

WORCESTER COUNTY PLANNING COMMISSION AGENDA
Thursday October 5, 2023

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

I. Call to Order (1:00 p.m.)

II. Administrative Matters

- A. Review and Approval of Minutes – September 7, 2023
- B. Board of Zoning Appeals Agenda – October 12, 2023
- C. Technical Review Committee Agenda – October 11, 2023

III. Sea Squared – Minor Site Plan Code Requirements Waiver Request

9,600 square foot, single story warehouse building for marine storage and an outdoor boat storage area. Located at 11206 Five-L Drive, approximately 950 feet south of the eastern intersection of Five-L Drive and Cathell Road, Tax Map 21, Parcel 267, Lot 7, Tax District 03, C-2 General Commercial District, Sea Squared, LLC, owner / JW Salm Engineering, engineer.

IV. Rezoning

Case 443 - Tax Map 16, Parcels 21 & 53, Tax District 03, 27.57 acres, A-1 Agricultural District to 25.25 Acres as A-2 Agricultural District and 2.0 acres as C-2 General Commercial District, East side of Maryland 589 (Racetrack RD) directly across from the north entrance to Ocean Pines (Ocean Parkway), William and Linda Ayres Property Owner and Hugh Cropper, IV, Attorney.

V. Atlantic Coastal Bays Critical Area - Growth Allocation Request

Island Resort Campground - Growth Allocation Request, 9537 Croppers Island Road, Newark. Tax Map 40, Parcels 93 and 241. Request to reclassify 33.46 acres from RCA to LDA. Owner Island Resort Park Inc, applicant Rauch Engineering Inc. and attorney Mark Cropper.

VI. Maryland Coastal Bays Program – Comprehensive Conservation and Management Plan (CCMP) discussion

VII. Miscellaneous

VIII. Adjournment

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – September 7, 2023**

Meeting Date: September 7, 2023

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Jerry Barbierri, Chair
Rick Wells, Vice 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
Cathy Zirkle, DRP Specialist
Roscoe Leslie, County Attorney

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, August 3 2023

As the first item of business, the Planning Commission reviewed the minutes of the August 3, 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 with Mr. Barbierri abstaining.

B. Board of Zoning Appeals Agendas, September 14, 2023

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for September 14, 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, September 13, 2023

As the next item of business, the Planning Commission reviewed the agenda for the Technical Review Committee meeting scheduled for September 13, 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.

**WORCESTER COUNTY PLANNING COMMISSION
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III. §ZS 1-315 Residential Planned Communities (RPC)

A. Refuge at Windmill Creek – Preliminary Plat Review

As the next item of business, the Planning Commission reviewed the preliminary plat for Refuge at Windmill Creek RPC, proposed construction of 90 single family homes located on the northwest side of Beauchamp Road, north of Racetrack Road (MD Route 589), Tax Map 15, Parcels 127 & 259, Tax District 03, R-1 Rural Residential District & RP Resource Protection District. Kristina Watkowski and Ronnie Carpenter were present for the review. Ms. Watkowski presented the project and stated that all Staff comments from the Technical Review Committee (TRC) review of the preliminary plat had been addressed and that there are no outstanding issues remaining. Mr. Barbierri questioned if the road would be a private lane or would be turned over to the County to which Ms. Watkowski responded that it would be a private lane.

Following the discussion, a motion was made by Ms. Knight, seconded by Ms. Ott, and carried unanimously to make a recommendation of favor to the preliminary plat as submitted.

B. Triple Crown Phase II – Preliminary Plat Review

As the next item of business, the Planning Commission reviewed the preliminary plat for Phase II of Triple Crown RPC, proposed construction of 30 Single Family Units, located west of Preakness Drive, east of Racetrack Road, Tax Map 21, Parcel 322, Tax District 3, R-1 Rural Residential District. Mark Cropper, Greg Wilkins, and Greg Steen were present for the review. Mr. Wilkins presented the project to the Planning commission. He stated that all Staff comments from the TRC review of the preliminary plat had been addressed and that there are no outstanding issues remaining. Mr. Barbierri questioned if the active open space requirement had been addressed. Ms. Tremblay stated that the active open space amenity needs to be identified or a bond established for the construction of a future proposal. Mr. Steen responded that he would identify the amenity, obtain a cost estimate, and bond the construction costs with the County.

Following the discussion, a motion was made by Mr. Wells, seconded by Ms. Smith, and carried unanimously to make a recommendation of favor for the preliminary plat with the condition of bonding the active open space amenity.

IV. §ZS 1-325 Site Plan Review

Coastal Square Shopping Center

As the next item of business, the Planning Commission reviewed the site plan for Coastal Square Shopping Center, a proposed regional shopping center with 120,561 square feet of

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leasable floor space and seven proposed out-lots along the Route 50 frontage. Located on the southern side of US Route 50 (Ocean Gateway) at the intersection with MD Route 589 (Racetrack Road), Tax Map 26, Parcels 299 & 320, Tax District 3, C-3 Highway Commercial District. Mark Cropper and Jeff Harman were present for the review. Mr. Cropper introduced the project and stated that the site plan being reviewed was strictly commercial and that there was no residential development included with this project. Mr. Harman stated that the project has been altered from the initial sketch plan that was previously reviewed by the Planning Commission because of the recent passing of a Text Amendment which allows residential use in the C-3 Zoning District. The proposed shopping center is approximately half the size of the sketch plan submittal and consists of one anchor store and multiple strip units. He explained that they are currently working with State Highway Administration (SHA) with respect to the entrance requirements and will be dedicating the extension of Samuel Bowen Boulevard to the County. He added that there will be a roundabout at the intersection of Racetrack Road and Samuel Bowen Boulevard at the request of SHA to allow for smoother traffic flow in and around the center. Ms. Wimbrow asked if the County agreed to accept the dedication of the Samuel Bowen Boulevard. Mr. Harman responded that he was in discussion with County officials regarding the matter. The County would be responsible for the extension and roundabout and that the lane south of the roundabout would be private.

Following the discussion, a motion was made by Ms. Knight, seconded by Ms. Ott, and carried unanimously to make a recommendation of favor the Coastal Square Shopping Center major site plan review.

V. Text Amendment

As the next item of business, the Planning Commission reviewed a request a text amendment to allow Single-family or Multi-family Dwelling Units in the C-2 General Commercial District. Kristina Watkowski and Keith Iott were present for the request. Ms. Watkowski explained the current text of the zoning code. Emplacing that there would not be any increasing with the housing units allowed. She explained that processes will remain in place since this is a special exception. Ms. Watkowski called Mr. Keith Iott who is a professional Architect and Engineer. He gave his background and that he does primary private work and does land plans as part of his firm. Ms. Watkowski passed out a zoning map of the area and they explained that some parcels would be perfect for this text amendment since the lot is a deep lot and is surrounded by residential. The area also supports a walkable community. Mr. Iott believes that this is a reasonable modification.

The planning Commission held a discussion on open space requirements. It was decided that this text amendment would have open space requirements identical to the recent C-3 Text Amendment which states, that at least sixty-five percent (65%) or more of the net lot area for

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a given parcel be developed with a commercial use or structure permitted in the C-3 District, a minimum of 15% open space based upon the net lot area of the single-family and multi-family dwelling use.

Discussion occurred around the definition of the meaning of Open Space whether it was Passive, Active, or natural Open Space such as forest conservation easements. Mr. Mitchel stated that they have allowed forest conservation easements to be used as open space for a property in Snow Hill, but Mr. Mitchel would discourage the use of it. Mrs. Keener stated the definition of Open Space from the Zoning code and Mrs. Wimbrow stated that it would meet the definition per the code.

Mrs. Wimbrow brought up a concern about the potential of the housing component being built before the commercial portion. Mrs. Keener stated that the residential calculation is based on the established commercial use.

Following the discussion, a motion was made by Mrs. Wimbrow to provide a favorable recommendation on the text amendment, provided that it include 65%/35% a minimum of 15% of the 35% as Open Space dedicated to residential uses as open space. Ms. Knight seconded the motion, and the motion carried unanimously.

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

Mary Knight, Secretary

Stuart White, DRP Specialist

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

THURSDAY OCTOBER 12, 2023

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. 23-68, on the lands of Thomas & Catherine Polera, requesting an after-the-fact variance to the accessory structure setback of 6 feet to 3.56 feet (to encroach 2.44 feet) for an existing shed in the R-2 Suburban Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-206(b)(2) & ZS 1-305(p)(2), at 87 Sandyhook Road, Tax Map 16, Parcel 39, Section 2, Lot 125, Tax District 3, Worcester County, Maryland.

6:35 p.m.

Case No. 23-69, on the lands of Scott Griffin, requesting a variance to the right side yard setback from 8 feet to 3.73 feet (to encroach 4.27 feet) for a proposed attached shed in the R-2 Suburban Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-206(b)(2) & ZS 1-305, at 13346 Cove Landing Road, Tax Map 4, Parcel 26, Block 7, Lot 9, Tax District 5, Worcester County, Maryland.

6:40 p.m.

Case No. 23-70, on the lands of Clark Rodano & Beth Trehey, requesting a variance for an accessory structure in a front yard setback from 40 feet to 13.91 feet (to encroach 26.09 feet) and located 6 feet from a side property line, in the R-1 Rural Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-205(b)(2) & ZS 1-305, at 12349 Dixie Drive, Tax Map 10, Parcel 241, Lot 124, Tax District 5, Worcester County, Maryland.

6:45 p.m.

Case No. 23-71, on the lands of Ollie & Lauren Hitchens, on the application Chris Woodley, requesting a variance to the front yard setback from 60 feet from the center of the road right-of-way to 44.5 feet (to encroach 55.5 feet) for a proposed single family dwelling in the R-1 Rural Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-205(b)(2) & ZS 1-305, on the east side of Collins Road about .4 miles south of Jarvis Road, Tax Map 9, Parcel 345, Lot 1, Tax District 5, Worcester County, Maryland.

6:50 p.m.

Case No. 23-72, on the lands of Billie Whaley Brittingham Residuary Trust, on the application of Mark Cropper, requesting a special exception to expand an existing 1.59 acre dredge spoil disposal site by 1.75 acres and establish a new 8.4 acre site in the A-1 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-201(c)(26) and ZS 1-315, located at the intersection of Cash Road & Friendship Road, Tax Map 20, Parcel 185, Tax District 3, Worcester County, Maryland.

Administrative Matters

**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE
AGENDA**

Wednesday, October 11, 2023, at 1:00 p.m.

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

- I. **Call to Order**

- II. **Refuge at Windmill Creek – Construction Plan Review**
Located at the northwest side of Beauchamp Road, north of Racetrack Road (MD Route 589), Tax Map 15, Parcels 127 & 259, Tax District 03, R-1 Rural Residential District & RP Resource Protection District, The Refuge at Windmill Creek, LLC, owner / Carpenter Engineering, engineer.

- III. **Triple Crown Estates – Construction Plan Review**
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.

- IV. **4 Seasons Townhome Community – Residential Planned Community - Step I Concept Plan**
Proposed construction of 44 townhome units. Located on the eastern side of MD Route 611 (Stephen Decatur Highway) approximately 450 feet south from the intersection with Sunset Avenue, Tax Map 26, Parcel 445, Lot 1B, Parcel 445, Lot 2A, & Parcel 443, Lot E1, Tax District 10, R-4 General Residential District, Ocean 8 Group, LLC, owner / Vista Design, Inc. engineer.

- V. **Cathell, LLC – Minor site plan review**
Development of a commercial boat storage yard. Located at 11029 Cathell Road, on the northern side of Cathell Road across from the western intersection with Five L Drive, Tax Map 21, Parcel 253, Lot 2, Tax District 3, C-2 General Commercial District, Cathell, LLC, owner / Vista Design, Inc., engineer.

- VI. **RLG – Major site plan review**
Proposed construction of a new 13,600 sq. ft. boat construction building, create contractor storage and material laydown areas and construct the associated support infrastructure of roads, well, septic, drainage and stormwater management components. Located at 13053 Old Stage Road, on the westerly side of Old Stage Road, approximately 430 feet south of Hammond Road, Tax Map 9, Parcel 59, Tax District 05, I-1 Light Industrial District, RLG Properties, LLC, owner / Vista Design, Inc., engineer.

VII. **Beach Bum West-O- Minor Site Plan Review**

Proposed construction of a 5,633 sq. ft. accessory amenity pavilion/building for existing motel facility. Located at 12308 Old Bridge Road, at the intersection with MD Route 50 (Ocean Gateway), Tax Map 26, Parcel 151, Tax District 10, C-2 General Commercial District, Beach Bum West, LLC, owner / Gregory P. Wilkins, surveyor.

VIII. **Adjourn**

WORCESTER COUNTY PLANNING COMMISSION

MEETING DATE: October 5, 2023

PURPOSE: Code requirements waiver requests

DEVELOPMENT: Sea Squared

PROJECT: Proposed 9,600 square foot, single story warehouse building for marine storage and an outdoor boat storage area.

LOCATION: Located at 11206 Five-L Drive, approximately 950 feet south of the eastern intersection of Five-L Drive and Cathell Road.

ZONING DESIGNATION: A-2 Agricultural

BACKGROUND: The property was previously used as a septic drainfield for Pines Plaza shopping center. It is currently improved with a two-story marine storage building on the northern end of the parcel. The proposed storage building is on the southeastern part of the parcel, approximately 700 feet apart. The project went before the Technical Review Committee (TRC) on July 7, 2023, and a revised set of plans was submitted on September 7, 2023 for review by the Planning Commission.

TRAFFIC CIRCULATION: The site is accessed from Five L Drive on the northern end of the parcel with a bituminous paved driveway to the existing building. A gravel driveway from the existing lane to the new building is proposed.

LANDSCAPING: The project obtained special exception approval from the Board of Zoning Appeals (BZA) to allow a storage yard and buildings for storage of watercraft and recreational vehicles in the A-2 Agricultural District on April 19, 2023. A one-hundred-foot vegetated buffer between the proposed building and the southern property line was a condition of the approval. The landscape plan, sheet 3 dated 8/8/23, meets the requirements of the BZA's approval.

PLANNING COMMISSION CONSIDERATIONS:

- According to §ZS 1-320(f)(1), all parking areas and vehicular travelways shall be constructed of materials that provide a hard and durable surface that precludes or limits particulate air pollution.
- According to §ZS 1-322(b)(7), all landscaped areas are required to be readily accessible to a water supply and provided with an automatic irrigation system with rain sensors.

Waivers to these code requirements are being requested.

OWNER: Sea Squared, LLC, Ron Croker

APPLICANT/DEVELOPER: Hugh Cropper, IV

ENGINEER: J. W. Salm Engineering, Inc.

PREPARED BY: Stuart White, DRP Specialist

LAW OFFICES

BOOTH CROPPER & MARRINER

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KRISTINA L. WATKOWSKI

*ADMITTED MD & DC

September 7, 2023

Mr. Stuart White, DRP Specialist
Worcester County Department of
Development, Review & Permitting
One West Market Street, Room 1201
Snow Hill, Maryland 21863

RE: Revision No. 4 to Indoor Dry Watercraft Rack Storage Building – Sea Squared
LLC, Tax Map No. 21, Ocean Pines, Worcester County, Maryland

Dear Stu:

Please find attached the revised plan set, prepared by JW Salm Engineering, Inc.,
Revision No. 4, dated 8/08/23.

In support of these plans, and on behalf of the property owner, we are requesting one (1)
administrative waiver, and one (1) clarification.

Waiver – We are requesting a waiver to the hard surface road requirement found in
Section ZS 1-320(f)(1). The service road on the property will be completely isolated and will
not be traveled by the public. It will be used by employees, on an infrequent basis. Moreover,
boats and trailers would tear up asphalt paving. Mr. Salm’s plans have specified a gravel base,
with shell or clean gravel surface, to reduce dust. We believe that this is consistent with the
concept of watercraft storage, and would respectfully request the administrative waiver.

Clarification – The Board of Zoning Appeals specified “a 100 foot vegetated setback...”
Although it does not appear in the original Opinion, the term “100 foot vegetated buffer...”
appears in the Amended Opinion.

The 100 foot setback was discussed extensively at the BZA hearing. Specifically, the
purpose was to increase the 35 foot side yard setback to 100 feet, moving the storage building
and other uses away from the residential area at Pennington Commons. It was discussed that
existing forest/vegetation would be retained, and “green giants” planted in the remainder. I
specifically recall one of the BZA members commenting on how quickly the green giants will
grow.

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The setback was never intended to be a "landscaped buffer" as that term is defined in Section 1-322. This would require specific plantings, irrigation, maintenance, etc., none of which was contemplated by the BZA, nor were the neighbors even desirous of such a plan.

This is a passive use, and the plan was to let the 100 foot setback grow up, with the addition of green giants. The setback should be as natural as possible.

The provisions of Section 1-322 if applied to this property would be onerous. I cannot think of any other required buffer that is 100 foot in width. The cost would be extraordinary, the maintenance would be extraordinary, and the irrigation system would be impractical.

In addition, Mr. Salm has addressed all the other TRC comments with these revisions, as follows:

1. The plans are now clearly labeled as a minor site plan, please see Sheets 1 & 3.
2. The plans state that no landscape area in accordance to Section ZS 1-322, please see Sheet 3, Note 15.
3. The Gravel Drive waiver to Section 1-320(f)(1) is requested from the Department, please see Sheet 3, Note 15.
4. The metal building has been labeled, please see Sheets 1 & 3.
5. Tree height has been adjusted as was discussed, please see Sheet 3.
6. Parking bumpers are noted per Section ZS 1-320(f)(5), please see Sheet 3, Note 5.
7. An administrative waiver in accordance with Section ZS 1-325(c) & (d) note has been added, please see Sheet 3, Note 16.
8. There is no proposed lighting, please see Sheet 3, Note 19.
9. The ADA space is existing, please see Sheet 3, Note 5.

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Thank you for your kind consideration.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Hugh Cropper IV', written in a cursive style.

Hugh Cropper IV

HC/tgb

CC: Ron Croker, Sea Squared, LLC
David C. Gaskill, Esquire
Cathy Zirkle, DRP Specialist III
John W. Salm, III, P.E.

SITE PLAN, STORMWATER MANAGEMENT (SWM) PLAN AND, SOIL EROSION AND SEDIMENT CONTROL (SESC) PLAN

SEA SQUARED LLC

TAX MAP 21, P/O PARCEL 261, LOT 7

THIRD TAX DISTRICT BERLIN WORCESTER COUNTY MARYLAND

GENERAL NOTES:

1. ALL WORK REQUIRED BY THESE DOCUMENTS (DRAWINGS AND SPECIFICATIONS) SHALL BE NEW. WHEREVER THE WORD "PROPOSED" IS USED, IT IS CONSIDERED INTERCHANGEABLE WITH THE WORD "NEW" AND IS INCLUDED IN THE REQUIRED WORK. ITEMS LABELED "BY OTHERS" ARE NOT INCLUDED UNDER THIS WORK.
2. ALL EXISTING SITE CONDITIONS ARE BASED UPON THE BOUNDARY AND TOPOGRAPHICAL SURVEY PREPARED BY FRANK G. LYNCH JR. & ASSOCIATES, INC., DATED 12/16/2022, PROVIDED BY THE OWNER. THE ENGINEER DOES NOT WARRANT THAT THIS INFORMATION IS ENTIRELY CORRECT. THE CONTRACTOR SHALL EXAMINE A COPY OF SAID PLAN(S) AND VISIT THE SITE IN ORDER TO DETERMINE, TO THEIR SATISFACTION, THE QUANTITIES OF WORK TO BE PERFORMED. ELEVATIONS SHOWN ARE IN THE NAVD 88 DATUM.
3. UNLESS OTHERWISE NOTED, ALL ELEVATIONS FOR GRAVITY STORM DRAIN AND SANITARY SEWER PIPES ARE INVERTS AND ALL ELEVATIONS FOR PRESSURE PIPES ARE TOP OF PIPE ELEVATIONS.
4. THESE DRAWINGS SHOW INFORMATION REGARDING ABOVEGROUND AND UNDERGROUND UTILITIES WHICH EXIST OR MAY EXIST ALONG THE LINES OF WORK. THE LOCATION OF UTILITIES SHOWN HAS BEEN PROVIDED FROM RECORDS MADE AVAILABLE TO THE ENGINEER BY THE OWNER AND SHALL BE VERIFIED BY THE CONTRACTOR TO HIS SATISFACTION PRIOR TO CONSTRUCTION. THE OWNER AND ENGINEER DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF INFORMATION ON THESE DRAWINGS DOES NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATIONS TO SUPPORT AND PROTECT ALL EXISTING UTILITIES AND APPURTENANCES WHETHER SHOWN ON THESE DRAWINGS OR NOT. SHOULD ANY UTILITIES BE DAMAGED BY THE CONTRACTOR, THE CONTRACTOR SHALL REPAIR THE DAMAGE CAUSED, TO THE UTILITY OWNER'S SATISFACTION, AT THE CONTRACTOR'S EXPENSE. THE CONTRACTOR SHALL PROVIDE THE ENGINEER WITH VERIFICATION OF ALL EXISTING SEWER INVERTS AND EXISTING STORM DRAIN INVERTS PRIOR TO THE START OF CONSTRUCTION.
5. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL CONFORM TO THESE DRAWINGS AND SPECIFICATIONS, AND TO ALL APPLICABLE REQUIREMENTS OF THE WORCESTER COUNTY, MARYLAND STATE HIGHWAY DEPARTMENT AND MARYLAND DEPARTMENT OF THE ENVIRONMENT.
6. ALL DISTURBED AREAS SHALL BE SMOOTHLY GRADED TO PROVIDE POSITIVE DRAINAGE AWAY FROM PROPOSED STRUCTURES AND SHALL BE STABILIZED WITH TOPSOIL, SEED AND MULCH, EXCEPT IN AREAS CALLING FOR PAVING. IF SETTLEMENT OCCURS, THE AREA OF SETTLEMENT SHALL BE RESTORED TO GRADE, RESEEDED AND REMULCHED TO THE SATISFACTION OF THE OWNER AT NO ADDITIONAL COST TO THE OWNER. THE CONTRACTOR SHALL PROVIDE SEED TYPE AS SPECIFIED.
7. THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR ANY DEVIATIONS FROM THESE DRAWINGS AND SPECIFICATIONS.
8. THE CONTRACTOR SHALL PROVIDE NECESSARY STAKE OUT OF LINE AND GRADE FOR CONSTRUCTION. THE OWNER SHALL PROVIDE HORIZONTAL AND VERTICAL CONTROL ONLY.
9. THE CONTRACTOR SHALL HYDRAULICALLY TEST ALL PIPES AND CHAMBERS IN THE PRESENCE OF THE ENGINEER. FORTY EIGHT HOURS NOTICE SHALL BE GIVEN TO THE ENGINEER PRIOR TO THE CONTRACTOR PERFORMING TESTING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MEETING ALL REQUIREMENTS OF THIS TESTING. SHOULD ANY PORTION OF THE WORK FAIL TO MEET THE CRITERIA, THE CONTRACTOR SHALL TAKE CORRECTIVE MEASURES, AT HIS OWN EXPENSE, TO CONFORM TO THE TEST REQUIREMENTS.
10. THE OWNER RESERVES THE RIGHT TO AWARD OTHER CONTRACTS OR PERFORM OTHER WORK IN THE VICINITY OF WORK DESIGNATED ON THESE DRAWINGS. THE CONTRACTOR SHALL COOPERATE WITH AND COORDINATE HIS OPERATIONS WITH OTHER CONTRACTORS OR WORKMEN EMPLOYED BY THE OWNER.
11. NO INFORMATION REGARDING DEPTH TO ANY TEMPORARY OR PERMANENT GROUND WATER TABLE IS PROVIDED ON THESE DRAWINGS AS IT RELATES TO THE EXCAVATION OR INSTALLATION OF UTILITIES IN TRENCHES. THE CONTRACTOR SHALL INVESTIGATE TO HIS SATISFACTION THE SITE CONDITIONS REGARDING THE DEPTH OF GROUND WATER. GENERALLY, PIPING, TRENCH AND STRUCTURE CONSTRUCTION SHALL BE PROSECUTED IN A DEWATERED STATE, CONSISTENT WITH GOOD CONSTRUCTION PRACTICES. ALL EXCAVATIONS FOR MANHOLES AND OTHER CHAMBERS SHALL BE CONTINUALLY DEWATERED UNTIL THE BACKFILL OPERATION HAS BEEN COMPLETED. THE CONTRACTOR SHALL COORDINATE WITH THE OWNER FOR TEST PITTING.
12. IT SHALL BE DISTINCTLY UNDERSTOOD THAT FAILURE TO MENTION SPECIFICALLY ANY WORK WHICH WOULD NORMALLY BE REQUIRED TO COMPLETE THE PROJECT SHALL NOT RELIEVE THE CONTRACTOR OF HIS RESPONSIBILITY TO PERFORM SUCH WORK.
13. THE CONTRACTOR SHALL NOTIFY THE FOLLOWING, TWO (2) DAYS PRIOR TO BEGINNING ANY WORK SHOWN ON THESE DRAWINGS.

A) SEA SQUARED, LLC	(443) 735-9827
B) WORCESTER COUNTY, DRP	(410) 632-1200
C) MISS UTILITY	(800) 441-8355
D) J. W. SALM ENGINEERING, INC.	(410) 641-0126
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MEANS AND METHODS OF AND/OR RESULTING FROM ANY EARTH MOVING AND/OR TEMPORARY STOCKPILING OF EARTH OR OTHER MATERIALS ON SITE. THE CONTRACTOR SHALL REMOVE ALL MATERIAL STOCKPILES UPON COMPLETION OF WORK.
15. THESE DRAWINGS, THE DESIGN AND CONSTRUCTION FEATURES DISCLOSED ARE PROPRIETARY TO J. W. SALM ENGINEERING, INC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. COPYRIGHT, LATEST DATE HEREON. ANY DRAWING, REPRODUCTION, PLOT, ETC., WITHOUT A WET INK SIGNATURE AND SEAL IS NOT CERTIFIED AS TO ACCURACY AND AUTHENTICITY.
16. TRENCH COMPACTION FOR ALL UTILITIES SHALL BE AS FOLLOWS:
 - A. FOR ROAD OR PARKING AREAS: 95% OF MODIFIED PROCTOR DENSITY AT +/- 2 % OF THE OPTIMUM MOISTURE CONTENT.
 - B. FOR AREAS OUTSIDE OF ROAD OR PARKING AREAS: 90% OF MODIFIED PROCTOR DENSITY AT +/- 3% OF OPTIMUM MOISTURE CONTENT
17. THIS SITE IS NOT LOCATED WITHIN THE ATLANTIC COASTAL BAYS CRITICAL AREAS.
18. THE OWNER IS REQUIRED TO COMPLY WITH ALL APPLICABLE RULES AND REGULATIONS REGARDING TIDAL WETLANDS. THERE ARE NO NON-TIDAL WETLANDS IN THE DEVELOPMENT PORTION OF THIS SITE.
19. A MARYLAND DEPARTMENT OF ENVIRONMENT NOTICE OF INTENT (NOI) GENERAL PERMIT FOR CONSTRUCTION ACTIVITY IS REQUIRED FOR ALL CONSTRUCTION ACTIVITY IN MARYLAND WITH A PLANNED TOTAL DISTURBANCE OF 1 ACRE OR MORE. AS MANDATED BY THE NOTICE OF INTENT (NOI) GENERAL PERMIT ISSUED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, AN INSPECTION MUST BE PERFORMED ONSITE OF ALL SEDIMENT CONTROLS ON A WEEKLY BASIS AND AFTER EVERY RAINFALL EVENT. ALL SELF INSPECTIONS MUST BE MAINTAINED ALONG WITH ALL APPLICABLE GOVERNING AGENCY INSPECTION REPORTS IN A LOG BOOK, TO BE KEPT ONSITE AT ALL TIMES.
20. THE OWNER IS REQUIRED TO COMPLY WITH ALL APPLICABLE RULES AND REGULATIONS OF THE MARYLAND FOREST CONSERVATION ACT.

LEGEND:

EXISTING FEATURES

- PARCEL LINE —————
- CONTOUR - - - - -
- EASEMENT - - - - -
- ADJACENT LOT LINE - - - - -
- EX. POND TOP OF BANK - - - - -
- EDGE OF PAVEMENT —————
- PUBLIC RIGHT-OF-WAY LINE - - - - -
- EDGE OF GRAVEL DRIVE - - - - -
- SOILS LINE [Symbol]
- TREELINE [Symbol]
- WATER WELL [Symbol]
- SEWER MANHOLE [Symbol]
- WATER VALVE [Symbol]
- FIRE HYDRANT [Symbol]
- PROPOSED BUILDING —————
- SETBACK - - - - -
- EDGE OF GRAVEL - - - - -
- DRIP PAD/SPREADER STRIP [Symbol]
- EXTENT OF CLEARING - - - - -
- CONTOUR - - - - -
- GRAVEL DRIVE [Symbol]

FLOW DIRECTION ARROWS

- PIPE FLOW [Symbol]
- SWALE/DITCH FLOW [Symbol]
- ROOF FLOW [Symbol]
- PAVEMENT SLOPE [Symbol]
- SHEET FLOW [Symbol]
- RAIN/DOWNSPOUT/DRAIN [Symbol]
- GUTTER FLOW [Symbol]

Sediment Control Plan Approval
Worcester Soil Conservation District
Snow Hill, MD 21863
Approved by: [Signature]
Date: 6/14/23

S.W.M. Plan Approval
Worcester County Environmental Programs
Snow Hill MD 21863
Approved by: [Signature]
Date: 6/14/23
THIS APPROVAL EXPIRES IN TWO (2) YEARS.
BOND # 1690

SITE DATA:

TAX MAP # 21, P/O PARCEL 261, LOT 7, ID# 03-010996
TOTAL SITE AREA: 11.02 +/- AC.
11206 FIVE-L DRIVE, OCEAN PINES, MD 21811

EXISTING ZONING:

C-2, GENERAL COMMERCIAL AND A-2, AGRICULTURAL
PROPOSED NEW PRINCIPAL USE: STORAGE BUILDING IN A-2 ZONING
▲ (COLD STORAGE VIA MARINE DRY RACKS)

SETBACKS (A2):
FRONT YARD: 35 FEET
SIDE YARD: 50 FEET
REAR YARD: 50 FEET
MINIMUM LOT AREA: 40,000 S.F.
MINIMUM LOT WIDTH: 200 FT

PROPOSED BUILDING: (IN A-2 ONLY)

TYPE	SIZE
GROSS STORAGE BUILDING FLOOR AREA:	9,600 +/- S.F.
MAXIMUM BUILDING HEIGHT:	32.5- FEET (FLAT ROOF)

PARKING DATA:

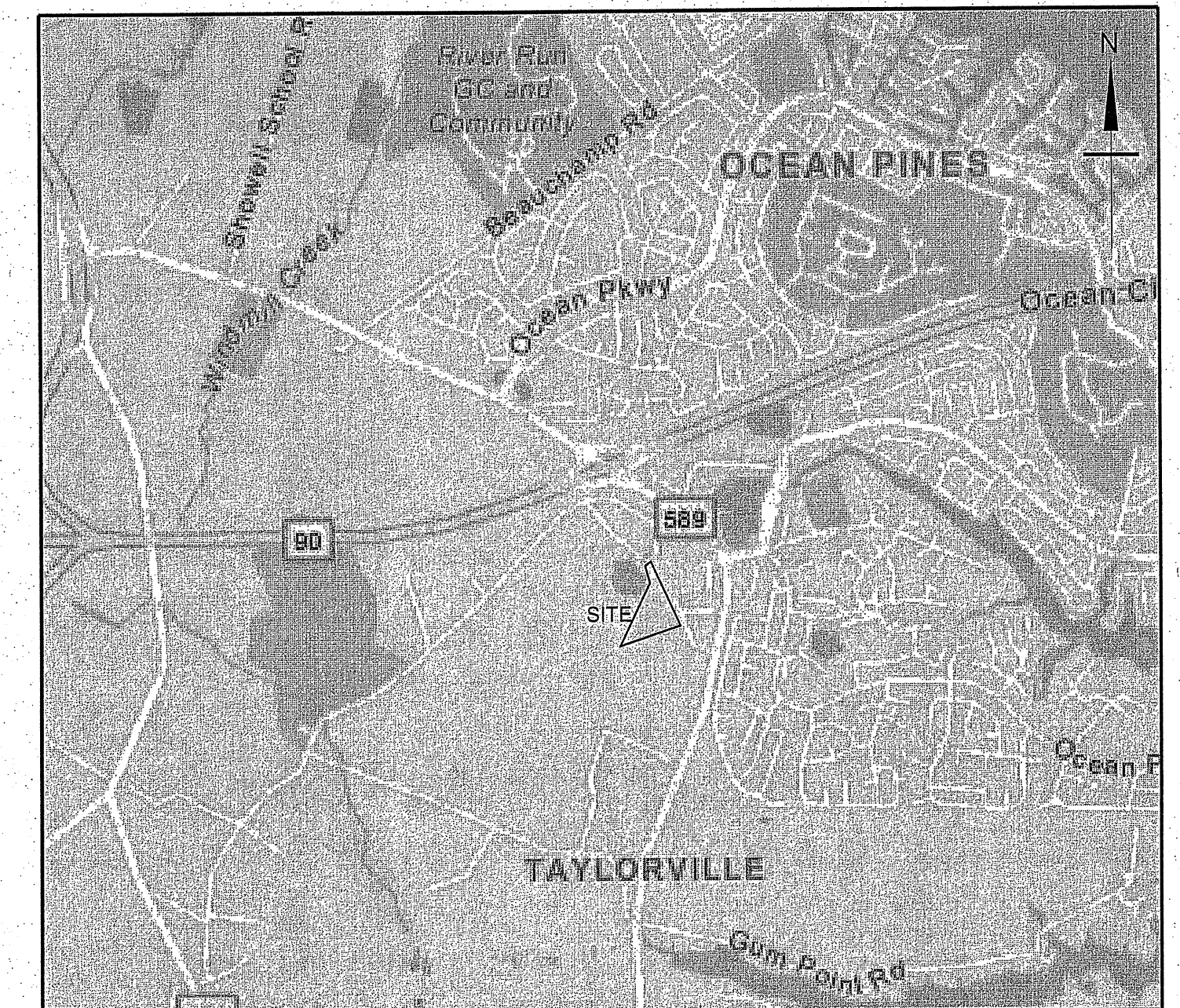
IN ACCORDANCE WITH SECTION ZS 1-320 (a) WAREHOUSING
REQUIRED
MIN: 3 (1 PER EACH 4,000 S.F. GROSS FLOOR AREA)
MAX: 5 (1 PER EACH 2,000 S.F. GROSS FLOOR AREA)

PROVIDED

3 STALLS

WATER & SEWER:

WATER: NONE REQUIRED
SEWER: NONE REQUIRED



VICINITY MAP
SCALE : 1 IN. = 2,000 FT.

INDEX OF DRAWINGS:

DRAWING NO.:	SHEET NO.:	TITLE
494-01-201	1 of 6	COVER SHEET, NOTES, INDEX & VICINITY MAP
494-01-202	2 of 6	EXISTING CONDITIONS PLAN
494-01-203	3 of 6	SITE PLAN
494-01-204	4 of 6	STORMWATER MANAGEMENT (SWM) PLAN
494-01-205	5 of 6	SOIL EROSION AND SEDIMENT CONTROL PLAN (SESC)
494-01-206	6 of 6	NOTES & DETAILS

APPLICANT/OWNER/DEVELOPER:
SEA SQUARED, LLC
11206 FIVE-L DRIVE
OCEAN PINES, MD 21811
PHONE : 443.735.9827

ENGINEER/DESIGNER:
J. W. SALM ENGINEERING, INC.
P.O. BOX 397, 9842 MAIN STREET, SUITE 3
BERLIN, MD 21811
PHONE : 410.641.0126

SURVEYOR:
FRANK G. LYNCH JR. & ASSOCIATES, INC.
10535 RACETRACK ROAD
BERLIN, MARYLAND 21811
PHONE : 410.629.1160

AS THE PROPERTY OWNER/DEVELOPER, I AM IN FULL AGREEMENT WITH THE SITE PLAN SUBMITTED HERewith, AND I AM RESPONSIBLE FOR THE COMPLETION OF THE IMPROVEMENTS AS SHOWN ON THE APPROVED SITE PLAN, AND I UNDERSTAND THAT I CANNOT ALLOW THE PROPERTY OR BUILDINGS TO BE OCCUPIED UNTIL THE CERTIFICATE OF USE AND OCCUPANCY HAS BEEN ISSUED BY THE DEPARTMENT OF DEVELOPMENT, REVIEW AND PERMITTING.
[Signature]
SIGNATURE/OWNER

DESIGNED BY: JJR	DRAWN BY: JJR	CHECKED BY: JWS3	COVER SHEET, NOTES, INDEX & VICINITY MAP
			SEA SQUARED LLC TAX MAP 21, P/O PARCEL 261, LOT 7 THIRD TAX DISTRICT BERLIN WORCESTER COUNTY MARYLAND J. W. SALM ENGINEERING, INC. P.O. BOX 397, 9842 MAIN STREET, SUITE 3 BERLIN, MD 21811
REVISIONS	SCALE: AS SHOWN DATE: MAY 2023 DRAWING No.: 494-01-201 SHEET No.: 1 of 6		

- SURVEYOR LEGEND**
- DENOTES CONC. MON. FOUND
 - DENOTES IRON PIPE FOUND
 - ☆ DENOTES IRON ROD FOUND
 - △ DENOTES UNMARKED POINT
 - ◆ DENOTES STONE FOUND



EXISTING CONDITIONS PLAN NOTES:

1) THE DEVELOPMENT PORTION OF THE SUBJECT PROPERTY (TAX MAP # 21, P/O PARCEL # 261, LOT 7) APPEARS TO FALL IN FLOOD ZONE 'X' AS SHOWN ON FIRM MAP 24047C0160H, EFFECTIVE 7/16/2015. FLOOD ZONE INFORMATION SHOWN HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED FROM THE FLOOD INSURANCE RATE MAPS FOR THE COUNTY INDICATED. J.W. SALM ENGINEERING, INC. IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THIS PROPERTY SHOWN. FOR FURTHER INFORMATION AND TO CONFIRM THE FLOOD ZONE FOR THIS PROPERTY, CONTRACT THE LOCAL COMMUNITY FLOOD OFFICIAL. FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE.

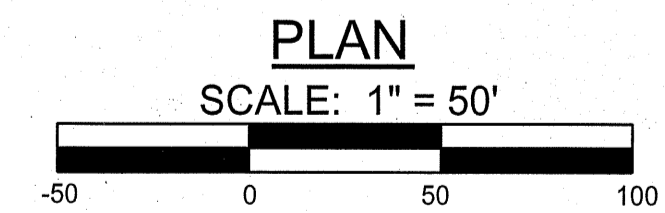
PARCEL 60 - TAX MAP 21
THE W TODD HERSHEY DYNASTY TRUST
DEED : 8263/268
EXISTING FARM FIELD

PARCEL 104 - TAX MAP 21
MARK & ELEANOR HUMPHREY
DEED : 5096/01

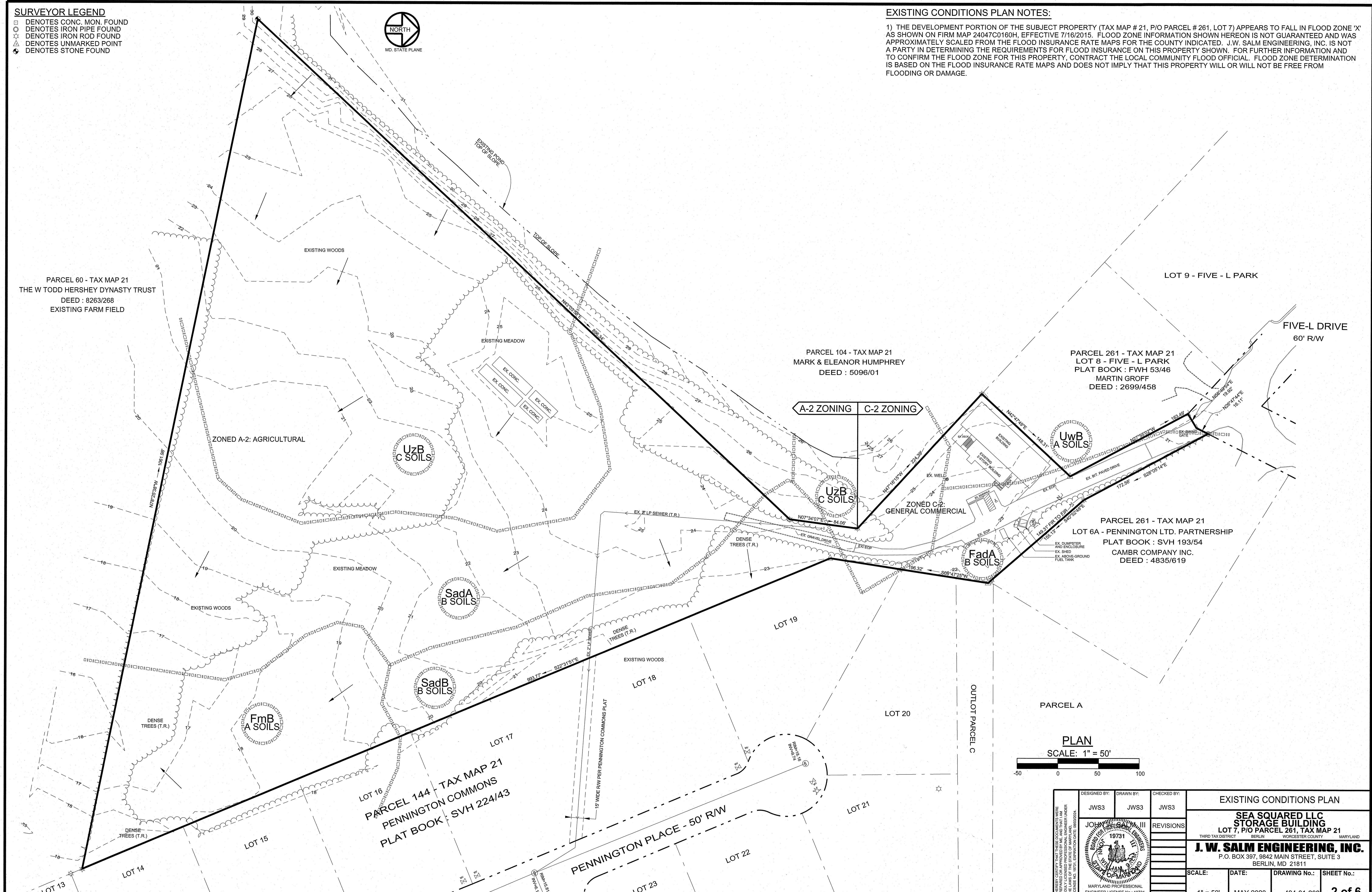
PARCEL 261 - TAX MAP 21
LOT 8 - FIVE - L PARK
PLAT BOOK : FWH 53/46
MARTIN GROFF
DEED : 2699/458

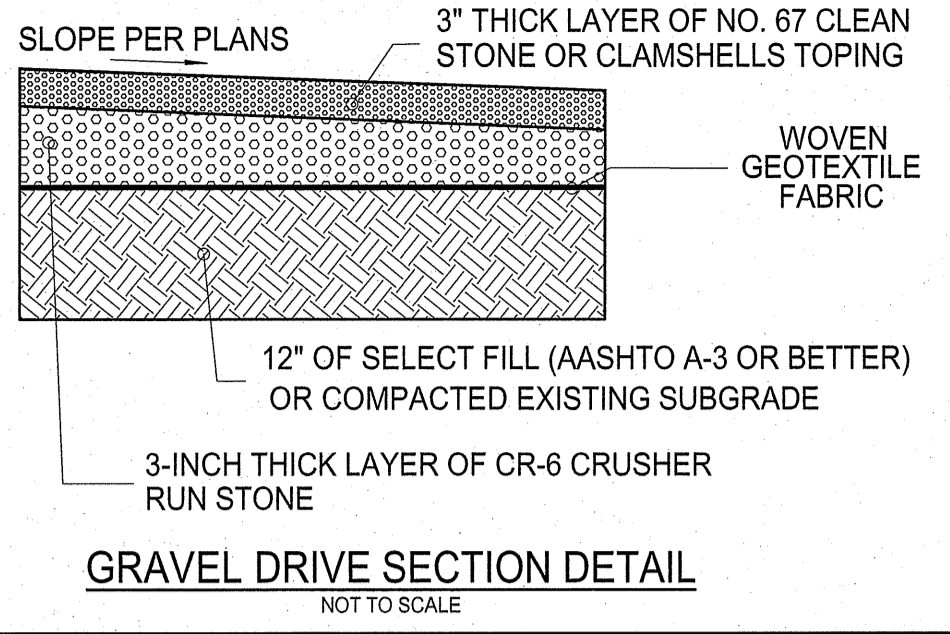
PARCEL 261 - TAX MAP 21
LOT 6A - PENNINGTON LTD. PARTNERSHIP
PLAT BOOK : SVH 193/54
CAMBR COMPANY INC.
DEED : 4835/619

LOT 16
PARCEL 144 TAX MAP 21
PENNINGTON COMMONS
PLAT BOOK SVH 224/43



DESIGNED BY: JWS3	DRAWN BY: JWS3	CHECKED BY: JWS3	EXISTING CONDITIONS PLAN	
			SEA SQUARED LLC STORAGE BUILDING LOT 7, P/O PARCEL 261, TAX MAP 21 <small>THIRD TAX DISTRICT BERLIN WORCESTER COUNTY MARYLAND</small>	
REVISIONS _____ _____ _____			J. W. SALM ENGINEERING, INC. <small>P.O. BOX 397, 9842 MAIN STREET, SUITE 3 BERLIN, MD 21811</small>	
SCALE: 1" = 50'	DATE: MAY 2023	DRAWING No.:	SHEET No.:	
		494-01-202	2 of 6	





SITE PLAN NOTES:

- 1) NO PAVEMENT SHALL BE PLACED WITHIN 4 FEET OF ANY TREE TRUNK.
- 2) NO WATER OR SEWER REQUIRED FOR THIS USE (DRY STORAGE).
- 3) NO EXTERIOR LIGHTING IS SHOWN. ALL LIGHTING SHALL BE ADJUSTED AND DIRECTED SO AS NOT TO CAUSE ANY OBJECTIONABLE GLARE ON PROPERTIES OR ROADWAYS. ALL LIGHTING, EXTERIOR LIGHTS, SIGNS, FLOODLIGHTS, PARKING LOT LIGHTING, STREET LIGHTS AND LIGHTING NECESSARY FOR THE SAFETY AND PROTECTION OF PROPERTY, SHALL BE DIRECTED, CONTROLLED AND FOCUSED WITHIN THE SITE'S PROPERTY LINES TO MINIMIZE GLARE AND ILLUMINATION AND ILLUMINATION OF NEIGHBORING PROPERTIES AND SPECIFICALLY, TO DIRECT THE LIGHT AWAY FROM ADJOINING LOTS OR ROADS. SEE LIGHTING PLANS PROVIDED UNDER SEPARATE COVER.
- 4) EXISTING WASTEWATER TREATMENT PLANT (DEMONLITION PERMIT NO. 11-0043) HAS BEEN REMOVED.
- 5) ALL NEW STANDARD PARKING STALLS SHALL BE 10' BY 20' DEMARCKED BY PARKING BUMPERS ONLY.
- 6) EXCELSIOR MATTING SHALL BE USED ON ALL SLOPES 3 HORIZONTAL TO 1 VERTICAL OR STEEPER.
- 7) THIS PLAN SHOWS NO IMPACT TO NON-TIDAL WETLANDS OR THEIR BUFFERS.
- 8) REFER TO THE FOREST CONSERVATION PLAN PROVIDED UNDER SEPARATE COVER FOR FOREST CONSERVATION DETAILS AND REQUIREMENTS FOR THE PROJECT.
- 9) NO AGRICULTURAL STRUCTURES EXIST WITHIN 200 FEET OF THIS PROJECT SITE.
- 10) THIS SITE IS NOT LOCATED WITHIN THE ATLANTIC COASTAL BAYS CRITICAL AREA.
- 11) LANDSCAPING SHALL BE MAINTAINED BY THE OWNER. WATER SHALL BE PROVIDED VIA GATOR.
- 12) FIRE LANES SHALL BE PROVIDED AT THE START OF THIS PROJECT AND SHALL NOT BE LESS THAN 20 FEET IN UNOBSTRUCTED WIDTH WITH A MINIMUM VERTICAL CLEARANCE OF 13'-6".
- 13) COLD STORAGE VIA MARINE DRY RACKS.

