10,000 acres of land. She noted that applications are accepted on an annual basis. Maps were provided to the Planning Commission showing the location of the applicant properties in relation to protected lands, zoning and the 2006 Land Use Plan. Individual aerial maps of each property were provided. Additional supporting materials were provided regarding the two Drew properties that require additional review by the Worcester County Agricultural Land Preservation Advisory Board and MALPF, including maps and supporting letters from the landowner, the Soil Conservation District and from Katherine Munson (detailing the findings of the Advisory Board).

She noted that except for the two Drew properties that are under 50 acres (2 and 3 in the list) all FY24 applications meet the minimum requirements of the program. All properties are zoned A-1 or A-1 and RP, or A-1 and E-1. All applicant properties are within the Priority Preservation Area and within Agriculture and/or Green Infrastructure.

She noted that Ms. Drew was present in the audience.

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Ms. Wimbrow made the motion to endorse all eight (8) applications presented, as the applications are consistent with the comprehensive plan, and recommend approval of all applications to the Worcester County Commissioners. She further commented that protection of the Drew properties in the north end of the county may encourage other applicants in this area, which is under moderate pressure, although still greatly protected by strong A-1 zoning. Ms. Ott seconded the motion, and approval was unanimous.

IV. §ZS 1-325 Site Plan Review

A. Showell Mini Storage

As the next item of business, the Planning Commission reviewed a site plan for the proposed construction of four (4) storage buildings consisting of thirty-six (36) 20' x 50' storage units (36,000 sq. ft. total), with an existing dwelling and accessory structures to be used as an owner/caretaker residence, located at 11564 Worcester Highway, Tax Map 15, Parcel 122, Tax District 03, C-2 General Commercial District. Kevin Aydelotte, from Parker and Associates and Tom Ayd, property owner, were present for the review. Mr. Aydelotte presented the project explained that it was reviewed by Technical Review Committee (TRC) in December 2002 and the site plan had been revised to address staff comments. He stated that the original proposal included outdoor boat storage and a pad site for future development which had been removed. He further stated that since TRC review, they have delineated an approved sewage reserve area and are working toward getting Forestry approval.

Following the discussion, a motion was made by Ms. Knight, seconded by Mr. Wimbrow, and carried unanimously to approve the site plan subject to the following conditions/waivers:

1. Various façade design features.
2. Community features and spaces requirement.
3. Addressing outstanding code requirements detailed in the Department staff report.

V. Rezoning

As the next item of business, the Planning Commission reviewed a request for rezoning. Case 440 - Tax Map 9, Parcel 359, Lot 1, 8.905 acres, A-1 Agricultural District to A-2 Agricultural District, northwest side of Jarvis Road approximately 175 feet north of Bunting Road and 400 feet west of US 113. Hugh Cropper, IV, applicant's attorney, Frank Lynch, Jr., professional land surveyor, and Nicholas N. Borodulia, property owner were present for the review. The property owner purchased the petitioned area in 2006, which is identified as lot one (1) located in the bottom left corner on Applicant's Exhibit No. 4. The petitioned area is separated from the US Route 113 highway by a small sliver of land. When the five-lot subdivision was platted in 1992, lot two (2) did not percolate and is designated for agricultural purposes only. The

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percolation sites for lots one (1) and five (5) are at the southwesterly corner as described on the plat.

Mr. Cropper stated that they could not find any meaningful change in the character of the neighborhood. The Comprehensive Plan identifies the Village of Showell as a planned growth area which was never developed but was envisioned to contain 600 to 700 units near this property. Therefore, the property owner and Mr. Cropper are basing the rezoning on a good faith mistake.

Mr. Cropper then described the property as poor quality farmland that is hard to access due to a continually collapsing culvert pipe and a hedgerow with about six (6) acres that are tillable. Mr. Cropper described the extent of the similarity between the A-1 and A-2 Agricultural Districts and highlighted some of the minor differences between the two (2) districts.