BZA APPROVAL NOTE:

A BZA HEARING (CASE NO. 23-28) WAS HELD ON APRIL 19, 2023 REQUESTING A SPECIAL EXCEPTION TO ALLOW A STORAGE YARD AND BUILDINGS FOR STORAGE OF WATERCRAFT AND RECREATIONAL VEHICLES IN AN A-2 AGRICULTURAL DISTRICT ZONING. THE SPECIAL EXCEPTION WAS APPROVED BY THE BOARD OF ZONING APPEALS. A SPECIAL EXCEPTION WAS GRANTED UPON THE CONDITION THAT THE APPLICANT/DEVELOPER MUST INSTALL A 100 FOOT VEGETATED BUFFER ALONG THE PROPERTY LINE WITH PENNINGTON COMMONS AND NO RECREATIONAL VEHICLES MAY BE STORED ON THE PROPERTY.

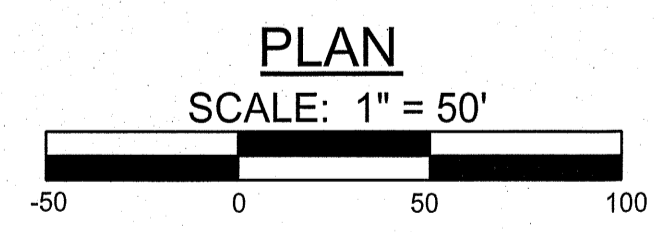
PARCEL 60 - TAX MAP 21
THE W TODD HERSHEY DYNASTY TRUST
DEED : 8263/268
EXISTING FARM FIELD

ZONED A-2: AGRICULTURAL

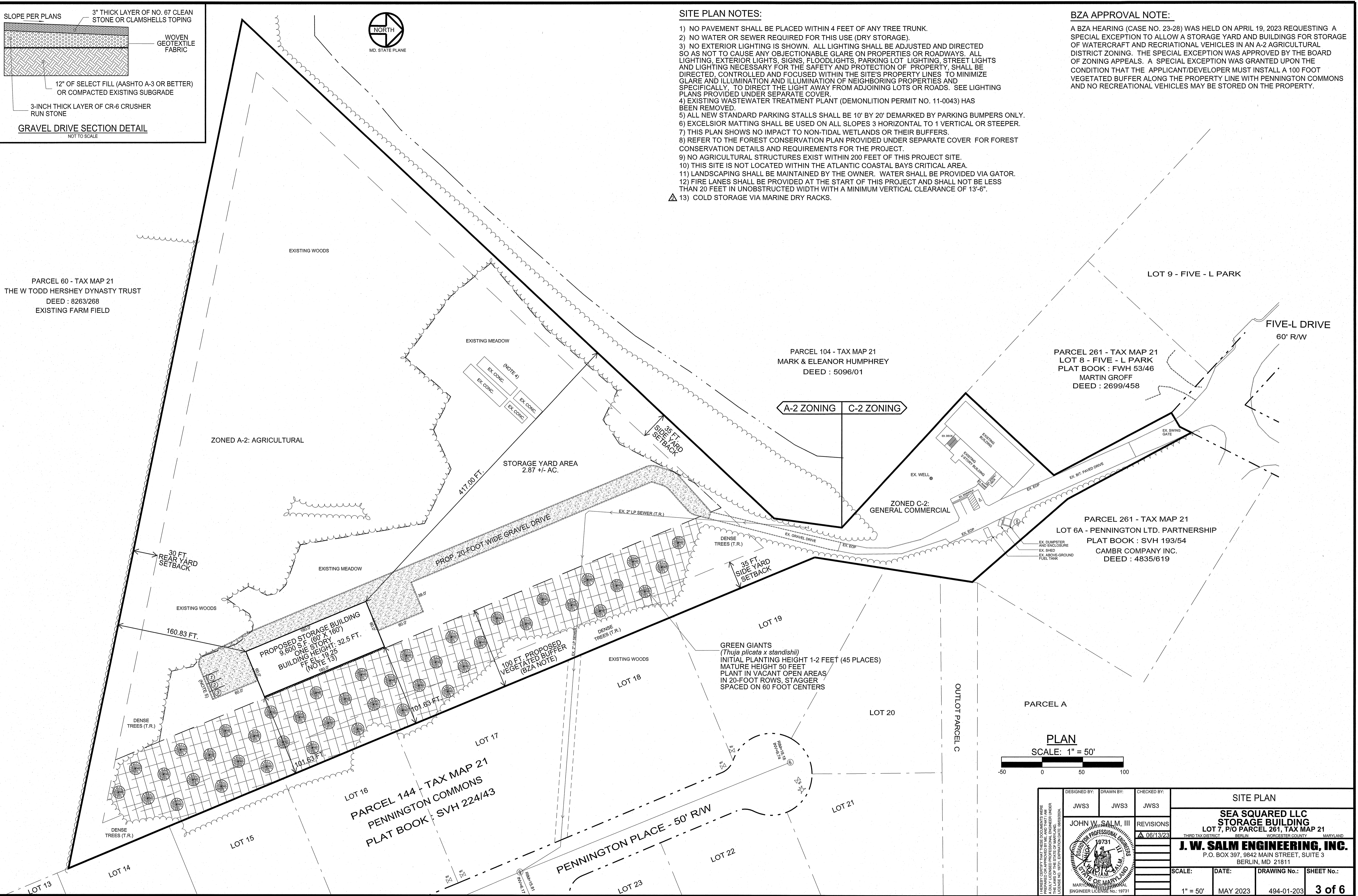
A-2 ZONING C-2 ZONING

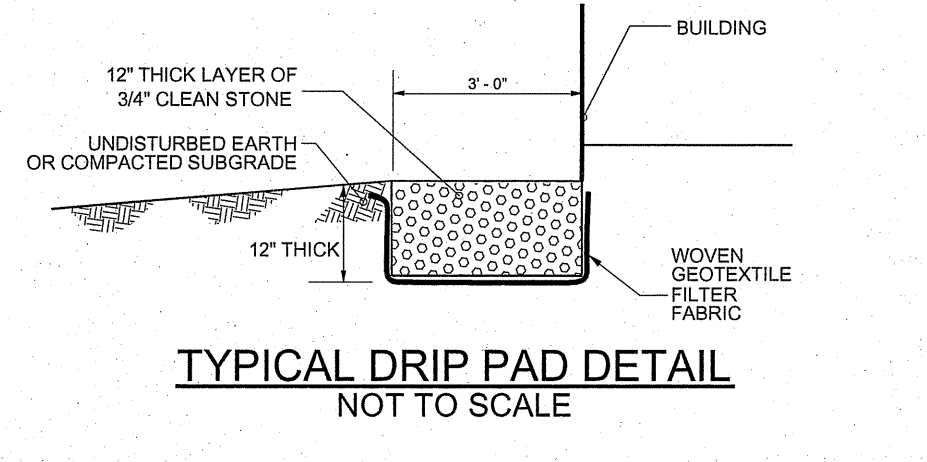
ZONED C-2: GENERAL COMMERCIAL

PARCEL 261 - TAX MAP 21
LOT 6A - PENNINGTON LTD. PARTNERSHIP
PLAT BOOK : SVH 193/54
CAMBR COMPANY INC.
DEED : 4835/619



<small>DESIGNED BY: JWS3 DRAWN BY: JWS3 CHECKED BY: JWS3</small>	SITE PLAN	
	SEA SQUARED LLC STORAGE BUILDING LOT 7, P/O PARCEL 261, TAX MAP 21	
	J. W. SALM ENGINEERING, INC. <small>P.O. BOX 397, 9842 MAIN STREET, SUITE 3 BERLIN, MD 21811</small>	
<small>REVISIONS</small> 1. 06/13/23	<small>SCALE:</small> 1" = 50'	<small>DATE:</small> MAY 2023
<small>DRAWING No.:</small> 494-01-203	<small>SHEET No.:</small> 3 of 6	





EXISTING IMPERVIOUS AREA: 0.13 +/- AC.
 EXISTING IMPERVIOUS AREA (TBR): 0.03 +/- AC.
 PROPOSED IMPERVIOUS AREA: 1.81 +/- AC.
 TOTAL IMPERVIOUS AREA: 1.91 +/- AC.

PARCEL 60 - TAX MAP 21
 THE W TODD HERSHEY DYNASTY TRUST
 DEED : 8263/268
 EXISTING FARM FIELD



FLOW DIRECTION ARROWS

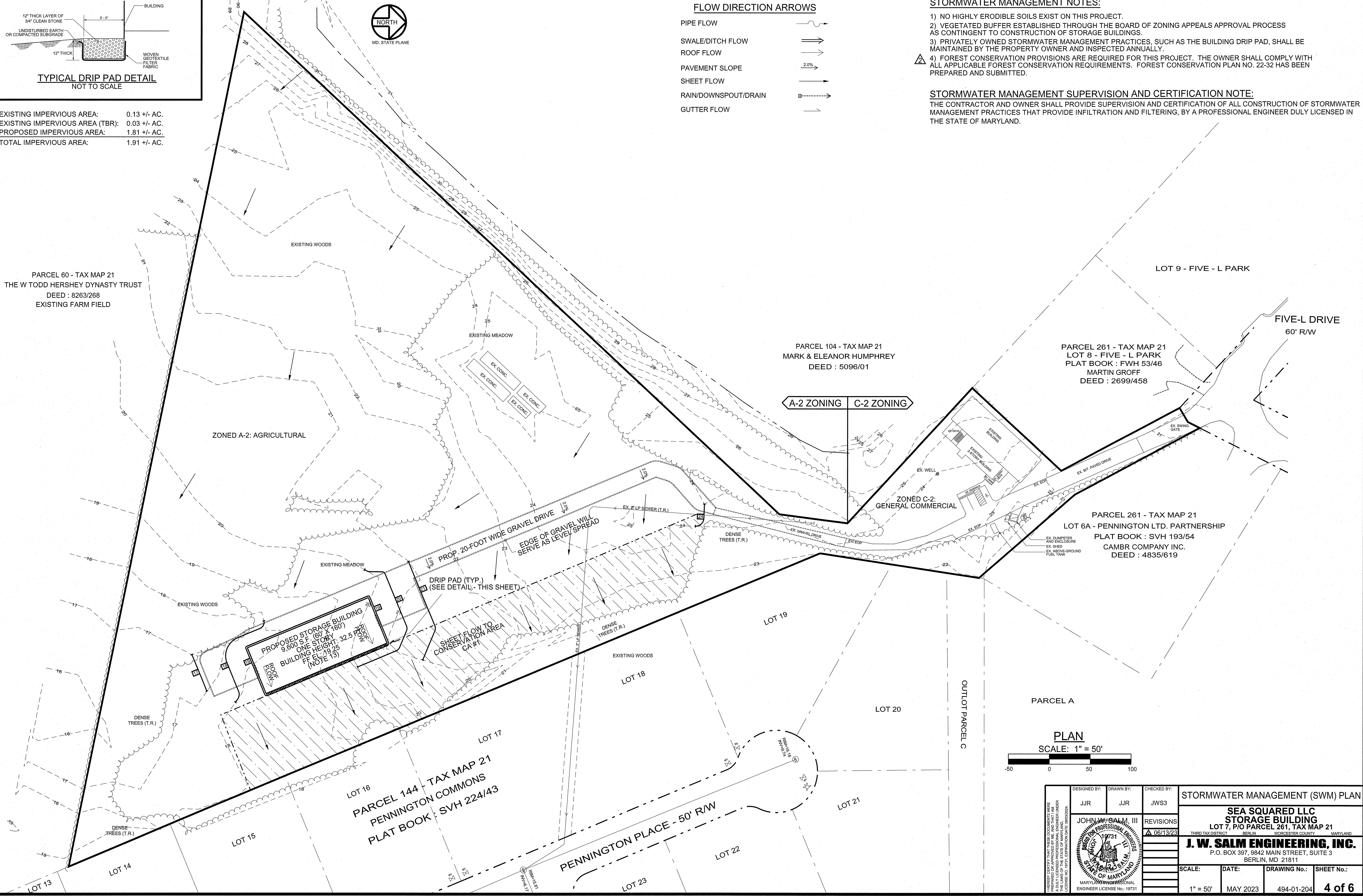
- PIPE FLOW
- SWALE/DITCH FLOW
- ROOF FLOW
- PAVEMENT SLOPE
- SHEET FLOW
- RAIN/DOWNSPOUT/DRAIN
- GUTTER FLOW

STORMWATER MANAGEMENT NOTES:

- 1) NO HIGHLY ERODIBLE SOILS EXIST ON THIS PROJECT.
- 2) VEGETATED BUFFER ESTABLISHED THROUGH THE BOARD OF ZONING APPEALS APPROVAL PROCESS AS CONTINGENT TO CONSTRUCTION OF STORAGE BUILDINGS.
- 3) PRIVATELY OWNED STORMWATER MANAGEMENT PRACTICES, SUCH AS THE BUILDING DRIP PAD, SHALL BE MAINTAINED BY THE PROPERTY OWNER AND INSPECTED ANNUALLY.
- 4) FOREST CONSERVATION PROVISIONS ARE REQUIRED FOR THIS PROJECT. THE OWNER SHALL COMPLY WITH ALL APPLICABLE FOREST CONSERVATION REQUIREMENTS. FOREST CONSERVATION PLAN NO. 22-32 HAS BEEN PREPARED AND SUBMITTED.

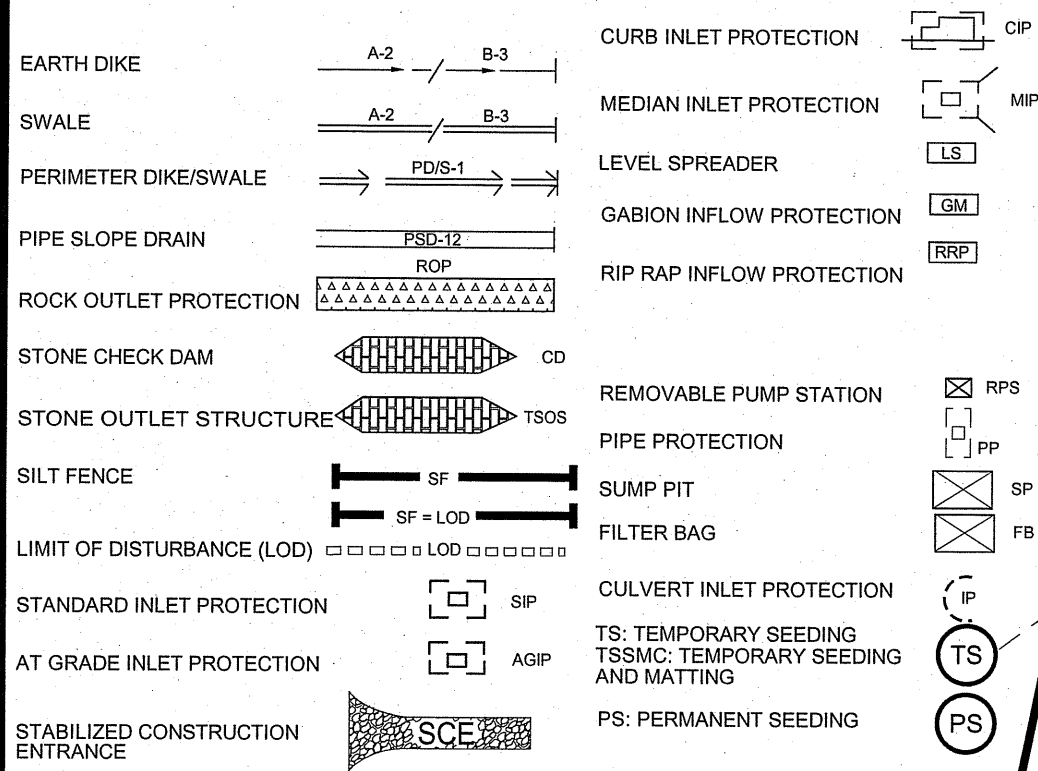
STORMWATER MANAGEMENT SUPERVISION AND CERTIFICATION NOTE:

THE CONTRACTOR AND OWNER SHALL PROVIDE SUPERVISION AND CERTIFICATION OF ALL CONSTRUCTION OF STORMWATER MANAGEMENT PRACTICES THAT PROVIDE INFILTRATION AND FILTERING, BY A PROFESSIONAL ENGINEER DULY LICENSED IN THE STATE OF MARYLAND.



DESIGNED BY: JJR DRAWN BY: JJR CHECKED BY: JWS3	REVISIONS 06/13/23	STORMWATER MANAGEMENT (SWM) PLAN	
	SEA SQUARED LLC STORAGE BUILDING LOT 7, P/O PARCEL 261, TAX MAP 21 <small>THIRD TAX DISTRICT BERLIN WORCESTER COUNTY MARYLAND</small>		
J. W. SALM ENGINEERING, INC. <small>P.O. BOX 387, 9842 MAIN STREET, SUITE 3 BERLIN, MD 21811</small>		SCALE: 1" = 50' DATE: MAY 2023	DRAWING No.: 494-01-204 SHEET No.: 4 of 6

STANDARD SESC SYMBOLS / LEGEND



SEQUENCE OF CONSTRUCTION (SOC):

- 1) CONTACT THE WORCESTER COUNTY, DEPARTMENT OF ENVIRONMENTAL PROGRAMS AT 410-632-1220 TO SCHEDULE A PRE-CONSTRUCTION MEETING AT LEAST 48 HOURS PRIOR TO COMMENCING ANY SITE WORK. FAILURE TO DO SO MAY RESULT IN AN IMMEDIATE "STOP WORK ORDER."
- 2) INSTALL PERIMETER SILT FENCE. PAY SPECIAL ATTENTION TO AREAS OF ENVIRONMENTAL CONCERN. SILT FENCE INSTALLATION SHALL BE INSPECTED BY WORCESTER COUNTY, PRIOR TO PROCEEDING.
- 3) ROUGH GRADE THE SITE FOR GRAVEL DRIVES AND BUILDING PAD. STOCKPILE FILL SOILS AND SOILS AS NEEDED OR REMOVE FROM SITE.
- 4) SURROUND STOCKPILE AREAS WITH SILT FENCE. STABILIZE DISTURBED AREAS IN ACCORDANCE WITH THE 7/14 DAY RULE. STABILIZE ALL AREAS DISTURBED BY REMOVAL OF TEMPORARY SESC DEVICES.
- 5) CONSTRUCT BUILDING FOUNDATION.
- 6) CONSTRUCT THE BUILDING.
- 7) STABILIZE DISTURBED AREA AS WORK PROGRESSES.
- 8) PLACE GRAVEL DRIVE AND DRIP PAD.
- 9) GRAVEL SURFACE THE SITE.
- 10) LANDSCAPE THE SITE.
- 11) STABILIZE THE ENTIRE SITE.
- 12) REMOVE TEMPORARY SESC DEVICES AFTER FINAL APPROVAL FROM THE SEDIMENT CONTROL INSPECTOR IS GRANTED.

SOIL EROSION AND SEDIMENT CONTROL NOTES:

S1) THE PROJECT SHALL BE IN COMPLIANCE WITH ALL SECTIONS OF THE ANNOTATED CODE OF MARYLAND, ENVIRONMENTAL ARTICLE, SUBTITLE 1. SEDIMENT CONTROL 4-101 THROUGH 4-116, COMAR 26.17.01.11 AND THE 2012 STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.

PARCEL 60 - TAX MAP 21
THE W TODD HERSHEY DYNASTY TRUST
DEED : 8263/268
EXISTING FARM FIELD

ZONED A-2: AGRICULTURAL

PARCEL 104 - TAX MAP 21
MARK & ELEANOR HUMPHREY
DEED : 5096/01

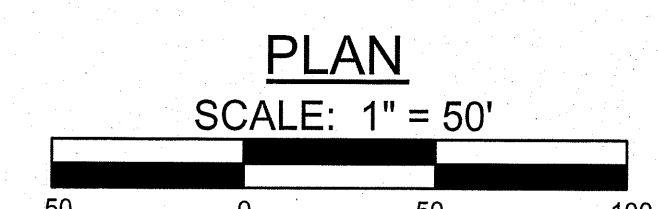
A-2 ZONING C-2 ZONING

PARCEL 261 - TAX MAP 21
LOT 8 - FIVE - L PARK
PLAT BOOK : FWH 53/46
MARTIN GROFF
DEED : 2699/458

PARCEL 261 - TAX MAP 21
LOT 6A - PENNINGTON LTD. PARTNERSHIP
PLAT BOOK : SVH 193/54
CAMBR COMPANY INC.
DEED : 4835/619

PROPOSED STORAGE BUILDING
9,800 S.F. (60' x 160')
ONE STORY
BUILDING HEIGHT:
FF EL. 19.25

PARCEL 144 - TAX MAP 21
PENNINGTON COMMONS
PLAT BOOK : SVH 224/43



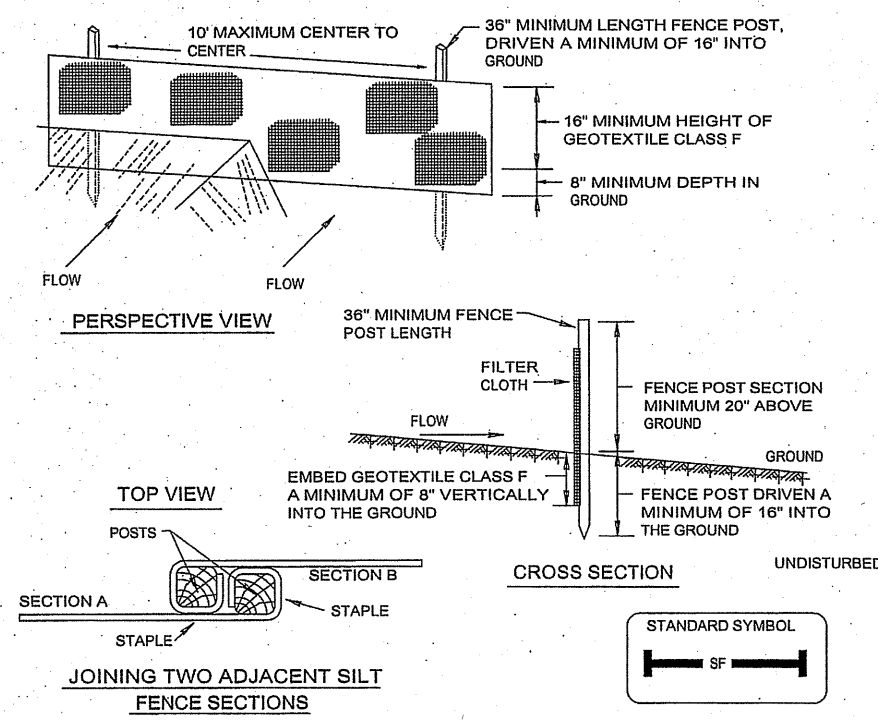
DESIGNED BY: JWS3	DRAWN BY: JWS3	CHECKED BY: JWS3
REVISIONS		
SCALE: 1" = 50'	DATE: MAY 2023	DRAWING No.: 494-01-203

SOIL EROSION AND SEDIMENT CONTROL (SESC) PLAN	
SEA SQUARED LLC	
STORAGE BUILDING	
LOT 7, P/O PARCEL 261, TAX MAP 21	
BERLIN, WORCESTER COUNTY, MARYLAND	
J. W. SALM ENGINEERING, INC.	
P.O. BOX 397, 9842 MAIN STREET, SUITE 3	
BERLIN, MD 21811	
SHEET No.:	5 of 6

SOIL EROSION AND SEDIMENT CONTROL NOTES:

- LIMITS OF SOIL DISTURBANCE, GRADING, PAVING AND/OR SEEDING/STABILIZATION INCLUDE ALL CONSTRUCTION AREAS AND ADJACENT SITES WITHIN THE LIMITS AS SHOWN.
- THE CONTRACTOR SHALL CONTACT THE WORCESTER COUNTY DEVELOPMENT REVIEW AND PERMITTING AT 410-692-1220, AT LEAST 48 HOURS PRIOR TO COMMENCING ANY SITE WORK. FAILURE TO CONTACT WORCESTER COUNTY MAY RESULT IN AN IMMEDIATE STOP WORK ORDER.
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT ALL SEDIMENT CONTROL AND STORMWATER MANAGEMENT MEASURES ARE INSTALLED AS SPECIFIED HEREIN, PRIOR TO START OF ANY GRADING OF THE SITE OR ANY OTHER CONSTRUCTION ACTIVITIES.
- EROSION CONTROL DEVICES SHALL BE PLACED PRIOR TO GRADING. THEY SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE 2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL IN DEVELOPING AREAS AND THE WORCESTER COUNTY REQUIREMENTS.
- STABILIZED CONSTRUCTION ENTRANCE, TEMPORARY SOIL EROSION CONTROL BASINS AND SILT FENCES OR OTHER CONTROL ITEMS WHICH MAY BE REQUIRED SHALL BE CONSTRUCTED AS DETAILED HEREIN.
- ALL SEDIMENT CONTROL DEVICES SHALL BE CLEANED PERIODICALLY DURING CONSTRUCTION TO INSURE THEIR INTEGRITY AND PROPER FUNCTION.
- EACH AREA SHALL BE PERMANENTLY STABILIZED WHEN SITE DEVELOPMENT WORK, GRADING OR OTHER EARTH DISTURBANCE ACTIVITIES CEASE TO BE CONTINUOUS FOR MORE THAN 7 DAYS.
- ALL SEDIMENT CONTROL DEVICES SHALL REMAIN IN OPERATION UNTIL CONSTRUCTION PROJECT IS FULLY STABILIZED BY VEGETATION OR PAVING AND FREE FROM SEDIMENT.
- PERIODIC INSPECTION AND MAINTENANCE OF ALL SEDIMENT CONTROL DEVICES MUST BE PROVIDED TO INSURE THAT THE INTENDED PURPOSE IS ACCOMPLISHED.
- DURING THE LAYOUT OF SEDIMENT CONTROL DEVICES SHOWN ON PLANS, FIELD ADJUSTMENTS SHALL BE MADE TO INSURE THAT PROPER PLACEMENT HAS BEEN MADE TO ARREST AND CONTROL ANY SEDIMENT THAT COULD LEAVE THE CONSTRUCTION SITE.
- ALL OUTFALLS ARE TO BE PROTECTED FROM EROSION VELOCITIES.
- PUBLIC ROADS AND OTHER RIGHT-OF-WAYS SHALL BE KEPT FREE OF SEDIMENT DEPOSITS LEFT FROM HEAVY TRUCK TRAFFIC LEAVING THE CONSTRUCTION SITE.
- PERMANENT STABILIZATION OF ALL AREAS NOT TO BE SODDED OR PAVED SHALL BE SEEDED AND MULCHED IN ACCORDANCE WITH THESE DRAWINGS.
- IMMEDIATELY AFTER FINAL GRADES ARE OBTAINED, ALL AREAS TO BE PAVED, SHALL BE PAVED.
- FOLLOWING INITIAL SOIL DISTURBANCE OR REDISTURBANCE, PERMANENT OR TEMPORARY SITE STABILIZATION SHALL BE COMPLETED WITHIN:
 - THREE (3) CALENDAR DAYS AS TO THE SURFACE OF ALL PERIMETER CONTROLS, DIKES, SWALES, DITCHES, PERIMETER SLOPES, AND ALL SLOPES GREATER THAN 3 HORIZONTAL TO 1 VERTICAL (3:1).
 - SEVEN (7) DAYS AS TO ALL OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE.
- ALL TEMPORARY STOCKPILES THAT ARE TO BE LEFT UNDISTURBED SHALL, IMMEDIATELY AFTER PILING, BE FERTILIZED, LIMED AND SEEDED WITH ANNUAL RYE GRASS AT A RATE OF 1 LB. PER 1,000 SF. ALL TEMPORARY STABILIZATION SHALL BE AS FOLLOWS:
 - IF STOCKPILE SLOPES ARE GREATER THAN 3:1, THEY MUST BE STABILIZED IF THEY ARE LEFT 3 DAYS OR LONGER, IF SLOPES ARE LESS THAN 3:1, THEY MUST BE STABILIZED IF THEY ARE LEFT TO BE UNDISTURBED 7 DAYS OR LONGER.
 - PULVERIZED DOLOMITIC LIMESTONE APPLIED AT A RATE OF 2,000 LBS. PER ACRE OR 45 LBS. PER 1,000 SF.
 - FERTILIZER (5-6-6) APPLIED AT A RATE OF 500 POUNDS PER ACRE OR 11.5 LBS. PER 1,000 SF.
 - RYE GRASS APPLIED AT A RATE OF 40 LBS. PER ACRE AND MULCH WITH STRAW AT 1.5 TONS PER ACRE.
- ANYTIME AN EROSION OR SEDIMENT PROBLEM OCCURS, PROMPT AND NECESSARY MEASURES SHALL BE TAKEN BY THE CONTRACTOR TO CORRECT IT.
- THE SOIL CONSERVATION DISTRICT AND MARYLAND DEPARTMENT OF THE ENVIRONMENT RESERVE THE RIGHT TO ADD, MODIFY OR OTHERWISE ALTER THE APPROVED SEDIMENT AND STORMWATER MANAGEMENT PLAN AS NECESSARY TO PROVIDE ADEQUATE PROTECTION. IF THIS PLAN IS REVISED, THE CONTRACTOR SHALL SUBMIT AS-BUILT DRAWINGS TO THE ENGINEER FOR RESUBMITTAL TO THE SOIL CONSERVATION DISTRICT.

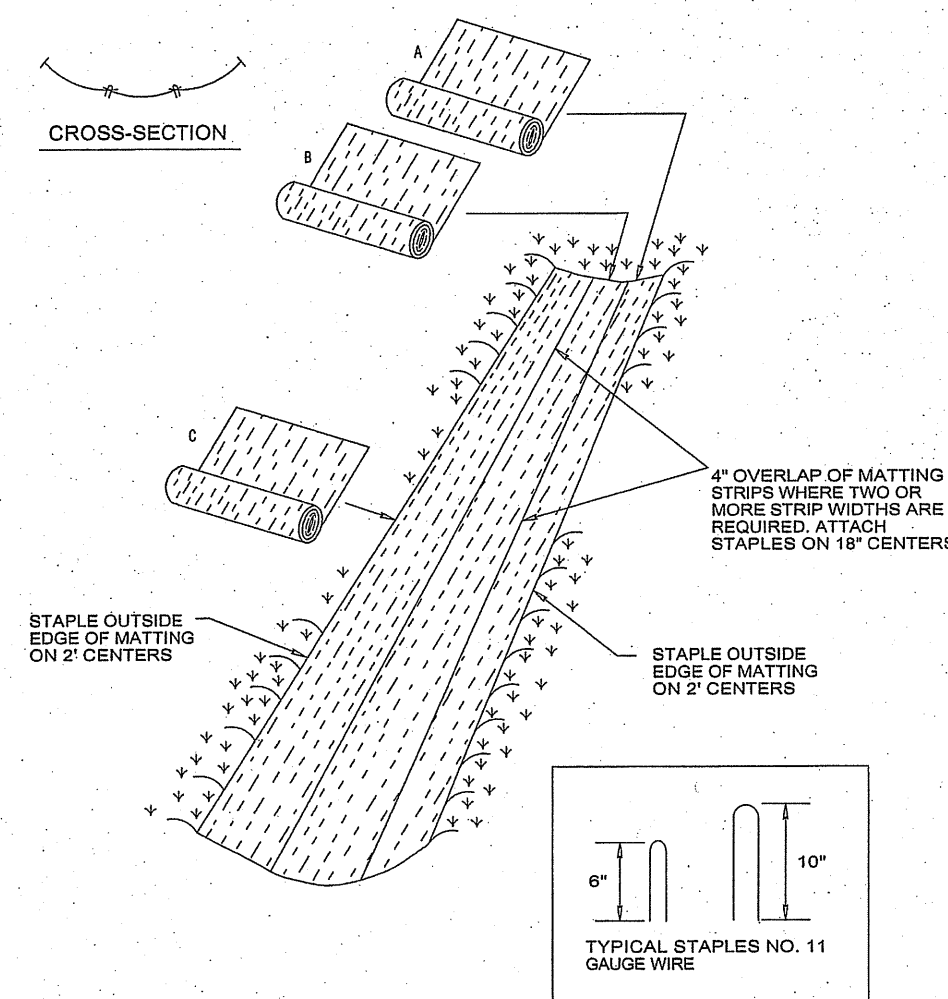
SILT FENCE (SF)



- Construction Specifications**
- Fence posts shall be a minimum of 30" long driven 10" minimum into the ground. Wood posts shall be 1 1/2" x 1 1/2" square (minimum) or 1 3/4" diameter (minimum) round and shall be of sound quality hardwood. Steel posts will be extended T or U section weighting not less than 1.00 pound per linear foot.
 - Geotextile shall be fastened securely to each fence post with wire ties or staples at top and mid-section and shall meet the following requirements for Geotextile Class F:

Tensile Strength	50 lbs/in (min.)	Test: MSMT 509
Tensile Modulus	50 lbs/in (min.)	Test: MSMT 509
Flow Rate	0.3 gal ft / minute (max.)	Test: MSMT 322
Filtration Efficiency	75% (min.)	Test: MSMT 322
 - Where ends of geotextile fabric come together, they shall be overlapped, folded and stapled to prevent sediment bypass.
 - Silt Fence shall be inspected after each rainfall event and maintained when bulges occur or when sediment accumulation reached 50% of the fabric height.

DETAIL 30 - EROSION CONTROL MATTING

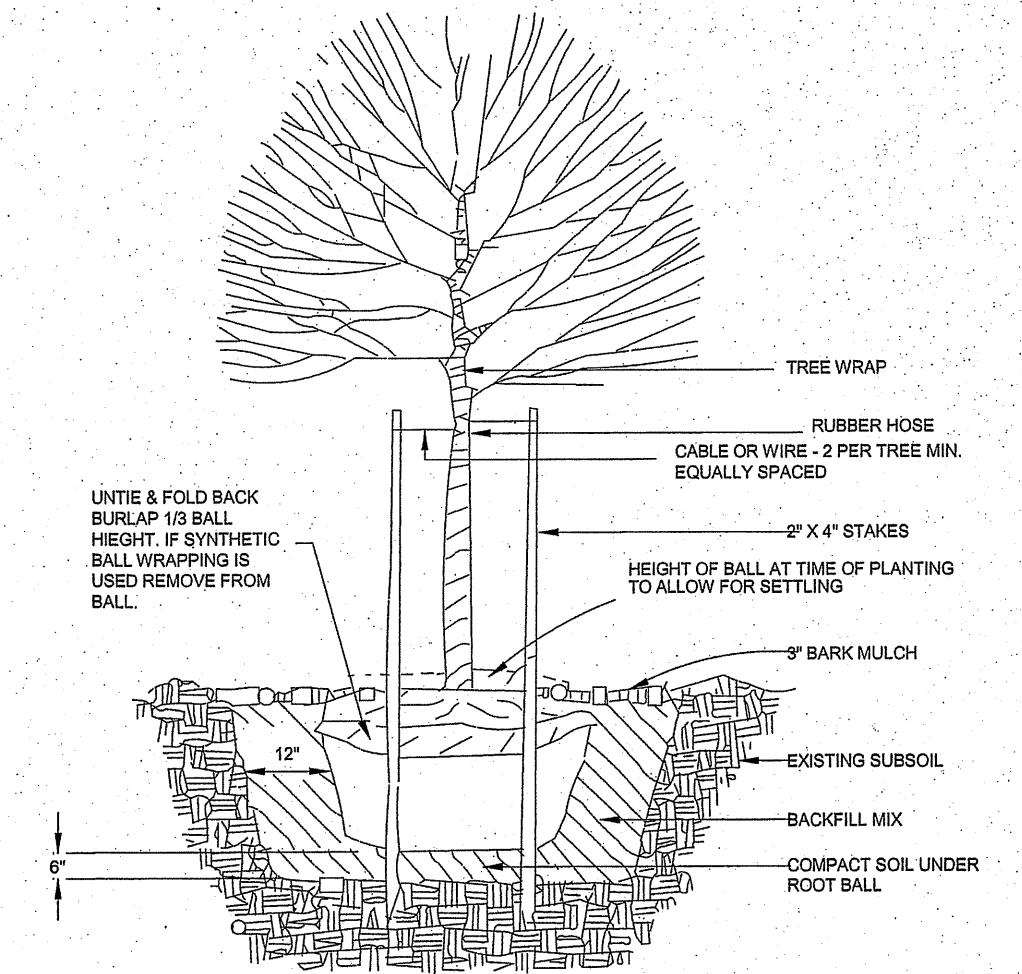


Temporary Seeding Summary

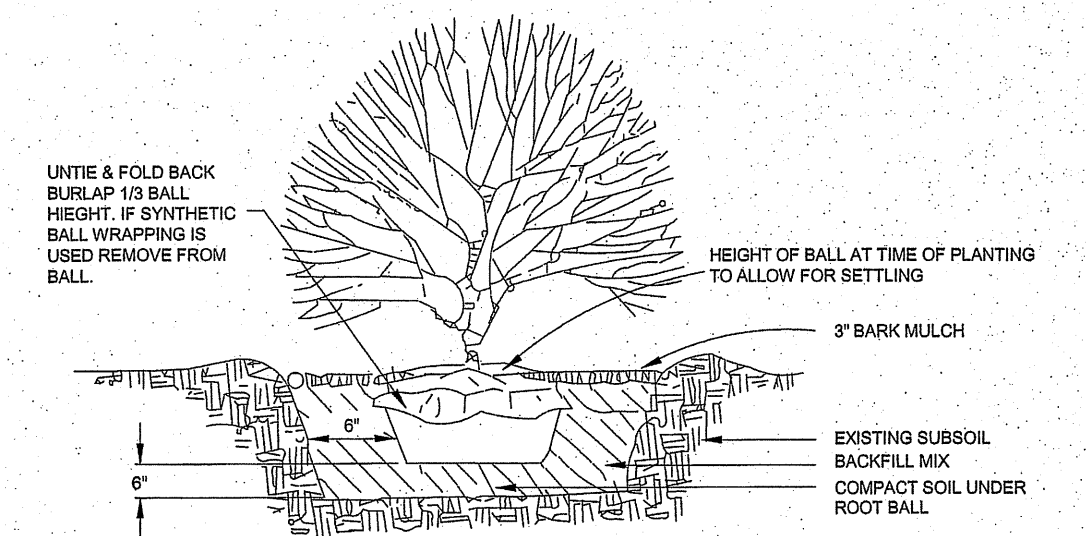
Seed Mixture (Hardiness Zone 7b) (From Table 28)					Fertilizer Rate (10-10-10)	Lime Rate
No.	Species	Application Rate (lb/ac)	Seeding Dates	Seeding Depth		
1.	RYE	140	2/1 - 4/30 8/15 - 11/30	1"-2"	600 lb/ac (15 lb/1000 sf)	2 tons/ac (100 lb/1000 sf)
2.						
3.						

Permanent Seeding Summary

Seed Mixture (For Hardiness Zone 7b) (From Table 28)					Fertilizer Rate (10-20-20)			Lime Rate
No.	Species	Application Rate (lb/ac)	Seeding Dates	Seeding Depth	N	P205	K20	
10.	Tall Fescue Hard Fescue	120	3/1 - 5/15 8/15 - 11/15	1"-2"	90 lb/ac (2.0 lb/ 1000 sf)	175 lb/ac (4 lb/ 1000 sf)	175 lb/ac (4 lb/ 1000 sf)	2 tons/ac (100 lb/ 1000 sf)
11.								
12.								



TREE PLANTING DETAIL



SHRUB PLANTING DETAIL

ENGINEER'S CERTIFICATION

I HEREBY CERTIFY THAT THE PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH EROSION AND SEDIMENT CONTROL LAWS, REGULATIONS AND STANDARDS.

SIGNATURE:

DATE: 6/14/23

JOHN W. SALM, III
MARYLAND PROFESSIONAL
ENGINEER LICENSE NO.: 19731

ALL PHASES OF STORMWATER MANAGEMENT CALCULATIONS, STRUCTURE DESIGN AND CONSTRUCTION WILL ADHERE TO THE CURRENT MARYLAND STANDARDS AND SPECIFICATIONS FOR STORMWATER MANAGEMENT AND STORMWATER MANAGEMENT PLAN FOR THIS SITE. ALL INFORMATION SET FORTH IN THIS PLAN ACCURATELY CONVEYS THIS SITE'S CONDITIONS TO THE BEST OF MY KNOWLEDGE. ALL STRUCTURAL DEVICES FOR STORM WATER MANAGEMENT WILL BE PROTECTED BY PROPER SOIL EROSION AND SEDIMENT CONTROL DEVICES UNTIL ALL CONTRIBUTING AREAS HAVE PASSED FINAL STABILIZATION INSPECTION. ON ALL SITES (EXCEPT INDIVIDUAL SINGLE FAMILY DWELLINGS):
*UPON COMPLETION OF THE PROJECT, AN AS-CONSTRUCTED SURVEY, NOTICE OF CONSTRUCTION COMPLETION (NOCC), AND LETTER OF CERTIFICATION MUST BE SUBMITTED TO THE DEPARTMENT, EXCEPT INDIVIDUAL SINGLE FAMILY DWELLINGS. ONCE REVIEW IS COMPLETE AND APPROVED, A CERTIFICATE OF OCCUPANCY CAN BE ISSUED.

SIGNATURE/APPLICANT
 PRINTED NAME/APPLICANT
6/14/23 DATE

ALL DEVELOPMENT AND CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH THIS SEDIMENT AND EROSION CONTROL PLAN AND THE 1994 MARYLAND STANDARDS FOR SOIL EROSION AND SEDIMENT CONTROL. THE OWNER AUTHORIZES THE RIGHT OF ENTRY FOR PERIODIC ON-SITE EVALUATION BY THE WORCESTER SOIL CONSERVATION DISTRICT, MARYLAND DEPARTMENT OF THE ENVIRONMENT OR THEIR AUTHORIZED AGENTS. (1) ANY CLEARING, GRADING, CONSTRUCTION OR DEVELOPMENT, OR ALL OF THESE, WILL BE DONE PURSUANT TO THIS PLAN. (2) ALL RESPONSIBLE PERSONNEL (ONE MINIMUM) INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE CERTIFICATION OF TRAINING AT THE MARYLAND DEPARTMENT OF THE ENVIRONMENT TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT PRIOR TO BEGINNING THE PROJECT. (3) THE OWNER OR DEVELOPER SHALL CERTIFY RIGHT OF ENTRY FOR PERIODIC ON-SITE EVALUATION BY THE ENFORCEMENT AUTHORITY AND/OR MDE.

SIGNATURE/OWNER
 PRINTED NAME/OWNER
6/14/23 DATE

ANYTIME A SOIL EROSION OR SEDIMENT CONTROL PROBLEM OCCURS, PROMPT AND NECESSARY MEASURES WILL BE TAKEN BY THE OWNER AND/OR CONTRACTOR TO CORRECT THE PROBLEM. ALL PHASES OF CONSTRUCTION WILL ADHERE TO ALL SEDIMENT AND EROSION CONTROL MEASURES AS SET FORTH IN THE APPROVED SEDIMENT AND EROSION CONTROL PLAN FOR THIS SITE.

SIGNATURE/OWNER
 PRINTED NAME/OWNER
6/14/23 DATE

DESIGNED BY: JJR	DRAWN BY: JJR	CHECKED BY: JWS3	NOTES AND DETAILS		
REVISIONS					
			SEA SQUARED LLC TAX MAP 21, P/O PARCEL 261, LOT 7 THIRD TAX DISTRICT BERLIN WORCESTER COUNTY MARYLAND J. W. SALM ENGINEERING, INC. P. O. BOX 397, 9842 MAIN STREET, SUITE 3 BERLIN, MD 21813		
			SCALE: AS SHOWN	DATE: MAY 2023	DRAWING No.: 494-01-206

STAFF REPORT

REZONING CASE NO. 443

PROPERTY OWNER: William and Linda Ayres
2710 Cortland PL, NW
Washington, DC 20008

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

TAX MAP/PARCEL INFO: Tax Map 16, Parcels 21 & 53, Tax District 03

SIZE: The petitioned area is approximately 27.57 acres in size.

LOCATION: The petitioned area is located on the east side of Maryland 589 (Racetrack RD) directly across from the north entrance to Ocean Pines (Ocean Parkway).

CURRENT USE OF PETITIONED AREA: The current use of the petitioned location is farmland and forested area.

CURRENT 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.

REQUESTED ZONING CLASSIFICATION: 25.25 Acres as A-2 Agricultural District and 2.0 acres as C-2 General Commercial District.

A-2 Agricultural District.

As defined in the Zoning Code, the intent of this district is to foster the County's agricultural heritage and uses while also accommodating compatible uses of a more commercial nature that require large tracts of land. In addition, this district may also be used for limited residential development through consolidated development rights and as a place marker for future annexations only were adjacent to existing municipalities.

C-2 General Commercial District.

As defined in the Zoning Code, the intent of this district is to provide for more intense commercial development serving populations of three thousand or more within an approximate ten- to twenty-minute travel time. These commercial centers generally have higher parking demand and greater visibility. The Code also states, in part, that site layout and design features within this district shall be compatible with the community and the County's character.

APPLICANT'S BASIS FOR REZONING: The application indicates that a substantial changes in the character of the neighborhood since the November 3, 2009, Comprehensive Rezoning.

ZONING HISTORY: At the time zoning was first established in 1964, the petitioned area was given a A-1 Agricultural District classification, and the A-1 zoning has been retained in comprehensive rezonings held in 1978, 1992 and 2009. This property was subject to a previous rezoning application (Case No. 421) which requested a reclassification for the entire property to C-2 General Commercial District. That application was withdrawn following the Planning Commission's review and unfavorable recommendation. A copy of the minutes from that meeting are attached.

SURROUNDING ZONING: Adjoining properties to the south and west are zoned A-1 Agricultural District. Two adjacent properties to the east are zoned C-2 General Commercial District and currently have a convenience store, bank, and medical building on them. Directly across MD 589 (Racetrack Rd) is R-2 Suburban Residential District and C-1 Neighborhood Commercial District.

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 is considered in all rezoning requests, as listed in § ZS 1-113(c)(3) and as summarized at the end of this Staff Report.

According to Chapter 2 – Land Use of the Comprehensive Plan and the associated land use map, the petitioned area lies within the Agriculture Land Use Category. With regard to the Agriculture Land Use Category, the Comprehensive Plan states the following:

“The importance of agriculture to the county cannot be overstated. Its significance is economic, cultural, environmental, and aesthetic. Agriculture is simply the bedrock of the county's way of life. Agriculture faces challenges from international commodity prices, local development pressure, and the aging farm population to name a few. The county must do all it can to preserve farming as a viable industry.” (Page 18)

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.
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.
15. Balance the supply of commercially zoned land with anticipated demand of year-round residents and seasonal visitors.
17. Discourage highway strip development to maintain roadway capacity, safety, and character.
19. Limit rural development to uses compatible with agriculture and forestry.

(Pages 12 & 13)

Areas surrounding Existing Developed Areas (EDA) shouldn't be rezoned simply because of their proximity to the EDA in this case Ocean Pines.(i.e. Ocean Pines). The EDAs are anticipated to remain the same until the next plan review period.

(Page 13)

Chapter 3 Natural Resources

Prime farmland is a limited resource and is important for meeting short and long term food needs. Non-prime farmland is no less important for maintaining the Counties "critical mass" of working farms. (Page 49).

Chapter 4 Economy

Objectives: Agriculture and Forestry

3. Reduce farm area fragmentation through agricultural zoning permitting only minor subdivisions (five or less lots), the state's agricultural preservation program, the Rural Legacy program and explore the use of a transfer of development rights and other preservation mechanisms
6. Review permitted land use in agricultural zones to ensure compatibility with agriculture as a quasi-industrial use. Adjust requirements to prevent inappropriate uses from developing in agricultural areas.

(Pages 59, 60)

WATER AND WASTEWATER: According to the attached response memo from Mr. Mitchell, the property is not currently connected to public sewer and/or water at this time. The subject property has a designation of a Sewer and Water Service Category of S-6/W-6 (No planned service) in the Master Water and Sewerage Plan, no comments were received from the County's Public Works Department.

The primary soil types on the petitioned area according to the Worcester County Soil Survey are as follows:

EmA - Elkton silt loam (1.3% of site), severe limitations to on-site wastewater disposal
FadA - Fallsington sandy loams (3.7% of site), severe limitations to on-site wastewater disposal
HmA - Hammonton loamy sand (16.8% of site), severe limitations to on-site wastewater disposal
KeA - Kentuck silt loam (16% of site), severe limitations to on-site wastewater disposal
NnA - Nassawango fine sandy loam (0.6% of site) severe limitations to on-site wastewater disposal
NnB - Nassawango fine sandy loam (43.3% of site), severe limitations to on-site wastewater disposal
WddA - Woodstown sandy loam (18.2% of site), severe limitations to on-site wastewater disposal

EMERGENCY SERVICES: Fire and ambulance service will be available from the Ocean Pines Volunteer Fire Company approximately four minutes from the subject property. Service is also available from the Showell Volunteer Fire Company approximately also four minutes away. No comments were received from the fire companies with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately nine minutes away, and the Worcester County Sheriff's Office in Snow Hill, approximately twenty-six minutes away. No comments were received from the Maryland State Police Barracks or from the Sheriff's Office.

ROADWAYS AND TRANSPORTATION: The petitioned area has frontage on MD Route 589 (Racetrack Road), a State-owned and maintained road. It is considered a two-lane secondary highway. This location is also directly across from the MD589 Ocean Parkway Intersection.

In Chapter 7 – Transportation, the 2006 Comprehensive Plan states that “Worcester’s roadways experience morning and evening commute peaks; however, they are dwarfed by summer resort traffic. . . . Resort traffic causes the most noticeable congestion on US 50, US 113, US 13, MD 528, MD 589, MD 611 and MD 90.” (Page 79)

“Of special note is the fact that the MD 589 corridor has experienced significant development and has reached an unsatisfactory level of service. . . . [A]nd congestion has become a daily occurrence regardless of season. For this reason, MD 589 is considered impacted from a traffic standpoint. This implies that land use should not intensify in this area. Infill development of existing platted lots should be the extent of new development. This policy shall remain until road capacity is suitably improved.” (Page 80)

Chapter 7 also includes a section on MD 589 and identifies it as a Two Lane Secondary Highway/Major Collector Highway and contains the following recommendations (Page 85):

- Limit development in the corridor until capacity increases.
- Conduct scenic and transportation corridor planning.
- Dualize after the US 113 project is completed.
- Continue to deflect US 113 traffic to MD 90 rather than MD 589.
- Introduce interparcel connectors and service roads where feasible.

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

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.
3. Traffic studies--Developers should provide traffic studies to assess the effect of each major development on the LOS for nearby roadways.
4. Impacted Roads--Roads that regularly have LOS D or below during weekly peaks are considered “impacted.” Areas surrounding impacted roads should be planned for minimal development (infill existing lots). Plans and funding for improving such roads should be developed.
5. Impacted Intersections--Upgrade intersections that have fallen below a LOS C, for example, the intersection of US 13 and MD 756 Old Snow Hill Road, intersection of MD 589 and US 50.

The Maryland Department of Transportation State Highway Administration (MDOT SHA) has no objection to the request. They note in their comments that any future development proposal will require review and approval from District 1 Access Management and any permitting as needed. As this parcel is not located on a county owned and maintained road, no comments were received from the County Roads Division of the Department of Public Works.

SCHOOLS: The petitioned area is within Zone 1 of the Worcester County Public School Zones and is served by the following schools: Showell Elementary, Berlin Intermediate, and Stephen Decatur Middle and High Schools. 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 is located outside of the Atlantic Coastal Bays Critical Area (ACBCA) and will be subject to the Forest Conservation Law. The parcel included in the proposed rezoning has not previously been reviewed in conjunction with the Forest Conservation Law. The first portion of this rezoning would be a change from A-1 (Agricultural District) to A-2 (Agricultural District) and the afforestation/reforestation thresholds will not change if/when the property is further developed. The second portion of this request would be a change from A-1 (Agricultural District) to C-2 (General Commercial District). The afforestation and conservation threshold would be reduced for this request. A change from 20 percent to 15

percent and the reforestation threshold will change from 50 percent to 15 percent. No comments were received from the State Critical Area Commission relative to this request.

FLOOD ZONE: The FIRM map (24047C0045H, effective July 16, 2015) indicates that this property is located outside of the floodplain in Zone X (Area of Minimal Flood Hazard).

PRIORITY FUNDING AREAS: The petitioned area is not within a designated Priority Funding Area (PFA). The closest PFA is Ocean Pines, directly on the other side of MD 589.

INCORPORATED TOWNS: This property is within 5.5 miles of the incorporated town of Berlin.

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 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. CASE 443

Date Received by Office of County Commissioners: 5/25/23

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): 16
- B. Parcel Number(s): 21 and 53
- C. Lot Number(s), if applicable: _____
- D. Tax District Number: 03

III. Physical Description of Property

- A. Located on Race Track Road.
- B. Consisting of a total of 27.57 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): A-1 Agricultural District
(Name and Zoning District)
- B. Acreage of zoning classification(s) in "A" above: 27.57
- C. Requested zoning classification(s): A-2 Agricultural District
(25.57 acres) and C-2, General Commercial District (2.0 acres)
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: 27.57

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 substantial change in the character of the neighborhood, see attached.

VI. Filing Information and Required Signatures

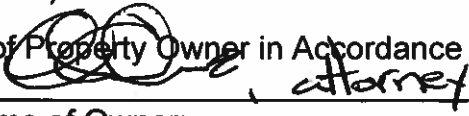
- A. Every application shall contain the following information:
1. If the application is made by a person other than the property owner, the application shall be co-signed by the property owner or the property owner's attorney.

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 Owners
 Mailing Address: 9927 Stephen Decatur Hwy., F-12, Ocean City, MD 21842
 Phone Number: 410-213-2681
 E-Mail: hcropper@bbcmlaw.com
 Date: May 14, 2023

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

Signature:  attorney
 Printed Name of Owner: William Ayres and Linda Ayres
 Mailing Address: 2710 Cortland Pl, NW, Washington, DC 20008
 Phone Number: 212-586-1903
 E-Mail: ayreswilliam@netscape.net; lindaayres2710@gmail.com
 Date: May 14, 2023

(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 1st to January

31st, May 1st to May 31st, and September 1st to September 30th 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.

REASONS FOR REQUESTED ZONING CHANGE

William Ayres and Linda Ayres, by their attorney, Hugh Cropper IV, respectfully submit the following in support of their Rezoning Application:

This Rezoning Application is based upon substantial changes in the character of the neighborhood since the November 3, 2009 Comprehensive Rezoning. The property is currently zoned A-1, Agricultural District. This is a request to rezone approximately 2 acres of the property to C-2, General Commercial District, being that portion of the property abutting the existing C-2 Zone, which is currently improved by a convenience store. This is a request to rezone the remainder of the property, slightly over 25 acres, to A-2, Agricultural District.

A copy of the March 7, 2006 Land Use Plan, which accompanies the Worcester County Comprehensive Plan, is attached (Exhibit 1). The Land Use Plan is a broad brush approach, or guide, to future zoning. In the actual Plan which the undersigned obtained from the County Commissioners' Office back in 2006, it appears that a portion of the property, being part of the 2 acres proposed to commercial zoning, is actually in the Commercial Center in the Land Use Plan. Again, given the scale of the actual Land Use Plan, it is difficult to tell. At a minimum, it abuts the Commercial Center.

The remainder of the property is designated Agriculture and, as such, the proposed rezoning to A-2, Agricultural District, is consistent with the Land Use Map, and the Worcester County Comprehensive Plan.

This property was the subject of a previous rezoning application, which

requested a reclassification of the **entire property** to C-2, General Commercial District. That application was withdrawn.

Circumstances with respect to this specific property have changed since that application; namely, the current tenant farmer has refused to plant the property because: (1) due to its location, it is inaccessible to combines and tractors; (2) the soils are poor, and do not support good production; and (3) it is in an area remote from large tracts of farmland, and it is not economically feasible to take large farm equipment to this property.

The neighborhood is defined as the commercial corridor along Maryland Route 589, as shown on the attached diagrams (Exhibits 2 and 3). The property is shown on the Zoning Map, which was an attachment to the January 2019 proposed rezoning (Exhibit 4).

Among other substantial changes to the character of the neighborhood, are the following:

1. Coastal Venture Properties, LLC has obtained special exceptions and other unplanned for approvals in connection with its medical office complex on Worcester County Tax Map 16, Parcel 24, directly across Maryland Route 589 from the subject property. The substantial construction can be seen on the aerial photograph which is attached as an exhibit to this summary (Exhibit 5). In fact, the property has become a large multi-disciplinary medical complex operated by Tidal Health in connection with the Tidal Health Hospital in Salisbury. This major expansion, in and of itself, would represent a substantial change in the character of the neighborhood, and it is literally across Maryland

Route 589 from the subject property.

2. Upgrades to the Ocean Downs Casino represents a substantial change in the character of the neighborhood. Perhaps more importantly, Worcester County amended its Comprehensive Water and Sewerage Plan to permit a force main under Turville Creek to a pump station at the Ocean Downs Casino. This allowed the Ocean Downs Casino to purchase additional EDU's, thereby authorizing the expansion (all of which was unplanned for). The pump station was designed to accept additional effluent, and Crabs to Go is in the process of running a force main along Maryland Route 589 and connecting to this pump station.

3. On March 15, 2016, the Worcester County Commissioners rezoned 11.5 acres for the Estate of Mildred Parsons, Margaret Bunting, Personal Representative, in Case Number 398.

4. On September 4, 2012, the Worcester County Commissioners rezoned 30.9 acres in Rezoning Case No. 392. This rezoning was appealed to the Circuit Court, and subsequently appealed to the Court of Special Appeals, which upheld the decision of the Worcester County Commissioners (Exhibit 6). The Protestants filed a Petition for Writ of Certiorari, which was denied by the Court of Appeals (effectively confirming the rezoning). The aforementioned two rezonings were based on substantial changes in the character of the neighborhood since the last Comprehensive Rezoning, November 3, 2009.

5. The Worcester County Commissioners recently amended the Worcester County Comprehensive Water and Sewerage Plan to include

Worcester County Tax Map 21, Parcels 66A and 66B, for connection to the Greater Ocean Pines Sanitary Service Area. A force main will be designed and installed along Maryland Route 589.

6. The sectional rezoning at Maryland Route 589 (Racetrack Road) represents a substantial change in the character of the neighborhood.

7. There have been other expansions/connections to the Greater Ocean Pines Sanitary Service Area. There have been other changes in the neighborhood, some of which are outlined in the Silver Fox Court of Special Appeals Opinion, a copy of which is attached hereto (Exhibit 6).

Although the property is designated Agricultural in the Worcester County Land Use Plan, it does abut Commercial Center. It is directly across from the North Gate of Ocean Pines. It is adjacent to commercially zoned property to the south. It is part of a predominantly commercial neighborhood. Taken as a whole, the Comprehensive Plan is a broad brush approach to guide future development.

Having found a substantial change in the character of the neighborhood, the proposed rezoning is more desirable with respect to the objectives of the Comprehensive Plan. For the majority of the property, the proposed A-2, Agricultural District, will allow for quasi-commercial uses, such as farmers markets, which will be an asset to the neighborhood, and consistent with the Comprehensive Plan.

The applicants respectfully request that the application be granted.

Respectfully submitted,

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

Hugh Cropper IV
Attorney for Property Owners
William Ayres and Linda L. Ayres



Worcester County Department of Environmental Programs

Worcester County Government Center, 1 West Market Street, Rm 1306 | Snow Hill MD 21863

Tel: (410) 632-1220 | Fax: (410) 632-2012

Memorandum

To: Matt Laick, Deputy Director, DDRP

From: Robert J. Mitchell
Director, Environmental Programs

Subject: EP Staff Comments on Rezoning Case No. 443
Worcester County Tax Map 16, Parcels 21 & 53
Reclassify approximately 25.57 Acres of A-1 Agricultural District to A-2 Agricultural District
and Reclassify 2 acres A-1 Agricultural District to C-2 General Commercial District

Date: 7/21/23

This response to your request for comments is prepared for the map amendment application associated with the above referenced property. The Worcester County *Zoning and Subdivision Control Article*, Section §ZS 1-113(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 applicant is contending that there has been a change in the character of the neighborhood. 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*.

The Department of Environmental Programs has the following comments:

1. This property has an Agricultural land use designation in the Land Use Map in the Worcester County *Comprehensive Plan* (*Comprehensive Plan*), as do properties to the west and south. This district is reserved for farming, forestry, and related industries with minimal residential and other compatible uses permitted. It is expected that residential and other conflicting land uses although permitted, are discouraged within this district. The surrounding zoning and land uses for the most part have corresponded with their land use designations in the *Comprehensive Plan*.
2. The existing property is not connected to public sewer and/or water at this time. The subject property has a designation for a Sewer Service Planning Category of S-6/W-6 (No planned service) in the *Master Water and Sewerage Plan*. Our well and septic records indicate a septic tank served the existing building for the property until the system was demolished and abandoned. To get an amendment approved for water & sewer planning area classification changes that permit connection to public systems, the underlying agricultural land use designation for the properties would need to change to be consistent with the *Comprehensive Plan*.
3. We would note the *Comprehensive Plan*'s Chapter 7 Transportation notes on MD Route 589, referenced on Page 80: “Of special note is the fact that the MD 589 corridor has experienced significant development and has reached an unsatisfactory level-of-service. During the period from 1990 to 2003, traffic increased by 112 percent and congestion has become a daily occurrence, regardless of season. For this reason, MD 589 is considered impacted from a traffic standpoint. This implies that land use should not intensify in this area. Infill development of existing platted lots should be the extent of new development. This policy shall remain

until road capacity is suitably improved.” The applicant should be prepared to address how this rezoning, if approved, would not negatively affect local traffic congestion.

4. This proposed rezoning is located outside of the Atlantic Coastal Bays Critical Area (ACBCA) and will be subject to the Forest Conservation Law. The parcel included in the proposed rezoning has not previously been reviewed in conjunction with the Forest Conservation Law. The first portion of this rezoning would be a change from A-1 (Agricultural District) to A-2 (Agricultural District) and the afforestation/reforestation thresholds will not change if/when the property is further developed. The second portion of this request would be a change from A-1 (Agricultural District) to C-2 (General Commercial District). The afforestation and conservation threshold would be reduced for this request. A change from 20 percent to 15 percent and the reforestation threshold will change from 50 percent to 15 percent.
5. The applicant submits that the character of the neighborhood has changed to an extent that justifies this amendatory action to change the zoning designation. The example properties the applicant submits that justify a change in the character of the neighborhood had underlying land use designations of either commercial center or existing developed.

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

From: Aws Ezzat <AEzzat@mdot.maryland.gov>
Sent: Wednesday, June 21, 2023 8:07 AM
To: April Mariner <amariner@co.worcester.md.us>
Cc: Jeffrey Fritts <JFritts@mdot.maryland.gov>
Subject: Re: Rezoning Case #443

April,

After a review of Rezoning Case #443, MDOT SHA has no objection to the rezoning as proposed. If this parcel is proposed to be developed in the future, the proposed development will require review and approval from District 1 Access Management and need to obtain permitting, as necessary.

As reflected in our aforementioned comments, MDOT SHA has no objections to the proposed rezoning as determined by Worcester County. I would highly appreciate if you can copy/inform me in the future for any rezoning submissions.

Thank you,



Aws Ezzat, P.E.
Regional Engineer, Access Management
District 1
660 West Road
Salisbury, MD 21801
AEzzat@mdot.maryland.gov
(410) 677-4048 (office)

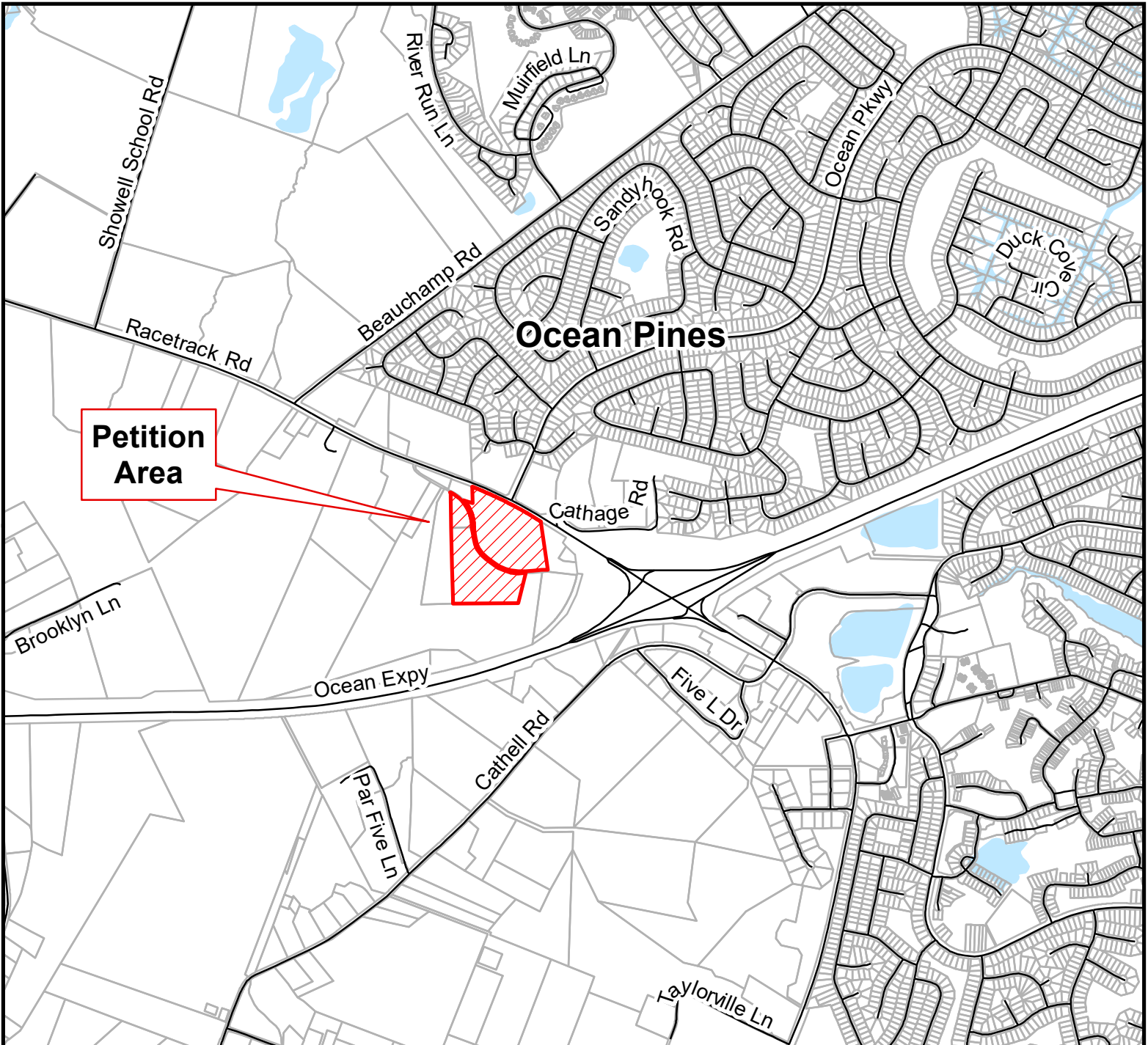
WORCESTER COUNTY, MARYLAND



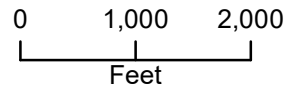
REZONING CASE NO. 443
A-1 Agricultural to A-2 Agricultural & C-2 General Commercial
Tax Map: 16, Parcel 21 and 53



LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023



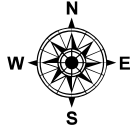
Source: GIS Data Layers
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

WORCESTER COUNTY, MARYLAND



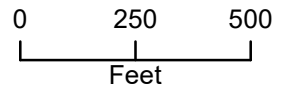
REZONING CASE NO. 443
A-1 Agricultural to A-2 Agricultural & C-2 General Commercial
Tax Map: 16, Parcel 21 and 53



AERIAL IMAGERY



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023



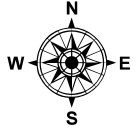
Source: 2022 Aerial Imagery
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

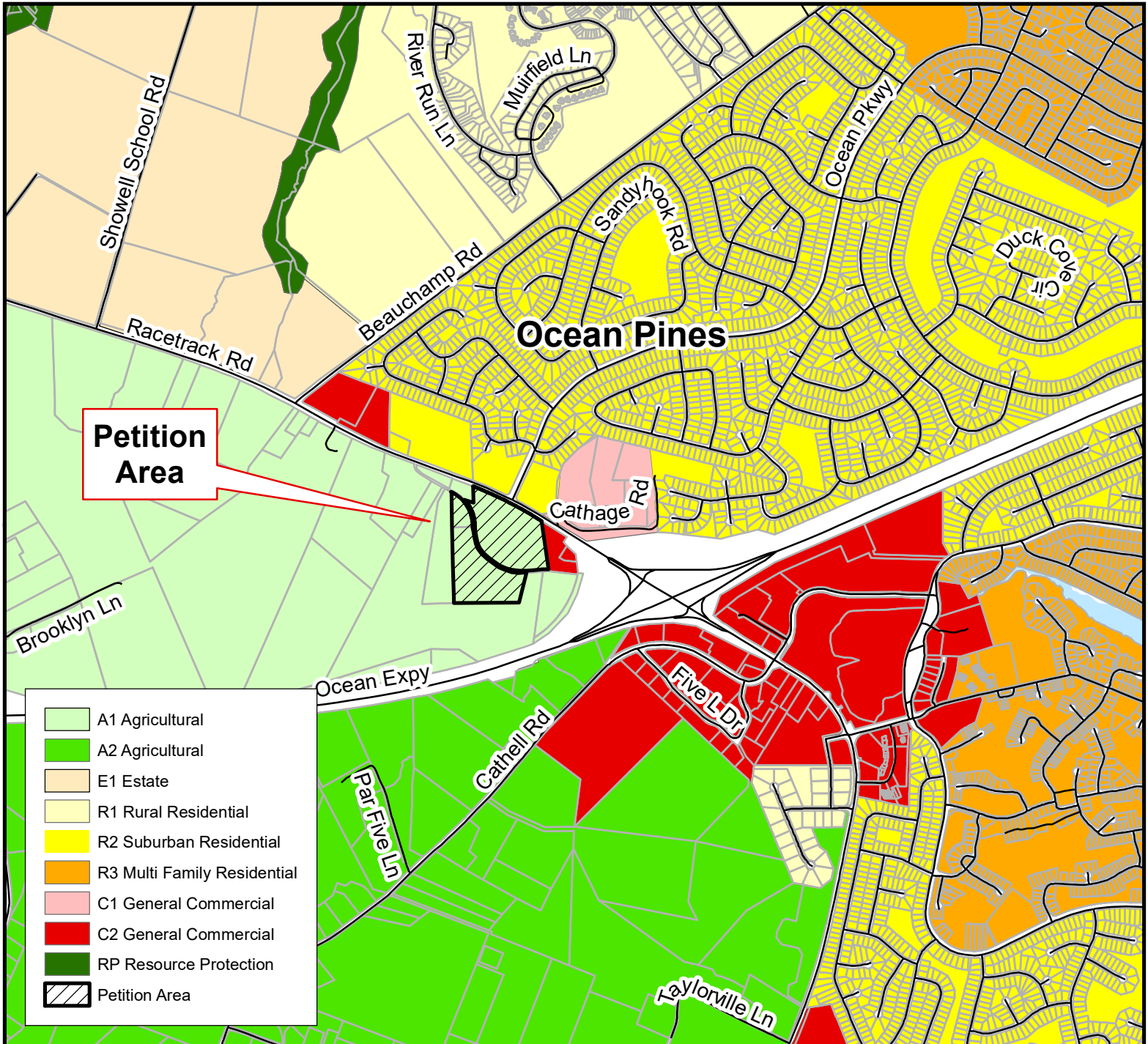
WORCESTER COUNTY, MARYLAND



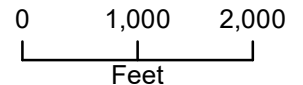
REZONING CASE NO. 443
A-1 Agricultural to A-2 Agricultural & C-2 General Commercial
Tax Map: 16, Parcel 21 and 53



ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023



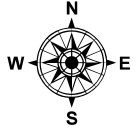
Source: 2009 Official Zoning Map
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

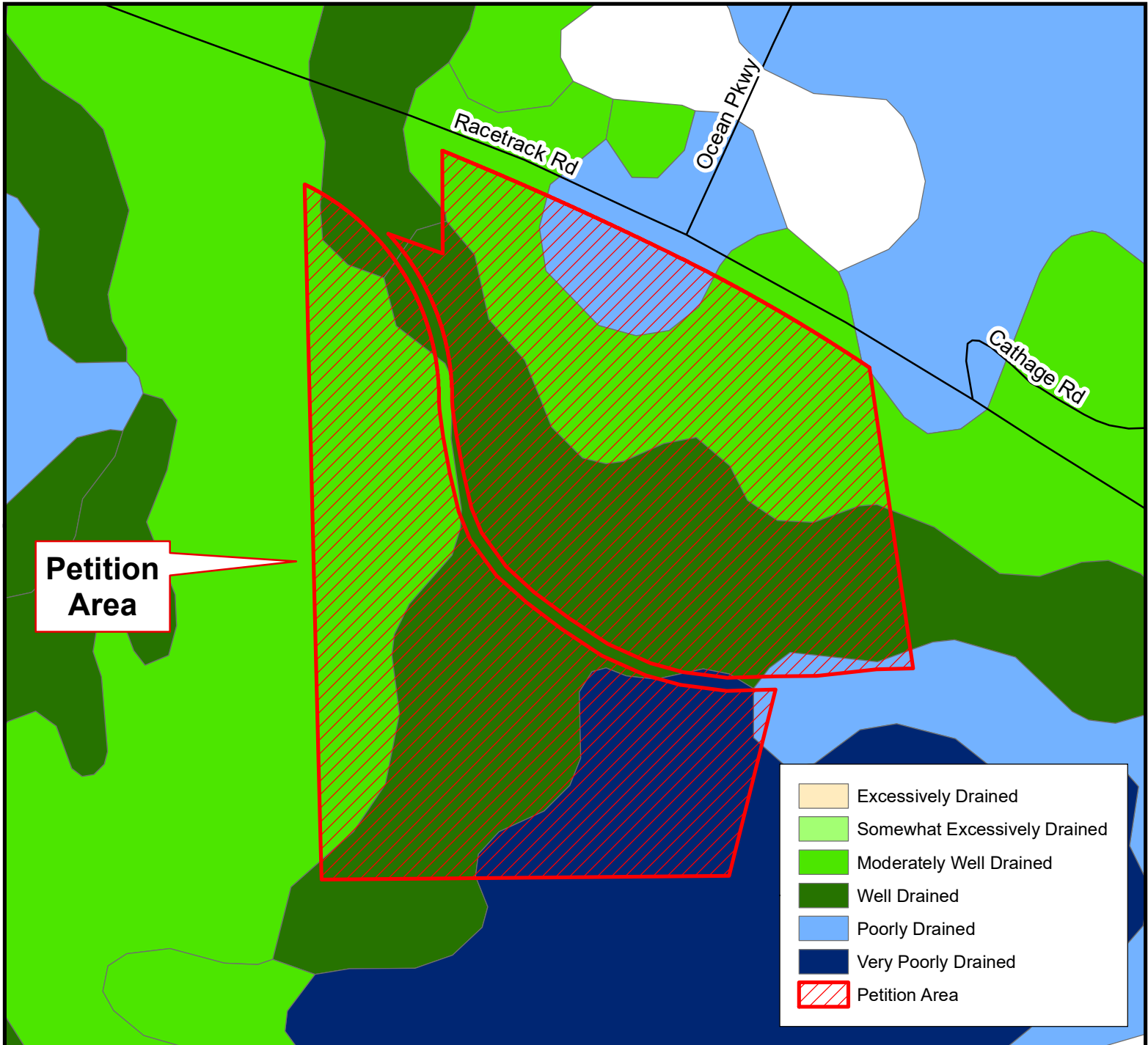
WORCESTER COUNTY, MARYLAND



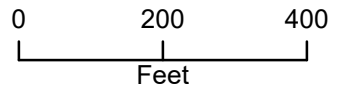
REZONING CASE NO. 443
A-1 Agricultural to A-2 Agricultural & C-2 General Commercial
Tax Map: 16, Parcel 21 and 53



SOIL SURVEY MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023



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: ML

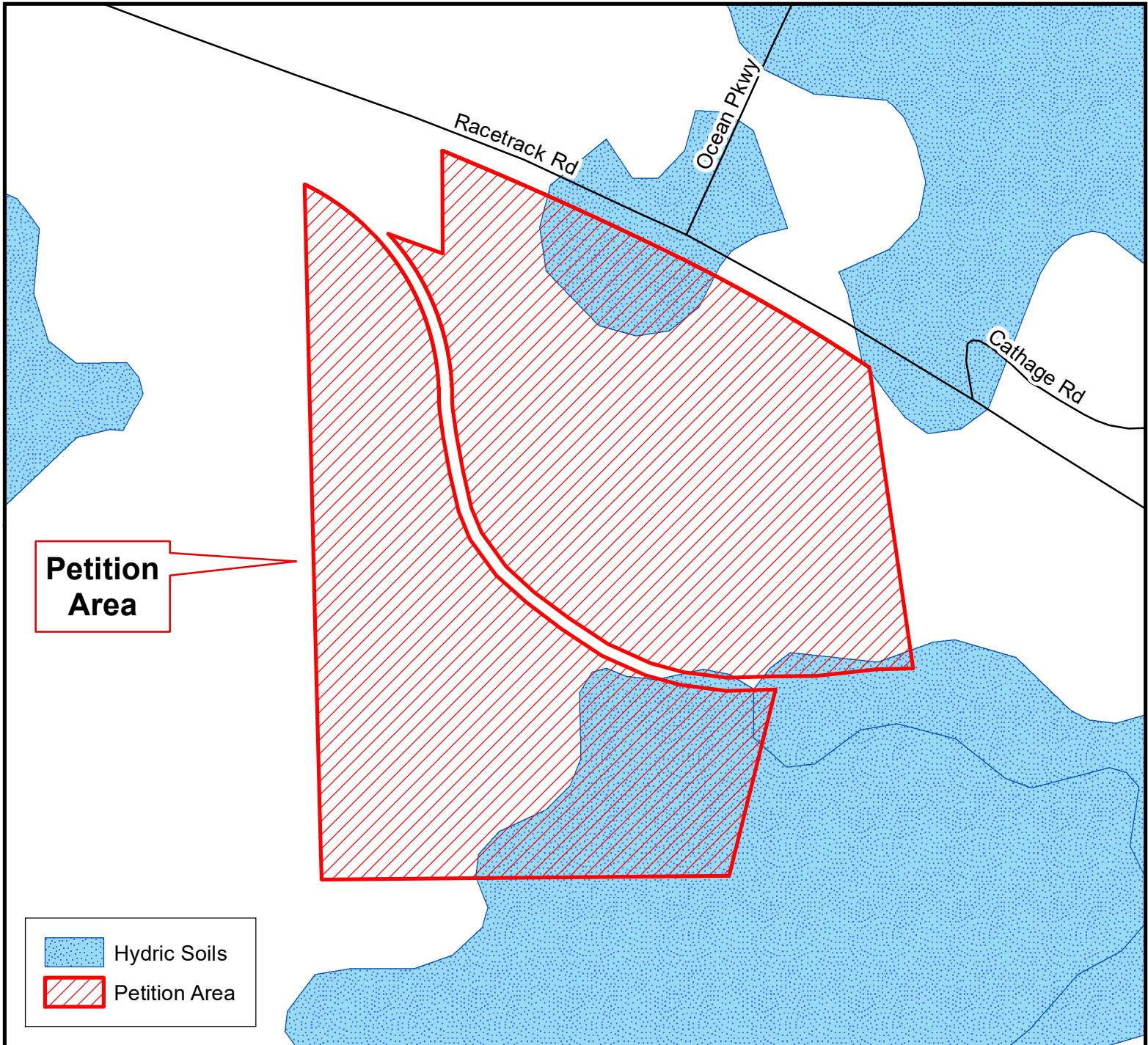
WORCESTER COUNTY, MARYLAND



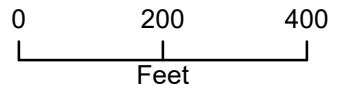
REZONING CASE NO. 443
A-1 Agricultural to A-2 Agricultural & C-2 General Commercial
Tax Map: 16, Parcel 21 and 53



HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023

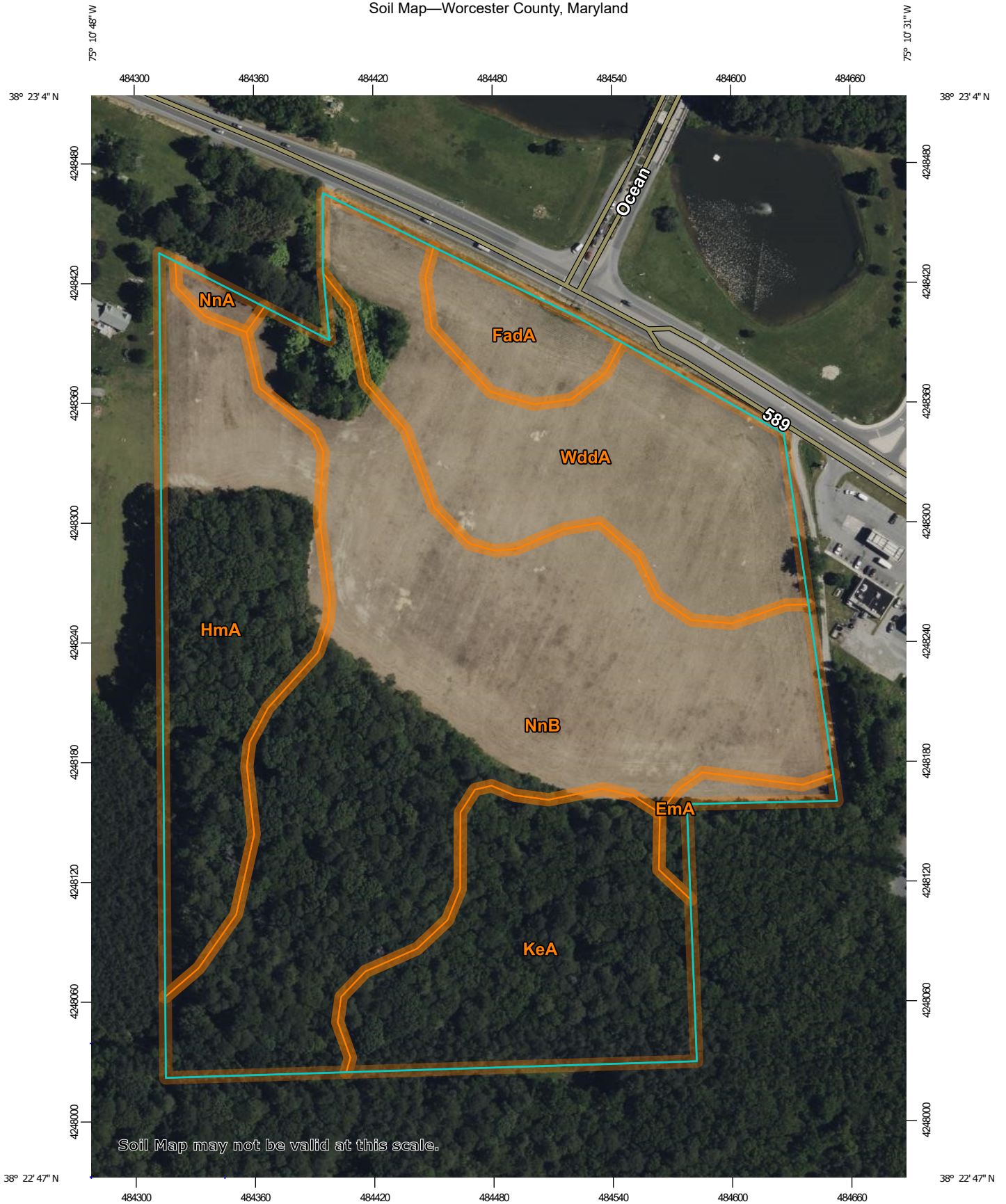


Source: 2007 Soil Survey

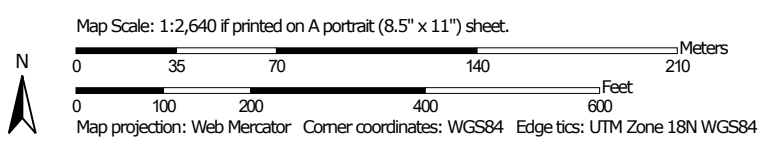
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

Soil Map—Worcester County, Maryland



Soil Map may not be valid at this scale.




MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Worcester County, Maryland

Survey Area Data: Version 20, Sep 14, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

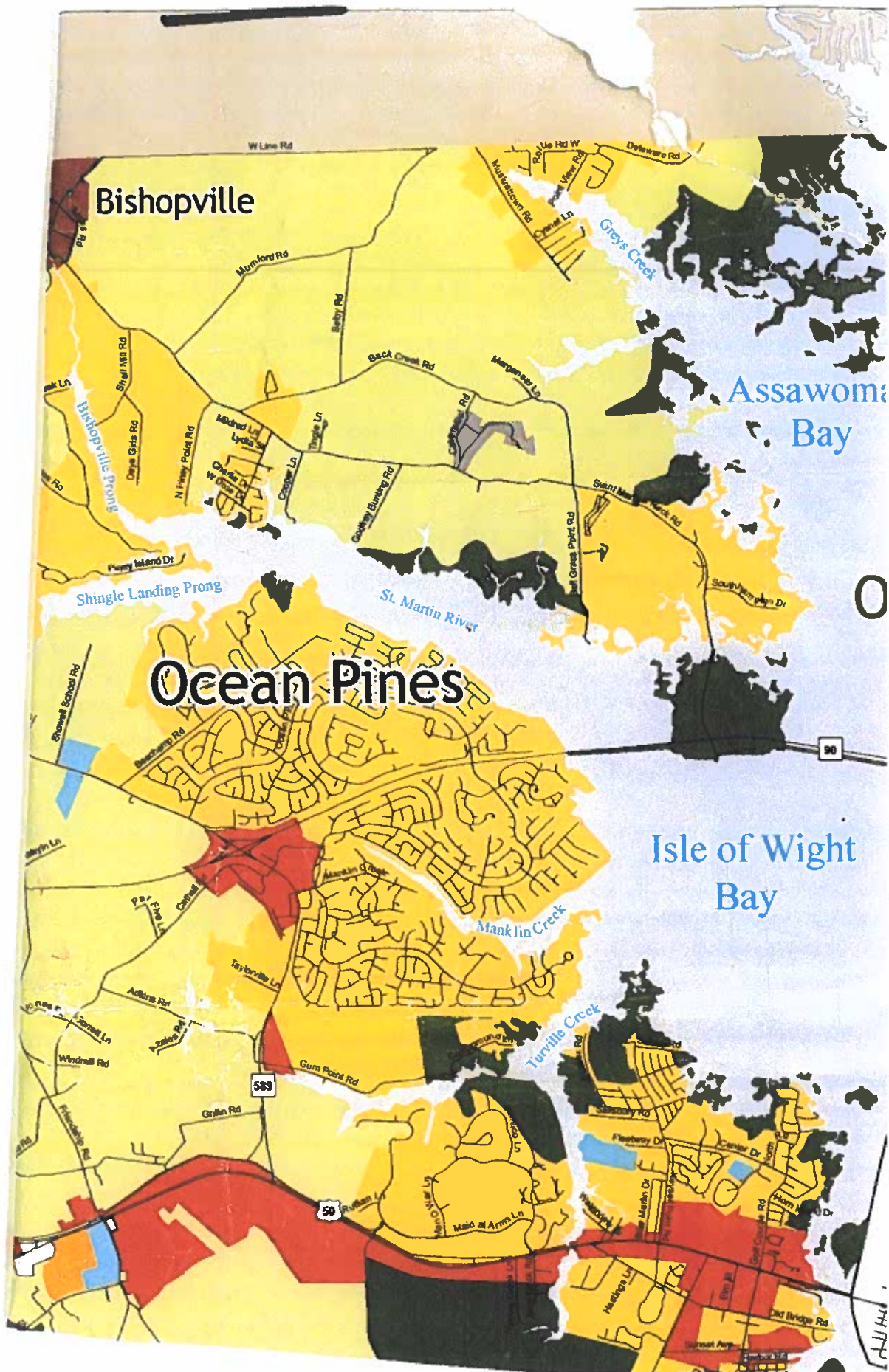
Date(s) aerial images were photographed: May 30, 2022—Jul 4, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
EmA	Elkton silt loam, 0 to 2 percent slopes	0.4	1.3%
FadA	Fallsington sandy loams, 0 to 2 percent slopes, Northern Tidewater Area	1.1	3.7%
HmA	Hammonton loamy sand, 0 to 2 percent slopes	4.8	16.8%
KeA	Kentuck silt loam	4.6	16.0%
NnA	Nassawango fine sandy loam, 0 to 2 percent slopes	0.2	0.6%
NnB	Nassawango fine sandy loam, 2 to 5 percent slopes	12.5	43.3%
WddA	Woodstown sandy loam, 0 to 2 percent slopes, Northern Tidewater Area	5.2	18.2%
Totals for Area of Interest		28.7	100.0%

Exhibit 1



Commercial Corridor along RTE 589, from RTE 50 to Beauchamp Road



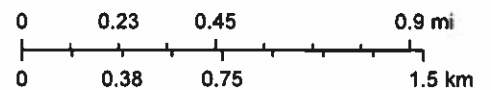
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Exhibit 2

1:28,351

State Boundary Mask

High Resolution Imagery 2016-2017

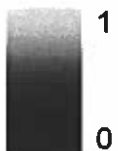


Tax Map Image

Red: Band_1

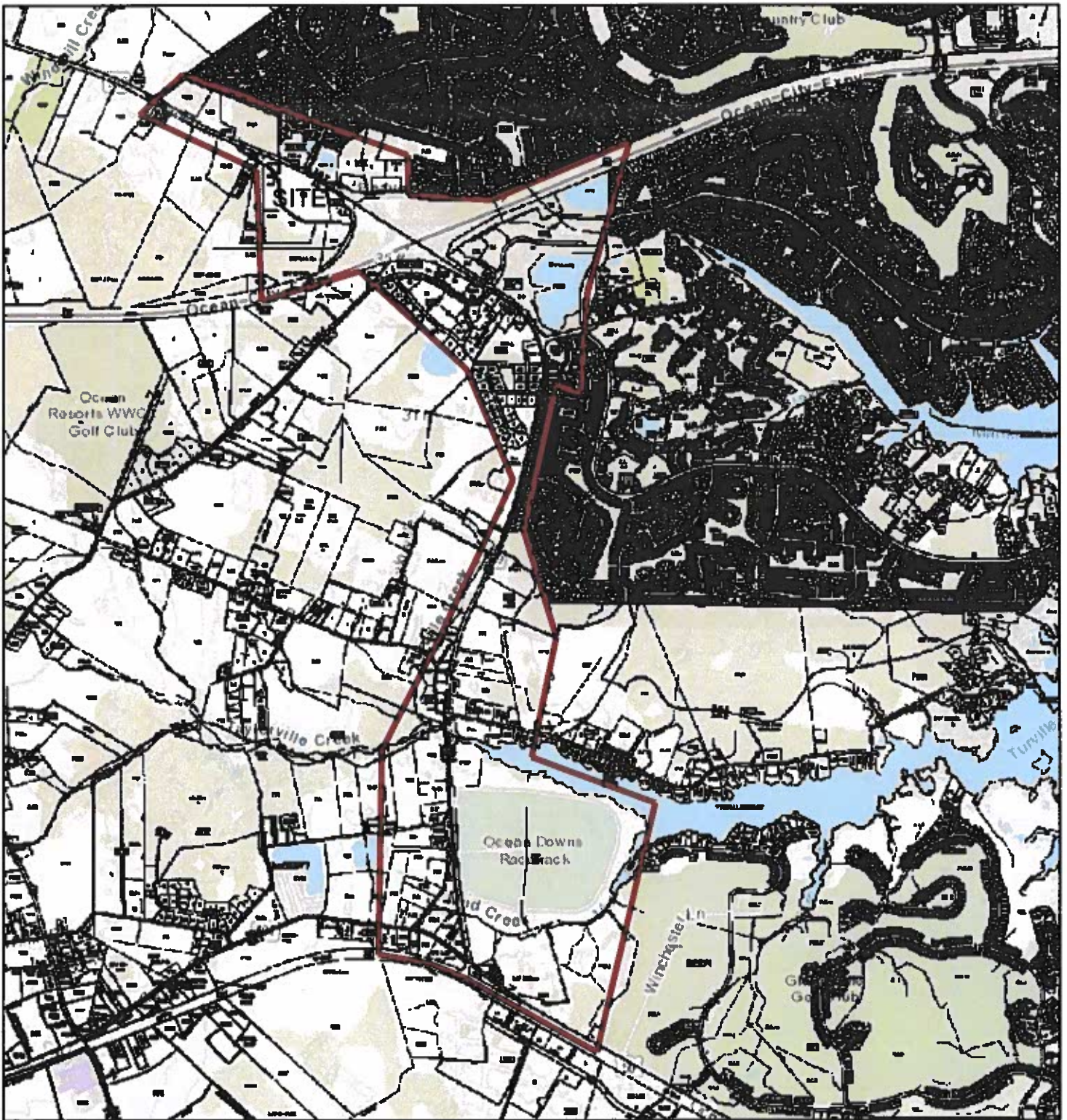
Green: Band_2

Blue: Band_3



MD iMAP, MDP, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, OpenStreetMap contributors, and the GIS User Community, MD iMAP, DoIT, MD iMAP, ESRI

Commercial Corridor along RTE 589, from RTE 50 to Beauchamp Road



1/30/2019 10:24:02 AM

1:28,351

State Boundary Mask
Tax Map Image

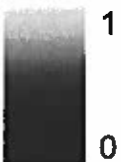
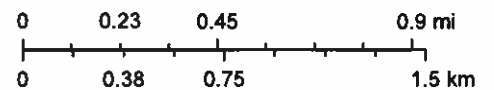


Exhibit 3

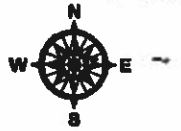


MD iMAP, MDP. Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, OpenStreetMap contributors, and the GIS User Community, MD iMAP, ESRI

Exhibit A

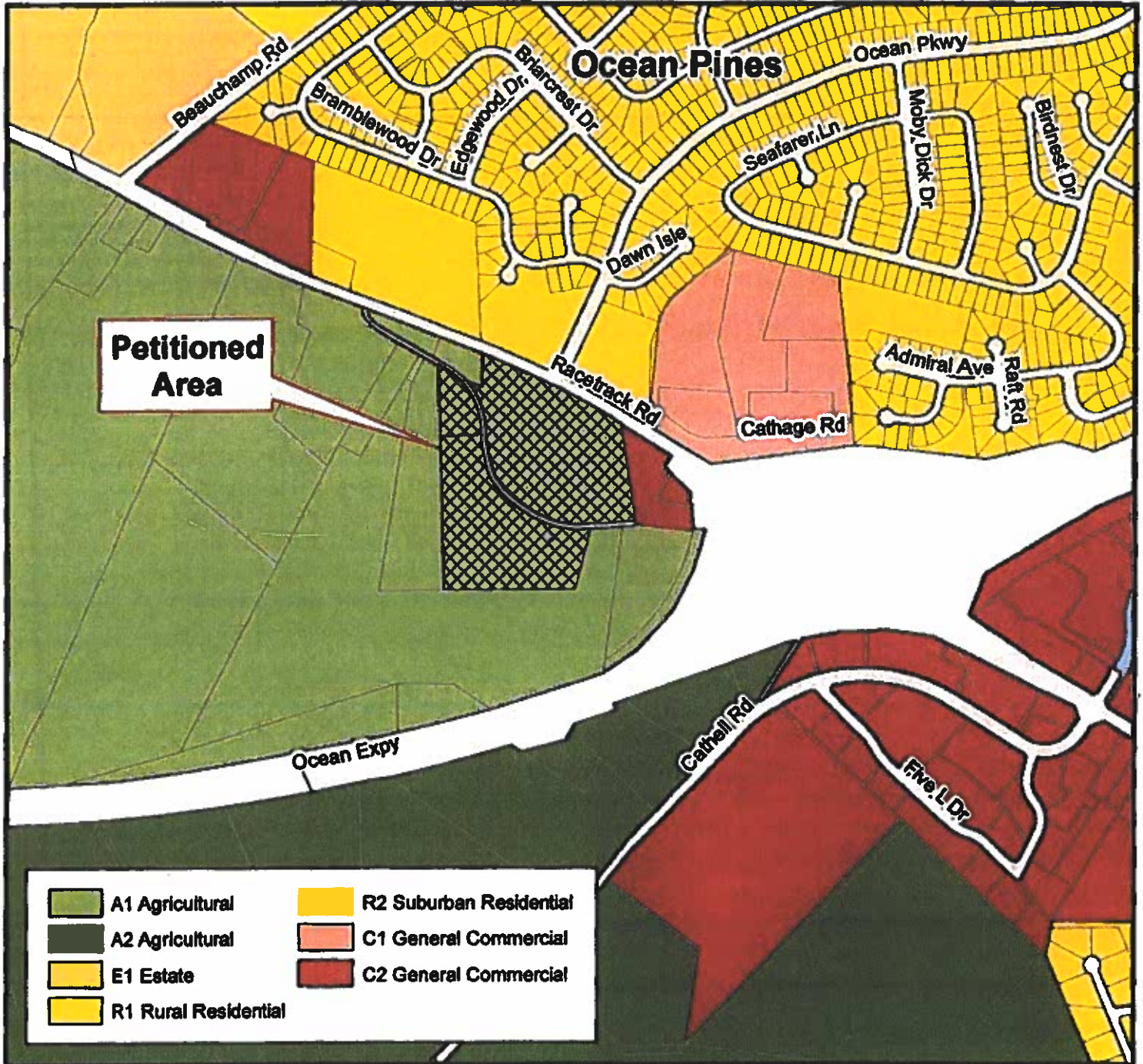


WORCESTER COUNTY, MARYLAND

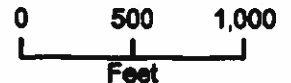


REZONING CASE NO. 421
A-1 Agricultural District to C-2 General Commercial District
Tax Map: 16, Parcel 21 and 53

ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared January 2019



Source: 2006 Zoning District Map (current)

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: PHW

Untitled Map

Write a description for your map.