Mr. Cropper called Mr. Lynch to testify. Mr. Lynch concurred that the zoning of the property to A-1 Agricultural District in 2009 was a good faith mistake. He agreed that the primary uses in the A-1 District are farming, timber and agricultural related uses as shown on Applicant's Exhibit No. 1, which are not suitable for this property. In addition to the problems accessing the farmland, there are major wet spots, described as poorly drained, hydraulic soils and tilled prior converted wetlands. Therefore, the petitioned area was not suitable for crops or timber.

With respect to the location of the petitioned area, Mr. Lynch concurred that the location was within a triangle between Jarvis Road and US 113 which is a major dual highway. Based on the location of the petitioned area, the dwelling that is located on the lot is not a suitable location in which to live, particularly with the truck traffic and headlights along Route 113.

Mr. Cropper asked Mr. Lynch if the A-2 Agricultural District would be more desirable in terms of the Comprehensive Plan, to which he agreed. In reviewing Applicant's Exhibit No. 3 which was a combined copy of Tax Maps 9 and 15, he agreed that all the major intersections along US Route 113 have A-2 zoning, commercial zoning or some other type of zoning. Mr. Lynch further explained that at the intersection of US Route 113 and Bishopville Road, there is industrial and commercial zoned property. Near Pitts Road there is industrial and commercial zoning as well. In summary, just about all the intersections with US Route 113 shown on the exhibit have higher density or commercial zoning than the petitioned area.

Mr. Cropper asked if Mr. Lynch agreed that the A-1 and A-2 Agricultural Districts have more uses in common than dissimilar uses. He concurred. He also agreed that there has been a moderate increase in population, but not the big increase that was expected within Showell, as well as a moderate increase in traffic along US Route 113. Though acknowledging that a

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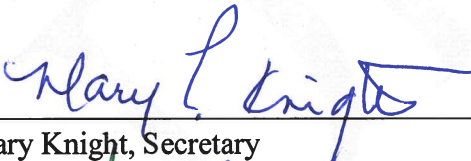
finding of a mistake does not set a precedence for future rezoning cases as they are site specific, Mr. Cropper compared the requested rezoning to Rezoning Case No. 434 for Raynes Sand and Gravel at the US Route 113 intersection at Downs Road, south of Berlin. Both Mr. Cropper and Mr. Lynch discussed the shape and general nature of that property, where the Planning Commission gave a favorable recommendation to a rezoning request from A-1 to A-2 which was approved by the Worcester County Commissioners.

Submitted as Applicant's Exhibit No. 2 was the SDAT sheet for the property showing a high assessment value for the land and improvements. The petitioned area is improved with a 1,500 square foot dwelling used for rental purposes. Mr. Cropper reiterated that the A-2 District uses will give the property owner more flexibility. Mr. Bob Mitchell, Director, Department of Environmental Programs, stated that this property was clearly farmed with the congruent fields on the adjoining lots. There may be future consideration for the rezoning of the petitioned area after the Comprehensive Plan is reevaluated, but that it is not currently a legitimate mistake.

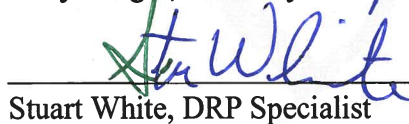
Mrs. Wimbrow stated that a rezoning can be compatible with the Comprehensive Plan, but still be considered spot zoning. Therefore, she made a motion to find that there was no mistake and forward an unfavorable recommendation to the rezoning request. The motion died for lack of a second.

Mrs. Knight made a motion to find that there was a mistake in the zoning and that the A-2 District would be more desirable in terms of the Comprehensive Plan. Ms. Smith seconded the motion, and it was carried 4 to 1 with Mrs. Wimbrow in opposition.

VI. Adjourn – A motion to adjourn was made by Ms. Ott and seconded by Ms. Knight.



Mary Knight, Secretary



Stuart White, DRP Specialist