Legend


-  Sewer
-  Water



Exhibit 6

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0144

September Term, 2013

SILVER FOX, LLC, ET AL.

v.

WALTER M. STANSELL, JR., ET AL.

Meredith,
Zarnoch,
Eyler, James R.
(Retired, Specially Assigned),

JJ.

Opinion by Zarnoch, J.

Filed: July 22, 2014

7/23/14

In this zoning case, appellants Silver Fox, LLC and Burbage/Melson, Inc. (collectively, "Silver Fox") petitioned the Worcester County Commissioners ("County Commissioners") to rezone/reclassify Silver Fox's property from A-1 Agricultural District to C-2 General Commercial District under the Worcester County Zoning Code. The County Commissioners granted this petition. Appellees in this case are nearby property owners ("the Residents")¹ who protested the rezoning/reclassification and petitioned the Circuit Court for Worcester County for judicial review. The circuit court reversed the decision of the County Commissioners. We now reverse the judgment of the circuit court, leaving intact the County Commissioners' decision to grant the rezoning.

FACTS AND LEGAL PROCEEDINGS

Silver Fox owns the property at issue in this case, which consists of two parcels totaling about thirty-one acres ("the Property"). The Property is located in Worcester County, on the east side of Maryland Route 589 ("Rt. 589"), also known as Race Track Road, and on the south side of Manklin Creek Road. The Property is adjacent to the southwesterly side of the Ocean Pines subdivision, and contiguous to the westerly side of R-1 Single-Family Residential District zoned land, which is currently undeveloped. Turville Creek separates the Ocean Pines neighborhood and the Property from the Ocean Downs Racetrack and what is now called the Casino at Ocean Downs ("the Casino").

¹As identified in Silver Fox's brief, the appellees are Walter and Pamela Stansell, Jeanne R. Lynch, Carol J. Chauer, and Paul R. Bredehorst.

The Property currently consists of cropland and woodland, with a seasonally-operated produce stand. It has been zoned A-1 Agricultural District since 1965, and is the only A-1 Agricultural District property south of Route 90, though some property is zoned as an A-2 Agricultural District on the opposite side of Rt. 589.

In 2006, the Worcester County Comprehensive Land Use Plan ("Comprehensive Plan") designated the Property as a combination of "Existing Developed Area" and "Commercial Center." The Comprehensive Plan stated that its policy would be to limit development of the Rt. 589 corridor until road capacity improved.

In September 2009, the Video Lottery Facility Location Commission awarded a slots license to the owner of the Ocean Downs Racetrack, land zoned A-2 Agricultural. The Casino is about 2,000 feet south of the Property, on the same side of Rt. 589. On November 3, 2009, Worcester County adopted a Comprehensive Rezoning Plan ("2009 Rezoning Plan"), which found an adequate supply of commercial zoning in the area and discouraged additional development along Rt. 589 until the roadway improved.

Since the 2009 Rezoning Plan, the 35,000 square foot Casino has been constructed on the site, along with a 10,000 square foot clubhouse. The Casino presently has 800 video lottery terminals, though the Maryland General Assembly has approved a total of 2,500 video lottery terminals for this location.² Rt. 589 now has more traffic signals and turn lanes.

²The Casino did not open until January of 2011, some fourteen months after adoption of the Rezoning Plan. Although advertised as a "casino" (perhaps with an eye toward
(continued...)

Additionally, the owners of the Casino received "site plan approval" for the construction of a movie theater and bowling alley, which have not yet been constructed.

Also, since the 2009 Rezoning Plan, an adjacent seventy-acre property ("the Steen Property") received approval from Worcester County to reclassify from a Resource Conservation Area, which permitted one dwelling unit per twenty acres, to a Limited Development Area, which would allow a total of sixty residential units on the Steen Property. The Steen Property shares at least "a few hundred feet" of common property line with the Property.

On May 28, 2010, Silver Fox submitted a petition to Worcester County to rezone the Property, requesting a change from A-1 Agricultural District to C-2 General Commercial District. It set forth two grounds for rezoning in its petition: a substantial change in the character of the neighborhood since the 2009 Rezoning Plan, and a mistake in the existing zoning classification. On April 12, 2012, the Worcester County Planning Commission ("Planning Commission") held a public hearing on the application. Silver Fox presented evidence, including a witness from Atlantic General Hospital, who testified that the Property is an ideal site for a medical campus facility. Ocean Pines residents stated that traffic congestion is a serious health and safety issue. On May 3, the Planning Commission held a

²(...continued)
expansion), the facility at that time was more appropriately characterized as a "racino," *i.e.*, a slots parlor at a racetrack. See http://en.wikipedia.org/wiki/Ocean_Downs (last visited July 10, 2014).

work session to discuss the character of the neighborhood, and then forwarded its Findings of Fact and Recommendation to the Worcester County Commissioners ("County Commissioners").

On August 7, the County Commissioners held an advertised public hearing.³ Silver Fox presented testimony from three professional engineers, including a traffic engineer, a land planner, and a surveyor. On September 4, the County Commissioners granted the rezoning request. They adopted the Planning Commission's Findings of Fact and Recommendation. The County Commissioners concluded that the neighborhood had substantially changed since the 2009 Rezoning Plan, based on the opening of the Casino,⁴

³Commissioner Church was asked to recuse himself because of an affiliation with the Atlantic General Hospital and with Mr. Burbage, a principal of Silver Fox. The County Attorney determined that this was not a conflict of interest.

⁴The Commission granted the rezoning request some two weeks after the Governor signed legislation that would result in a significant expansion of gambling at Ocean Downs and the other casino sites. *See* Chapter 1, *Laws of 2012*, (2d Spec. Sess.). Although the legislation could not take effect until a November, 2012 referendum, among other things, it authorized a licensee: 1) to offer table games; 2) to operate 24 hours per day; and 3) to offer live entertainment.

The legislation contemplated that Ocean Downs would generate additional revenue from table games, *see* Revised Fiscal & Policy Note on SB 1 (2012 2d Spec. Sess.), dated September 19, 2012, and provided for an increase in revenues for Ocean Downs as long as it spent a percentage of the proceeds on capital improvements to the facility. *Id.* Not surprisingly, as a result of these changes in the law, Ocean Downs, in September, 2013 announced a 50,000 square foot expansion to include table games and a new restaurant. *See* http://en.wikipedia.org/wiki/Ocean_Downs (last visited July 10, 2014). When this expansion takes place, Ocean Downs will no longer be a racino, but will be a genuine casino.

the approval for the movie theater and bowling alley, and the anticipated subdivision on the Steen Property.

On October 4, the Residents filed a petition for judicial review of the County Commissioners' decision. Silver Fox filed a cross-petition for the County Commissioners' failure to find there had been a mistake in the 2009 Rezoning Plan. On March 18, 2013, the circuit court held a hearing on the petition. The court denied Silver Fox's motion challenging the Residents' standing, and held that no mistake occurred in the 2009 Rezoning Plan, and that Silver Fox had not demonstrated a substantial change since that date. Judge Beck explained his denial of the rezoning:

So the Commissioners rely primarily on three points for the change: the . . . casino gambling at the racecourse. On that point, the site location commission approved the one mile area in September of 2009 prior to this rezoning and I believe that what happened at the racecourse with regard to casino gambling was known to the Commissioners at the time that they adopted their comprehensive rezoning. The Steen property has always been R-1. Some changes were made with regard to the density, but also [known] to the Commissioners at the time that they granted comprehensive rezoning in November of 2009. The movie theater and the bowling alley are extensions of nonconforming use and certainly could be within the contemplation of the Commissioners at the time they granted the comprehensive rezoning. The Atlantic Hospital interest in perhaps someday putting a medical facility on the subject property was speculative or remote at best. I read somewhere that soils are suitable for this kind of development which clearly does not fall within the realm of substantial change.

So there's been a number of changes. The appellate courts are clear that mere changes are not enough, it must be a substantial change to affect the character of the neighborhood and even

cumulatively I can't find that that occurred in the facts that before the Court.

On April 12, the court issued a written order reversing the decision of the County Commissioners. On May 7, Silver Fox filed a notice of appeal. The issue of mistake was not raised in this appeal. Additional facts will be provided as necessary in our discussion of the issues.

QUESTION PRESENTED

Silver Fox presents the following question for our review:

Was the decision to rezone/reclassify the [Silver Fox's] Property from the A-1 Agricultural Zoning District to the C-2 General Commercial District, fairly debatable and supported by substantial evidence, considering the aggregate, cumulative changes in the neighborhood since the last rezoning?

We answer in the affirmative, and reverse the decision of the circuit court.

DISCUSSION

I. Standard of Review

When a decision of an administrative agency like the County Commissioners comes to us from the circuit court, we review the decision of the agency itself, not the decision of the circuit court. *Long Green Valley Ass'n v. Prigel Family Creamery*, 206 Md. App. 264, 273 (2012). We will review the agency's decision in the light most favorable to the agency because its decisions are prima facie correct, though we are "under no constraint to affirm an agency decision premised solely upon an erroneous conclusion of law." *Catonsville Nursing Home, Inc. v. Loveman*, 349 Md. 560, 569 (1998) (Citations omitted).

We “will not disturb an administrative decision on appeal if substantial evidence supports factual findings and no error of law exists.” *Long Green Valley Ass’n*, 206 Md. App. at 274. Substantial evidence means “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Catonsville Nursing Home, Inc.*, 349 Md. at 569. Thus, “[i]t is only where there is no room for reasonable debate, or where the record is devoid of supporting facts, that the court is justified in declaring the legislative action of the board arbitrary or discriminatory.” *Offutt v. Bd. of Zoning Appeals of Baltimore Cnty.*, 204 Md. 551, 562 (1954). We appraise and evaluate the agency’s fact finding, but do not make an independent decision on the evidence. *Catonsville Nursing Home, Inc.*, 349 Md. at 569.

II. Substantial Change in Character

Zoning authorities in Maryland, like the County Commissioners, “implement their plans and determinations regarding appropriate land use zoning categories” through original zoning, comprehensive rezoning, and piecemeal rezoning. *Mayor & Council of Rockville v. Rylyns Enterprises, Inc.*, 372 Md. 514, 532 (2002). The zoning regulations and boundaries may be amended or repealed. Md. Rule 4-204(a). The zoning authority may grant a change in a zoning classification based on a finding that there was a substantial change in the character of the neighborhood where the property is located or a mistake in the existing zoning classification. Md. Rule 4-204(b)(2). *See also Rylyns Enterprises, Inc.*, 372 Md. at 535-36.

To change the zoning of a property based on change of character in a neighborhood, the petitioner must establish:

(a) what area reasonably constitutes the neighborhood of the subject property, (b) the changes which have occurred in that neighborhood since the comprehensive rezoning and (c) that those changes resulted in a change in the character of the neighborhood.

Montgomery v. Board of Cnty. Comm'rs for Prince George's Cnty., 256 Md. 597, 602 (1970). The changes in the character of the neighborhood must be evaluated cumulatively, in order to determine "whether the aggregate changes in the character of the neighborhood since the last zoning were such as to make the question fairly debatable." *Bowman Grp. v. Moser*, 112 Md. App. 694, 700 (1996).

A. Definition of Neighborhood

The first step in determining a change in a neighborhood is to define the neighborhood. *Montgomery*, 256 Md. at 602. Silver Fox contends that the issue is not preserved. It argues that the circuit court rejected the Residents' argument that the County Commissioners' definition was incorrect, and the Residents did not file a cross-appeal. The Residents contend that because this Court evaluates the decision of the administrative agency and not the circuit court, the Residents were not required to file a cross-appeal on the issue of the neighborhood.

We agree with the Residents that they did not need to file a cross-appeal to preserve this issue. However, we find that the neighborhood was sufficiently defined by the County

Commissioners. The Planning Commission clearly considered the definition, shown by their alterations to the definition originally presented by Silver Fox. The Planning Commission excluded the commercial property on the south side of U.S. Route 50. At the public hearing, the County Commissioners heard testimony concerning the neighborhood from Steven Soule, an engineer, and from an Robert Hand, a lander planner. Hand explained that when he was asked to define the neighborhood as an expert witness, he included areas that were a five to ten minute drive from the population centers as described in the Comprehensive Plan. Based on this evidence, the County Commissioners accepted the definition of the Planning Commission. Judge Beck explained that "there was no mistake in the appropriateness of the neighborhood and I'm not going to put my judgment in place of the Commissioners on the appropriateness of the neighborhood. I think that is fairly debatable" On this point, we agree with the circuit court.

B. Changes in the Character of the Neighborhood

Silver Fox contends that the County Commissioners' determination concerning the changes in the neighborhood was based upon substantial evidence. It looks to the construction of the Casino, the approval of the bowling alley and movie theater, the authorization of a subdivision at the Steen Property, and other changes. We will address each factor in turn.

1. Casino

Silver Fox contends that the County Commissioners were correct to find that the addition of the Casino was a significant change in the character of the neighborhood. Silver Fox argues that the County Commissioners found a change due to the Casino's \$45,000,000 complex, adjacent 10,000 square foot clubhouse, and related road improvements like traffic signals and turning lanes. It points to evidence such as testimony from an engineer representing the Casino, and testimony from the County Attorney, John Bloxom, who described how the Casino went from a "simple venue that's open two or three months during the summer, evening time for racing, now to a casino that's open 24/7 with all of the traffic that comes and goes every day of the year, 24 hours a day." Silver Fox also argues that the slot machines were an unanticipated change after the 2009 Rezoning.

Residents contend that the County Commissioners knew prior to the 2009 Rezoning that the Casino had been approved. They argue that prior to the Casino, there was more than harness racing because the center was open for more than 320 days for off-track betting.

In our view, it is at least fairly debatable for the Commissioners to conclude that the opening and operation of the casino represented a substantial change in the neighborhood. What they knew at the time of the 2009 Rezoning was that a slots license had been issued to the owner of Ocean Downs. By 2012, racino interests were more than poised at the gate. A large and unique facility was in place and in operation. Moreover, by the time the Commissioners granted the rezoning request, the General Assembly had enacted legislation

that contemplated that Ocean Downs and the other sites would become genuine 24-hour casinos with table games and entertainment. It is hard to think of a more substantial change in a neighborhood.

2. Bowling Alley and Movie Theater

Silver Fox contends that the County Commissioners were correct to find a cumulative change in the character of the neighborhood because of the design waivers granted for the bowling alley and movie theater. It notes that the County Commissioners stated that the grant of the waivers was a discretionary decision after the 2009 Rezoning Plan. The Residents argue that the County Attorney said these would not constitute a change in the character of the neighborhood.

We find the County Commissioners were correct to find that the granting of the waivers for the bowling alley and movie theater was a substantial change. Zoning authorities are entitled to consider projects that are "reasonably probable of fruition in the foreseeable future." *Jobar Corp. v. Rodgers Forge Cnty. Ass'n*, 236 Md. 106, 112 (1964). It is fairly debatable that the granting of these waivers and the future projects were unforeseeable at the time of the 2009 Rezoning Plan and that they represented a substantial change for a neighborhood that previously offered only off-track betting and harness racing.

3. Steen Property Subdivision

Silver Fox contends that the County Commissioners also found a change in the character of the neighborhood since the 2009 Rezoning Plan due to the rezoning of the Steen

Property. It argues that the County Commissioners heard testimony that the development was not a planned change for the neighborhood.

The Residents contend that the Steen Property was classified as a Residential District in the 2009 Rezoning Plan, and though now it may develop at a greater density, there was no evidence that any actual development has occurred or would be a change from the plan.

A change in residential density can constitute a substantial change. *Bosley v. Hosp. for Consumptives of Md.*, 246 Md. 197, 204 (1967), and again the County Commissioners are entitled to consider probable future changes. *Jobar Corp.*, 236 Md. at 112. We find when considered cumulatively with the opening and operation of the Casino and the design waivers for the bowling alley and movie theater, the change in the zoning of Steen Property contributed to a fairly debatable change in the neighborhood.

In light of our conclusion that the Commissioners did not err in finding a substantial change in the neighborhood, we need not consider additional factors addressed by the parties.

III. Worcester County Zoning Ordinance Criteria

In addition to the issue of a substantial change in the character of the neighborhood, the parties disagree over the Commissioners' application of some of the other criteria specified in the County zoning laws. To change the zoning classification of a property, the Worcester County Code, Zoning and Subdivision Control Article ("ZS"), § 1-113(c)(3)(2009) requires the County Commissioners to make certain findings of fact. These findings shall include:

- (a) population change,
- (b) availability of public facilities,
- (c) present and future transportation patterns,
- (d) compatibility with existing and proposed development and existing environmental conditions for 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,
- (e) the recommendation of the Planning Commission, and
- (f) compatibility with the County's Comprehensive Plan.

The County Commissioners are permitted to adopt the findings of the Planning Commission, *id.*, and they did so in this case, in addition to making findings of their own. For reasons set forth below, we find that the County Commissioners did make appropriate findings on the required factors.

A. Population Change

The Residents did not challenge that the County Commissioners made a sufficient finding on population change.

B. Availability of Public Facilities

The Residents have not contested the issue of whether the County Commissioners made an appropriate finding on the availability of public facilities.

C. Present and Future Transportation Patterns

Silver Fox contends that the County Commissioners made findings on traffic patterns when it stated that “with minor configuration changes at one intersection all the intersections in the defined neighborhood would operate at a minimum Level of Service “C” which is acceptable under the Comprehensive Plan and the State High Administration Guidelines.⁵

The Residents argue that the County Commissioners did not base their traffic findings on the evidence. They state that there was no testimony about a plan for road improvements or funding. They also contend that there was no evidence to support the County Commissioners’ assumption that the increased traffic would be mitigated by the potential jobs created by the rezoning. The Residents argue that the County Commissioners ignored findings from the Comprehensive Plan that Rt. 589 is impacted by traffic congestion.

A zoning board “is entitled to consider . . . proposed improvements to existing highways in determining the proper classification of property” if the improvements are reasonably probable to occur in the foreseeable future. *Cnty. Comm’rs of Howard Cnty. v. Merryman*, 222 Md. 314, 323 (1960). Here, the County Commissioners based their finding on testimony from Betty Tustin, a traffic engineer,⁶ which is sufficient evidence to consider

⁵Under the State Highway Administration guidelines, the Level of Service standard that should be achieved at State intersections is “D.” Intersections are graded from A through F, with A being the best and F being the worst. The grades take in to account vehicle length, traffic light cycle times, and queue times. See Maryland Dep’t of Transp, State Highway Access Manual, *Guidelines for Traffic Impact Reports/Studies, Appendix E*, <http://www.roads.maryland.gov/Index.aspx?PageId=461>.

⁶Tustin explained that to conduct traffic counts her firm will:

(continued...)

an issue "at least fairly debatable." *Montgomery*, 263 Md. at 6-7. We conclude that the County Commissioners made a sufficient finding on the issue of traffic patterns.

D. Compatibility with Development and Environmental Conditions

Silver Fox contends that the County Commissioners made sufficient findings of fact on the rezoning's compatibility with development and environmental conditions: that the Property is not within any environmentally critical areas; that the property was too small to be productively farmed and residential use was not desirable; and that the majority of the mixed uses within the neighborhood were commercial or residential in nature that were not compatible with agricultural uses.

The Residents contend that the County Commissioners' finding regarding the compatibility with development and environmental conditions was not supported by the evidence. They argue that the County Commissioners rezoned the Property in the A-1 Agricultural District within the last three years, making a change inappropriate.

⁶(...continued)

analyze what the worst case scenario would be. For example, we study the worst hour of the day, and then we actually take the worst 15 minutes within that hour and add a factor to our setting. So that we are assuming— we're adding the safety factor in, if you will, so to make sure that we are analyzing what the worst hour of the whole week, and in this case since we did summer, of the whole year would be. If we can provide for that traffic, then we can provide for traffic for the other 23 hours of the day.

We find that the County Commissioners made sufficient findings of fact on this issue. They cited evidence such as a staff report included in the Planning Commission's findings of fact,⁷ exhibits on the record, and their judgment that the present area consists of tilled cropland, a produce stand, and wooded areas.

E. Recommendation of the Planning Commission

The parties do not disagree on whether the County Commissioners made findings on the Planning Commission's recommendations. The Commissioners stated: "[We] find that the Planning Commission gave a favorable recommendation to the rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District. Having made the above findings of fact, the County Commissioners concur with the recommendation of the Planning Commission."

F. Compatibility with County's Comprehensive Plan

Silver Fox contends that the County Commissioners made findings on compatibility and desirability with the Comprehensive Plan: an environmental consultant testified that the soil was suitable for development; a land planner stated that the property is designated as "Existing Developed Area" on the land use plan, which encompasses many commercial uses,

⁷This staff report addresses the Chesapeake/Atlantic Coastal Bays Critical Areas by stating, "According to an email received from Roby Hurley, Natural Resources Planner for the Critical Area Commission, the petitioned area is not within either the Atlantic Coastal Bays Critical Area or the Chesapeake Bay Critical Area."

and that commercial zoning was more desirable; and the Property was unlikely to be utilized for viable and profitable agricultural purposes.

The Residents contend that the County Commissioners' finding disregards statements in the Comprehensive Plan about the development of Rt. 589. The Residents argue that purpose of C-2 zoning is to provide for more intense commercial development, which is contrary to the provisions of the Comprehensive Plan.

Generally, comprehensive plans are

advisory in nature and have no force of law absent statutes or local ordinances linking planning and zoning. Where the latter exist, however, they serve to elevate the status of comprehensive plans to the level of true regulatory device. In those instances where such a statute or ordinance exists, its effect is usually that of requiring that zoning or other land use decisions be consistent with a plan's recommendations regarding land use and density or intensity.

Rylins Enterprises, Inc., 372 Md. at 530-31. Here, the Worcester County Zoning Code does not require consistency. Instead, it requires the County Commissioners to consider the Comprehensive Plan by making findings on the issue of compatibility, and it directs the Commissioners to make a finding "that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan." ZS § 1-113(c)(3).

The County Commissioners' decision stated that they

recognize[d] that the Comprehensive Plan state[d] that development along the MD Rt. 589 corridor should be limited until capacity increased but note[d] that the traffic study provided by the applicant indicates that MD Rt. 589 will still operate at least a Level of Service C or greater, the threshold

called for by both the County's Comprehensive Plan and State Highway guidelines, if the petitioned area is rezoned and developed commercially.

They also noted that a portion of the Commercial Center Land Use Category already extends on to the Property. The County Commissioners explained that rezoning would lead to a more profitable use of the land and would likely create more jobs in the neighborhood. We conclude that the County Commissioners sufficiently considered the compatibility of the zoning change with the Comprehensive Plan.

Viewing the record as a whole, we believe the County Commissioners' findings were consistent with the requirements of ZS § 1-113(c)(3). We cannot say that the County Commissioners acted arbitrarily in granting Silver Fox's request to rezone the property.

For all of these reasons we reverse the judgment of the circuit court and uphold the decision of the County Commissioners.

**JUDGMENT OF THE CIRCUIT COURT
FOR WORCESTER COUNTY REVERSED.
COSTS TO BE PAID BY APPELLEES.**

have to consider. Ms. Smith asked if the people on the fixed income could afford the additional metering cost if individual meters were required. A resident stated that they pay the same tax rate as anyone else in the County. Another resident said they had more issues with short term rentals, not year-round occupancy.

Mrs. Wimbrow said that rather than amend or retrofit the campground subdivision regulations, perhaps consideration should be given to another type of residential planned community that lent itself to more affordable housing with the use of reduced lot requirements and smaller residential units.

Following the discussion, a motion was made by Mr. Barbierri, seconded by Mr. Knerr, and carried unanimously to postpone a recommendation on this matter and present further discussion at an upcoming meeting.

VII. Map Amendment

As the next item of business, the Planning Commission reviewed Rezoning Case No. 421, requesting a change from A-1 Agricultural District to C-2 General Commercial District, associated with Tax Map 16, Parcels 21 and 53, southerly side of MD Route 589 across from the Ocean Pines North Gate. Present for the review were Hugh Cropper, IV, Esquire, Greg Wilkins, surveyor, Chris McCabe, environmental consultant, and Tim Metzner, Davis, Bowen and Friedel. Mr. Cropper stated that this request consisted of two parcels, but that he is reconsidering keeping the forest in the rear as A-1 Agricultural District as it could serve as the Forest Conservation Area for any development project. He said that he is arguing for a change in the character of the neighborhood. The first change is the roundabout proposed by the State Highway Administration (SHA) at the north gate of Ocean Pines. It would give a suitable commercial entrance directly onto this property almost dead center as designed. Mr. Cropper said that the Ayres family was contacted by SHA, and SHA requested that they donate approximately one acre of land. If donated, they would construct a commercial entrance at no cost to the property owner. Mr. Cropper identified the proposed roundabout and entrance as Applicant's Exhibit No. 1. Mr. Cropper said that Mr. Gillis (owner of the Ocean Pines Medical project on the opposite side of Racetrack Road from the subject properties) is considering contributing to the expenses of the project. The roundabout has gone through concept phase with SHA, and is now in the design phase. Mr. Cropper stated that he was not sure where this project stands with respect to the timing of physical construction of the road improvements.

Mr. Cropper and Mr. Wilkens defined the neighborhood as far south as the Casino at Ocean Downs north to the intersection of the MD Route 113 and MD Route 589 interchange as shown on the exhibit included in the packet. Mr. Cropper provided the Findings of Fact from the MD Route 589 sectional rezoning case across from the casino, as well as all of the other rezoning cases that were approved since 2009 along Racetrack Road that constitute changes in neighborhood (Applicant's Exhibit No. 2). Other examples of changes include the casino itself, expansion of sewer service from Ocean Pines to the Crabs to Go property, as well as the special exception approvals and subsequent development of Mr. Gillis' medical office project. While not

in the defined neighborhood, Mr. Cropper referenced the Nichols Neff properties on Beauchamp Road that were recently rezoned from E-1 Estate District to R-1 Rural Residential District. While Mr. Cropper said that the subject properties were in the Agricultural Land Use category according to the Land Use Plan in the Comprehensive Plan, he believes that it might be possible to connect to public facilities since the same was recently granted for the Nichols Neff project.

With respect to population change, he noted that there has been very little residential development, with the exception of the Nichols Neff project (anticipated 90 single-family residential lots). Relating to transportation patterns, Mr. Cropper referred again to the exhibit illustrating the roundabout. Relating to compatibility with existing and proposed development, Mr. Cropper stated that this property abuts commercial uses, and the remaining road frontage is of Ocean Pines subdivision along MD Route 589. He stated that there were no significant environmental conditions on the property with the exception of a low spot by the driveway that leads to the tower. The properties are not located in the Critical Area.

Relating to the Comprehensive Plan, Mr. Cropper stated that a commercial use is more consistent with the terms of the Comprehensive Plan. He said that this property is not suitable for agriculture once the roundabout is constructed, especially with quantity of land remaining or the difficulty for access by farm equipment. Residential uses would not be desirable, as headlights and noise would impact any resident. Mr. Cropper even asserted that there may be a need for additional medical offices in the area.

Mr. Cropper then introduced Chris McCabe, an environmental consultant. Mr. McCabe agreed with Mr. Wilkins' definition of the neighborhood. Mr. McCabe discussed the proposed Nichols Neff project, which would result in an increase in the population in the surrounding neighborhood. As a consultant for Frontier Town and Fort Whaley, Mr. Cropper noted that the County Commissioners have downzoned commercially zoned lands to agricultural zoning, with a net reduction of 64 acres. Even if you deduct all of those lands recently rezoned to commercial, there is still a net loss. Mr. Cropper noted that since the Comprehensive Plan, Zoning Code and Zoning Maps were prepared, the County has experienced a building boom, then a bust, and a slight resurgence.

Regarding the rear parcel, since it is fully wooded, while Mr. Cropper doesn't want to amend the application, he would be fine if the Planning Commission were to only give a favorable recommendation for the rezoning on the front portion, and not the back portion. Submitted as Applicant's Exhibit No. 3 were newspaper articles on the roundabout. Mr. McCabe stated that from an environmental perspective, there are no adverse impacts by rezoning the subject properties commercial except for potential impacts to the currently farmed non-tidal wetlands. Mr. McCabe agreed that it would be extremely challenging to access property with farm equipment if the roundabout were to be constructed. With respect to the potential for a residential development, this property is not well suited. Therefore, commercial is better, and would represent a continuation of the commercial migration north.

Mr. Cropper then introduced Tim Metzner with Davis, Bowen and Fridel. Mr. Metzner handles water and wastewater engineering, and he assisted in the design of the pump station at Frontier Town campground. Mr. Metzner confirmed that in order to connect to public sewer, the developer would have to get approvals for a Sanitary Service Area expansion and a Water and Sewerage Plan Amendment. Mr. Metzner submitted as Applicant's Exhibit No. 4 an aerial photograph illustrating the location of the existing water and sewer lines in the vicinity of the subject properties. Mr. Metzner noted that the sewer force main is currently located on the opposite side of MD Route 589 at the northerly property line and that the water line is stubbed to the north end of Ocean Parkway. Mr. Metzner agreed that both lines were feasible to tie into to supply this project. Mr. Cropper noted that they have drafted an application for both, but have not yet filed it pending the rezoning request. Mr. Cropper stated that even if they don't get a Water and Sewerage Plan Amendment approved, they may be able to find space for an on-site septic system and reserve area because the soils are well drained.

In summary, Mr. Cropper stated that the request to rezoning the front 10 acres is reasonable, and he is willing to give up the rear forested area to leave as agricultural zoning.

The Planning Commission then discussed each one of the findings to determine whether they had a consensus. They were as follows:

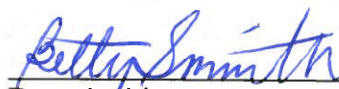
1. With respect to the definition of the neighborhood, Mr. Knerr disagreed with the applicant's definition. He described it as a much smaller section, extending from MD Route 90 north along MD Route 589 to Beauchamp Road, which consists of a much more of a rural area. The Planning Commission agreed by consensus with this revised definition.
2. With respect to the Planning Commission's concurrence with the definition of the neighborhood, they modified the neighborhood as described in Item 1 above.
3. Relating to population change (which Mrs. Wimbrow noted refers to much more than just residential changes), the Planning Commission finds that there has been a change, namely an increase in commercial uses and activities.
4. Relating to the availability of public facilities, the Planning Commission finds that this property is within the W-6/S-6 area with limited chances for public facilities. Mr. Mitchell stated that he did not find compatibility with the Comprehensive Plan since it is mapped within the Agricultural Land Use category on the Land Use Plan. Mr. Cropper stated again that they could always seek on-site septic.
5. Relating to present and future transportation patterns, the Planning Commission finds that the roundabout is still proposed, and it is not a guaranteed road improvement. Mr. Barbierri said that until such time as it is a certainty, this requested amendment is speculative, and that it may be a premature rezoning application. While Mr. Cropper could potentially request something more definitive from SHA, it still isn't guaranteed.
6. Relating to compatibility with existing and proposed development, and environmental conditions in the area, the Planning Commission finds that it is compatible with the surrounding commercial uses such as the Shore Stop gas station and the Ocean Pines Medical facility.

7. Relating to compatibility with the Comprehensive Plan, the Planning Commission finds that the commercial center category is close to, if not partially on the subject property. Even with the revised definition of the neighborhood, Mr. Cropper stated that there is a lot of commercial uses within the defined area. Mrs. Wimbrow said that land use categories as defined by the Land Use Map and the actual zoning districts as defined by the Zoning Maps are confused on a regular basis. She stated that the land use categories are not site specific, and need to be thought of as broad brush, more fluid.
8. Relative to the consideration of whether there has been a substantial change in the character of the neighborhood since the last Comprehensive Rezoning, the Planning Commission determined that there has been a change.
9. Relative to whether the change would be more desirable in terms of the Comprehensive Plan, the Planning Commission found that it would be more desirable – but only if the roundabout is installed.

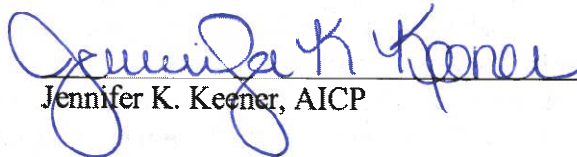
Mr. Clayville said that during his tenure on this board, Pennington Commons was supposed to be the final big development on MD Route 589 until road improvements were made. He also said that he would have liked to see the Ocean Pines Association comment on this proposal. Mrs. Wimbrow reminded the Planning Commission that a request for comment on the rezoning was sent to the Ocean Pines Association but no response was received. Mr. Clayville doesn't think that it is time to rezone this parcel and that the Planning Commission needs to save some area for future development. Mr. Tudor referenced Page 80 of Comprehensive Plan, which states that there shall be no additional development/ intensification on MD Route 589 without road improvements.

Following the discussion, a motion was made by Ms. Ott, seconded by Mr. Clayville and carried unanimously to find the map amendment inconsistent with the Comprehensive Plan and forward provide an unfavorable recommendation to the Worcester County Commissioners based on the findings as previously outlined.

VIII. Adjourn – The Planning Commission adjourned at 3:33 P.M.



Betty Smith, Secretary



Jennifer K. Keener, AICP



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MEMORANDUM

TO: Worcester County Planning Commission

FROM: David M. Bradford, Jr. Deputy Director
Katherine Munson, Planner V

DATE: September 14, 2023

SUBJECT: Planning Commission Meeting, October 5, 2023, Growth Allocation Request
Island Resort Campground Tax Map 40, Parcel 93 & 241

The following comments are provided for the above referenced request:

The subject property for this request is identified as Tax Map 40, Parcel 93 and 241, which is located within the boundaries of the Atlantic Coastal Bays Critical Area Program (ACBCA), specifically within the Resource Conservation Area (RCA) designation. According to the Exhibits provided, a small area of the requested Growth Allocation is within the lot boundaries of Tax Map 40, Parcel 93 and 241. According to the Growth Allocation request, 33.46 acres within RCA is proposed to be reclassified as Limited Development Area (LDA). The property presently contains an active campground, support buildings, and an onsite sewage disposal system within its boundaries. These existing uses on the property, located with the Critical Area boundary, were approved prior to the implementation of the Atlantic Coastal Bays Critical Area Law, and per §NR 3- 108(c)(4), may remain in use. For your reference, attached within is a copy of the Atlantic Coastal Bays Critical Area Program map, highlighting the subject property.

This proposal is for reclassification of 33.46 acres of RCA to LDA, resulting in the proposed use of 33.46 acres of Growth Allocation. The applicant is proposing to expand the current campground within this area and include 62 new campsites. Presently, this proposed commercial use and expansion is not permissible within the RCA designation. As noted under §NR 3- 108(c)(5), *“new commercial, industrial, and institutional uses shall not be permitted in the Resource Conservation Areas.”*

As the Planning Commission is aware, Growth Allocation is the process to reclassify land use designations within the Critical Area. Under §NR 3-112 (c)(2) of the Worcester County Code of Public Local Laws (County Code), *“[a]ll applications for growth allocation shall be forwards to the Planning Commission for review and shall include comments and recommendations from the staff. The Planning*

Commission shall consider the growth allocation request prior to making a recommendation on the proposal to the County Commissioners.”

General Comments:

Attached you will find copies of the Critical Area Site Plan, Report, and various other supporting documents provided by the Applicant as a part of this request.

Growth Allocation Standards §NR 3-112(b):

The Critical Area Law provides guidelines in considering Growth Allocation. Below is an analysis of the applicable guidelines for consideration of requests for reclassification to Limited Development Area (LDA).

(§NR 3-112(b)(2) New Limited Development Area should be located adjacent to existing Limited Development Area or Intensely Developed Areas.

Per the documents provided by the applicant, this proposed growth allocation appears to be adjacent to the existing LDA along Cropper Island Road. Also, as a part of this request they will consolidate Parcel 93 and 241 which further aids with required adjacency requirements.

(§NR 3-112(b)(4) No more than one-half of the allocated expansion may be located in Resource Conservation Areas except as provided in Subsection(b)(9) below.

As this request is 33.46 acres within the RCA, this acreage does not exceed one-half of the allocated expansion provisions of the Ordinance. Attached is a copy of the Summary of Growth Allocation to date of the Atlantic Coastal Bay Critical Area. Within the Atlantic Coastal Bays Critical Area Program, there are 369.18 acres available.

(§NR 3-112(b)(5) New Intensely Developed Areas and Limited Development Areas should be located in such a manner as to minimize impacts to Habitat Protection Areas as specified in this Subtitle an in an area and in a manner that optimizes benefits to water quality.

The Planning Commission should consider the applicant’s Critical Area report and Critical Area Site Plan and testimony in determining if this guideline has been met.

- Tidal and non-tidal wetlands were originally field delineated in 2007, and again in 2010, 2015, and most recently in 2022 as a part of this proposal. This most recent delineation was used for this current concept plan development to minimize wetland impacts. The property owner proposes to avoid all wetland impacts. However, there are some impacts to non-tidal wetland buffers in the amount of 5,229 sf. No tidal wetland buffer impacts are proposed, and they maintain the required 300 ft setback for new growth allocation requests.

-The request will result in an increase of impervious surface by 4.54 acres. Applicant maintains within the Report that the stormwater management system for the development of the site will successfully address the three phase stormwater management process (concept plan, site development plan, and final stormwater management plan) for all new impervious surfaces proposed. Computational information has also been provided within the Report.

-Within the 33.46 acre growth allocation, a total of 24.33 acres are wooded with 2.79 acres proposed to be cleared. The project proposes to provide 2.93 acres of afforestation to offset this clearing. 2.29 acres of the afforestation is proposed within the 300 ft tidal setback. No proposed clearing is to occur within the 100 or 300 ft buffers. Forest Interior Dwelling Species (FIDS) management plan design guidelines will be utilized to minimize any impacts to FID species during clearing activities. Also, 21.76 acres of existing forest are proposed to be included within a Forest Conservation Easement.

- The letter from Maryland DNR Wildlife and Heritage Service regarding the presence or lack thereof of rare, threatened or endangered species is attached within the Environmental Report.

- The growth allocation request is for reclassification to LDA, there will be impervious surface limitations. Pursuant to §NR 3-107(c)(8): “*Except as otherwise provided in this subsection, for stormwater runoff, impervious areas, shall be limited to fifteen percent of the site.*” The proposed reclassification will maintain a lot coverage well below the required 15% threshold and fit the LDA criteria.

(§NR 3-112(b)(7)) New Intensely Developed or Limited Development Areas in the Resource Conservation Area should be located at least three hundred feet landward of the limits of tidal wetlands or tidal waters

As note in COMAR 27.01.02.06-3(E)(4), a new LDA within a previous RCA must be located “*at least 300 feet beyond the landward boundary of tidal wetlands or tidal waters, unless the local jurisdiction proposes, and the Commission approves, alternative measures for enhancement of water quality and habitat that provide greater benefits to the resources.*”

The applicant will be providing the required 300 ft setback from tidal wetlands as shown on provided plans and within environmental report.

(§NR 3-112(b)(8)) New Intensely Developed or Limited Development Areas shall conform to all criteria of the Department for such areas, shall be so designated on the County's Atlantic Coastal Bays Critical Area Maps and shall constitute an amendment to this Program subject to review and approval by the Planning Commission, the County Commissioners and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays

The proposed site, should it receive Growth Allocation, will meet all Critical Area Laws with respect to the development standards of LDA found in the Natural Resources Article of the Worcester County Code of Public Local Laws. Furthermore, should this project successfully proceed through the Planning

Commission, receive County Commissioners approval, and approval from the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, the critical area maps will be changed to reflect the new designation.

(§NR 3-112(b)(9) If the County Commissioners are unable to utilize a portion of its growth allocation as set out in Subsections (b)(1) and (2) above within or adjacent to existing Intensely Developed or Limited Development Areas, then that portion of the allocated expansion which cannot be so located may be located in the Resource Conservation Areas in addition to the expansion allowed in Subsection (b)(4) above. An applicant shall be required to cluster any development in an area of expansion authorized under this subsection.

Based upon information provided by the applicant and review of associated site plans, it appears that the expansion will be adjacent to the existing LDA once the two involved parcels are consolidated. Exhibit 2-8 within the provided Report illustrates this required adjacency.

ADDITIONAL FACTORS OF CONSIDERATION:

1.) Consistency with the local jurisdictions Comprehensive Plan (Plan) and whether the proposed growth allocation would implement the goals and objectives of the plan:

The 2006 Comprehensive Development Plan for Worcester County identifies overarching goals, including, to maintain and improve the county's rural and coastal character, protect natural resources and ecological functions, and to accommodate a planned amount of growth served by adequate public facilities. Objectives include to continue the dominance of agricultural and forestry uses throughout the county's less developed regions, minimize conflicts among land use due to noise, smoke, dust, odors, lighting and heavy traffic, and limit rural development to uses compatible with agriculture and forestry.

The location of the proposed project is designated "Agriculture" on the 2006 land use plan map. This category is "reserved for farming, forestry and related uses with minimal residential and other incompatible uses". As a general policy, the plan states that the "practice of not rezoning agricultural land for other uses should continue".

The proposed project is in close proximity to land designated Green Infrastructure. The closest other designated use is "Village": the Village of Newark, over two miles away.

The proposed expansion of 62 additional campground lots is not consistent with the Plan and would not implement the goals or objectives of the plan. A large campground is not a use consistent with maintaining the county's rural and coastal character, it is not compatible with agricultural and forestry uses and in particular may contribute to traffic conflicts impacting agricultural uses. While the proposal is not technically a "re-zoning", the use is not allowed in the A-1 zone, which conflicts with the policy stated in the comprehensive plan of not re-zoning land with an "Agriculture" designation. The

campground is an existing non-conforming use. The property is zoned A-1, Agricultural District, in which it is intended to preserve, encourage, and protect the County's farms, forestry operations and their economic productivity. This property was granted a special exception in January of 2008 by the Worcester County Board of Zoning Appeals to expand the existing campground and a variance was also granted to reduce the required setback to a residential district.

2.) For a map amendment involving a new limited development area whether the development is:

a.) To be served by a public wastewater system or septic system that uses the best available nitrogen removal technologies:

The campground is served by an advanced nutrient removal package wastewater plant with subsurface tile fields for the initial and first replacement areas with a drip irrigation system as the third replacement area. The existing system will have the existing force main extended to collect the expanded flow with both the advanced wastewater treatment plant with an additional spray irrigation field added. The effluent is proposed to be sprayed onto a proposed 15.44-acre spray field. These proposals are outlined in a Worcester County Water & Sewer Plan Amendment associated with the 62-lot expansion.

b.) Is a completion of an existing subdivision and is clustered:

No, the Island Resort Campground was originally established in 2005 on parcel 241 and has periodically expanded. The property owner also owns the adjacent parcel 93 and proposed to expand the existing campground.

3.) Uses public infrastructure where practical:

As described in the report, the site does not use public infrastructure other than the use of County roads.

4.) Is consistent with State and Regional environmental protection policies regarding the protection of rare and threatened endangered species in need of conservation:

As described in the report and confirmed in the letter there are no rare, threatened, or endangered species present on the site.

5.) Impacts on priority preservation areas as defined under section 2-518 of the Agricultural Article:

The proposed project is located within Worcester County's Priority Preservation Area (PPA). The county's farmland conservation objective is to avoid encroachment of non-agricultural development into large contiguous farming areas and to ensure that prime farmland is given the highest protection

priority. The PPA is 195,332 acres in size and the goal is that 153,000 acres will be permanently protected to ensure viability of the agricultural industry in Worcester County. Within the PPA there is minimal residential or commercial use. The Priority Preservation Area element recommends the following actions within the PPA: Continue to permit only minor subdivisions (up to 5 lots per parcel); allow compatible uses that provide additional farm income, including tourism and “value-added” facilities; focus growth near existing population centers with standards for minimum development density.

The proposed campground is not compatible with the policies stated in the PPA as this use is more intense than a minor subdivision, it is not an activity providing farm income, and the location is not near an existing population center. This use will weaken the long-term protection of the PPA, by introducing expansion of an incompatible use. As previously mentioned, the existing campground was subject granted a special exception in January of 2008 by the Worcester County Board of Zoning Appeals to expand the existing campground for the initial expansion and a variance was also granted to reduce the required setback to a residential district.

6.) Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams:

As noted in the report the site will utilize an advanced nutrient removal through an engineered designed pretreatment package with an initial (existing) drainfield and drip spray replacement areas and planned treatment plant upgrades with the addition of a spray irrigation field. The site also proposes approval for a stormwater management plan that incorporates environmental site design to the maximum extent practicable by utilizing rain gardens, grass channels, and disconnects to buffers to treat the Stormwater prior to discharging into tidal wetlands and waters.

7.) Environmental impacts associated with location in coastal hazard area or an increased risk of severe flooding attributable to the proposed development:

This project is proposed within a minimal flood hazard zone. Flood zones on the proposed development area are X and AE as depicted on the attached National Flood Hazard Layer FIRMette map.

STATE CRITICAL AREA COMMENTS

Comments from the State Critical Area Commission Staff are attached within.

ACTION OF THE PLANNING COMMISSION:

The Planning Commission is requested to forward a favorable or unfavorable recommendation to the County Commissioners regarding the applicant’s request for an award of 33.46 acres of Growth Allocation, by designating a portion of the subject critical area property as a Limited Development Area (LDA). Once the Planning Commission has made this recommendation, the applicant shall address and revise the concept plan according to any comments and/or recommendations before proceeding further. In addition,

Stormwater Concept Plan Approval, along with accompanying calculations, and a more detailed planting plan will be required by this Department prior to review by the County Commissioners. Pursuant to §NR 3-112(c)(3), the growth allocation request shall then be forwarded to the County Commissioners by the Planning Commission with a recommendation for either approval or denial.

ADDITIONAL APPROVAL STEPS:

The County Commissioners shall hold a public hearing pursuant to §ZS 1-114 of the Zoning and Subdivision Control Article on the request and any revisions to the concept Plan.

The County Commissioners may establish conditions of approval that are consistent with the intent of the Critical Area Program. Pursuant to §NR 3-112(c)(11), as a condition of approval, the County Commissioners may require that the project approved for the use of growth allocation demonstrate that it has been substantially completed within three (3) years of the date of growth allocation approval by the Commission. Substantially completed is defined as projects in which all public improvements such as roads, sewer and/or water facilities, etc. have been built and approved as required by the County Commissioners.

If the request is approved by the County Commissioners, it shall be forwarded to the State Critical Area Commission. Thereafter, the additional approval steps will be applied as set forth in §NR 3-112(c)(6) thru (10).

* * * * *

Should you have any questions or need additional information, please do not hesitate to contact us at (410) 632-1220:

David Bradford – ext. 1143, dbradford@co.worcester.md.us

Katherine Munson- ext. 1302, kmunson@co.worcester.md.us

Attachments: Applicant’s Critical Area Report
 Growth Allocation Summary;
 Critical Area Commission Letter;
 GIS Aerial Map illustrating CA boundary;
 FEMA Map;
 Land Use Map

cc: Bob Mitchell, Director DEP
 Joy Birch, NR Planner DEP

Worcester County
Atlantic Coastal Bay Critical Area
TENTATIVE SUMMARY OF GROWTH ALLOCATION

Per §NR3-112 - Total acreage classified as RCA upon County adoption of Ordinance(11/19/02) - 16,379 acres - 5% of this area can be allocated by the County Commissioners for future growth as IDA or LDA – **819 acres.**

Refinements/Amendments since adoption of Law:

Bali-Hi RV Park (M10 P32)	- 23.63 acres
St. Martin’s Neck Rd. Bishopville Resolution 02-44 passed to correct mapping Error (RCA to IDA)	
Riverview Mobile Home Park (M9 P268)	- 24.32 acres
Shell Mill Rd. Bishopville Resolution 02-44 passed to correct mapping Error (RCA to IDA)	
<u>Peterson,et al.</u> (M26 P132,133,134,383)	- 6.32 acres
Ocean Gateway, West O.C. Resolution No. 08-07 & 08-19 passed to correct mapping Error (RCA to IDA)	
Rios (M10 P 28, 29, 48, 249, 302)	- 35.74 acres
Resolution No. 08-06 passed to correct mapping error – (Acreage out of c.a. boundary)	
Tony Russo / Irving Lynch (M21 – Numerous Parcels)	- 113.92 acres
Resolution No. 09-22 passed to correct mapping error)	

Adjustment to RCA acreage amount (16,379 acres – 203.93 acres) = 16,175.07 – 5% of this area can be allocated by the County Commissioners for future growth as IDA or LDA = 808.75 acres.

“Interim Period” Projects:

Preliminary Plat approval prior to 6/1/02 and recorded within one year from State adoption of law (June 1, 2002):

- Equestrian Shores (M73 P123,124,125)	– 79.85 acres
- Coves at Isle of Wight (M22 P410 L3&4)	– 32.74 acres
- Cropper Island Estates (M40 p/oP93)	- 20.30 acres
- Anderson Property (M16 P36&81)	- 14.00 acres
- Figgs Landing (M73 P53)	- 22.54 acres
- Melson Tract (M9 P 161)	- 60.72 acres

Residential Planned Communities (RPC’s) – received Step III approval and 3 of 4 State permits prior to 6/1/02:

- The Landings RPC (M33 P281)	- 11.86 acres
-------------------------------	---------------

RPC's, meeting above criteria, which include an inland marina (85% of total units comply with 100' buffer & remaining 15% have 50' buffer):

- Glenn Riddle PUD (M26 P1) - 122.73 acres.

SUBTOTAL = 364.74

Summary:

Acres available for allocation - 808.75 acres
Less "Interim Period" Projects - 364.74 acres

Remaining Growth Allocation - 444.01 acres

Projects receiving Growth Allocation since adoption of Law:

Baypoint Plantation (M21 P257) - 38.0 acres
Total site area – 181.46 acres
RCA to IDA - 38 acres
Resolution 04-____
Balance remaining RCA 143.46 acres
100 acres of which in restrictive easement

George Mount Property (M73 P28&42)
Total Site area – (8.1 acres ±)
RCA to LDA – entire parcel
Approved in 2004 with condition of confirmation of exact acreage based on State vs. Private wetland determination. ***On May 13, 2007 owner gave written request to not pursue request. On July 3, 2007, Resolution No. 07-19 was signed to revoke award of G.A. Accepted by CAC on August 1, 2007.***

Proposed YMCA (M21 P118)
Site Area 9.46 acres
RCA to IDA w/condition project must be substantially complete by **6/28/08** or growth allocation is reversed. ***No Permit issued or activity on property as of 6/28/08- acreage reverts back to RCA.***

Steen & Associates (M21 P67&74) - 32.12 acres
Total Site Area w/in CA – 55.39 (Total site 92.03ac)
RCA to LDA – 32.12 acres
Remaining RCA – 20.74 acres

Moore's Boatyard (M10 P4,171,301) - 4.71 acres
Site area – 9.34 acres
RCA to LDA – 4.71 acres

To date: Balance of acres available for Growth Allocation:	444.01 acres
Less Approved G.A. projects	<u>- 74.83 acres</u>

TOTAL REMAINING FOR GROWTH ALLOCATION	369.18 acres
--	---------------------

Wes Moore
Governor

Aruna Miller
Lt. Governor



Erik Fisher
Chair

Katherine Charbonneau
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

August 4, 2023

Mr. David Bradford
Worcester County Department of Environmental Programs
One West Market Street – Room 1306
Snow Hill, Maryland 21863

Re: Island Resort Campground
Preliminary Review for Growth Allocation

Dear Mr. Bradford:

I am writing in response to the above referenced proposal to provide initial review and comment. It is my understanding that the Island Resort Campground is interested in expanding their facility and may seek growth allocation in order to do so. The existing campground is located on Tax Map 40 Parcel 241, which totals 151.27 acres and contains Resource Conservation Area (RCA). A portion of the campground was approved within the RCA prior to the establishment of the Atlantic Coastal Bays Critical Area Program. The proposed expansion is on Tax Map 40, Parcel 93 which is directly adjacent to Parcel 241. Parcel 93 totals 365.37 acres, which is divided into two parts, or Items. Item 1 is 223.47 acres and Item 2 is 142 acres. Currently, 173.47 acres of the property are located within the RCA. The applicant is seeking 33.46 acres of growth allocation to reclassify a portion of the RCA to Limited Development Area (LDA), in order to locate 62 new lots/campground sites and meet the 15% lot coverage limit.

Based on the information provided, we have the following comments at this time:

1. In order for the Commission to accept an application for growth allocation, the County must provide all information in accordance with the Commission's growth allocation submittal requirements (COMAR 27.01.02.06-1). The Worcester County Commissioners must determine that the growth allocation meets the strict adjacency standards listed under Natural Resources Article 8-1808.1(c)(2) and COMAR 27.01.02.06-3.E, including that the proposed growth allocation is adjacent to an existing LDA or an Intensely Developed Area (IDA). Additionally, an application for growth allocation in an RCA shall provide a 300-foot setback from tidal waters or tidal wetlands. If a 300-foot setback is not provided, the County shall propose alternative measures that enhance water quality and habitat in order to provide greater benefits to the resources.

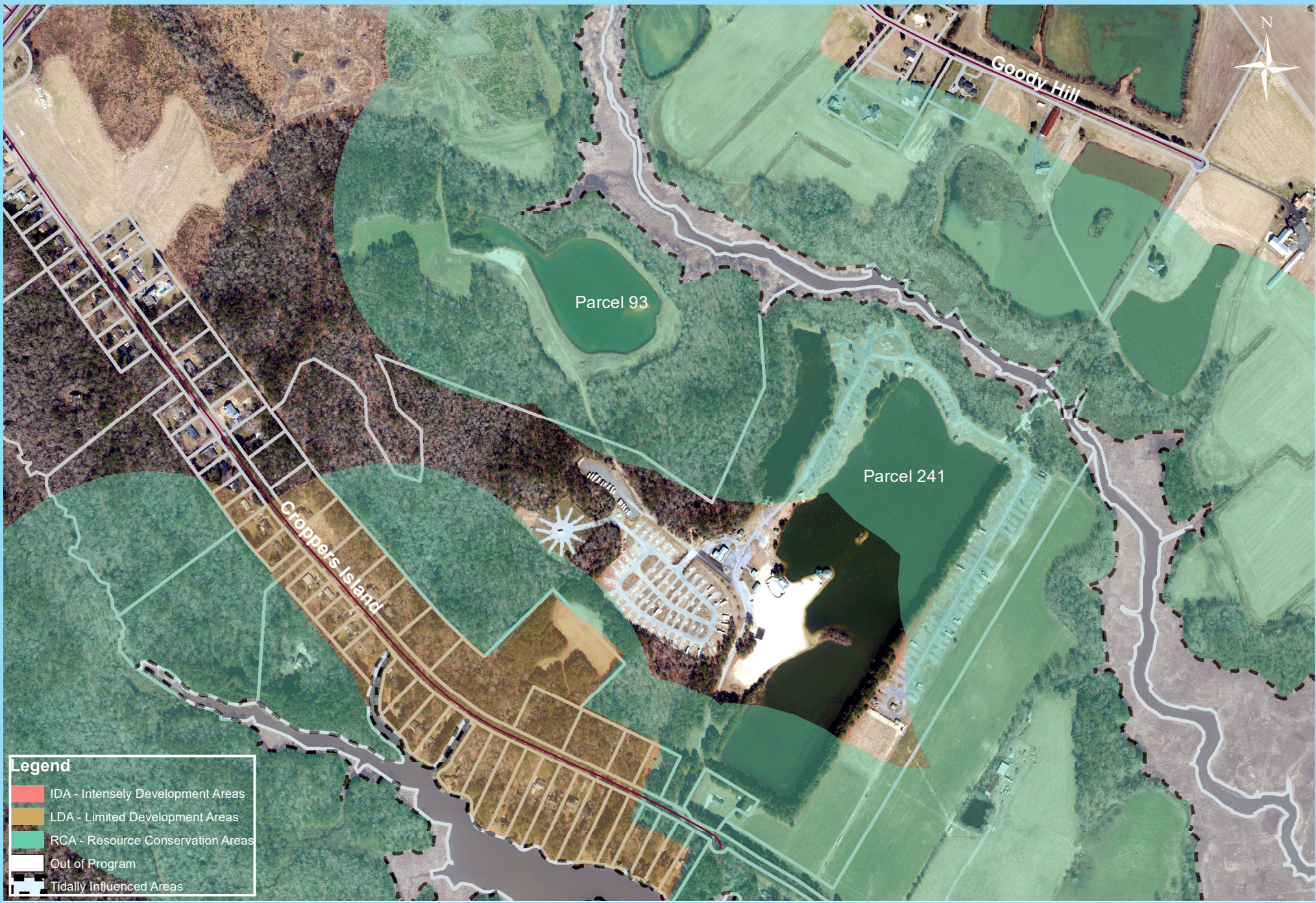
2. Additionally, any proposed development must conform to all the standards for a Limited Development Area. This includes no disturbance to the Buffer or expanded Buffer. The site plan included with this application does not show hydric soils, however analysis on MdMERLIN indicates there are extensive hydric soils on the site. A plan showing only the field delineated Buffer, properly expanded for hydric soils and nontidal wetlands, would be necessary to ensure all development is located outside of the Buffer.
3. The application must also include information that addresses the factors to be considered found in Natural Resources Article 8-1808.1(c)(4) and COMAR 27.01.02.06-3.G. Finally, the deduction must meet the requirements for a development envelope as outlined in COMAR 27.01.02.06-4.

Our office is available to discuss the above application further if necessary. Please feel free to contact Kate Durant at Kathryn.durant@maryland.gov or 410-260-3477.

Sincerely,

A handwritten signature in cursive script that reads "Kate Charbonneau".

Kate Charbonneau
Executive Director



Critical Area Boundary
 Island Resort Campground
 Growth Allocation Request



2022 Imagery
 Map generated by the Dept. of Environmental Programs
 September 14, 2023
 D. Bradford

National Flood Hazard Layer FIRMMette



75°14'48"W 38°15'30"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, A99	With BFE or Depth Zone AE, AO, AH, VE, AR
	Regulatory Floodway	

OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee. See Notes. Zone X
	Area with Flood Risk due to Levee Zone D

OTHER AREAS	NO SCREEN Area of Minimal Flood Hazard Zone X
	Effective LOMRs
	Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall

OTHER FEATURES	Cross Sections with 1% Annual Chance Water Surface Elevation
	20.2
	17.5
	Coastal Transect
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature

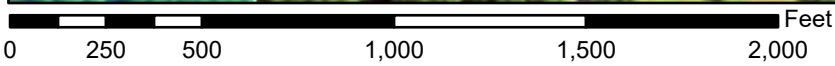
MAP PANELS	Digital Data Available
	No Digital Data Available
	Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **9/14/2023 at 2:53 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

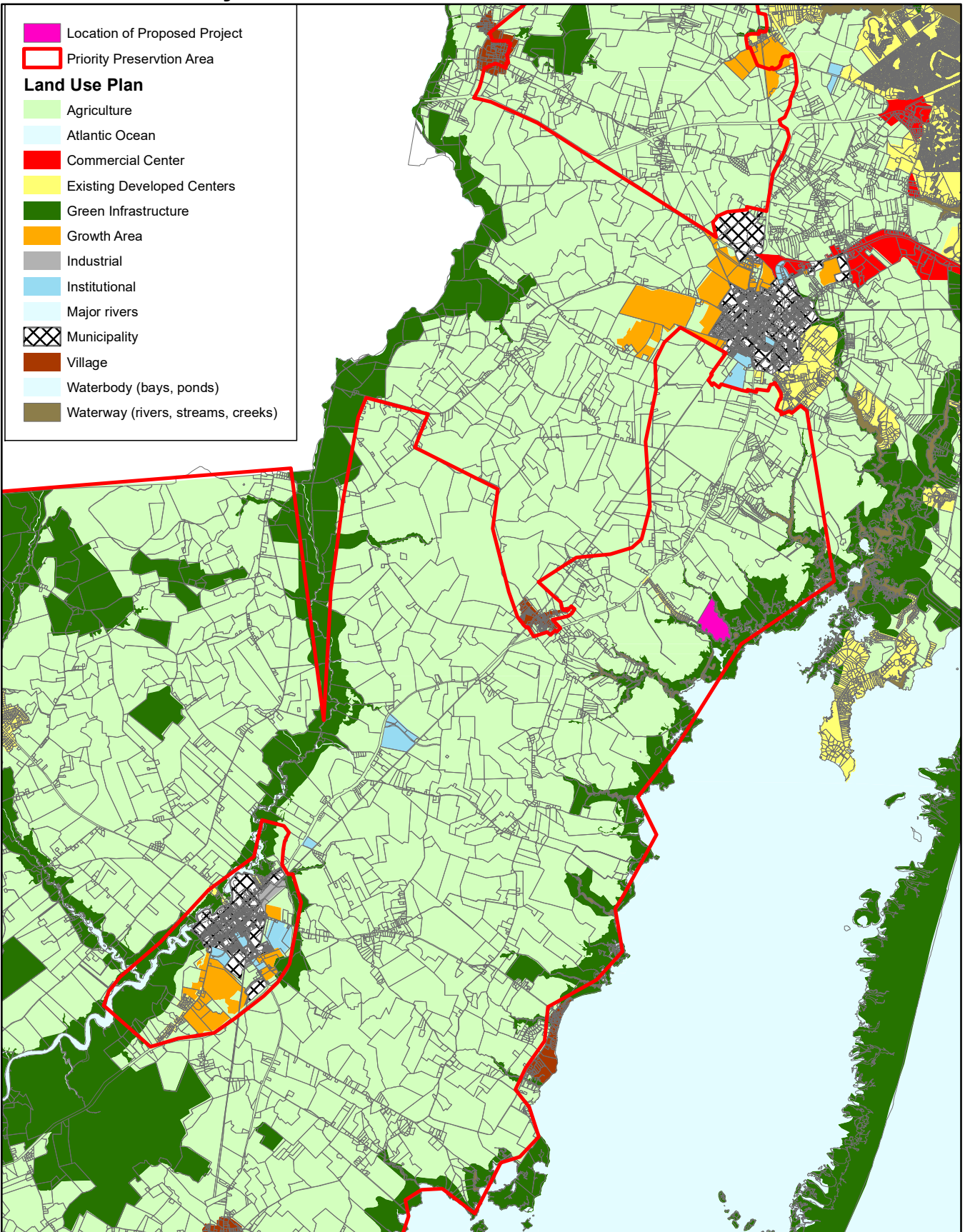


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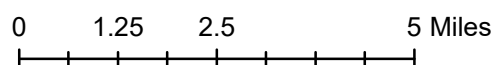
75°14'11"W 38°15'1"N

Basemap Imagery Source: USGS National Map 2023

Island Resort Campground: 2006 Land Use Plan/Priority Preservation Area Worcester County



September 14, 2023



MARYLAND COASTAL BAYS PROGRAM

8219 Stephen Decatur Highway
Berlin, Maryland 21811
(410) 213-2297 - PHONE
(410) 213-2574 – FAX
mcbp@mdcoastalbays.org
www.mdcoastalbays.org



August 10, 2023

Mr. Jerry Barbierri, Chair
Worcester County Planning Commission
c/o Jennifer Keener
1 West Market Street, Room 1201
Snow Hill, MD 21863

Dear Mr. Barbierri:

We are writing to begin a discussion about coordination of the update of the county Comprehensive Plan with the update of the Maryland Coastal Bays Comprehensive Conservation and Management Plan (CCMP), and the resources available to the county that can support the preparation of the Comprehensive Plan.

The Maryland Coastal Bays Program (MCBP) is one of 28 EPA-funded National Estuary Programs (NEP) across the country restoring and protecting “estuaries of National significance.” MCBP has had long-time partnerships that include Worcester County, as well as the National Park Service, the towns of Berlin and Ocean City, state and federal agencies and other organizations.

The health of Maryland’s coastal bays is vital to quality of life of the county’s citizens and to the economic health of Worcester County’s tourism industry. Maryland’s coastal bays watershed, 175 square miles of land that drains to the bays, is situated entirely in Worcester County, supporting abundant wildlife and a wealth of aquatic resources unique to the mid-Atlantic region. There are numerous rare and threatened plant and animal species, forests, and wetlands vital to migratory songbirds and waterfowl, as well as numerous important commercial and recreational fin and shellfish species. (Although the watershed is only a portion of the county, our policy recommendations will benefit the entire county, if implemented county-wide).

The work of the MCBP and partners is directed by the Comprehensive Conservation and Management Plan (CCMP), a consensus-based strategy originally produced in 1999, updated in 2015, and currently undergoing review and revision again, with a target completion date of December 2024. Worcester County is a key partner in the process of CCMP development and implementation.

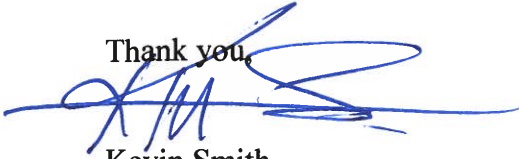
As the county considers a vision for land use for the next 20 years, we must continue to work together to protect and restore the health and increase the resiliency of the coastal bays. The CCMP is an easy-to-use resource for the development of the Comprehensive Plan. Specifically, we ask that the following county actions/issues identified in the current CCMP be addressed in the revised Comprehensive Plan. (The action item/s in the CCMP is in parentheses):

1. Impervious surfaces degrade water quality. Any watershed over 10% impervious is likely to experience permanent watershed degradation. Watershed level analyses should be carried out to evaluate the impact of existing and new development on waterways. (WQ 1.4.2, 3.1.1)
2. Nutrients from septic systems can contribute to degraded water quality. Worcester County has done an excellent job minimizing on-site system use county-wide, as over 80% of the population is served by sewer. This is an incredible accomplishment. This trend should be maintained by directing development mainly to areas that can be served with central sewer service, and to continue to focus on spray irrigation or similar technologies to minimize nutrient impacts. Sea level rise is likely to increase the risk of contamination from septic systems, as groundwater rises. (WQ 1.6.1, 1.6.3)
3. Shorelines and floodplains are becoming an increasingly hazardous location for residential buildings. The potential consequences of storm inundation and sea level rise should be studied and considered as part of the development of the new comprehensive plan. New development should be minimized in vulnerable areas. Existing development in vulnerable areas may need retrofits or other actions to reduce risk. (RN 1.1.1; CE 2.2.1, CE 2.2.4)
4. Stormwater runoff impacts water quality and many older developments need support to improve management of stormwater to reduce flood risk and impacts to water quality. (WQ 1.4.1-1.4.3)
5. Innovative ditch management and maintenance is important for water quality and for reducing flooding, especially in areas where land use is changing. (WQ 1.5.8)
6. Citizens should have adequate open space and natural areas to enjoy/appreciate nature, as well as walkable/bikeable access, even in highly developed areas. (FW 3.3.8; CE 2.1.2, CE 2.2.5)
7. It's important to note that the cost of community services studies demonstrates that residential development does not pay for itself. Maintaining strong A-1 zoning is critical for this reason. (CE 2.1.3)
8. Land protection continues to be a vitally important aspect of Worcester County's planning. The Land Preservation, Parks and Recreation Plan identifies the Chincoteague and Newport watersheds, as well as headwaters generally, as key land protection targets, and identifies a goal of protection of 1,000 acres annually. The Priority Preservation Area (adopted in 2010) also identifies much of the coastal bays watershed as targeted for permanent protection. The goals identified in these documents should also be reflected in the new Comprehensive Plan. (FW 2.2.7, 3.3.11)

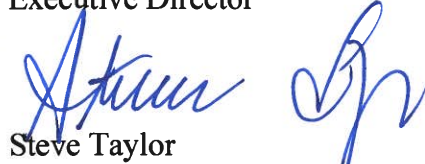
The CCMP and Worcester County's Comprehensive Plan significantly overlap in purpose. Land use has a profound impact on the health of the bays. It's important that these two documents are reviewed and updated, that there is strong communication to ensure consistency. MCBP will continue to advocate for and to educate the public regarding this throughout the process. There are significant threats that face the coastal bays including water quality degradation due to nutrient over-enrichment, loss of islands and tidal wetlands, loss of sea grass beds, and loss of another natural habitat. Climate change, including sea level rise, more severe storms, and prolonged severe heat, present additional challenges.

Our staff would be happy to further discuss the content of the CCMP with the Planning Commission as well as potential educational outreach to the public that would be valuable during this important review and revision process.

Thank you,

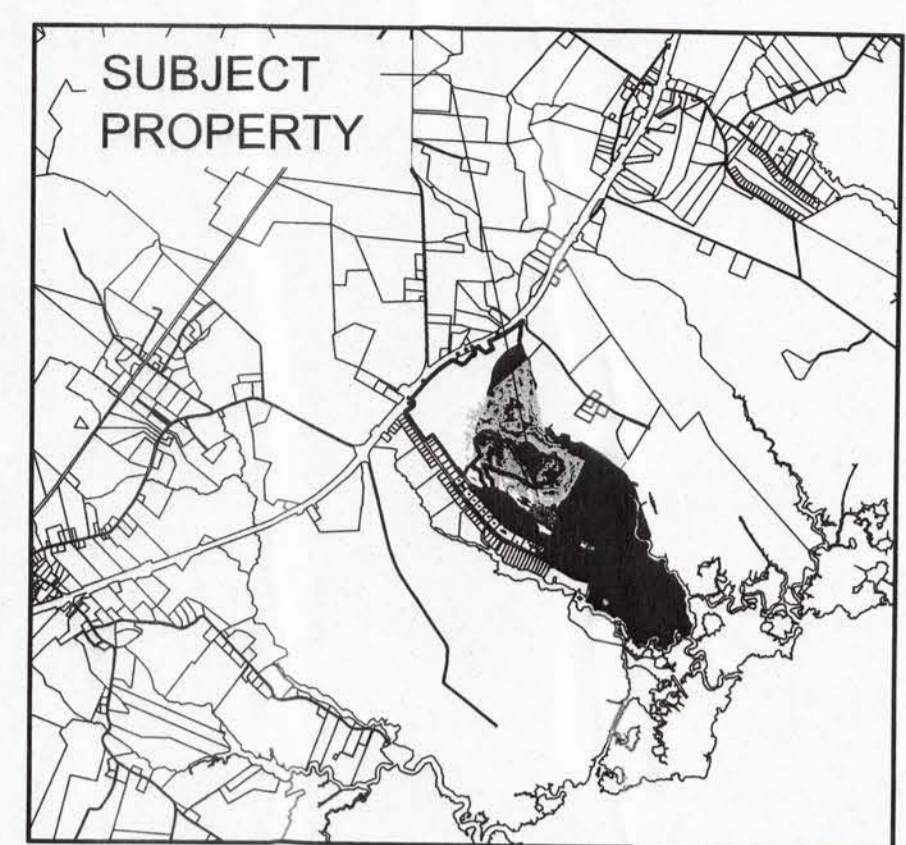
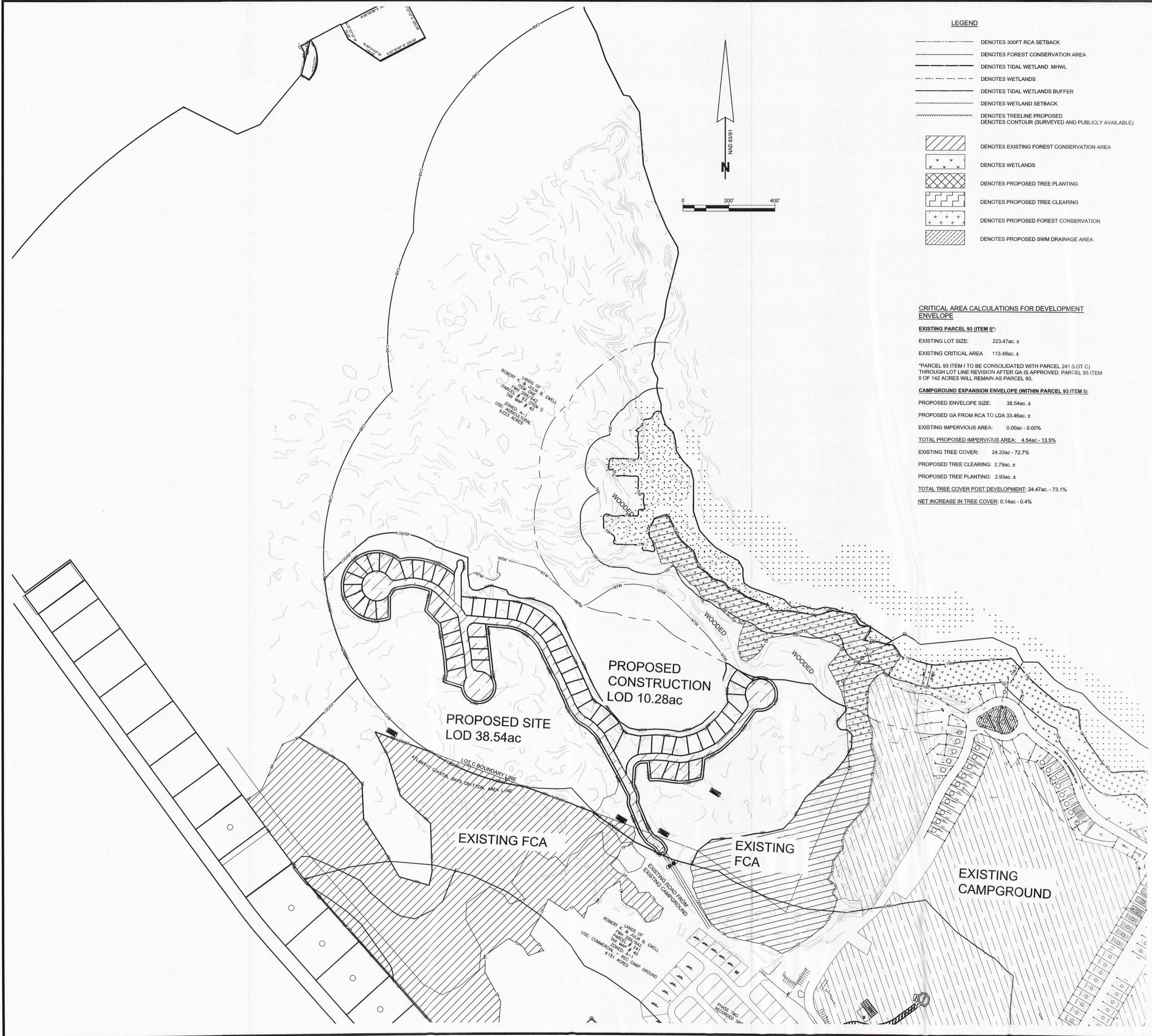


Kevin Smith
Executive Director



Steve Taylor
Maryland Coastal Bays Foundation Board President

cc: Eric Fiori, County Commissioner for Worcester County
Robert Mitchell, Director, Environmental Programs



NOTES

- PROPERTY OWNER: JULIA AND ROBERT EWELL, 9552 CROPPER ISLAND ROAD, NEWARK, MD 21841 & ISLAND RESORT PARK INC., 9537 CROPPER ISLAND ROAD, NEWARK, MD 21841
- PROPERTY ADDRESS: 9552 CROPPER ISLAND ROAD, NEWARK, MD 21841 & 9537 CROPPER ISLAND ROAD, NEWARK, MD 21841
- PROPERTY LOCATION: TAX MAP 40, GRID 18, PARCEL 241 & TAX MAP 40, GRID 18, PARCEL 93
- CURRENT DEED REFERENCE: 5490330 & 5391075
- THE SUBJECT PROPERTIES ARE PARTIALLY LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA RCA ZONE.
- PARCEL 93 IS A TOTAL OF 365.47ac. ITEM I IS 223.47 ACRES ON THE NORTHERN SIDE OF PARCEL 241 (LOT C - EXISTING CAMPGROUND). ITEM II IS 142 ACRES AND LOCATED ON THE SOUTHERN SIDE OF PARCEL 241 (LOT C).
- THE PROPOSED PROJECT WILL TAKE PLACE ON PARCEL 93 (ITEM I). UPON GA APPROVAL, PARCEL 93 (ITEM I) WILL BE CONSOLIDATED WITH PARCEL 241 (LOT C) THROUGH A LOT LINE REVISION AND ITEM II WILL REMAIN AS PARCEL 93.
- WETLANDS SHOWN HEREON WERE FIELD DELINEATED BY SPENCER ROWE, INC.
- PROPERTY LINES SHOWN HEREON ARE A COMPILATION OF RECORD INFORMATION AND A PARTIAL BOUNDARY SURVEY BY GREGORY P. WILKINS SURVEYOR, INC.
- EXISTING SITE FEATURES SHOWN REFLECT PREVIOUSLY CONDUCTED SURVEYS BY GREGORY WILKINS SURVEYOR, INC.
- CONCEPT PLAN SHOWS EXISTING TOPOGRAPHY WITHIN ANTICIPATED LOD FROM FIELD-RUN SURVEY DATED JUNE OF 2022 BY RAUCH INC.
- EXISTING FOREST CONSERVATION EASEMENTS ARE COMPRISED MOSTLY OF NON-TIDAL WETLANDS
- TIDAL WETLANDS EXTENT TRANSITIONS TO NON-TIDAL ALONG POINTS ADJACENT TO BASSETT CREEK
- NON-TIDAL SETBACKS ARE 25'
- NON-TIDAL SETBACK FOR WETLAND OF SPECIAL STATE CONCERN ARE 25'
- A 100' TIDAL WETLANDS BUFFER IS MARKED FROM THE EDGE OF TIDAL WETLANDS OF BASSETT CREEK
- A DEVELOPMENT SETBACK OF 300' IS EXTENDED FROM BASSETT CREEK TIDAL WETLANDS TO ELIMINATE ANY IMPACTS TO TIDAL BUFFER
- PARCEL 004000180093 IS ZONED A-1R-1 AND IS A TOTAL OF 365.37 ACRES. 173.47 OF THESE ACRES ARE WITHIN THE COASTAL BAY CRITICAL AREA RESOURCE CONSERVATION AREA
- THE PROPOSED PROJECT IS PLANNED TO AVOID BOTH TIDAL AND NON-TIDAL WETLANDS WHEREVER POSSIBLE. NTW BUFFER IMPACTS ARE PROPOSED. CAMPSITES 17, 18, AND 19 WILL IMPACT THE NTW BUFFER 382 SQFT. WS-1 AND WS-2 IMPACT THE NTW BUFFER BY 4,847 SQFT. TOTAL PROPOSED BUFFER IMPACTS ARE 5,229 SQFT. ANY CHANGES DURING THE DESIGN PHASE WHICH MAY IMPACT WETLANDS OR BUFFERS WILL REQUIRE A WETLAND PERMIT.
- TREE COVER SHOWN IS LIMITED TO TREE COVER IN THE CRITICAL AREA AND LOCATED WITHIN THE PROPOSED PROJECT AND GROWTH ALLOCATION REQUEST ENVELOPE
- THE PROPOSED PROJECT REQUIRES THE CLEARING OF 2.79 ACRES OF TREE COVER IN THE CRITICAL AREA
- THE PROJECT PROPOSES PLANTING OF 2.93 ACRES OF TREE COVER IN THE CRITICAL AREA AND WITHIN 2.29 ACRES PROPOSED IN AN EXISTING UNFORESTED PORTION OF THE 300FT SETBACK
- THE PROPOSED PROJECT WOULD REQUIRE COASTAL BAY CRITICAL AREA GROWTH ALLOCATION CHANGE OF 33.46 ACRES FROM RCA TO LDA ON PARCEL 004000180093 (ITEM I)
- THE PROJECT SHOWS AN ADDITION OF 62 CAMPSITES OF AT LEAST 3,000 SQFT, 80' DEPTH, AND 50' WIDTH
- THE PROPOSED ROAD COVERAGE TOTALS 2.96 AC
- THE PROPOSED LOTS WOULD INCORPORATE 1,104 SQFT OF IMPERVIOUS ON EACH SITE. THE TOTAL PROPOSED IMPERVIOUS AREA FROM LOTS, ROAD, PARKING, AND STRUCTURES TOTALS 4.54 ACRES FOR A PROPOSED LDA LOT COVERAGE OF 13.5%
- THE PROPOSED PROJECT WILL PURSUE A PARCEL CONSOLIDATION BETWEEN PARCEL 93 AND 241 TO ALLOW THE EXPANSION OF A LEGAL NONCONFORMING CAMPGROUND CURRENTLY ON PARCEL 241
- THE PROJECT PROPOSES FOREST CONSERVATION AREAS #1 OF 11.83ac AND FOREST CONSERVATION AREA #2 OF 9.93ac TO SECURE 12.76ac ESDV. STORMWATER MANAGEMENT CREDIT FOR THE CAMPSITE EXPANSION
- WET SWALE #1 (WS-1) AND WET SWALE #2 (WS-2) PROVIDE 9,650cfd OF ESDV TREATMENT.
- THE PROJECT HAS A PROPOSED CONSTRUCTION LOD OF 448,008 SQFT OR 10.285 ac
- THE PROJECT HAS A PROPOSED SITE LOD OF 1,679,038 SQFT OR 38.54 ac

RAUCH INC.
 engineering design &
 development services

office: 410.770.8881 | fax: 410.770.3897 | rauch@rauchinc.com
 Maryland Office: 106 N. Harmon St. - Easton, MD 21841
 Virginia Office: 8229 Boone Blvd, Suite 625 - Vienna, VA 22182

REVISIONS

REV. #	DATE	DESCRIPTION

DATE: JULY 2022

JOB NUMBER: _____

SCALE: 1" = 200'

DRAWN BY: J. COOK

DESIGNED BY: _____

APPROVED BY: _____

FOLDER REF: _____

SHEET NO.: 2 OF 7

FILE NO.: _____

PROJECT LOD
 OF THE LANDS OF

ISLAND RESORT PARK, INC.
 TAX MAP 40, GRID 18, PARCEL 93 & 241
 FIFTEENTH ELECTION DISTRICT, WORCESTER COUNTY, MARYLAND
 PREPARED FOR ISLAND RESORT PARK, INC.

SEAL
 DATE



Atlantic Coastal Bays Critical Area Property
Environmental Growth Allocation Report

At
“Island Resort Campground”
9537 Croppers Island Road, Newark, MD 21841
Worcester County, MD

For
Island Resort Park, Inc.
&
Robert and Julia Ewell

October 2022

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INTRODUCTION

Representatives of RAUCH inc. visited the subject property known as Island Resorts Campground in May 2021 and in June of 2022 to document the existing features and conditions of the property and evaluate the potential impacts of the award of LDA growth allocation in accordance with COMAR 27.01.02.06-1 and 27.01.02.06-2. On-site information-gathering efforts combined with State and Federal informational maps and resources were used to compile this environmental report.

PROJECT LOCATION, DESCRIPTION, AND SUBDIVISION HISTORY

The area of this review and assessment was conducted on property known as island resort campground located on the southeast side of U.S. route 113, Newark, Maryland – identified as parcels 93 and 241 on tax map no. 40, Worcester County, Maryland hereafter the “subject property”. Worcester County Assessment Reference Information is attached in the Appendix.

The site is adjacent to Croppers Island Road and fronted by Bassett Creek which is a tributary of the Newport Bay (Watershed 021301050683), and located in the Critical Area Zone RCA in Worcester County, MD. Parcel 93 consists of 365.37 acres divided into a 223.47-acre Item I (Lot C) and a 142-acre Item II (EXHIBIT 1-1). The parcel contains 173.47 acres of designated Resource Conservation Area (RCA) which limits the density and use of the RCA designated land. Parcel 241, the location of the existing campground, is 151.27 acres and is directly adjacent and connects to parcel 93.

The area of this review and assessment was conducted on Map 40 Grid 18 Parcel 93 and Map 40 Grid 18 Parcel 241 in Worcester County, Maryland, hereafter the “subject property”. Worcester County Assessment Reference Information is attached in the Appendix.

The site is adjacent to Croppers Island Road and fronted by Bassett Creek which is a tributary of the Newport Bay (Watershed 021301050683) and located in the Critical Area Zone RCA in Worcester County, MD. Parcel 93 consists of 365.37 acres divided into a 223.47-acre Item I (Lot C) and a 142-acre Item II (EXHIBIT 1-1). The parcel contains 173.47 acres of designated Resource Conservation Area (RCA) which limits the density and use of the RCA designated land. Parcel 241, the location of the existing campground, is 151.27 acres and is directly adjacent and connects to parcel 93.

The Island Resort Campground was originally established in 2005 on parcel Map/Grid/Parcel: 0040/0018/0241 (EXHIBIT1-2). The campground has periodically expanded with its existing land-use, density, and zoning regulations. The most recent expansion approval in 2020 added 36 lots on Map/Grid/Parcel: 0040/0018/0241 bringing the total lot count to 176. Owner Robert Ewell owns adjacent property Map/Grid/Parcel: 0040/0018/0093 and proposes to expand the Island Resort Campground to this property zoned A-1/R-1.

TIMELINE AND HISTORY OF PROPERTY KNOWN AS ISLAND RESORT CAMPGROUND

This original (PARENT) parcel consisted of approximately 500 acres according to the deed to the current owners Robert & Julia Ewell dated January 20, 1970 from Evelyn N. Bassett, widow; recorded among the land records of Worcester County in Liber 299 folio 642 which transferred the lands via two tracts consisting of 321.66 acres and 180 acres excepting that portion already conveyed out to Ocean Investments, Inc. by deed dated February 3, 1967 and recorded in Liber 216 folio 322 which created Croppers Island Road (see also Plat FWH No. 8 folio 1).

Out-conveyances/transfers and other major property changes after the initial acquisition were found as follows:

<u>DESCRIPTION</u>	<u>RECORDING / DATE</u>	<u>SOURCE</u>
1. Deed to Porter Creek Corporation	July 2, 1971	Deed 314 - 596
2. Subdivision Plat Lots 1 & 2	October, 1987	Plat Book 119 - 37
3. Subdivision Plat Lot A	June, 1988	Plat Book 120 - 14
4. Wor Co Appeal Case # 65727 for campground	Mar 14, 2002	Notes on Plat 234 - 36
5. Conf. of Board of Appeals Case in Circ. Court	Apr 08, 2003	Notes on Plat 234 - 36
6. Subdiv. Plat Lots 3-16 & Outlots A, B, & C	Apr 14, 2003	Plat Book 181 - 50
7. Subdivision Plat Lot B	Sep 25, 2003	Plat Book 185 - 27
8. Beginning and construction of campground	Circa 2005	(Based on Google Earth)
9. Original Forest Cons Plan	Aug 24, 2007	Plat Book 221 - 14
10. Rev Plat creating Lot C (Tax Parc. 241)	Mar 19, 2009	Plat Book 230 - 33
11. Plat of campground to convert to co-op	Jun 30, 2010	Plat Book 234 - 36
12. Expansion Plan of Campground for (Phase 2)	Jan 08, 2015	Plat Book 241 - 13

EXPANSION

Island Resort Park Inc. proposes to expand their campground by 62 lots onto Map/Grid/Parcel: 0040/0018/0093 (Item I) zoned A-1/R-1. Proposed force main will be extended to the expansion area to collect and transport wastewater. The property owner will increase the on-site wastewater treatment capacity via an expanded wastewater treatment plant and spray irrigation on an agricultural field on the same Map/Grid/Parcel: 0040/0018/0093 (Exhibit 7-8). In June of 2022, Island Resort Park, Inc. received conditional approval of a Worcester County Water and Sewer Plan Amendment which outlined the water and sewer needs in facilitating the 62-lot expansion. The approval was conditional on a growth allocation application being submitted in July of 2022 to reclassify the proposed development envelope as LDA in accordance with § NR3:I-NR3:I-12(e).

ZONING

Campground use is not an approved land use for A-1/R-1 zoning designation. However, the campground is considered a legal non-conforming use due to the campground's existence prior to the zoning use change regarding campgrounds in the A-1 zone. Worcester County code allows for expansion of legal non-conforming uses via a variance process § ZS1:III-ZS1:III-18(e)(4). In order to facilitate the expansion of the non-conforming use, Parcel 93 (Item I/Lot C) will be consolidated with Parcel 241 which houses the existing campground (EXHIBIT 5-1). Parcel 93 Item II, located to the South of Parcel 241, will remain a separate parcel from the consolidated campground parcel. The partial consolidation of parcel 93 and parcel 241 will utilize the existing out-lots to the current parcel 241. Out-lots currently serving Parcel 241 will serve the entire Parcel 241 post-consolidation. This consolidation and lot line revision will be pursued prior to the physical expansion of the campground and within 12 months of approval of the Water and Sewer Plan Amendment and the Critical Areas Growth Allocation Application. Consolidation will not be pursued if the growth allocation request and the water and sewer plan amendment are not approved.

GROWTH ALLOCATION

33.46 acres of parcel 93 are requested to be reclassified from RCA to LDA. The development will fit LDA criteria and will maintain lot coverage under 15% in accordance with § NR3:II-NR3:II-05(c)(7). The proposed LDA reclassification also requires adjacency to existing LDA or IDA lands per § NR3: I-NR3: I-12(b). EXHIBIT 2-8 demonstrates the adjacency of Parcel 93 and 241 to LDA parcels along Croppers Island Road. Additionally, portions of the overall growth allocation request do occur on both parcel 241 and parcel 93 (EXHIBIT 6-2). This further

demonstrates the immediate adjacency of parcel 241 and the proposed adjacency of the expansion area of parcel 93 once consolidated with Parcel 241. Upon the completion of the growth allocation, the campground will expand its overall capacity to help meet tourism demand to Worcester County in areas adjacent to the Atlantic Coast and popular tourist destinations in the vicinity like Ocean City.

JURISDICTIONAL OBJECTIVES

As stated in the Worcester County Comprehensive Plan, the County has growth and planning objectives for development within the County. This proposed expansion helps further the following objectives listed in the Comprehensive Plan:

1. Maintain and enhance the county’s livability¹
 - a. This project helps to facilitate demand for tourist living space
2. Provide adequate public health, safety, social, recreation, and waste disposal services¹
 - a. The expansion will provide for recreation, safety, wastewater treatment, and trash removal for its occupants
3. Facilitate the county’s economic activity¹
 - a. The project helps to draw tourism to the County and surrounding local municipalities
4. Provide for adequate housing opportunities for all income and age groups¹
 - a. Campgrounds facilitate tourism without adding additional demand on existing residential areas. This frees up residential structures for long-term living arrangements and helps divert short term rentals to the campground
5. Continue the viability of the agriculture and forestry industries¹
 - a. Island Resort Campground occupies an agriculturally zoned parcel and campgrounds were considered a use-by-right for agriculturally zoned districts at the time of its establishment and is maintained as a legal non-conforming use.
6. Accommodate planned future growth through designated “growth centers” with development standards designed to minimize environmental and habitat disruption¹
 - a. The expansion of Island Resort Campground will utilize all development standards to minimize environmental and habitat disruption in coordination to the relevant regulatory agencies

¹ (2006). Worcester County Comprehensive Plan. P. Commission, Worcester County. Pg. 8

ENVIRONMENTAL CONSIDERATIONS

TOPOGRAPHY

USGS topographical maps of the area have 5' contours. The highest elevation contours on the property are the 30' and 40" contours running almost parallel to the Northern most property line and adjacent to the Worcester Highway (EXHIBIT 2-1 and EXHIBIT 2-2). The lowest elevation contour on the property is 5' contour encompassing the area near the mean high-water line on the Northeast side of the parcel adjacent to Bassett Creek and along the shore of the existing pond located on the property. In general, the subject property has topography that falls in a Northwest to Southeast direction. Field-run topography was conducted on the Subject Property in June of 2022 and confirm the USGS topographical data (EXHIBIT 7-1).

Use of growth allocation will allow expansion of the existing campground within the Critical Area.

WETLANDS

There are several Wetlands of Special State Concern (WSSC) shown on the property by Maryland Department of Natural Resource (MD-DNR) as per their mapping on the MERLIN online website (EXHIBIT 2-3). The nontidal wetlands are often associated with perennial and intermittent streams within wooded drainage basins. The wetlands on the project site are adjacent to the Northern most pond on parcel 241 expanding over the property line onto parcel 93 (EXHIBIT 7-1). Additionally, a second wetland area is located on the Southeastern most portion of the property adjacent to Porter Creek, located to the South of the subject property, and extending North onto the Subject Property (EXHIBIT 7-1). Nontidal wetlands border the tidal wetlands at the bottom of the slope on the Southwestern edge of the tidal gut of Bassett Creek (EXHIBIT 7-1). These areas are vegetated with plants surviving in the existing very low salinity conditions. Common plant species include Arrow arum, Cattails, Phragmites, Soft Rush, and Sweet Pepperbush near the upland transition. Wetlands existing on the subject property have been shown on the Growth Allocation concept plan.

Existing tidal and non-tidal wetlands were field delineated by L.E. Bunting Surveys Inc. in 2007 and 2010, by Soule Associates P.C. in 2015, and by Spencer Rowe Inc in 2022. Spencer Rowe's delineation proved to be the most comprehensive and showed wetlands not identified in past delineations (EXHIBIT 5-2). The wetlands area for delineation shown was initiated based on an

early concept plan. This early plan shows impacts to wetlands. That plan has been modified in light of the wetlands delineation performed and is shown in the proposed concept plans. This most recent and extensive wetland delineation was used to develop the concept design for the campground and to minimize wetland impacts. The Property Owner proposes to avoid all wetland impacts. The proposed expansion does impact wetland buffers identified on the property and a non-tidal wetland buffer disturbance permit must be acquired for 5,229 ft² of buffer disturbance.

The National Wetlands Inventory maps generally agree with these field observations. The application that is being made for growth allocation to reclassify 33.46 acres of RCA to LDA contains areas directly adjacent to tidal and non-tidal wetlands and does encroach into tidal wetland buffers but does not propose any wetland disturbance. This growth allocation application will pose no significant impacts to these mapped areas.

SOILS

The 33.46-acre proposed area is comprised of approximately 36.2% Type A/D soils, 29.3% Type B/D soils, 18.3% Type A soils, and 16.3% Type B soils (EXHIBIT 9-1). All of the soils within the project area are hydric with the exception of Rosedale Loamy Sand and Hambrook Sandy Loam located to the South and East of the existing pond and Northwest of the existing forest conservation area and wetlands which overlap parcel 241 and 93 property lines. Due to the extensive amount of hydric soils on the subject property (EXHIBIT 2-4) and the flat terrain, significant surface erosion is not expected from water generating sources. These include but are not limited to down spouts, sump pumps, foundation drains, and impervious surfaces around the existing buildings. Any stormwater management must address all sources of water from any proposed improvements. Additionally, due to the relative flat topography of the subject property, sediment release from any new proposed construction can be sufficiently contained with the installation of silt fence.

VEGETATION

The NWI maps identify estuarine wetlands at the base of the slope on the East side of the parcel, which is confirmed by the site visits. Also see the section on “WETLANDS” as it relates to existing vegetation.

Extensive woodland exists on site (EXHIBIT 7-1). Within the proposed 33.46-acre growth allocation area, 24.33 acres are wooded. 2.79 acres are proposed to be cleared. Common tree species observed in this area are Red Maple, Loblolly Pine, Mulberry, and Sweetgum. Common herbaceous species that exist in this area are Poison ivy, English Ivy, Greenbriar, and several upland weed species. Vegetative species are thoroughly identified in the Forest Stand Delineation performed at the Subject Property in June of 2022 (EXHIBIT 8-1). The remainder of the forested areas outside of the development envelope and the proposed critical area envelope will remain. Per NR 3-116 of Worcester County Code, the proposed site must “Maintain or increase” tree cover within the LDA envelope. The project proposes afforestation of 2.93 unforested acres to the north of the development envelope. 2.29 of those acres are proposed within the 300ft setback in accordance with § NR3:I-NR3:I-12(e)(3) and 1:1 mitigated afforestation as referenced in COMAR 27.01.02.04 can be implemented (EXHIBIT 7-5). No tree clearing is proposed within the 100-foot buffer or the 300-foot tidal waterway setback. This consideration maintains wildlife corridors, habitats, and maintains watershed water quality integrity.

SUBMERGED AQUATIC VEGETATION

No submerged aquatic vegetation was observed or known to occur in Bassett Creek in the area immediately surrounding the Subject Property. All information obtained on known SAV locations was obtained from the MERLIN environmental navigator website. No SAV impacts have occurred in the land area proposed in this application for growth allocation.

SHELLFISH

No shellfish, specifically mussels, were observed in the area of Bassett Creek immediately surrounding the Subject Property. It should be noted however that this area of Bassett Creek has been designated as Maryland Coastal Bay Mussel Habitat. All information on known shellfish waters was obtained from the MERLIN environmental navigator website. No shellfish impacts have occurred in the land area proposed in this application for growth allocation and none are anticipated as a result of the proposed project.

FINFISH

Small Rockfish were observed breaking the water surface along Bassett Creek the area of Bassett Creek immediately surrounding the parcel is known and mapped as Maryland Finfish Tidal Adult Habitat (EXHIBIT 2-5).

Watersheds with streams where anadromous and semi-anadromous fish spawn are particularly vulnerable to landscape disturbances that could result in physical, chemical, or biological degradation. This suggests that extra care be taken in clearing and grading in the vicinity of these streams. These watersheds may also contain important opportunities for conservation activities of both governmental and private sector organizations.

No discharges should occur that would affect any surface water.

All information on known finfish waters was obtained from publicly available geo data from the State of Maryland. No finfish impacts occurred in the land area proposed in this application for growth allocation.

AMPHIBIANS AND REPTILES

The subject Property has two areas that are identified as part of Maryland's Sensitive Species Project Review Areas: Group 3, ID # = 591 (204 acres) and Group 2, ID # = 1222 (237 acres). The proposed project occurs entirely within Group 2, ID # = 1222 (EXHIBIT 2-6). For the subject property, the Maryland Amphibian and Reptile Atlas (MARA) project was completed and has documented twenty-three (23) reptile and amphibian species that have been accepted or confirmed as occurring in or near the project site.

Those species are documented as the Eastern Mud Turtle, the Eastern Box Turtle, the Painted Turtle, the Northern Red-Bellied Cooter, the Eastern Snapping Turtle, the Common Five-lined Skink, the Northern Water Snake, the Red-bellied Watersnake, the Eastern Gartersnake, the Ring-necked Snake, the Eastern Wormsnake, the Northern Rough Greensnake, the Northern Black Racer, the Eastern Ratsnake, the Eastern Kingsnake, the Eastern Redbacked Salamander, the Fowler's Toad, the New Jersey Chorus Frog, the Spring Peeper, the Green Tree Frog, the Southern Leopard Frog, the Northern Green Frog, and the American Bull Frog (EXHIBIT 2-7).

The Atlas will further identify area goals identifying impacts of concern to species present. Development activities that would contribute to water chemical makeup, temperature, or clarity

can be addressed through environmental site design to the maximum extent practical (ESD to the MEP). All information on known Amphibians and Reptiles was obtained from the Maryland Amphibian and Reptile Atlas (MARA).

WATERFOWL AND SHOREBIRDS

There are no recognized waterfowl areas within the Subject Property. There are no recognized Coastal Bay Shorebird areas within the Subject Property. There were no waterfowl or shorebirds observed during the site visit.

Regardless of the presence of waterfowl, all proposed impacts will set back 300 feet from tidal shoreline (Bassett Creek) and 25 feet from non-tidal shoreline (Pond) and will still allow for waterfowl and coastal shorebirds to freely access the area. All information on known waterfowl and coastal shorebirds was obtained from the MERLIN environmental navigator website. No waterfowl or coastal shorebird impacts will occur as a result of the approval of this growth allocation.

WILDLIFE

Wildlife onsite is typical of the area which include deer, raccoon, rabbit, groundhog, and Forest Interior Dwelling (bird) Species (FIDS). Any impact that would occur to the wildlife would be reflective of any proposed structures and the construction associated with it; i.e., woodland habitat loss (tree clearing), increased noise, vehicles, and pets. The development of this project will follow the Site Design Guidelines for FIDS to minimize the FIDS impact of the proposed 2.79 acres of tree clearing. The preliminary design utilizes all possible existing clearings, preserves wildlife corridors, is largely limited to the perimeter of the forest, and roadways are designed at less than 30' in width. Additionally, the final proposed project will incorporate other measures such as limiting relevant development/tree-clearing to outside of the breeding season of April-August, maintaining a 300-foot setback from Bassett Creek, and landscaping with native vegetation. No colonial nesting birds were observed at the site.

All information on known wildlife was obtained from the MERLIN environmental navigator website. No wildlife impacts occurred in the land area proposed in this application for growth allocation.

RARE, THREATENED, AND ENDANGERED (RTE) SPECIES

A request has been made to the Maryland Department of Natural Resources for information of any threats to RTE species. No rare, threatened or endangered species are supported on the project site (EXHIBIT 4-3). No species of concern were observed during the site visits and available Worcester County and USFWS did not identify known species of concern (EXHIBIT 4-2). No RTE impacts will occur in the land area proposed in this application for growth allocation. However, special attention will be paid to the habitats of special concern in the area and agency input and coordination will be a central focus of this project's attempt to avoid, minimize, and mitigate impacts. To this end, the Property Owners and their representatives through Spencer Rowe, Inc. have coordinated with Deborah Hinkle at MDE to identify and avoid impacts to an endangered bog fern species located in the identified wetlands of special state concern on site.

STORMWATER MANAGEMENT

The growth allocation as requested by this application for the increase in the amount of LDA will result in an increase of 4.54 acres of impervious surfaces. Due to the increase in impervious surface proposed, stormwater management features are proposed in this project. Due to the high groundwater and the significant presence of A/D and B/D hydric soils, stormwater management will consist largely of wet swales. The ESDv required for the proposed site is 21,814 ft³. Per § NR3:I-NR3:I-06(c)(4)B, There is no 10% nutrient reduction required as the proposed growth allocation is not IDA. ESD to the MEP on this site has been met through A combination of proposed forest conservation and best management practices.

FOREST CONSERVATION AREAS

21.76 acres of existing forest containing wetlands and environmentally sensitive areas are proposed to be a Forest Conservation Area (FCA) (EXHIBIT 7-7). This FCA is adjacent to the proposed expansion and is included in the site LOD. The proposed FCAs are adjacent to existing forest conservation areas on Parcel 241 and Parcel 93 (EXHIBIT 5-3(a)(b)). The proposed 21.76 acres of forest conservation area generates 12,316 cf of ESDv credit.

WET SWALES

The remaining 9,498 ft³ of ESDv required is treated through wet swales (EXHIBIT 7-6). Wet Swale #1 (WS-1) is designed to utilize a 4-foot bed and 3:1 slopes. WS-1 provides a surface area of 13,700 ft² with 6" of ponding and 6" of freeboard. WS-1 generates 6,850 ft³ of ESDv credit.

Wet Swale #2 (WS-2) is designed to utilize a 4-foot bed and 3:1 slopes. WS-2 provides a surface area of 5,600 ft² with 6" of ponding and 6" of freeboard. This practice generates 2,800 ft³ of ESDv credit and fully satisfies the remaining stormwater management requirements for the proposed project. Verified with the Maryland ESD Spreadsheet and the Maryland Stormwater Design Manual, the stormwater will be treated and will not negatively impact the watershed water quality or cause excessive runoff (EXHIBIT 3-1).

AGENCY CORRESPONDENCE

MARYLAND DEPARTMENT OF PLANNING

The project has been submitted to MDP Clearinghouse for State-level intergovernmental review. The clearinghouse review has yielded comments which conclude the project Consistent with Qualifying Comments and Contingent Upon Certain Actions (Exhibit 3-1). A list of agencies which participated in this review are as follows:

1. Maryland Department of Planning
2. Department of Natural Resources
3. Maryland Historical Trust
4. Maryland Department of Agriculture
5. Department of Transportation

DEPARTMENT OF NATURAL RESOURCES

DNR was contacted directly in addition to the MDP clearinghouse review in order to consult early on this project with respect to the significant sensitive habitat areas on the property. Specifically, the number of reptiles and amphibians listed on the site are of special concern to DNR and the project should work with DNR to minimize and mitigate and potential impacts. This more in-depth and focused review by DNR has not yielded a full set of comments and recommendations at this time.

US FISH AND WILDLIFE SERVICE

US Fish and Wildlife Service was consulted via the USFWS environmental review process. The review yielded a preliminary result of 0 threatened, endangered, or candidate species on the species list for the proposed project site. Additionally, there are no refuge lands within the project area (EXHIBIT 4-2).

US ARMY CORPS OF ENGINEERS

The US Army Corps of Engineers was contacted to provide preliminary comments and recommendations regarding the proposed project due to the proximity of the project to tidal waterways. Emails from US Army Corps of Engineers confirmed that comments on the project would be issued if and when the project submits permit applications during the design phase.

SUMMARY AND EVALUATION OF POTENTIAL IMPACTS

Based on information obtained and reported above, the following potential impacts and recommendations are noted:

A. Existing tidal and non-tidal wetlands were field delineated by Spencer Rowe Inc. in 2022. This survey shows consistent boundaries for existing wetlands which have been avoided and preserved by the Property Owner through each proposed expansion of the campground. This most recent and extensive wetland delineation was used to develop the concept design for the campground and to minimize wetland impacts. The Property Owner proposes to avoid all wetland impacts. The proposed expansion does impact wetland buffers identified on the property and a non-tidal wetland buffer disturbance permit must be acquired for 5,229 ft² of buffer disturbance. The Property Owner will continue to work with AHJs to minimize environmental resource impacts during the expansion process.

B. Wildlife and Vegetation will be impacted as a result of this project. Mitigation of impacts must be implemented and coordinated with relevant regulatory agencies.

1. FIDS impact must be addressed and mitigated or avoided
2. Impacts to Sensitive Species Project Review Area Group 2, ID # = 1222 must be addressed, mitigated, and coordinated with DNR
4. A forest conservation plan should be developed for the proposed FCAs.

C. Grading and disturbance of soils must be controlled with silt fences. This will suffice in SEC practices due to the flat topography.

D. High groundwater and hydric soils limits the ability to use ESD practices. Wet swales will be the predominant stormwater management structure to address and treat runoff from new impervious areas in conjunction with proposed forest conservation areas.

EXHIBITS

EXHIBIT 1-1: PARCEL 93 LEGAL DESCRIPTION

Real Property Data Search ()
 Search Result for WORCESTER COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Identifier: District - 04 **Account Number -** 001354

Owner Information

Owner Name: EWELL JULIA B & EWELL ROBERT K
Use: AGRICULTURAL
Principal Residence: YES
Mailing Address: 9552 CROPPER ISLAND RD NEWARK MD 21841
Deed Reference: /05391/ 00075

Location & Structure Information

Premises Address: 9552 CROPPERS ISLAND RD NEWARK 21841-0000
Legal Description: ITM I 223.4743 ACS II 142.00 AC E/S R-113 BNDRY LN ADJ ETC R EWELL

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 230033
 0040 0018 0093 4010053.24 0000 2020 **Plat Ref:**

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1995 2,054 SF 365.4700 AC

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
 1 1/2 YES STANDARD UNITSIDING/4 2 full 1 Attached

Value Information

	Base Value	Phase-in Assessments		
		Value	As of	As of
		As of	07/01/2021	07/01/2022
Land:	201,000	165,000		
Improvements	159,800	164,200		
Total:	360,800	329,200	329,200	329,200
Preferential Land:	52,000	52,000		

Transfer Information

Seller: CLIVE J BASSETT EST **Date:** 01/27/1971 **Price:** \$0
Type: NON-ARMS LENGTH OTHER **Deed1:** SVH /05391/ 00075 **Deed2:**
Seller: **Date:** **Price:**
Type: **Deed1:** **Deed2:**
Seller: **Date:** **Price:**
Type: **Deed1:** **Deed2:**

Exemption Information

Partial Exempt Assessments: Class 07/01/2021 07/01/2022
County: 000 0.00
State: 000 0.00
Municipal: 000 0.00|0.00 0.00|0.00

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: Approved 12/31/2012

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

EXHIBIT 1-2: PARCEL 241 LEGAL DESCRIPTION

Real Property Data Search ()
 Search Result for WORCESTER COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 04 **Account Number -** 010035

Owner Information

Owner Name: ISLAND RESORT PARK INC **Use:** COMMERCIAL
Principal Residence: NO

Mailing Address: 9537 CROPPER ISLAND RD **Deed Reference:** /05490/ 00330
 NEWARK MD 21841-2111

Location & Structure Information

Premises Address: 9537 CROPPERS ISLAND RD **Legal Description:** LT C 151.27AC CAMPGD
 NEWARK 21841-0000 CROPPERS ISLAND RD
 BNDRY LN ADJ ETC R EWELL

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 230033
 0040 0018 0241 14081.24 0000 C 2020 **Plat Ref:** 241/ 13

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 2005 2,892 SF 151.2700 AC 000000

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
 RETAIL STORE / C3

Value Information

	Base Value	Value As of 01/01/2020	Phase-in Assessments	
			As of 07/01/2021	As of 07/01/2022
Land:	756,300	756,300		
Improvements	1,555,900	2,193,900		
Total:	2,312,200	2,950,200	2,737,533	2,950,200
Preferential Land:	0	0		

Transfer Information

Seller: EWELL JULIA B & ROBERT K	Date: 06/14/2010	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: SVH /05490/ 00330	Deed2:
Seller: EWELL JULIA B & ROBERT K	Date: 06/14/2010	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: SVH /05490/ 00315	Deed2:
Seller: EWELL JULIA B & ROBERT K	Date: 06/14/2010	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: FWH /00299/ 00642	Deed2:

Exemption Information

Partial Exempt Assessments: Class		07/01/2021	07/01/2022
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

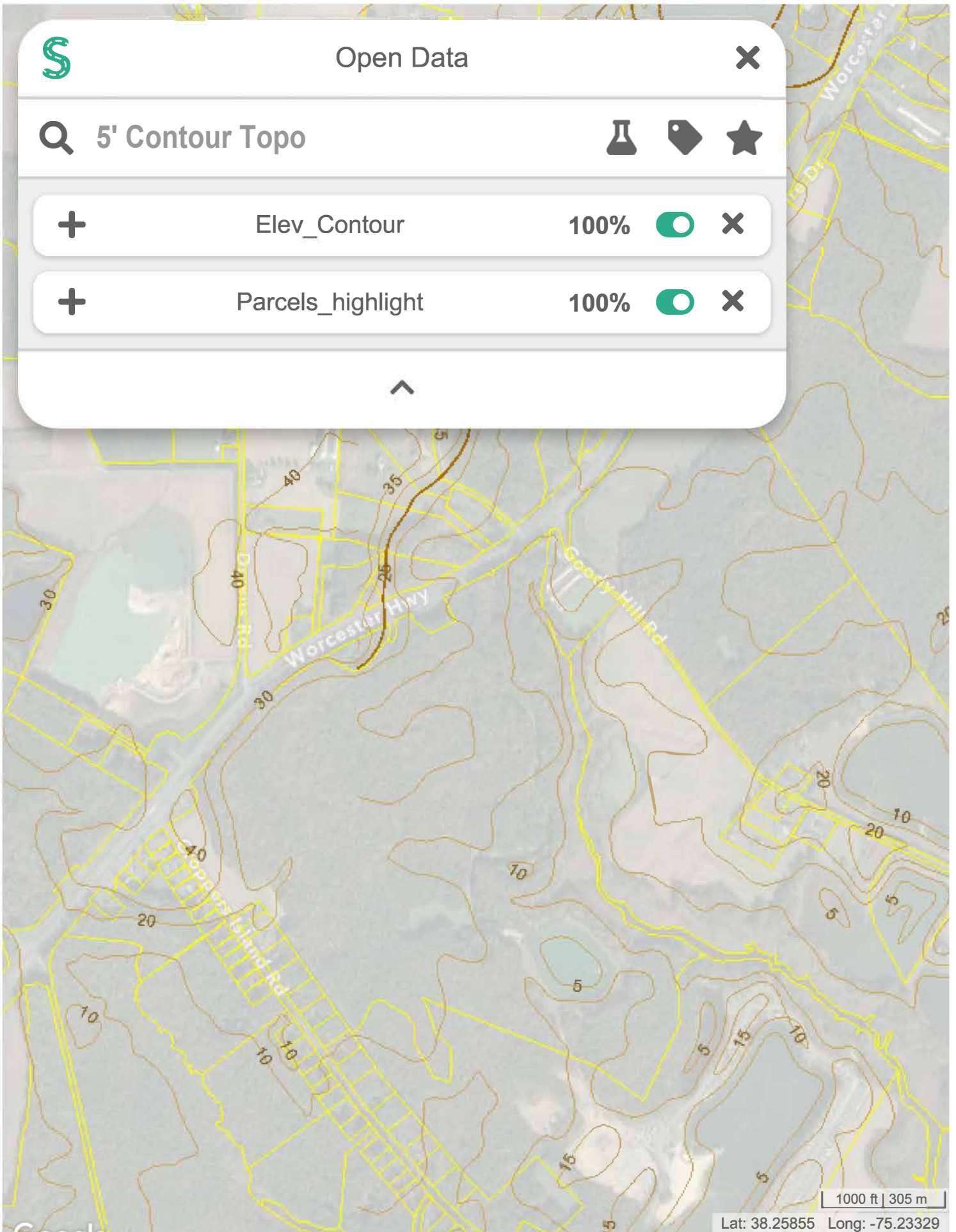
Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**



S
Open Data
✕

🔍
5' Contour Topo

🧪
🏷️
★

+
Elev_Contour
100%
🟢
✕

+
Parcels_highlight
100%
🟢
✕

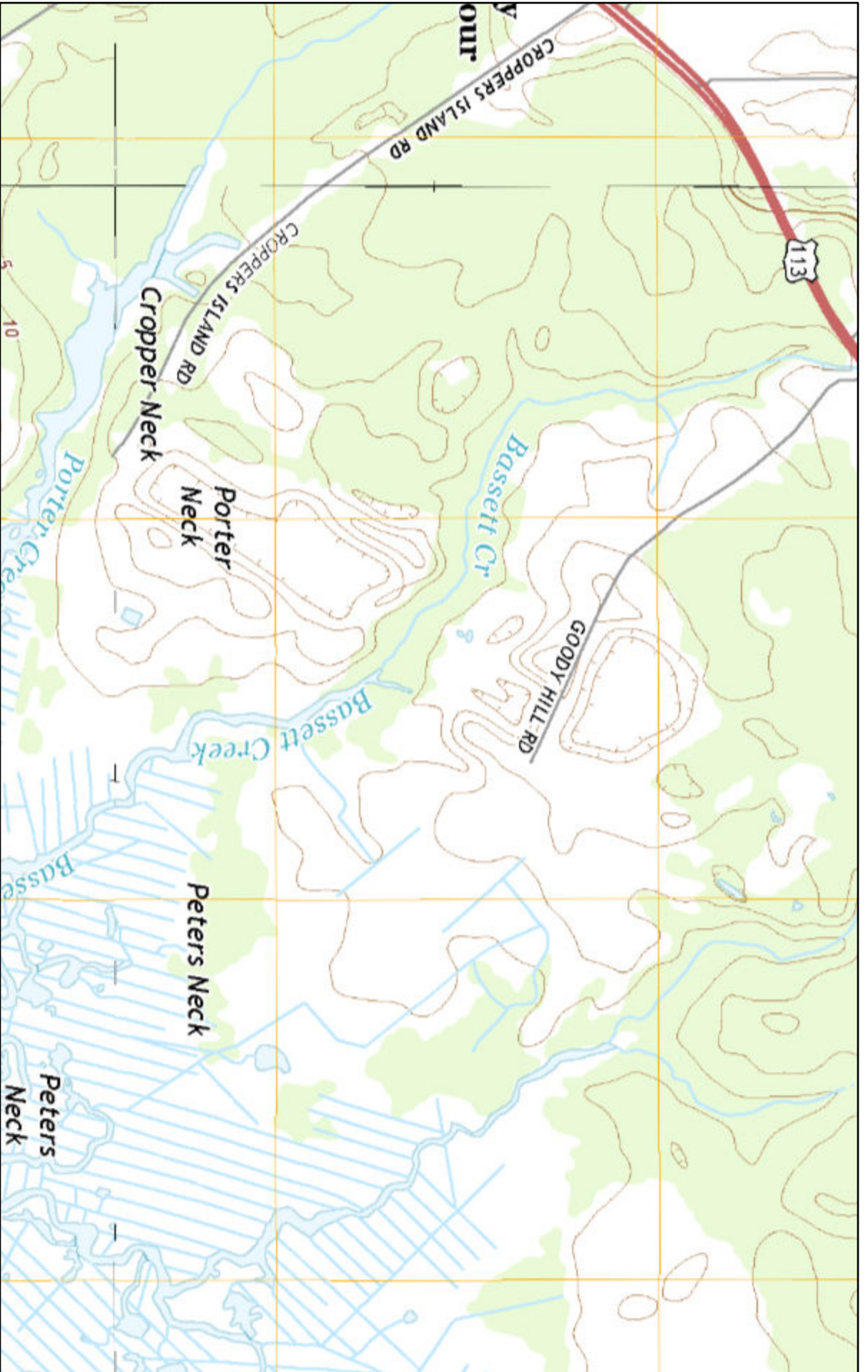
^

1000 ft | 305 m

Lat: 38.25855 Long: -75.23329

MERLIN Maryland's Environmental Resources and Land Information Network

EXHIBIT 2-2: USGS TOPOGRAPHY MAP



6/9/2021, 3:01:32 PM

Maryland USGS Topographic Quadrangles

0 0.1 0.2 0.4 mi
0 0.17 0.35 0.7 km

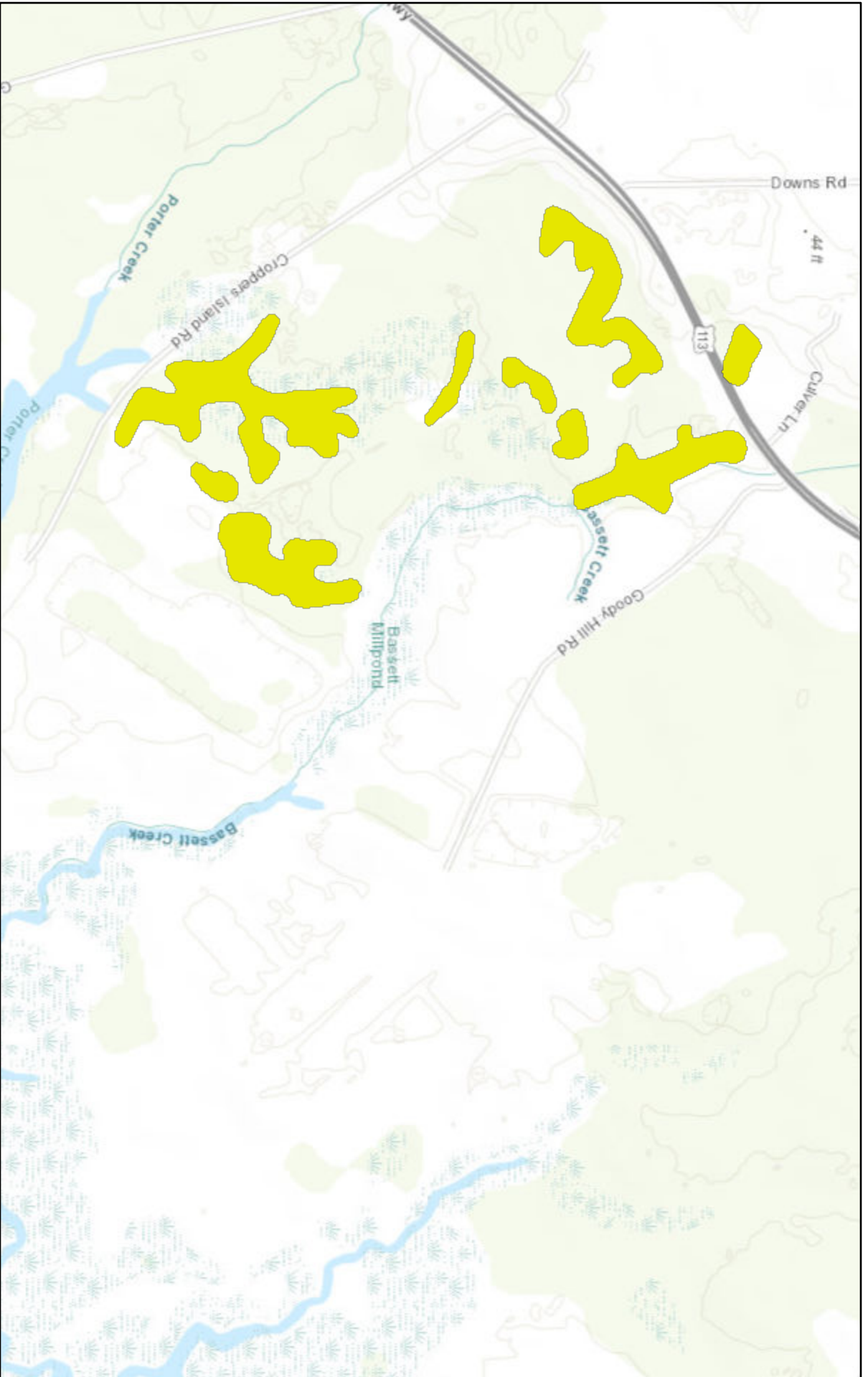
MD IMAP, USGS, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, METI/

Maryland Department of Natural Resources
VITA, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA | MD IMAP | MD IMAP, DoIT | MD IMAP, USDA | MD IMAP, COMMERCE, DHCD, MDP, MHT, MDOT, MDOT SHA, USDOT, FHWA, DoIT | MD IMAP, MDP, MHT | MD

EXHIBIT 2-3: DNR WETLANDS OF SPECIAL STATE CONCERN

6/9/2021, 3:14:06 PM

- Wetlands - Linear - Special State Concern
- Wetlands - Polygon - Special State Concern

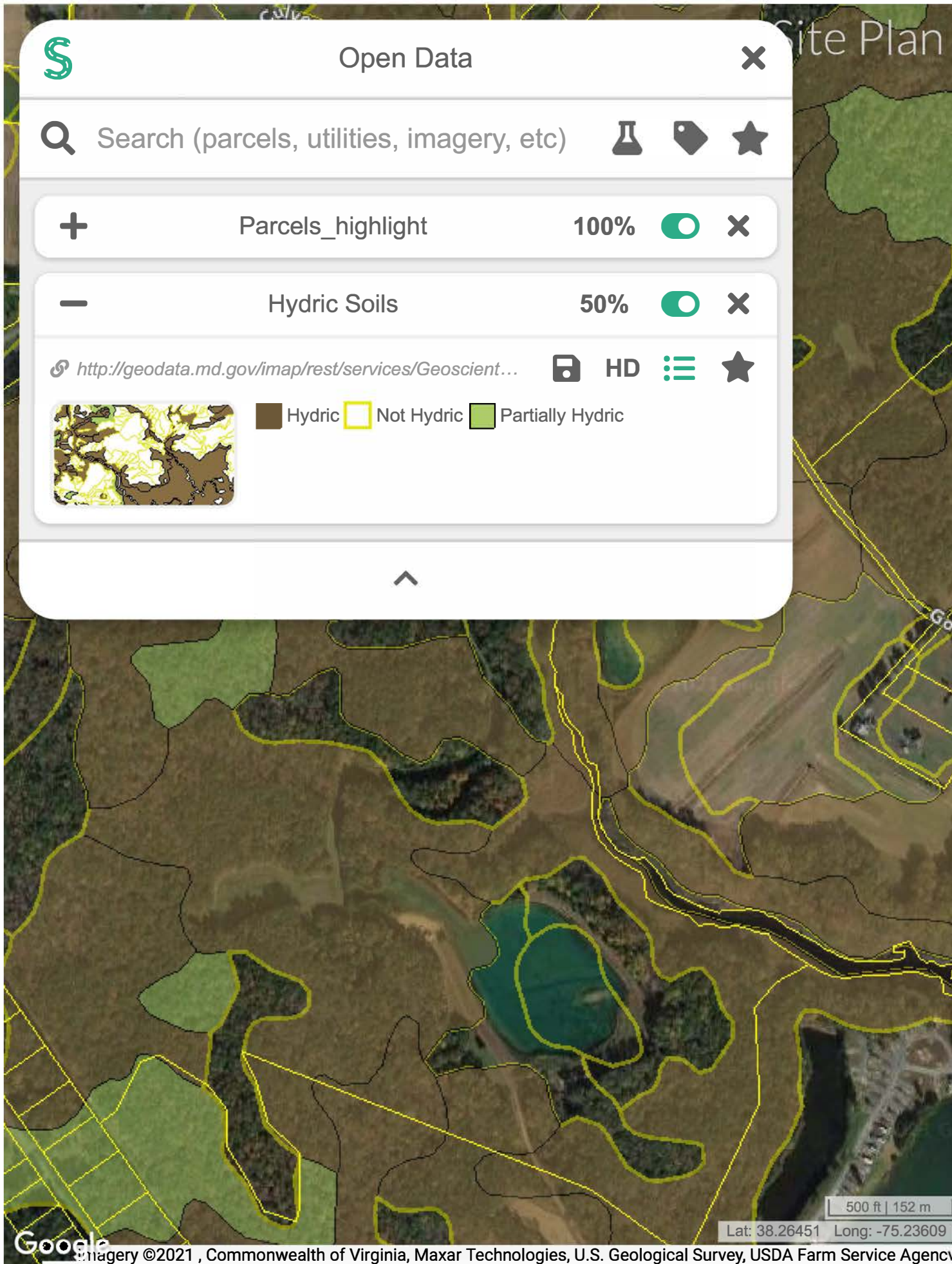


1:18,056



MD IMAP, DNR, USFW, VITA, Esri, HERE, Garmin, INCREMENT P, USGS,

VITA, Esri, HERE, Garmin, INCREMENT P, USGS, METINASA, EPA, USDA | MD IMAP | MD IMAP, DoIT | MD IMAP, USDA | MD IMAP, COMMERCE, DHCD, MDP, MHT, MDOT, MDOT SHA, USDOT, FHWA, DoIT | MD IMAP, MDP, MHT | MD



My Map

MD_Finfish - Tidal - Adult Habitat

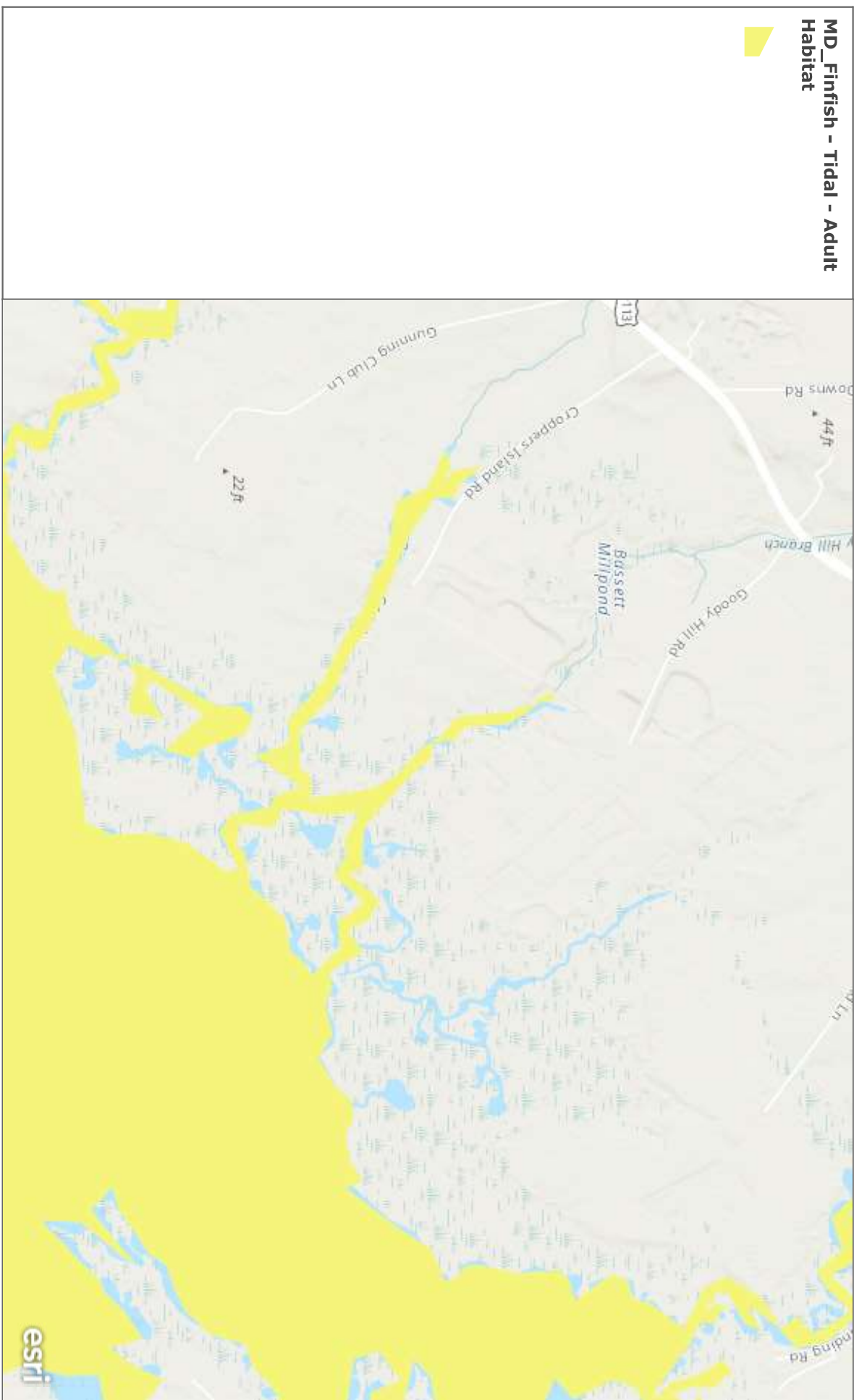





EXHIBIT 2-5: MARYLAND FINFISH TIDAL ADULT HABITAT

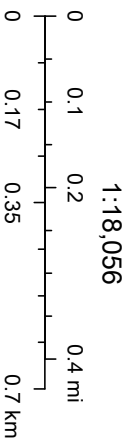
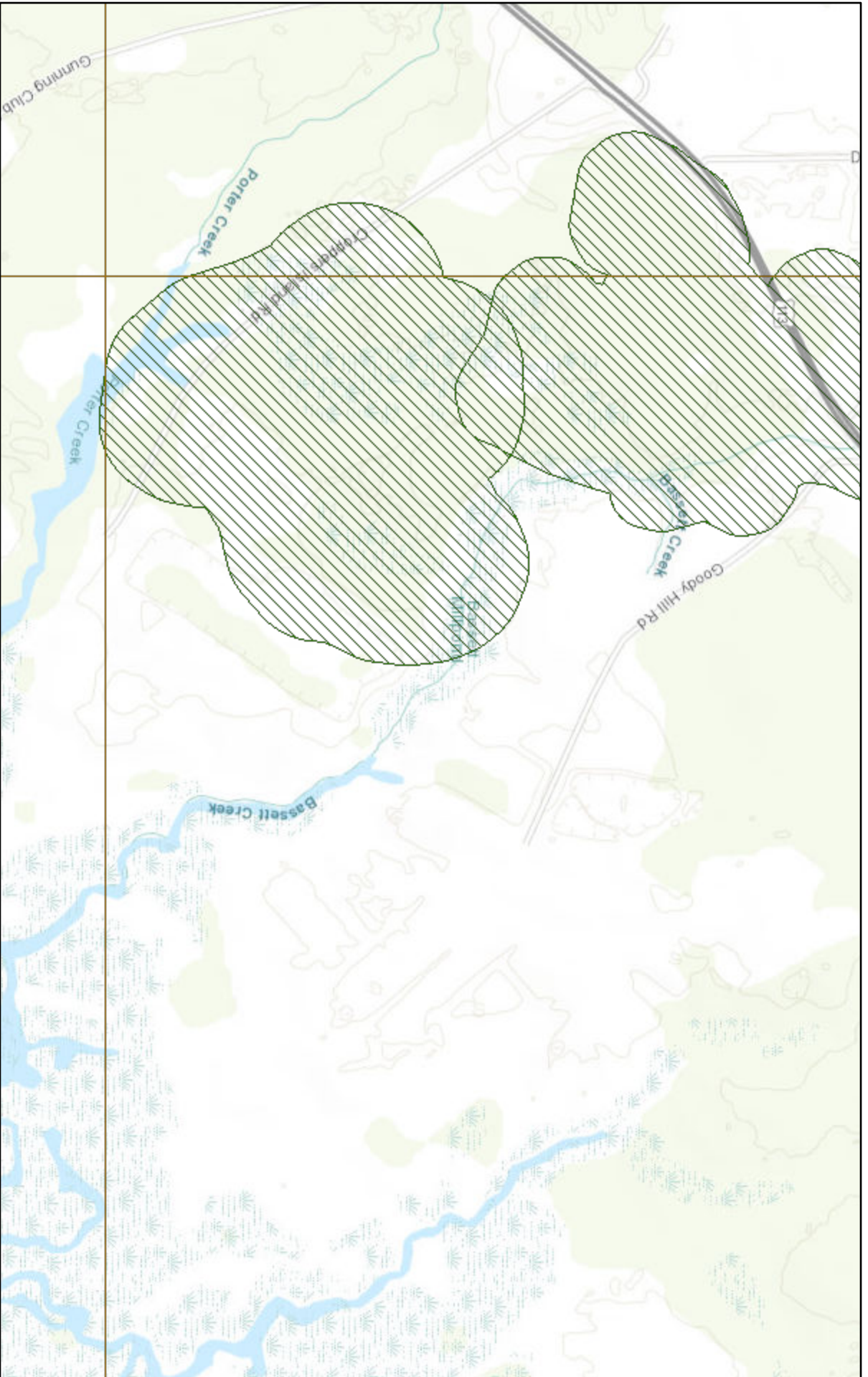
Esri, NASA, NGA, USGS, FEMA | Esri Community Maps Contributors, VITA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA | MD iMap, DNR

MERLIN Maryland's Environmental Resources and Land Information Network

EXHIBIT 2-6: SENSITIVE SPECIES PROJECT REVIEW AREAS

6/9/2021, 2:38:55 PM

-  Sensitive Species Project Review Areas
-  Coastal Bays Shorebirds
-  MD Amphibian and Reptile Atlas Grid
-  Waterfowl Areas



1:18,056

Department of Natural Resources
Maryland Amphibian and Reptile Atlas (MARA) Database

strSelection: SystemStats
User Id:
Role(s):

Project Status

---MARA Project

- Home
- Getting Started
- Project Contacts
- Block Locator
- Project Status
- Project Maps
 - Species Count By Quad
 - Species Count By QuadBlock
 - Distribution Per Quad
 - Distribution Per QuadBlock
- Login

Database Status Summary

Statewide	(no filters)	DB Logistics	
		Species Summary	
Select a county:	<input type="text" value="Worcester"/> then click:	Block Stats (A&C)	DB Logistics
		Quad Stats	Species Stats
		<input checked="" type="checkbox"/> Only items w/Data	Sighting Details
Select a quad:	<input type="text" value="Berlin"/> then click:	Quad Stats	
Select a quadblock:	<input type="text" value="Berlin, SW"/> then click:	Block Stats	

Quad Block Stats Query Complete.

Quad Block Summary Table: Reported Species (C=Confirmed; A=Accepted; P=Pending/Under Review; X=Unconfirmed/Rejected)

CountyName	QuadName	BlockName	SpeciesCategory	SpeciesCommonName	SightingStatus
Worcester	Berlin	SW	Turtle	Eastern Mud Turtle	C
Worcester	Berlin	SW	Turtle	Eastern Box Turtle	C
Worcester	Berlin	SW	Turtle	Painted Turtle	C
Worcester	Berlin	SW	Turtle	Northern Red-bellied Cooter	A
Worcester	Berlin	SW	Turtle	Eastern Snapping Turtle	C
Worcester	Berlin	SW	Lizard	Common Five-lined Skink *	C
Worcester	Berlin	SW	Snake	Northern Watersnake	C
Worcester	Berlin	SW	Snake	Red-bellied Watersnake *	C
Worcester	Berlin	SW	Snake	Eastern Gartersnake	A
Worcester	Berlin	SW	Snake	Common Ribbonsnake *	P
Worcester	Berlin	SW	Snake	Ring-necked Snake	C
Worcester	Berlin	SW	Snake	Eastern Wormsnake	C
Worcester	Berlin	SW	Snake	Northern Rough Greensnake	C

Worcester	Berlin	SW	Snake	Northern Black Racer	C
Worcester	Berlin	SW	Snake	Eastern Ratsnake	C
Worcester	Berlin	SW	Snake	Eastern Kingsnake	C
Worcester	Berlin	SW	Salamander	Eastern Redbacked Salamander	A
Worcester	Berlin	SW	Salamander	Southern Two-lined Salamander *	X
Worcester	Berlin	SW	Frog & Toad	Fowler's Toad	C
Worcester	Berlin	SW	Frog & Toad	New Jersey Chorus Frog	A
Worcester	Berlin	SW	Frog & Toad	Spring Peeper	A
Worcester	Berlin	SW	Frog & Toad	Green Treefrog	A
Worcester	Berlin	SW	Frog & Toad	Cope's Gray Treefrog *	X
Worcester	Berlin	SW	Frog & Toad	Southern Leopard Frog	C
Worcester	Berlin	SW	Frog & Toad	Northern Green Frog	A
Worcester	Berlin	SW	Frog & Toad	American Bullfrog	C



PROPOSED EXPANSION ON EXISTING PARCEL 93 IS TO BE CONSOLIDATED WITH PARCEL 241. PARCEL 241 IS DIRECTLY ADJACENT TO LDA PROPERTIES ALONG CROPPERS ISLAND RD. ADDITIONALLY, OUT-LOT C FOR PARCEL 241 IS ALSO ADJACENT TO LDA PARCELS ON CROPPERS ISLAND ROAD.

Smart Site Plan

300 ft | 91 m

Lat: 38.25069 Long: -75.23415

Leaflet | Powered by Esri | VTA, Esri, HERE, Garmin, GeoTechnologies, Inc., NGA, USGS, MD iMAP, MDP, SDAT

Proposed Impervious Surface Area (acres)	4.54			
Rainfall Depth, P (in)	1.0			
Existing Imperviousness, I_{pre}	0.0%			
Proposed Imperviousness, I_{post}	11.8%			
Water Quality Calculation for Redevelopment Only				
Required Treatment Area (acres)	0.00			
Runoff Coefficient, Rv	0.95			
Water Quality Volume, WQV (cf)	0			

Step 4: Calculate Environmental Site Design (ESD) Rainfall Target, P_E

Development Category (for ESD)	New Development			
% Soil Type A	11%		RCN Soil Type A	46.71
% Soil Type B	11%		RCN Soil Type B	65.71
% Soil Type C	0%		RCN Soil Type C	76.71
% Soil Type D	78%		RCN Soil Type D	82.35
Target Pre-Developed Condition, RCN_{woods}	70.37727		Post-Developed Condition, RCN	76.66
Soil Type A ESD Rainfall Target, P_E (in)	1.00			
Soil Type B ESD Rainfall Target, P_E (in)	1.00			
Soil Type C ESD Rainfall Target, P_E (in)	0.00			
Soil Type D ESD Rainfall Target, P_E (in)	1.00			
Maximum P_E (in)	2.7			
Site ESD Rainfall Target, P_E (in)	1.00			
ESD Runoff Depth, Q_E (in)	0.16			

ESD Runoff Volume, ESDv (cf)	21,814			
Total area in forest conservation (acres)	21.76			
Treatment volume from forest conservation (cf)	12,316			
Total Treatment Volume (cf)	9,498			

Calculation Summary

0.5 acre site
 .25 acres to .38 acres
 50% to 75%

Critical Area 10% Calculations

Removal Requirement, RR (lbs P / yr) after non-structural and micro-scale BMPs (Steps 5 and 6)	-2.63
Total Load Reduction (lbs P / year)	1.93
Total Load Reduction Remaining (lbs P / yr) after structural practices (Step 9)	0.00
Total Load Reduction (lbs P / year)	1.93
Total Load Reduction Remaining (lbs P / yr)	0.00

MDE's ESD to the MEP Calculations

ESD Runoff Volume, ESDv (cf)	21,814.00
Total Treatment Volume (cf)	9,497.57
WQv or ESDv Treated (cf) using ESD practices and inovative site planning	9,650.00
PE achieved (inches)	0.44
Entire ESDv Treated Through ESD Practices?	YES
ESDv Remaining? (cf)	0.00
If ESDV is not fully treated, is ESD to MEP achieved?	YES
Redevelopment WQv Requirements Met Through ESD Practices?	N/A
WQv Remaining? (cf)	0.00
New Development WQv Requirements Met Through ESD Practices?	NO
WQv Remaining? (cf)	12164.11
WQv Requirement Met through structural practices?	NO
WQv Remaining (cf)	12164.11
CPv Requirement Met through structural practices?	YES
CPv Remaining (cf)	0.00

Entire ESDv Treated Through Environmental Site Design?

YES
 Total Treatment Volume: 9,498
 Volume Treated: 9,650

M-8

Micro-Scale Practices	Direct drainage				Indirect drainage		Total catchment area ----- Total ESDv to practice	Practice Specific Parameter(s)		WQV or ESDv provided (cf)
	Contributing Drainage Area (sf)	% Impervious Cover ----- RV	To fully treat sub area ----- PE required ----- WQV required	Max available WQV or ESDv from CDA (cf)	Area of upstream catchment (sf)	WQV or ESDv from Up-Gradient Practices (cf)		Surface Area (sf)	Ponding Depth (ft)	
Wet Swales M8-1	181,620	30% ----- 0.32	1.29 ----- 6230	13,077	0	0	181,620 ----- 13077	Surface Area (sf) ----- 13,700	Ponding Depth (ft) ----- 0.5	6,850
Wet Swales M8-2	55,411	30% ----- 0.32	1.29 ----- 1901	3,990	0	0	55,411 ----- 3990	Surface Area (sf) ----- 5,600	Ponding Depth (ft) ----- 0.5	2,800
Wet Swales M8-3		 ----- 0.05	1.00 ----- 0	0	0	0	0 ----- 0	Surface Area (sf) ----- 0	Ponding Depth (ft) ----- 0	0
Wet Swales M8-4		 ----- 0.05	1.00 ----- 0	0	0	0	0 ----- 0	Surface Area (sf) ----- 0	Ponding Depth (ft) ----- 0	0
Wet Swales M8-5		 ----- 0.05	1.00 ----- 0	0	0	0	0 ----- 0	Surface Area (sf) ----- 0	Ponding Depth (ft) ----- 0	0
Wet Swales M8-6		 ----- 0.05	1.00 ----- 0	0	0	0	0 ----- 0	Surface Area (sf) ----- 0	Ponding Depth (ft) ----- 0	0
Wet Swales M8-7		 ----- 0.05	1.00 ----- 0	0	0	0	0 ----- 0	Surface Area (sf) ----- 0	Ponding Depth (ft) ----- 0	0
Wet Swales M8-8&9		 ----- 0.05	1.00 ----- 0	0	0	0	0 ----- 0	Surface Area (sf) ----- 0	Ponding Depth (ft) ----- 0	0
Wet Swales M8-10&11		 ----- 0.05	1.00 ----- 0	0	0	0	0 ----- 0	Surface Area (sf) ----- 0	Ponding Depth (ft) ----- 0	0
Wet Swales		 ----- 0.05	1.00 ----- 0	0	0	0	0 ----- 0	Surface Area (sf) ----- 0	Ponding Depth (ft) ----- 0	0
Wet Swales		 ----- 0.05	1 ----- 0	0	0	0	0 ----- 0	Surface Area (sf) ----- 0	Ponding Depth (ft) ----- 0	0
Total	237,031			17,066		0				9,650

EXHIBIT 4-1: MDP CLEARINGHOUSE COMMENTS

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Robert S. McCord, Secretary
Sandy Schrader, Deputy Secretary

Maryland DEPARTMENT OF PLANNING

June 29, 2021

Mr. James Cook
Project Facilitator,
Rauch, Inc.
106 N. Harrison Street
Easton, MD 21601

STATE CLEARINGHOUSE RECOMMENDATION

State Application Identifier: MD20210607-0492

Applicant: Rauch, Inc.

Project Description: Island Resort Park Inc. Newark, Maryland Campground Lot Expansion and Wastewater Project

Project Location: Worcester County

Approving Authority: Privately Funded

Recommendation: Consistent with Qualifying Comments

Dear Mr. Cook:

In accordance with Presidential Executive Order 12372 and Code of Maryland Regulation 34.02.01.04-.06, the State Clearinghouse has coordinated the intergovernmental review of the referenced project. This letter constitutes the State process review and recommendation. This recommendation is valid for a period of three years from the date of this letter.

Review comments were requested from the Maryland Departments of Natural Resources, Transportation, and the Environment; Worcester County; and the Maryland Department of Planning including the Maryland Historical Trust.

The Maryland Departments of Natural Resources, and Transportation; and the Maryland Historical Trust found this project to be consistent with their plans, programs, and objectives.

The Maryland Historical Trust has determined that the project will have "no effect" on historic properties and that the federal and/or State historic preservation requirements have been met.

The Maryland Department of Environment (MDE); Worcester County; and the Maryland Department of Planning found this project to be generally consistent with their plans, programs, and objectives, but included certain qualifying comments summarized below.

MDE commented:

1. Construction, renovation and/or demolition of buildings and roadways must be performed in conformance with State regulations pertaining to ""Particulate Matter from Materials Handling and Construction"" (COMAR 26.11.06.03D), requiring that during any construction and/or demolition work, reasonable precaution must be taken to prevent particulate matter, such as fugitive dust, from becoming airborne.
2. During the duration of the project, soil excavation/grading/site work will be performed; there is a potential for encountering soil contamination. If soil contamination is present, a permit for soil remediation is required from MDE's Air and Radiation Management Administration. Please contact the New Source Permits Division, Air and Radiation Management Administration at (410) 537-3230 to learn about the State's requirements for these permits.
3. The applicant is reminded that a Water and Sewerage Plan Amendment approval should be secured prior to applying for discharge permits or construction permits.
4. Any above ground or underground petroleum storage tanks, which may be utilized, must be installed and maintained in accordance with applicable State and federal laws and regulations. Underground storage tanks must be registered and the installation must be conducted and performed by a contractor certified to install underground storage tanks by the Land and Materials Administration in accordance with COMAR 26.10. Contact the Oil Control Program at (410) 537-3442 for additional information.
5. Any solid waste including construction, demolition and land clearing debris, generated from the subject project, must be properly disposed of at a permitted solid waste acceptance facility, or recycled if possible. Contact the Solid Waste Program at (410) 537-3315 for additional information regarding solid waste activities and contact the Resource Management Program at (410) 537-3314 for additional information regarding recycling activities.
6. The Resource Management Program should be contacted directly at (410) 537-3314 by those facilities which generate or propose to generate or handle hazardous wastes to ensure these activities are being conducted in compliance with applicable State and federal laws and regulations. The Program should also be contacted prior to construction activities to ensure that the treatment, storage or disposal of hazardous wastes and low-level radioactive wastes at the facility will be conducted in compliance with applicable State and federal laws and regulations.
7. The proposed project may involve rehabilitation, redevelopment, revitalization, or property acquisition of commercial, industrial property. Accordingly, MDE's Brownfields Site Assessment and Voluntary Cleanup Programs (VCP) may provide valuable assistance to you in this project. These programs involve environmental site assessment in accordance with accepted industry and financial institution standards for property transfer. For specific information about these programs and eligibility, please Land Restoration Program at (410) 537-3437.
8. Borrow areas used to provide clean earth back fill material may require a surface mine permit. Disposal of excess cut material at a surface mine may requires site approval. Contact the Mining Program at (410) 537-3557 for further details.

Mr. James Cook
June 29, 2021
Page 3
State Application Identifier: **MD20210607-0492**

Worcester County commented that this project is generally consistent provided that the applicant applies for and receives all necessary local and state approvals before beginning any type of land development or construction on any part of the project.

The Maryland Department of Planning has commented that as noted within the applicant's "Campground Lot Expansion and Wastewater Project - Proposal Description", this proposal will require approval from the MD Critical Area Commission and Worcester County Government (for Growth Allocation under the County and State Critical Area provisions) and the MD Department of Environment (for a Worcester County Water and Sewer Plan amendment).

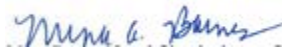
Any statement of consideration given to the comments should be submitted to the approving authority, with a copy to the State Clearinghouse.

The State Application Identifier Number must be placed on any correspondence pertaining to this project. The State Clearinghouse must be kept informed if the approving authority cannot accommodate the recommendation.

Please remember, you must comply with all applicable state and local laws and regulations. If you need assistance or have questions, contact the State Clearinghouse staff person noted above at 410-767-4490 or through e-mail at rita.pritchett@maryland.gov. **Also please complete the attached form and return it to the State Clearinghouse as soon as the status of the project is known. Any substitutions of this form must include the State Application Identifier Number. This will ensure that our files are complete.**

Thank you for your cooperation with the MIRC process.

Sincerely,



Myra Barnes, Lead Clearinghouse Coordinator

MB:RP

Enclosure(s)

cc: Ian Beam - MDOT
Amanda Redmiles - MDE
Tony Redman - DNR

Edward Tudor - WRCS
Tracey Gordy - MDPLL

Beth Cole - MHT

21-0492_CRR.CLS.docx



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307

Phone: (410) 573-4599 Fax: (410) 266-9127

<http://www.fws.gov/chesapeakebay/>

<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

In Reply Refer To:

June 08, 2021

Consultation Code: 05E2CB00-2021-SLI-1512

Event Code: 05E2CB00-2021-E-03639

Project Name: Island Resorts Campground Lot Expansion

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>;

<http://www.towerkill.com>; and

[http://](http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html)

www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Chesapeake Bay Ecological Services Field Office

177 Admiral Cochrane Drive

Annapolis, MD 21401-7307

(410) 573-4599

Project Summary

Consultation Code: 05E2CB00-2021-SLI-1512

Event Code: 05E2CB00-2021-E-03639

Project Name: Island Resorts Campground Lot Expansion

Project Type: DEVELOPMENT

Project Description: Island Resort Park Inc. proposes to expand their campground by 119 lots onto Map/Grid/Parcel:

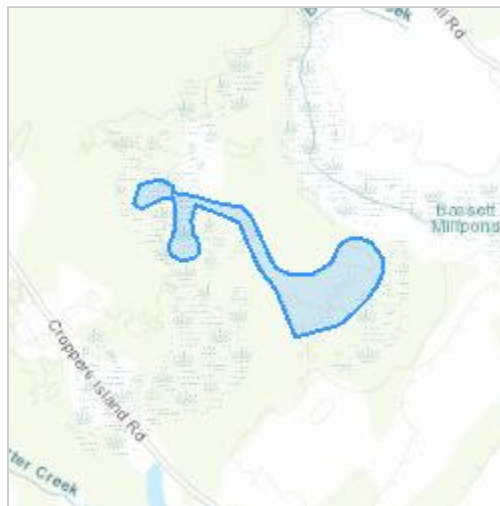
0040/0018/0093 zoned A-1/R-1 and expand their on-site wastewater treatment capacity via a wastewater treatment plant and spray irrigation on an agricultural field on the same Map/Grid/Parcel:

0040/0018/0093 currently zoned A-1/R-1 and campground use is an approved land use for this zoning designation. This parcel of 365.37 acres contains 173.47 acres of designated Resource Conservation Area (RCA) which limits the density and use of the RCA designated land.

The purpose of this application is to request MDE Clearinghouse review for this project in order to facilitate an application to the Critical Area Commission for a growth allocation change from Resource Conservation Area to Limited Development Area and to provide concurrence of agency goals with the proposed expansion project. This project is privately funded.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.2574748,-75.2421855708287,14z>



Counties: Worcester County, Maryland

Endangered Species Act Species

There is a total of 0 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER FORESTED/SHRUB WETLAND

- [PFO1/4B](#)
- [PFO1E](#)

FRESHWATER POND

- [PUBHx](#)

EXHIBIT 4-3: DNR REVIEW COMMENTS



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary
Allan Fisher, Acting Deputy Secretary

August 9, 2021

Mr. James Cook
Rauch, Inc.
106 N. Harrison Street
Easton, MD 21601

RE: Environmental Review for Island Resorts - Existing Campground Expansion, Tax Map 40, Parcel 93, off Croppers Island Road, Worcester County, Maryland.

Dear Mr. Cook:

The Wildlife and Heritage Service has determined that there are areas of the project site which are mapped as Wetlands of Special State Concern (WSSC). WSSCs are regulated by Maryland Department of the Environment (MDE), so your project may require review by MDE for any necessary permits associated with these wetlands.

There is a wetland complex that overlaps the southern portion of Parcel 93 and is designated as a WSSC. This WSSC is known as Porter Neck Bog and is known to support two state-listed endangered plants. The Wildlife and Heritage Service supports protection measures afforded WSSCs for this wetland complex. Protection recommendations include maintaining hydrology, maintaining or improving water quality, and avoiding the introduction or spread of invasive vegetation into this important listed species' habitat.

In 2007 Wildlife and Heritage staff conducted a site visit and determined that the WSSC complex on the northern portion of Parcel 93 known as Ironshire Swamp did not support any rare, threatened or endangered species. It drains to Bassett Creek which does not harbor any rare species. The Wildlife and Heritage Service does not have any protection recommendations in regard to this northern WSSC.

Also, our remote analysis suggests that the forested area on this property contains Forest Interior Dwelling Bird habitat. Populations of many bird species which depend on this type of forested habitat are declining in Maryland and throughout the eastern United States. The conservation of this habitat is mandated within the Chesapeake Bay Critical Area and must be addressed by the project plan. Specifically, if FIDS habitat is present, the following guidelines should be incorporated into the project plan (as applicable):

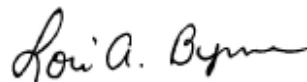
1. Restrict development to nonforested areas.
2. If forest loss or disturbance is unavoidable, concentrate or restrict development to the following areas:
 - a. the perimeter of the forest (i.e., within 300 feet of existing forest edge)
 - b. thin strips of upland forest less than 300 feet wide
 - c. small, isolated forests less than 50 acres in size
 - d. portions of the forest with low quality FIDS habitat, (i.e., areas that are already heavily fragmented, relatively young, exhibit low structural diversity, etc.)
3. Maximize the amount of forest "interior" (forest area >300 feet from the forest edge) within each forest tract (i.e., minimize the forest edge:area ratio). Circular forest tracts are ideal and square tracts are better than rectangular or long, linear forests.
4. Minimize forest isolation. Generally, forests that are adjacent, close to, or connected to other forests provide higher quality FIDS habitat than more isolated forests.

5. Limit forest removal to the “footprint” of houses and to that which is necessary for the placement of roads and driveways.
6. Minimize the number and length of driveways and roads.
7. Roads and driveways should be as narrow and as short as possible; preferably less than 25 and 15 feet, respectively
8. Maintain forest canopy closure over roads and driveways.
9. Maintain forest habitat up to the edges of roads and driveways; do not create or maintain mowed grassy berms.
10. Maintain or create wildlife corridors.
11. Do not remove or disturb forest habitat during April-August, the breeding season for most FIDS. This seasonal restriction may be expanded to February-August if certain early nesting FIDS (e.g., Barred Owl) are present.
12. Landscape homes with native trees, shrubs and other plants and/or encourage homeowners to do so.
13. Encourage homeowners to keep pet cats indoors or, if taken outside, kept on a leash or inside a fenced area.
14. In forested areas reserved from development, promote the development of a diverse forest understory by removing livestock from forested areas and controlling white-tailed deer populations. Do not mow the forest understory or remove woody debris and snags.
15. Afforestation efforts should target a) riparian or streamside areas that lack woody vegetative buffers, b) forested riparian areas less than 300 feet wide, and c) gaps or peninsulas of nonforested habitat within or adjacent to existing FIDS habitat.

The Critical Area Commission’s document “A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area” provides details on development standards and information about mitigation for projects where impacts to FIDS habitat cannot be totally avoided. Mitigation plantings for impacts to FIDS habitat may be required under the local government’s Critical Area Program. The amount of mitigation required is generally based in whether the guidelines listed above are followed.

Please be sure to let us know if the limits of proposed disturbance or overall site boundaries change and we will provide you with an updated evaluation. Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,



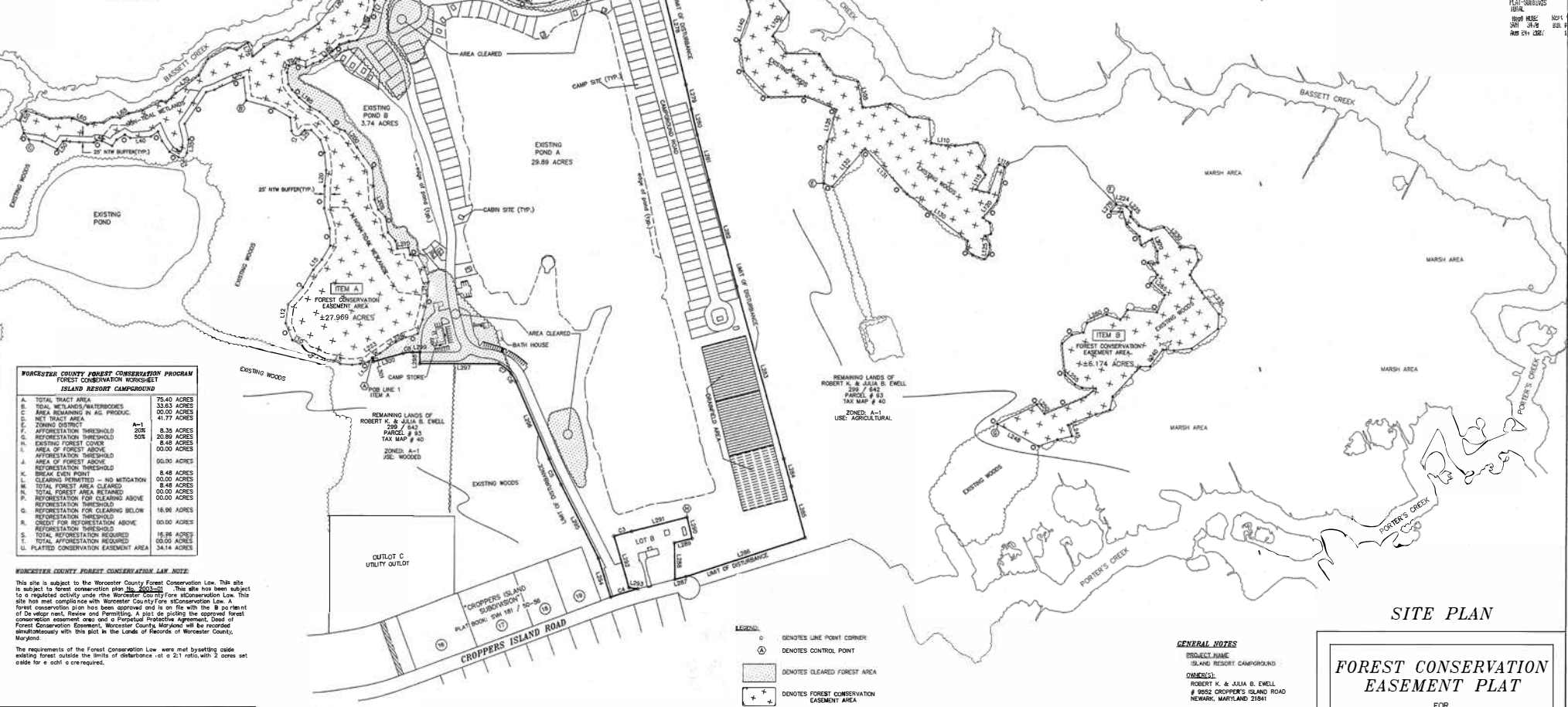
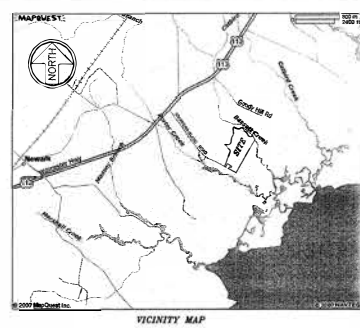
Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER# 2021.0909.wo
Cc: D. Limpert, DNR
C. Jones, CAC

EXHIBIT 5-3: EXISTING FOREST CONSERVATION - A

SVH 2/1/14

FILED
APR 24 11:29
STEPHEN V. HALE
CLERK OF
COURT



WORCESTER COUNTY FOREST CONSERVATION PROGRAM
ISLAND RESORT CAMPGROUND

A. TOTAL TRACT AREA	75.40 ACRES
B. TOTAL WETLANDS/WATERBODIES	33.83 ACRES
C. AREA REMAINING IN AG. PRODUCE	00.00 ACRES
D. NET TRACT AREA	41.77 ACRES
E. ZONING DISTRICT	A-1
F. AFFORESTATION THRESHOLD	8.36 ACRES
G. REFORESTATION THRESHOLD	20.88 ACRES
H. EXISTING FOREST COVER	8.48 ACRES
I. AREA OF FOREST ABOVE AFFORESTATION THRESHOLD	00.00 ACRES
J. AREA OF FOREST ABOVE REFORESTATION THRESHOLD	00.00 ACRES
K. BREAK EVEN POINT	8.48 ACRES
L. CLEARING PERMITTED - NO MITIGATION	00.00 ACRES
M. TOTAL FOREST AREA CLEARED	8.48 ACRES
N. TOTAL FOREST AREA RETAINED	00.00 ACRES
O. REFORESTATION FOR CLEARING ABOVE REFORESTATION THRESHOLD	00.00 ACRES
P. REFORESTATION FOR CLEARING BELOW REFORESTATION THRESHOLD	16.96 ACRES
Q. CREDIT FOR REFORESTATION ABOVE REFORESTATION THRESHOLD	00.00 ACRES
R. TOTAL REFORESTATION REQUIRED	16.96 ACRES
S. TOTAL REFORESTATION REQUIRED	00.00 ACRES
T. PLANTED CONSERVATION EASEMENT AREA	27.969 ACRES

WORCESTER COUNTY FOREST CONSERVATION LAW NOTE:
This site is subject to the Worcester County Forest Conservation Law. This site is subject to forest conservation after 10/20/2012. This site has been subject to a regulated activity under the Worcester County Fore Conservation Law. This site has met compliance with Worcester County Fore Conservation Law. A forest conservation plan has been approved and is on file with the B part of the subject parcel. There are no other parcels in the approved forest conservation easement area or a Protected Historic Agreement. Once Forest Conservation Easement, Worcester County, Maryland will be recorded simultaneously with this plat in the Land of Records of Worcester County, Maryland.
The requirements of the Forest Conservation Law were met by setting aside existing forest outside the limits of disturbance of a 21-foot, with 2 acres set aside for each acre required.

L. E. BUNTING SURVEYS, INC.
MARYLAND & VIRGINIA
LAND SURVEYING
24 BROAD STREET
BERLIN, MARYLAND 21811
(410) 641-3313

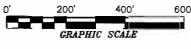


APPROVED BY:
Robert K. Ewell 8/14/07
DATE: 8/14/07
Julia G. Ewell 8/14/07
DATE: 8/14/07

- LEGEND:**
- DENOTES LINE POINT CORNER
 - △ DENOTES CONTROL POINT
 - DENOTES CLEARED FOREST AREA
 - + + DENOTES FOREST CONSERVATION EASEMENT AREA
 - DENOTES FOREST PROTECTION SIGN

THE FOLLOWING STRUCTURES ARE NOT ALLOWED WITHIN THE FOREST CONSERVATION EASEMENT: FENCES, SHEDS, GAZEBOS, GARAGES, PLAYGROUND EQUIPMENT, SWIMMING POOLS, CABINS, ETC.
THE REMOVAL OF VEGETATION WITHIN THE FOREST PROTECTION AREA IS LIMITED TO HAZARDOUS TREES, INVASIVE VEGETATION, DEAD LIMBS OR BRANCHES.

THIS PROPERTY IS SITUATED WITHIN FLOOD HAZARD ZONES A12, B, & C AS SHOWN ON FIRM MAP # 240083-0095-C, DATED 6-16-92.



GENERAL NOTES
PROJECT NAME: ISLAND RESORT CAMPGROUND
OWNER: ROBERT K. & JULIA G. EWELL
0002 CROPPERS ISLAND ROAD
NEWARK, MARYLAND 21841
DEED REFERENCE: FIRM 250/142
PARCEL # 93
TAX MAP # 40, 41 & 50
PROPERTY ZONE: A-1
WATERBODIES: OCEAN/COASTAL
SUBWATERBODIES: # 2100109
NEWPORT BAY DRAINAGE

SITE PLAN

FOREST CONSERVATION EASEMENT PLAT

FOR
ISLAND RESORT CAMPGROUND

FOURTH TAX DISTRICT
WORCESTER COUNTY, MARYLAND

SCALE: 1" = 200'
JOB NO.: 7363FCP2/07

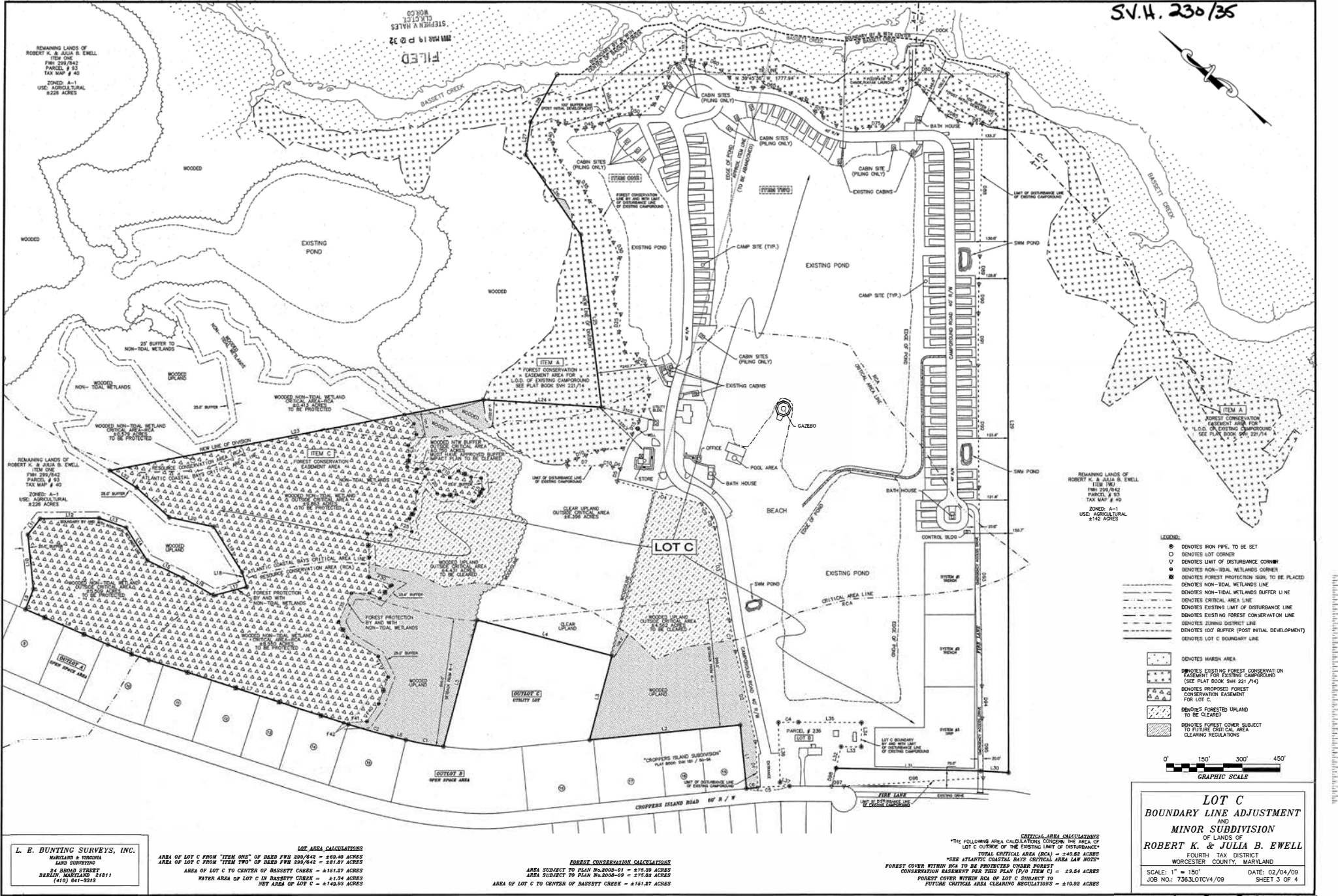
DATE: 08/09/07
REV. 08/14/07

SHEET 1 OF 2

PH541 MSA CM 2/57 7840-1

EXHIBIT 5-3: EXISTING FOREST CONSERVATION - B

SV. 4. 230/35



L. E. BUNTING SURVEYS, INC.
 MARYLAND & VIRGINIA
 LAND SURVEYING
 24 BRIDGE STREET
 BERLIN, MARYLAND 21811
 (410) 941-5316

LOT AREA CALCULATIONS
 AREA OF LOT C FROM "ITEM ONE" OF DEED FWH 899/042 = 489.40 ACRES
 AREA OF LOT C FROM "ITEM TWO" OF DEED FWH 899/042 = 281.81 ACRES
 AREA OF LOT C TO CENTER OF BASSETT CREEK = 215.27 ACRES
 WATER AREA OF LOT C IN BASSETT CREEK = 21.34 ACRES
 NET AREA OF LOT C = 214.93 ACRES

FOREST CONSERVATION CALCULATIONS
 AREA SUBJECT TO PLAN No. 2800-01 = 275.28 ACRES
 AREA SUBJECT TO PLAN No. 2800-09 = 275.88 ACRES
 AREA OF LOT C TO CENTER OF BASSETT CREEK = 215.27 ACRES
 AREA OF LOT C TO CENTER OF BASSETT CREEK = 215.27 ACRES

CRITICAL AREA CALCULATIONS
 THE FOLLOWING AREA CALCULATIONS CONCERN THE AREA OF LOT C OUTSIDE OF THE EXISTING LIMIT OF DISTURBANCE
 TOTAL CRITICAL AREA (CA) = 249.82 ACRES
 **SEE ATLANTIC COASTAL BAYS CRITICAL AREA LAW **
 FOREST COVER WITHIN CA TO BE PROTECTED UNDER FOREST CONSERVATION EASEMENT PER THIS PLAN (FOI ITEM C) = 29.84 ACRES
 FOREST COVER WITHIN CA OF LOT C SUBJECT TO FUTURE CRITICAL AREA CLEARING REGULATIONS = 210.98 ACRES

LOT C
BOUNDARY LINE ADJUSTMENT
 AND
MINOR SUBDIVISION
 OF LANDS OF
ROBERT K. & JULIA B. EWELL
 FOURTH TAX DISTRICT
 WORCESTER COUNTY, MARYLAND
 SCALE: 1" = 150'
 JOB NO.: 7363.010V4/09 DATE: 02/04/09
 SHEET 3 OF 4

P162475 HSA CM 2157 83018

EXHIBIT 7-8: PROPOSED SPRAY IRRIGATION



SPRAY IRRIGATION MAP

WORCESTER COUNTY, MD

ROBERT AND JULIA EWELL

MAP 40 GRID 18 PARCEL 93

PREPARED FOR: ISLAND RESORT CAMP GROUND

DRAWN BY KAK
 SCALE 1"= 300'
 DATE 1.26.2021
 SHEET NO.

RAUCH
 inc.
 engineering design &
 development services

office: 410.770.9081 | fax: 410.770.3667
 email: design@raucheng.com | web: www.raucheng.com
 Maryland Office: 106 N. Harrison St - Easton, MD 21601
 Virginia Office: 8229 Boone Blvd, Suite 625 - Vienna, VA 22182



FOREST STAND DELINEATION AND NATURAL RESOURCES INVENTORY

**Island Resort Campground
Newark, Worcester County, Maryland**

June 2022



Prepared For:
Island Resorts Campground
9552 Cropper Island Road
Newark, MD 21841

Prepared By:
RAUCH inc.
106 North Harrison Street
Easton, MD 21601

MD office | 106 N. Harrison St – Easton, MD 21601
VA office | 8229 Boone Blvd, Suite 625 – Vienna, VA 22182
email: design@raucheng.com | web: www.raucheng.com
phone: 410.770.9081 | fax: 410.770.3667

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3.0 METHODOLOGY	5
4.0 RESULTS	6
5.0 CONCLUSIONS.....	7
APPENDICES.....	9

1.0 INTRODUCTION

This Natural Resource Inventory (NRI), Forest Stand Delineation, and specimen tree (survey of trees 30-inches in diameter and larger) has been prepared for Island Resorts Campground to characterize existing forest cover for an environmental study in response to growth allocation requirements. This study is intended to assess and aid in expansion of 62 potential campsites at Island Resorts Campground located on parcel Map/Grid/Parcel: 0040/0018/0093 within the Critical Area Zone RCA. The overall subject property comprises 365.47-acres and is located in Newark, Worcester County, Maryland. The study area is focused upon approximately 17-acres of Forest stands were delineated according to guidelines within the *Maryland State Forest Conservation Technical Manual*, Third Edition, 1997, Maryland Department of Natural Resources, hereafter referred to as the State Manual, as well as Somerset County's', Forest Stand Delineation criteria.

The Maryland Forest Conservation Act was passed by the General Assembly in 1991 and subsequently amended in 1993, 1994, and 2009 (*Maryland State Bill 666, Natural Resources, No Net Loss of Forest Policy, Forest Conservation Act*) to conserve the State's forest resources during development. The Act requires identification of existing forest stands, protection of the most desirable forest stands, and establishment of areas where new forests can be planted. The Act and regulations require that any person submitting application for subdivision, grading, or sediment and erosion control permits on units of land 40,000 square feet (0.92 acres) or greater shall submit a forest stand delineation (FSD) and forest conservation plan (FCP). These must be approved by the county or municipal government, a locally adopted forest conservation program, or the Maryland Department of Natural Resources (DNR) where no local program is in effect before other development related approvals are given.

The purpose of this FSD is to provide a tool to be used during the preliminary plan and growth allocation review to modify the classification of 18-acres of Resource Conservation Area (RCA). Using a combination of resource mapping and field methods of ecology, it inventories and describes existing forests, and locates priority areas for retention, reforestation, or afforestation on the site as required. The FSD becomes the methodology for evaluating the existing natural features and vegetation on a site proposed for development taking into account the environmental elements that shape or influence the structure or makeup of a plant community. An approved FSD is valid for five (5) years in most Maryland Counties and two (2) years in others. To remain valid thereafter, it shall be updated and re-approved every five or two years (Environmental Division Natural Resources Program Manager dependent in this case) unless it becomes part of an approved FCP, and then subsequently acted upon through the land development process.

2.0 GENERAL SITE DESCRIPTION

Island Resorts Campground is located within the Mid-Atlantic Coastal Plain (U.S. Department of Agriculture, Natural Resource Conservation Service, MLRA 153D of LRR T). The property is more or less bounded by Bassett Creek to the East, Worcester Hwy (US-113) to the North, Croppers Island Road to the West, and Porter Creek to the South. Both, Bassett Creek and Porter Creek are tributaries of the Newport Bay (Watershed 021301050683).

Historically, the area was characterized by agricultural use with a surface mining operation, until 2005 when Island Resorts Campground was established. There are currently 176 lots on the adjacent parcel (0040/0018/0241), however there is no development on the study area, and it is predominantly woodland with a previously excavated pond feature to the Northeast.

The property appears to have been previously cleared for timber or agricultural uses following World War II and left fallow approximately 60-70 years ago left to reforest through ecological succession. This is evident in the approximate age of the dominant tree species in each forest stand. The remaining contiguous outside of the sampling points is approximately 180-acres and appears to be mostly Palustrine Forested Wetlands (PFO). These wetlands noted within the study area, have been identified as forested and emergent (PEM) systems are located adjacent to the East side of the parcel. No occurrence of specimen trees were observed during the site visit.

The exact project area will be determined by the Limit of Disturbance (LOD), which has been defined in the environmental features. Generally, the project area will be focused on upland habitat and areas of previous high disturbance, minimizing impacts to wetlands. No work has been proposed in the wetland areas, and except for access roads, no work has been proposed within nontidal wetland buffers. Minimal clearing is proposed within the wetland buffers and only to provide access to the proposed lots.

EXISTING CONDITIONS

According to the FEMA Flood Insurance Rate Map for Worcester County there is an area to the Southwest where the 100-year floodplains classified as an AE flood zone located on the site, but this area is outside of the proposed development. No threatened, rare, or endangered species were observed during the site investigations and U.S. Fish and Wildlife did not list any species on the agency's "Official Species List" in 2021. It should however be noted, Wetlands of Special State Concern (WSSC) are shown on the mapping and were present while forest sampling. These

wetlands are outside of the proposed development and all necessary precautions should be implemented to avoid any impacts.

The NRCS Web Soil Survey describes the soil found in the study area as mostly of Mullica-Berryland complex (MuA) with Askecksy loamy sand (AsA), Hurlock loamy sand (HuA), Rosedale loamy sand (RoB), Hambrook sandy loam (HdB), Fallsington sandy loams (FadA), and Longmarsh and Indiantown soils (LO). All of these soils are hydric with the exception of Rosedale loamy sand and Hambrook sandy loam located to the South and East of the existing pond. No steep slopes were encountered during the site visit.

3.0 METHODOLOGY

The current State Manual requires that an FSD be performed to characterize and quantify existing forest resources, identify forest cover in the net tract area, and identify those areas of forest with priorities for retention. In addition to a general vegetation survey and identification of specimen trees (trees of 30-inches in diameter and trees within 75% of a current champion), the Manual requires the use of formal vegetation sampling techniques.

Our study protocol involves the delineation of all existing forest stands within the adjacent study area comprising of 25-acres shown on the map below. The forest stands are based on composition, density, size, condition, and age of the stand. The dominant, co-dominant, and associate tree species for each stand are identified and tabulated to indicate their relative frequencies and average tree diameter class and to provide descriptions of each tree stand including the identification of understory and herbaceous species. This information is utilized to isolate stands of higher quality vegetation (i.e. old growth forests, unique forest stands, contiguous forest, etc.) and any individual specimen trees, groves or clusters that should be considered for potential preservation in the planning and development process.

A forest stand or type can be characterized by studying the results of variable plot sampling (a statistical survey method, typically averaging 80-feet across in pole stocked or larger timber). Variable point sampling refers to a method in which sample trees are located with a probability proportional to their basal areas, (i.e. larger trees with larger basal areas have higher probabilities of selection than smaller trees). Basal area is defined as a measurement of the cross-sectional area of a tree trunk at breast height, known as diameter at breast height (DBH). Basal area of a forest stand is the sum of the basal areas of the individual trees. Furthermore, since basal area is highly correlated with tree volume, variable point sampling is an efficient method for estimating frequency of occurrence, volume, and/or economic value. Using a 10-factor wedge prism for

sampling, it can be shown that each tree selected within the variable plot represents 10 square feet of basal area per acre, hence the term 10-factor point sample.

Sample point locations within each vegetation type are randomly selected (minimum of one per every four-acres of homogenous forest type and a minimum of two per stand). At each sample point location, trees that fall within the sample area are tallied and measured. This data is used to estimate the number of trees per acre, per each one-inch diameter class. In addition, the condition of the overstory trees in each vegetation type is evaluated and the understory and ground cover species identified. Information included in the sample point data includes:

- Percent canopy closure and tree species observed including relative dominance,
- Percent and species of shrubs,
- Percent and species of forest floor covered by herbaceous plants,
- Percent of forest floor covered by downed woody debris,
- The presence or absence of exotic or invasive species.

A study of various aerial photography is also conducted to determine ground forest conditions and to make a preliminary determination of vegetation types occurring on the site. These vegetation types are then ground-authenticated to verify composition, extent, and ecological importance.

Both within and between the sample plots, specimen trees and trees associated with historic structures are identified and located on the plan. Plan species which are listed as threatened, endangered, or in need of conservation are also identified if applicable.

Interpretation of the field data allows us to make judgements as to the forest composition, structure, condition, function, retention potential, and management recommendations for the stand(s) located. The FSD map is prepared and includes the natural resources inventory, wetlands, buffer setbacks, and other natural features and constraints required by the Manual or State/County government. The FSD map is enclosed at the end of this report in the Appendix C. Completed data sheets and a forest stand summary are also included in Appendix A and Appendix B, respectively.

4.0 RESULTS

This NRI/FSD and tree survey has been prepared for the Island Resorts Campground characterize the approximate 17-acre study area and surround woodlands, totaling around 25-acres. This area consisted of approximately 10-acres of upland forest, dominated by an assemblage of various Oak species and Loblolly Pine. Forestry fieldwork was performed in 2022 on June 2nd.

A previous request to the Maryland Department of Natural Resources Wildlife and Heritage Service was made to inquire about potential occurrence(s) of rare, threatened and endangered species within the project area. The Wildlife and Heritage Service has not responded to this point.

MIXED PINE-HARDWOODS

The Mature Mixed Pine-Hardwood stand totals approximately 9.95-acres. These upland stands are depicted in the map provided in the Appendix. The dominant indicator species of these stands is Northern Red Oak. There is an estimated 225.8 trees per acres, having an average diameter of 13.2-inches, and a basal area of 134 feet² per acre. This basal area falls within the range of overstocked stands (130-160 feet² per acre), meaning trees are disadvantageously competing for resources with a canopy closure of 70% or greater, and there is no space for the addition of more trees.

Northern Red Oak trees are estimated to be found at 30 trees per acre. Northern Red Oak trees have an average diameter of 16.1-inches, and a frequency of occurrence of 13.4%. The stand is estimated to be 64.4 years old, placing the time of the most recent influential perturbation around 1958. Co-dominate and Associate species found across the data stations include White Oak, Loblolly Pine, Southern Red Oak, Willow Oak, Red Maple, and Sweetgum. The understory was comprised of lowbush & highbush blueberries, American Holly, Red Maple, and groundcover was generally low with species including Grape spp., catbriar, Partridgeberry, and Sweetpepper bush.

This stand is likely a result of clearing during the post-settlement era in an attempt to farm or timber harvest. A summary of these results is provided in Appendix B.

BOTTOMLAND HARDWOOD CORRIDOR

The Bottomland Hardwood Corridor is approximately 15.05-acres in size and located along the bottomlands including non-tidal wetland areas found on the property. The stand is dominated by White Oak with co-dominate species including Loblolly Pine, Red Maple, Willow Oak, and Sweetgum. The forest stand shows enhanced diversity with minimal invasive species observed. The understory and herbaceous plant layer was dominated by Red Maple, American Holly, highbush blueberry, greenbriar, with various ferns, and sphagnum species.

This stand has an estimated 179.6 trees per acre, with an average diameter of 15.3-inches, and a basal area of 135 feet² per acre. Basal areas ranging from 130-160 are described as also being fully stocked. Canopy closure was found to be 65-80%, which correlates with well stocked forests, and further supports the results found by basal area analysis. White Oaks were calculated to occur at 29 trees per acre, with an average diameter of 14.9-inches, and

frequency of occurrence of 16.2%. A summary of these results is provided in Appendix B. The stand is approximately 74 years old, and is likely the result of an agricultural field or clearing efforts that were similarly laid fallow around 1948 due to poor soils. Mid-Late successional species such as Oak spp. and larger opportunistic Loblolly Pines are typical of a well-developed, maturing canopy, and what is expected to be found in these systems.

SPECIMEN TREES

Zero (0) specimen trees were identified on site.

5.0 CONCLUSIONS AND RECOMMENDATIONS

Overall, the subject area consists of two (2) stands. Stand “MPH” is an upland, mid-late successional Loblolly Pine – Hardwood stand with a ‘Low’ priority for restoration. Although the overstory and shrub strata can be quite dense in areas, the herb layer is usually sparse and floristically depauperate which is reflected in our sampling points. The property consists of zero (0) specimen trees and could be harvested outside of necessary wetland buffers.

Stand “BH” area can be described as floodplain area, dominated by larger Oaks and Pines with Red Maple, Sweetgum, and American Holly understory. This forest stand appeared to be relatively diverse with almost no invasive species observed at the time of sampling. Due to the presence of sensitive wetlands found throughout this forest stand, it is a ‘High’ priority and should be protected to minimize any disturbances.

Maryland Department of the Environment states that site development plans should make all reasonable attempts minimize disturbance to non-tidal wetlands. To disturb any wetlands, or wetland buffers, the submission of a Joint Permit Application with MDE will be required for impacts. It is recommended that impacts to these areas be avoided to the greatest extent possible.

Questions or comments regarding this NRI/FSD can be directed to RAUCH inc. at 410-770-9081.

Appendix A: Forest Stand Data Sheets

RAUCH inc. Forest Stand Delineation Field Data Sheet

Forest Stand : MPH **Point Sample #:** 1
Project Name : Island Resorts **Date:** 6/2/2022
Field Crew : KAK & TPO **Plot Size :** 1/10 acre (37' radius)/variable

BAF-10 Point Sample Inventory (variable plot size) Species and d.b.h. :

Species :	Diameter :	% Canopy Closure :	
White Oak	14, 12, 9		70%
Southern Red Oak	9	% Understory Cover 3'-20' :	65%
Northern Red Oak	22, 24	% Woody Debris :	2%
American Holly	9	% Herbaceous Cover :	15%

Dominant Overstory :	Co-dominant :	Associates :	Understory & Shrub Layer :
Northern Red Oak	White Oak	Southern Red Oak American Holly	American Holly, Lowbush Blueberry, Loblolly pine, Sweetgum, Mockernut Hickory

Total # of Tree Species >6" dbh :	# Snags :	Ground Cover :
4	1	Japanese stiltgrass, Spanglegrass, Grape vine sp.

List of Invasive Species :	% Invasive Cover :
Japanese stilt grass	2%

Stand Description : (composition, structure, condition, observations, functions, retention potential, ecological importance, management recommendations)

Mature mixed hardwood stand, mid-late seral, NRO canopy with lowbush blueberry understory. Sample site within upland area. Loblolly Pine and American Holly present within understory. Minimal non-native invasives were present at the time of sampling.

RAUCH inc. Forest Stand Delineation Field Data Sheet

Forest Stand : BH **Point Sample #:** 2
Project Name : Island Resorts **Date:** 6/2/2022
Field Crew : KAK & TPO **Plot Size :** 1/10 acre (37' radius)/variable

BAF-10 Point Sample Inventory (variable plot size) Species and d.b.h. :

Species :	Diameter :	% Canopy Closure :
Loblolly Pine	20, 20, 19, 19, 19, 18,18, 16, 16, 15,	80%
Mockernut Hickory	20, 14, 9	% Understory Cover 3'-20' : 35%
White Oak	10	% Woody Debris : 4%
Northern Red Oak	19	% Herbaceous Cover : 3%
Red Maple	5	
Tulip Poplar	16	
Sweetgum	19	

Dominant Overstory : Loblolly Pine
Co-dominant :
Associates : Hickory, WO, NRO, TP, RM, SG
Understory & Shrub Layer : American Holly, Highbush blueberry, Red Maple

Total # of Tree Species >6" dbh : 6
Snags : 2
Ground Cover : Royal Fern, Red Maple seedlings

List of Invasive Species : None
% Invasive Cover : 0%

Stand Description : (composition, structure, condition, observations, functions, retention potential, ecological importance, management recommendations)

Mature pine and mixed hardwood, mid-late seral, Loblolly dominated canopy with American Holly understory, adjacent to wetland area and sampled on upland knoll area at the toeslope. Bottomland forest. Minimal herbaceous understory with well developed canopy. High priority wetland buffer.

RAUCH inc. Forest Stand Delineation Field Data Sheet

Forest Stand : BH **Point Sample #:** 3
Project Name : Island Resorts **Date:** 6/2/2022
Field Crew : KAK & TPO **Plot Size :** 1/10 acre (37' radius)/variable

BAF-10 Point Sample Inventory (variable plot size) Species and d.b.h. :

Species :	Diameter :	% Canopy Closure :	
White Oak	18, 18, 18, 12	70%	
Red Maple	17, 12, 7	% Understory Cover 3'-20' :	45%
Loblolly Pine	20, 17	% Woody Debris :	3%
Mockernut Hickory	17, 11	% Herbaceous Cover :	15%

Dominant Overstory : White Oak **Co-dominant :** Red Maple **Associates :** Loblolly Pine, Hickory **Understory & Shrub Layer :** Highbush blueberry, American Holly, Sweetbay Magnolia, Red Maple

Total # of Tree Species >6" dbh : 4 **# Snags :** 0 **Ground Cover :** Royal fern, Sensitive Fern, Cinnamon fern, Highbush Blueberry seedling, Sweetpepper bush, Greenbrier, Sphagnum sp., Porcelainberry
List of Invasive Species : None **% Invasive Cover :** 0%

Stand Description : (composition, structure, condition, observations, functions, retention potential, ecological importance, management recommendations)

Mid-seral forest stand, White Oak and Red Maple canopy with highbush blueberry understory, low lying depression sampled within wetland area, high priority wetland area.

RAUCH inc. Forest Stand Delineation Field Data Sheet

Forest Stand : BH **Point Sample #:** 4
Project Name : Island Resorts **Date:** 6/2/2022
Field Crew : KAK & TPO **Plot Size :** 1/10 acre (37' radius)/variable

BAF-10 Point Sample Inventory (variable plot size) Species and d.b.h. :

Species :	Diameter :	% Canopy Closure :
Loblolly Pine	26, 24, 23, 23, 17, 16, 15, 8	65%
Sweetgum	22	% Understory Cover 3'-20' : 35%
Willow Oak	15	% Woody Debris : 4%
Red Maple	14, 14, 8	% Herbaceous Cover : 10%
Water Oak	11	
White Oak	11	

Dominant Overstory :	Co-dominant :	Associates :	Understory & Shrub Layer :
Loblolly Pine	Red Maple	Willow Oak, White Oak, Water Oak, Sweetgum	American Holly, Highbush blueberry, Sweetbay Magnolia, Sweetpepper Bush, Red Maple

Total # of Tree Species >6" dbh :	# Snags :	Ground Cover :
6	8	Cinnamon fern, Spanglegrass, Sphagnum, Red Maple seedlings

List of Invasive Species :	% Invasive Cover :
None	0%

Stand Description : (composition, structure, condition, observations, functions, retention potential, ecological importance, management recommendations)

Mature pine and mixed hardwood, mid-late seral, Loblolly and Red Maple canopy with Holly understory, adjacent to wetland area and sampled on upland knoll along toeslope. Bottomland forest. High priority wetland buffer.

RAUCH inc. Forest Stand Delineation Field Data Sheet

Forest Stand : MPH **Point Sample #:** 5
Project Name : Island Resorts **Date:** 6/2/2022
Field Crew : KAK & TPO **Plot Size :** 1/10 acre (37' radius)/variable

BAF-10 Point Sample Inventory (variable plot size) Species and d.b.h. :

Species :	Diameter :	% Canopy Closure :
White Oak	20, 20	65%
Red Maple	18, 17, 15, 11, 11, 8, 7	% Understory Cover 3'-20' : 35%
Loblolly Pine	17	% Woody Debris : 3%
Southern Red Oak	18, 16, 15	% Herbaceous Cover : 40%
Northern Red Oak	20	
Mockernut Hickory	12	

Dominant Overstory :	Co-dominant :	Associates :	Understory & Shrub Layer :
White Oak	Northern Red Oak	RM, SRO, Hickory, Loblolly Pine	Lowbush Blueberry, American Holly, Sweetgum, Sweetpepper bush, Loblolly pine, Highbush Blueberry, Red Maple

Total # of Tree Species >6" dbh :	# Snags :	Ground Cover :
6	1	Partridgeberry, Cinnamon fern, Pine seedling, Red Maple seedlings

List of Invasive Species :	% Invasive Cover :
None	0%

Stand Description : (composition, structure, condition, observations, functions, retention potential, ecological importance, management recommendations)

Mature pine and mixed hardwood, mid-late seral, Oak canopy with lowbush blueberry understory, adjacent to wetland area and sampled in uplands.

RAUCH inc. Forest Stand Delineation Field Data Sheet

Forest Stand : MPH **Point Sample #:** 6
Project Name : Island Resorts **Date:** 6/2/2022
Field Crew : KAK & TPO **Plot Size :** 1/10 acre (37' radius)/variable

BAF-10 Point Sample Inventory (variable plot size) Species and d.b.h. :

Species :	Diameter :	% Canopy Closure :
Loblolly Pine	19, 17, 16, 16, 16, 15, 14, 14, 13	70%
Red Maple	14, 13, 13, 11, 7, 7	% Understory Cover 3'-20' : 40%
White Oak	17, 10	% Woody Debris : 3%
Northern Red Oak	13	% Herbaceous Cover : 10%
American Holly	8	

Dominant Overstory : Loblolly Pine **Co-dominant :** White Oak **Associates :** NRO, RM, Holly **Understory & Shrub Layer :** American Holly, Highbush blueberry, Poplar, Red Maple, Lowbush blueberry

Total # of Tree Species >6" dbh : 5 **# Snags :** 1 **Ground Cover :** American Holly seedlings, Catbriar, Red Maple seedlings

List of Invasive Species : None **% Invasive Cover :** 0%

Stand Description : (composition, structure, condition, observations, functions, retention potential, ecological importance, management recommendations)
Mature pine and mixed hardwood, mid seral, Loblolly canopy with holly and highbush blueberry understory, sampled adjacent to wetland area, high retention wetland buffer.

RAUCH inc. Forest Stand Delineation Field Data Sheet

Forest Stand : BH **Point Sample #:** 7
Project Name : Island Resorts **Date:** 6/2/2022
Field Crew : KAK & TPO **Plot Size :** 1/10 acre (37' radius)/variable

BAF-10 Point Sample Inventory (variable plot size) Species and d.b.h. :

Species :	Diameter :	% Canopy Closure :
White Oak	14, 12, 11 9	75%
Red Maple	14, 13, 12, 6	% Understory Cover 3'-20' : 50%
Chestnut Oak	24	% Woody Debris : 4%
Northern Red Oak	16, 15	% Herbaceous Cover : 20%

Dominant Overstory :	Co-dominant :	Associates :	Understory & Shrub Layer :
White Oak	Northern Red Oak	Red Maple Chestnut Oak	Highbush blueberry, Sweetpepper bush, American Holly
Total # of Tree Species >6" dbh :		# Snags :	Ground Cover :
4		2	Red Maple seedlings, Partridgeberry, Catbriar, Pine seedlings
List of Invasive Species :			% Invasive Cover :
None			0%

Stand Description : (composition, structure, condition, observations, functions, retention potential, ecological importance, management recommendations)

Mature mixed hardwood, mid-late seral, Oak canopy with holly and highbush blueberry understory, sampled adjacent to wetland area, high retention wetland buffer. Upland knoll within wetland area shown on map.

RAUCH inc. Forest Stand Delineation Field Data Sheet

Forest Stand : BH **Point Sample #:** 8
Project Name : Island Resorts **Date:** 6/2/2022
Field Crew : KAK & TPO **Plot Size :** 1/10 acre (37' radius)/variable

BAF-10 Point Sample Inventory (variable plot size) Species and d.b.h. :

Species :	Diameter :	% Canopy Closure :
White Oak	18, 16, 16, 13, 8	55%
American Holly	7	% Understory Cover 3'-20' : 65%
Red Maple	9, 7, 4	% Woody Debris : 4%
Sweetgum	19, 4	% Herbaceous Cover : 25%

Dominant Overstory : White Oak	Co-dominant :	Associates : Red Maple, Holly, Sweetgum	Understory & Shrub Layer : Laurel sp., American Holly, Red Maple, Lowbush blueberry, Sweetgum
Total # of Tree Species >6" dbh : 4		# Snags : 2	Ground Cover : VA Creeper, American Holly, Sweetpepper bush, Partridgeberry, Sphagnum sp., Catbriar
List of Invasive Species : None			% Invasive Cover : 0%

Stand Description : (composition, structure, condition, observations, functions, retention potential, ecological importance, management recommendations)

Mature mixed hardwood, mid seral, White oak dominant canopy with holly understory, sampled adjacent to wetland area, high retention wetland buffer, mapped as non-tidal wetlands.

RAUCH inc. Forest Stand Delineation Field Data Sheet

Forest Stand : MPH **Point Sample #:** 9
Project Name : Island Resorts **Date:** 6/2/2022
Field Crew : KAK & TPO **Plot Size :** 1/10 acre (37' radius)/variable

BAF-10 Point Sample Inventory (variable plot size) Species and d.b.h. :

Species :	Diameter :	% Canopy Closure :
Loblolly	19, 16, 16, 14, 13, 8, 8	65%
White Oak	6, 4	% Understory Cover 3'-20' : 40%
Red Maple	14, 11, 9	% Woody Debris : 5%
Mockernut Hickory	10	% Herbaceous Cover : 10%
American Holly	7	
Northern Red Oak	5	

Dominant Overstory :	Co-dominant :	Associates :	Understory & Shrub Layer :
Loblolly	Red Maple	WO, AH, NRO, Hickory	American Holly, Red Maple, Mtn Laurel, Lowbush blueberry, Sweetbay Magnolia

Total # of Tree Species >6" dbh :	# Snags :	Ground Cover :
5	2	Cinnamon fern, Partridgeberry, Catbriar Red Maple seedlings, Sweetbay Magnolia

List of Invasive Species :	% Invasive Cover :
None	0%

Stand Description : (composition, structure, condition, observations, functions, retention potential, ecological importance, management recommendations)

Mature Pine and Mixed Hardwood, mid seral, Loblolly dominant canopy with holly understory, sampled adjacent to wetland area, high retention wetland buffer, no invasives present.

RAUCH inc. Forest Stand Delineation Field Data Sheet

Forest Stand : BH **Point Sample #:** 10
Project Name : Island Resorts **Date:** 6/2/2022
Field Crew : KAK & TPO **Plot Size :** 1/10 acre (37' radius)/variable

BAF-10 Point Sample Inventory (variable plot size) Species and d.b.h. :

Species :	Diameter :	% Canopy Closure :	
Loblolly	22, 19, 18, 18, 18, 17, 16, 16, 16, 15, 15, 14, 13, 12	% Understory Cover 3'-20' :	35%
Red Maple	14	% Woody Debris :	4%
Willow Oak	11	% Herbaceous Cover :	6%
White Oak	27		

Dominant Overstory :	Co-dominant :	Associates :	Understory & Shrub Layer :
Loblolly	Red Maple	WO, AH, NRO, Hickory	American Holly, Red Maple, Laurel sp., Lowbush blueberry, Sweetbay Magnolia

Total # of Tree Species >6" dbh :	# Snags :	Ground Cover :
5	2	Cinnamon fern, Partridgeberry, Catbriar Red Maple seedlings, Sweetbay Magnolia

List of Invasive Species :	% Invasive Cover :
None	0%

Stand Description : (composition, structure, condition, observations, functions, retention potential, ecological importance, management recommendations)

Mature Pine and Mixed Hardwood, mid-late seral, Loblolly dominant canopy with holly and highbush blueberry understory, sampled adjacent to wetland area, high retention potential, sampled in mapped wetlands. Minimal herbaceous vegetation, no invasives present.

RAUCH inc. Forest Stand Delineation Field Data Sheet

Forest Stand : MPH **Point Sample #:** 11
Project Name : Island Resorts **Date:** 6/2/2022
Field Crew : KAK & TPO **Plot Size :** 1/10 acre (37' radius)/variable

BAF-10 Point Sample Inventory (variable plot size) Species and d.b.h. :

Species :	Diameter :	% Canopy Closure :
Northern Red Oak	23, 21, 12, 12, 9	70%
Loblolly Pine	19, 14, 10, 8, 7	% Understory Cover 3'-20' : 50%
White Oak	13, 11	% Woody Debris : 2%
Red Maple	4	% Herbaceous Cover : 60%
American Holly	12	

Dominant Overstory : Northern Red Oak **Co-dominant :** Loblolly Pine **Associates :** WO, RM, Holly **Understory & Shrub Layer :** American Holly, Red Maple, So. Red Oak, Lowbush blueberry, Highbush blueberry

Total # of Tree Species >6" dbh : 4 **# Snags :** 1 **Ground Cover :** Sweetgum seedlings, Partridgeberry, Sweetpepper bush, Grapevine sp.

List of Invasive Species : None **% Invasive Cover :** 0%

Stand Description : (composition, structure, condition, observations, functions, retention potential, ecological importance, management recommendations)

Mature Pine and Mixed Hardwood Stand, NRO and Loblolly Pine canopy with lowbush blueberry dominant understory, sampled in uplands, no invasives

RAUCH inc. Forest Stand Delineation Field Data Sheet

Forest Stand : BH **Point Sample #:** 12
Project Name : Island Resorts **Date:** 6/2/2022
Field Crew : KAK & TPO **Plot Size :** 1/10 acre (37' radius)/variable

BAF-10 Point Sample Inventory (variable plot size) Species and d.b.h. :

Species :	Diameter :	% Canopy Closure :
White Oak	20, 16, 16	65%
Red Maple	18, 13	% Understory Cover 3'-20' : 35%
Loblolly	22, 22, 20, 10	% Woody Debris : 2%
Southern Red Oak	14	% Herbaceous Cover : 30%
Tulip Poplar	19	
Hickory Sp.	10	

Dominant Overstory :	Co-dominant :	Associates :	Understory & Shrub Layer :
White Oak		RM, Loblolly, SRO Hickory	American Holly, Red Maple, Highbush, Sweetgum, Sweetpepper bush
Total # of Tree Species >6" dbh :		# Snags :	Ground Cover :
6		1	Cinnamon fern, Royal fern, Partridgeberry
List of Invasive Species :			% Invasive Cover :
None			0%

Stand Description : (composition, structure, condition, observations, functions, retention potential, ecological importance, management recommendations)

Mature Bottomland Hardwoods sampled within mapped wetlands in a concave depression, spoils pile adjacent to wetland supported upland vegetation, White Oak canopy with highbush blueberry dominated understory, high priority wetlands, no invasives observed.

Appendix B: Forest Stand Summary

Island Resorts Campground Forest Stand Summary Analysis

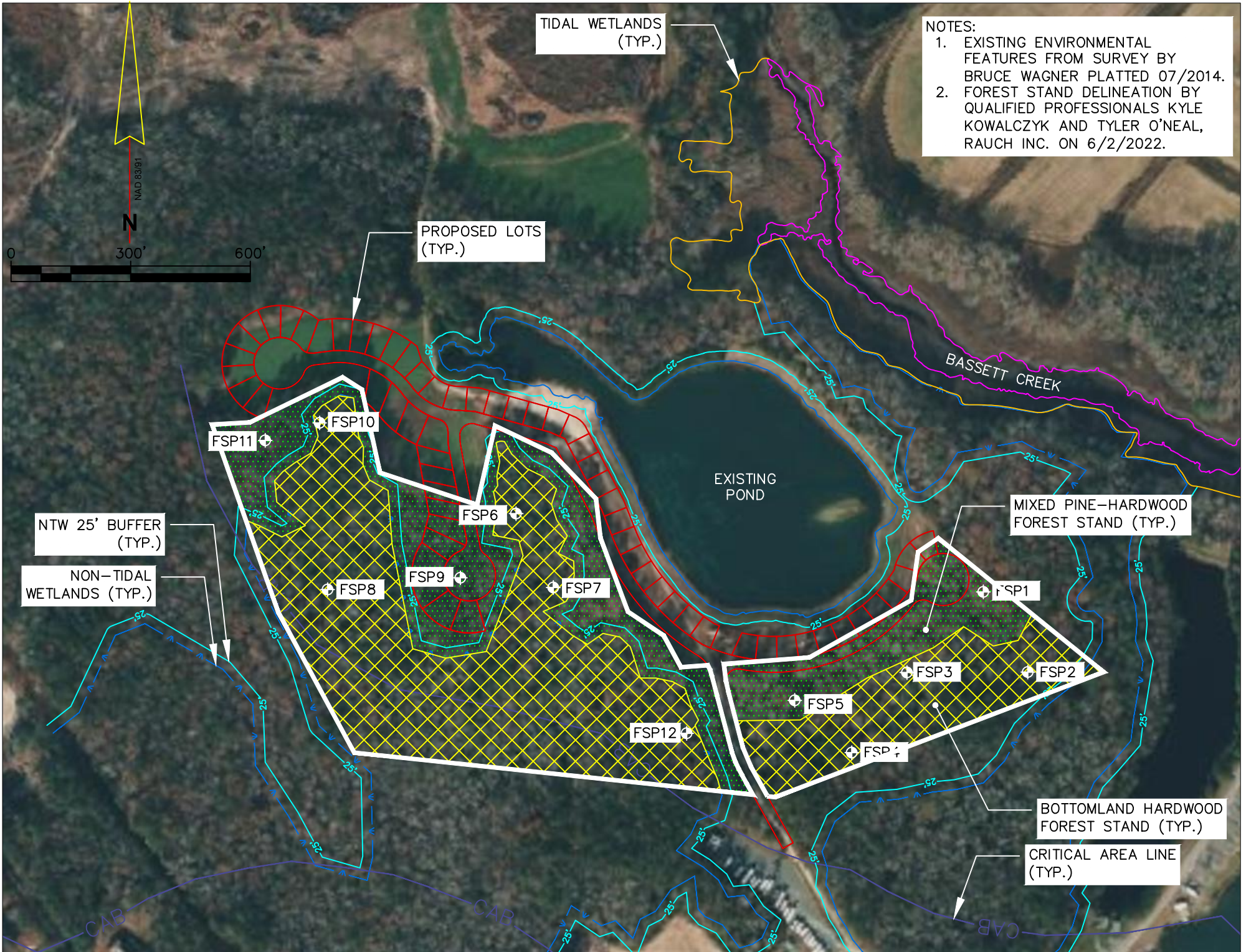
<i>Stand Number or ID</i>	<i>Aerial Extent in Acres</i>	<i>Estimated Trees Per Acre</i>	<i>Average Diameter (d.b.h.)</i>	<i>Basal Area Per Acre₂</i>	<i>Stand Formation Type</i>	<i>Dominant Indicator Species</i>	<i>Dominant Species Per Acre</i>	<i>Dominant Species Mean d.b.h</i>	<i>Dominant % Frequency of Occurrence</i>	<i>Approximate Age of The Stand₃</i>
MPH	9.95	225.8	13.2"	Overstocked	Mixed Pine & Hardwoods	Northern Red Oak	30.3	16.1"	13.4%	64.4 / 1958
BH	15.05	179.6	15.3"	Overstocked	Bottomland Hardwoods	White Oak	29.1	14.9"	16.2%	74.5 / 1948

1. A forest association is an assemblage of plants having ecologically similar requirements and include one or more dominant species from which it derives a definite character. The Island Resorts Campground occurs in the major forest type group known as *Southern Atlantic Coastal Plain Mesic Hardwood Forest*, or more specifically described as *Mixed Pine-Hardwoods*. This upland and bottomland oak forest is typically found at the mid-range of moisture tolerance with Loblolly Pine associates and generally present in sandy, well-drained soils. It is characteristically a mixed forest dominated by Red & White Oaks, Loblolly Pine, and Red Maple in various proportions. Overstory associates include Loblolly Pine, Oak spp., Red Maple, Hickory spp., and Sweetgum. American Holly, Highbush & Lowbush blueberry are particularly characteristic and abundant throughout the understory. This forest type occurs throughout Maryland and east of the fall line; located on the Lower Atlantic Coastal Plain Province, *Vegetation Map of Maryland, The Existing Natural Forests, 1976, G.S. Brush, C. Lenk, S. Smith*. The Island Resorts Campground is solidly located within this formation type and will continue to express a Mixed Oak-Pine community through ecological time.

2. Basal area is a measurement of the cross-section of a tree in square feet at breast height. Basal area (BA) of a forest stand is the sum of the basal areas of the individual trees and is reported as BA per acre. The BA value shown in this Forest Analysis equates to a stocking which is a general description of the density of the forest stand as compared to the desirable density for best growth and management. Stands may be described as understocked; a stand of trees so widely spaced that, even with full growth potential realized, crown closure will not occur, well stocked; the situation in which a forest stand contains trees spaced widely enough to prevent competition, yet closely enough to utilize the entire site, and overstocked; the trees are so closely spaced that they are competing for resources, resulting in less than full growth potential for individual trees. Basal area per acre values are analyzed as non-stocked = 0 to 9, poorly stocked = 10 to 59, moderately stocked = 60 to 99, fully stocked = 100 to 129, and overstocked = 130 to 160. *Forestry Handbook, K.F. Wenger, 1984, pg. 318-321*. There is a correlation between stand density and canopy closure, typically recognized as understocked, under 40% crown closure, well stocked, 40-70% crown closure, overstocked, over 70% crown closure. *Essentials of Forestry Practice, C.H. Stoddard, 1968, page 53*.

3. Age dating methodology – *Valuation of Landscape Trees, Shrubs and other Plants. A Guide to the Methods and Procedures for Appraising Amenity Plants, International Society of Arboriculture, Seventh Edition, 1988, pages 33, 34*, increment boring or cutting and counting of growth rings. Stand age of the dominant overstory represents the time since the last, most influencing perturbation, such as release from agriculture, highgrading (selective harvest) etc.

Appendix C: FSD Map



TIDAL WETLANDS (TYP.)

NOTES:
 1. EXISTING ENVIRONMENTAL FEATURES FROM SURVEY BY BRUCE WAGNER PLATTED 07/2014.
 2. FOREST STAND DELINEATION BY QUALIFIED PROFESSIONALS KYLE KOWALCZYK AND TYLER O'NEAL, RAUCH INC. ON 6/2/2022.

PROPOSED LOTS (TYP.)

BASSETT CREEK

EXISTING POND

MIXED PINE-HARDWOOD FOREST STAND (TYP.)

NTW 25' BUFFER (TYP.)

NON-TIDAL WETLANDS (TYP.)

FSP11

FSP10

FSP6

FSP1

FSP8

FSP9

FSP7

FSP3

FSP2

FSP5

FSP12

FSP4

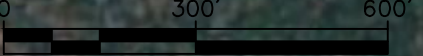
BOTTOMLAND HARDWOOD FOREST STAND (TYP.)

CRITICAL AREA LINE (TYP.)

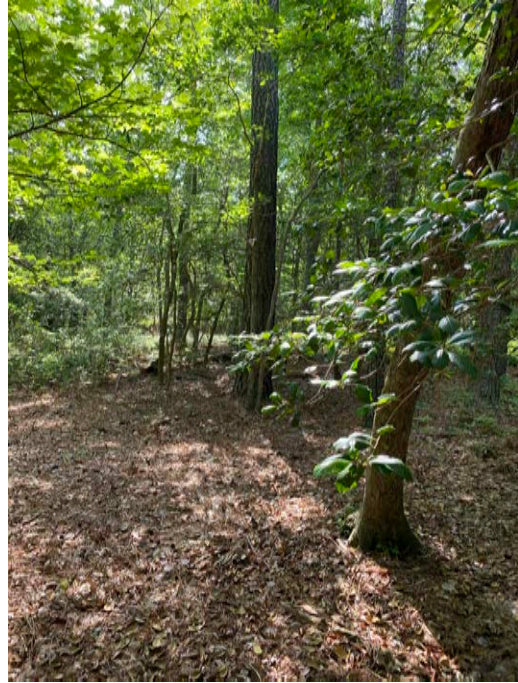
CAB

CAB

CAB



Appendix D: Additional Photos





A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Worcester County, Maryland

Island Resort Park, Inc. Expansion Project



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

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scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

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identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map
































Soil Map may not be valid at this scale.

Map Scale: 1:3,550 if printed on A landscape (11" x 8.5") sheet.



MAP LEGEND

	Area of Interest (AOI)		Spoil Area
	Area of Interest (AOI)		Stony Spot
Soils			Very Stony Spot
	Soil Map Unit Polygons		Wet Spot
	Soil Map Unit Lines		Other
	Soil Map Unit Points		Special Line Features
Special Point Features		Water Features	
	Blowout		Streams and Canals
	Borrow Pit	Transportation	
	Clay Spot		Rails
	Closed Depression		Interstate Highways
	Gravel Pit		US Routes
	Gravelly Spot		Major Roads
	Landfill		Local Roads
	Lava Flow	Background	
	Marsh or swamp		Aerial Photography
	Mine or Quarry		
	Miscellaneous Water		
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Worcester County, Maryland
 Survey Area Data: Version 18, Jun '11, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 31, 2009—Sep 24, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
FadA	Fallsington sandy loams, 0 to 2 percent slopes, Northern Tidewater Area	1.6	8.5%
HbB	Hambrook sandy loam, 2 to 5 percent slopes	3.1	16.3%
LO	Longmarsh and Indiantown soils, 0 to 1 percent slopes, frequently flooded	4.0	20.8%
MuA	Mullica-Berryland complex, 0 to 2 percent slopes	6.9	36.2%
RoA	Rosedale loamy sand, 0 to 2 percent slopes	0.6	3.0%
RoB	Rosedale loamy sand, 2 to 5 percent slopes	2.9	15.3%
Totals for Area of Interest		19.2	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor

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components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Worcester County, Maryland

FadA—Fallsington sandy loams, 0 to 2 percent slopes, Northern Tidewater Area

Map Unit Setting

National map unit symbol: 2thvq

Elevation: 0 to 40 feet

Mean annual precipitation: 42 to 48 inches

Mean annual air temperature: 52 to 58 degrees F

Frost-free period: 180 to 220 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Fallsington, undrained, and similar soils: 48 percent

Fallsington, drained, and similar soils: 27 percent

Minor components: 25 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Fallsington, Undrained

Setting

Landform: Drainageways, swales, flats, depressions

Landform position (two-dimensional): Footslope

Landform position (three-dimensional): Dip, talf

Down-slope shape: Concave, linear

Across-slope shape: Concave, linear

Parent material: Loamy fluviomarine deposits

Typical profile

Oe - 0 to 2 inches: mucky peat

A - 2 to 10 inches: sandy loam

Btg - 10 to 32 inches: sandy clay loam

BCg - 32 to 39 inches: loamy sand

Cg1 - 39 to 46 inches: sandy clay loam

Cg2 - 46 to 80 inches: sand

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Poorly drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.57 to 1.98 in/hr)

Depth to water table: About 0 to 10 inches

Frequency of flooding: None

Frequency of ponding: Occasional

Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.3 mmhos/cm)

Available water capacity: Moderate (about 8.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 5w

Hydrologic Soil Group: B/D

Hydric soil rating: Yes

Description of Fallsington, Drained

Setting

Landform: Flats, depressions, swales
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Talf, dip
Down-slope shape: Linear, concave
Across-slope shape: Linear, concave
Parent material: Loamy fluviomarine deposits

Typical profile

Ap - 0 to 10 inches: sandy loam
Btg - 10 to 32 inches: sandy clay loam
BCg - 32 to 39 inches: loamy sand
Cg1 - 39 to 46 inches: sandy clay loam
Cg2 - 46 to 80 inches: sand

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: About 10 to 20 inches
Frequency of flooding: None
Frequency of ponding: Rare
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.3 mmhos/cm)
Available water capacity: Moderate (about 8.2 inches)

Interpretive groups

Land capability classification (irrigated): 3w
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: B/D
Hydric soil rating: Yes

Minor Components

Woodstown

Percent of map unit: 9 percent
Landform: Broad interstream divides, fluviomarine terraces, flats
Landform position (three-dimensional): Tread, talf, rise
Down-slope shape: Linear
Across-slope shape: Linear
Hydric soil rating: No

Othello

Percent of map unit: 8 percent
Landform: Depressions, swales, drainageways, flats
Landform position (two-dimensional): Footslope, toeslope
Landform position (three-dimensional): Dip, talf
Down-slope shape: Concave, linear
Across-slope shape: Concave, linear
Hydric soil rating: Yes

Hammonton

Percent of map unit: 8 percent
Landform: Drainageways, flats

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Landform position (three-dimensional): Dip, rise
Down-slope shape: Concave, linear
Across-slope shape: Linear
Hydric soil rating: No

HbB—Hambrook sandy loam, 2 to 5 percent slopes

Map Unit Setting

National map unit symbol: 4bkc
Elevation: 0 to 330 feet
Mean annual precipitation: 42 to 48 inches
Mean annual air temperature: 52 to 58 degrees F
Frost-free period: 180 to 220 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Hambrook and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Hambrook

Setting

Landform: Depressions, flats, fluviomarine terraces, knolls
Landform position (three-dimensional): Rise
Down-slope shape: Concave, linear, convex
Across-slope shape: Concave, linear, convex

Typical profile

Ap - 0 to 10 inches: sandy loam
BE - 10 to 14 inches: loam
Bt - 14 to 28 inches: sandy clay loam
BC - 28 to 65 inches: loamy sand
2Cg - 65 to 80 inches: silt loam

Properties and qualities

Slope: 2 to 5 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.20 to 1.98 in/hr)
Depth to water table: About 40 to 72 inches
Frequency of flooding: None
Frequency of ponding: None
Available water capacity: Moderate (about 7.9 inches)

Interpretive groups

Land capability classification (irrigated): 2e
Land capability classification (nonirrigated): 2e

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Hydrologic Soil Group: B
Hydric soil rating: No

Minor Components

Sassafras

Percent of map unit: 5 percent
Landform: Fluviomarine terraces, flats
Down-slope shape: Linear
Across-slope shape: Linear
Hydric soil rating: No

Woodstown

Percent of map unit: 5 percent
Landform: Depressions, broad interstream divides, fluviomarine terraces, flats
Landform position (three-dimensional): Tread, dip
Down-slope shape: Concave, linear
Across-slope shape: Concave, linear
Hydric soil rating: No

Cedartown

Percent of map unit: 5 percent
Landform: Dunes, flats, knolls
Landform position (three-dimensional): Rise, talf
Down-slope shape: Convex, linear
Across-slope shape: Linear, convex
Hydric soil rating: No

Hammonton

Percent of map unit: 5 percent
Landform: Flats, depressions, drainageways
Landform position (three-dimensional): Talf
Down-slope shape: Linear, concave
Across-slope shape: Linear, concave
Hydric soil rating: No

LO—Longmarsh and Indiantown soils, 0 to 1 percent slopes, frequently flooded

Map Unit Setting

National map unit symbol: 2yskf
Elevation: 0 to 100 feet
Mean annual precipitation: 41 to 50 inches
Mean annual air temperature: 53 to 58 degrees F
Frost-free period: 190 to 260 days
Farmland classification: Not prime farmland

Map Unit Composition

Longmarsh, frequently flooded, and similar soils: 43 percent
Indiantown, frequently flooded, and similar soils: 37 percent
Minor components: 20 percent

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Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Longmarsh, Frequently Flooded

Setting

Landform: Flood plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Dip
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loamy alluvium over sandy fluviomarine deposits

Typical profile

Oe - 0 to 2 inches: moderately decomposed plant material
A - 2 to 19 inches: mucky silt loam
Cg1 - 19 to 34 inches: sandy loam
Cg2 - 34 to 80 inches: loamy sand

Properties and qualities

Slope: 0 to 1 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: Frequent
Frequency of ponding: Occasional
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water capacity: High (about 10.2 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 5w
Hydrologic Soil Group: B/D
Hydric soil rating: Yes

Description of Indiantown, Frequently Flooded

Setting

Landform: Flood plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Dip
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loamy alluvium over sandy fluviomarine deposits

Typical profile

Oe - 0 to 2 inches: moderately decomposed plant material
A - 2 to 25 inches: mucky silt loam
Cg - 25 to 80 inches: loamy sand

Properties and qualities

Slope: 0 to 1 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: About 0 inches

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Frequency of flooding: Frequent

Frequency of ponding: Occasional

Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

Available water capacity: High (about 11.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 5w

Hydrologic Soil Group: B/D

Hydric soil rating: Yes

Minor Components

Zekiah, frequently flooded

Percent of map unit: 10 percent

Landform: Flood plains

Landform position (two-dimensional): Toeslope

Landform position (three-dimensional): Dip

Down-slope shape: Linear

Across-slope shape: Linear

Hydric soil rating: Yes

Manahawkin, frequently flooded

Percent of map unit: 5 percent

Landform: Swamps, flood plains

Landform position (two-dimensional): Toeslope

Landform position (three-dimensional): Dip

Down-slope shape: Linear

Across-slope shape: Linear

Hydric soil rating: Yes

Klej

Percent of map unit: 5 percent

Landform: Flats

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Rise

Down-slope shape: Linear

Across-slope shape: Linear

Hydric soil rating: No

MuA—Mullica-Berryland complex, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 4bln

Elevation: 0 to 100 feet

Mean annual precipitation: 42 to 48 inches

Mean annual air temperature: 52 to 58 degrees F

Frost-free period: 180 to 220 days

Farmland classification: Prime farmland if drained

Map Unit Composition

Mullica, drained, and similar soils: 26 percent
Berryland, drained, and similar soils: 24 percent
Mullica, undrained, and similar soils: 16 percent
Berryland, undrained, and similar soils: 14 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Mullica, Drained

Setting

Landform: Swales, flats, depressions
Down-slope shape: Linear
Across-slope shape: Linear

Typical profile

Ap - 0 to 10 inches: mucky sandy loam
A - 10 to 14 inches: mucky sandy loam
Bg - 14 to 24 inches: sandy loam
Cg - 24 to 65 inches: sand
2Ab - 65 to 80 inches: silt loam

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Runoff class: Negligible
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.20 to 5.95 in/hr)
Depth to water table: About 0 to 10 inches
Frequency of flooding: None
Frequency of ponding: Rare
Available water capacity: Low (about 4.9 inches)

Interpretive groups

Land capability classification (irrigated): 2w
Land capability classification (nonirrigated): 2w
Hydrologic Soil Group: A/D
Hydric soil rating: Yes

Description of Berryland, Drained

Setting

Landform: Flats, depressions, swales
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Sandy eolian deposits and/or fluviomarine sediments

Typical profile

Ap - 0 to 10 inches: mucky loamy sand
A - 10 to 17 inches: loamy sand
Bh - 17 to 24 inches: loamy sand
C - 24 to 70 inches: sand
2Ab - 70 to 80 inches: silt loam

Properties and qualities

Slope: 0 to 2 percent

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Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Runoff class: Negligible
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.20 to 1.98 in/hr)
Depth to water table: About 0 to 10 inches
Frequency of flooding: None
Frequency of ponding: Rare
Available water capacity: Low (about 4.4 inches)

Interpretive groups

Land capability classification (irrigated): 2w
Land capability classification (nonirrigated): 2w
Hydrologic Soil Group: A/D
Hydric soil rating: Yes

Description of Mullica, Undrained

Setting

Landform: Swales, flats, depressions, drainageways
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Sandy and loamy fluviomarine sediments

Typical profile

Oe - 0 to 3 inches: moderately decomposed plant material
A - 3 to 10 inches: mucky sandy loam
Eg - 10 to 14 inches: sandy loam
Bg - 14 to 24 inches: sandy loam
Cg - 24 to 65 inches: sand
2Ab - 65 to 80 inches: silt loam

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Runoff class: Negligible
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.20 to 5.95 in/hr)
Depth to water table: About 0 to 10 inches
Frequency of flooding: None
Frequency of ponding: Frequent
Available water capacity: Moderate (about 6.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 4w
Hydrologic Soil Group: A/D
Hydric soil rating: Yes

Description of Berryland, Undrained

Setting

Landform: Swales, flats, depressions, drainageways
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Sandy eolian deposits and/or fluviomarine sediments

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Typical profile

Oe - 0 to 2 inches: moderately decomposed plant material
A1 - 2 to 14 inches: mucky loamy sand
A2 - 14 to 17 inches: loamy sand
Bh - 17 to 24 inches: loamy sand
C - 24 to 70 inches: sand
2Ab - 70 to 80 inches: silt loam

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Runoff class: Negligible
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.20 to 1.98 in/hr)
Depth to water table: About 0 to 10 inches
Frequency of flooding: None
Frequency of ponding: Frequent
Available water capacity: Low (about 5.1 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 4w
Hydrologic Soil Group: A/D
Hydric soil rating: Yes

Minor Components

Klej

Percent of map unit: 10 percent
Landform: Flats, depressions
Down-slope shape: Linear, concave
Across-slope shape: Linear, concave
Hydric soil rating: No

Galloway

Percent of map unit: 5 percent
Landform: Depressions, flats
Down-slope shape: Concave, linear
Across-slope shape: Concave, linear
Hydric soil rating: No

Askecksy, drained

Percent of map unit: 5 percent
Landform: Flats, depressions, swales
Landform position (three-dimensional): Talf
Down-slope shape: Linear, concave
Across-slope shape: Linear, concave
Hydric soil rating: Yes

RoA—Rosedale loamy sand, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 4bm5
Elevation: 0 to 120 feet
Mean annual precipitation: 42 to 48 inches
Mean annual air temperature: 52 to 58 degrees F
Frost-free period: 180 to 220 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Rosedale and similar soils: 75 percent
Minor components: 25 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Rosedale

Setting

Landform: Flats
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Sandy eolian deposits over fluviomarine deposits

Typical profile

A - 0 to 9 inches: loamy sand
E - 9 to 25 inches: loamy sand
Bt - 25 to 38 inches: sandy loam
C - 38 to 68 inches: loamy sand
2Cg - 68 to 80 inches: sandy clay loam

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Negligible
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.20 to 5.95 in/hr)
Depth to water table: About 40 to 72 inches
Frequency of flooding: None
Frequency of ponding: None
Available water capacity: Low (about 5.3 inches)

Interpretive groups

Land capability classification (irrigated): 2s
Land capability classification (nonirrigated): 2s
Hydrologic Soil Group: A

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Hydric soil rating: No

Minor Components

Evesboro

Percent of map unit: 10 percent

Landform: Flats

Landform position (three-dimensional): Talf

Down-slope shape: Linear

Across-slope shape: Linear

Hydric soil rating: No

Hambrook

Percent of map unit: 5 percent

Landform: Fluvio-marine terraces, flats, depressions

Down-slope shape: Linear, concave

Across-slope shape: Linear, concave

Hydric soil rating: No

Galloway

Percent of map unit: 5 percent

Landform: Depressions, flats

Down-slope shape: Concave, linear

Across-slope shape: Concave, linear

Hydric soil rating: No

Klej

Percent of map unit: 5 percent

Landform: Flats, depressions

Down-slope shape: Linear, concave

Across-slope shape: Linear, concave

Hydric soil rating: No

RoB—Rosedale loamy sand, 2 to 5 percent slopes

Map Unit Setting

National map unit symbol: 4bm6

Elevation: 0 to 120 feet

Mean annual precipitation: 42 to 48 inches

Mean annual air temperature: 52 to 58 degrees F

Frost-free period: 180 to 220 days

Farmland classification: Prime farmland if irrigated

Map Unit Composition

Rosedale and similar soils: 75 percent

Minor components: 25 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Rosedale

Setting

Landform: Flats

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Sandy eolian deposits over fluviomarine deposits

Typical profile

A - 0 to 9 inches: loamy sand

E - 9 to 25 inches: loamy sand

Bt - 25 to 38 inches: sandy loam

C - 38 to 68 inches: loamy sand

2Cg - 68 to 80 inches: sandy clay loam

Properties and qualities

Slope: 2 to 5 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Runoff class: Negligible

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.20 to 5.95 in/hr)

Depth to water table: About 40 to 72 inches

Frequency of flooding: None

Frequency of ponding: None

Available water capacity: Low (about 5.3 inches)

Interpretive groups

Land capability classification (irrigated): 2e

Land capability classification (nonirrigated): 2e

Hydrologic Soil Group: A

Hydric soil rating: No

Minor Components

Evesboro

Percent of map unit: 10 percent

Landform: Flats

Landform position (three-dimensional): Talf

Down-slope shape: Linear

Across-slope shape: Linear

Hydric soil rating: No

Hambrook

Percent of map unit: 5 percent

Landform: Fluviomarine terraces, flats, depressions

Down-slope shape: Linear, concave

Across-slope shape: Linear, concave

Hydric soil rating: No

Klej

Percent of map unit: 5 percent

Landform: Flats, depressions

Down-slope shape: Linear, concave

Across-slope shape: Linear, concave

Hydric soil rating: No

Custom Soil Resource Report

Galloway

Percent of map unit: 5 percent

Landform: Depressions, flats

Down-slope shape: Concave, linear

Across-slope shape: Concave, linear

Hydric soil rating: No

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