

WORCESTER COUNTY PLANNING COMMISSION
AGENDA

February 7, 2019

Est. Time

- 1:00 P.M. I. Call to Order
- 1:00 P.M. II. Administrative Matters
- A. Review and approval of minutes – January 3, 2019
- B. Board of Zoning Appeals agenda – February 14, 2019
- 1:00 P.M. III. §ZS 1-325 Site Plan Review
- A. Atlantic General Medical Center of Ocean Pines - Proposed construction of a 99,912 square foot medical office building, east side of MD Route 589 (Racetrack Road), north of Adkins Spur Road, Tax Map 21, Parcel 66A, Tax District 3, C-2 General Commercial District, Silver Fox, LLC, owner/ Ocean Pines Medical Owners I, LLC, applicant/developer/ J.W. Salm Engineering, Inc., engineer/ Frank G. Lynch, Jr. & Associates, Inc., surveyor/ Array Architects, architect;
- 1:20 P.M. IV. Atlantic Coastal Bays Critical Area Growth Allocation Request
- A. Moore Boat LLC - Growth Allocation Request, 12301 North Piney Point Road, Bishopville, Tax Map 10, Parcels 4, 171, 304 - Request to reclassify 4.77 acres from RCA to LDA, Moore Boat LLC. C/O Leighton Moore, owner/ R.D. Hand and Associates, Inc., land planner/ Coastal Compliance Solutions LLC., applicant;
- 1:40 P.M. V. Miscellaneous
- 1:45 P.M. VI. Adjourn

****All site plans and plats are available for review during normal business hours, 8 A.M. to 4:30 P.M. in the Department of Development, Review and Permitting, One West Market Street, Room 1201, Snow Hill, MD 21863.****

**Worcester County Planning Commission
Meeting Minutes**

Meeting Date: January 3, 2019

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Mike Diffendal, Chair

Jay Knerr, Vice Chair

Marlene Ott

Brooks Clayville

Betty Smith

Jerry Barbierri

Staff

Jennifer Keener, Zoning Administrator

Bob Mitchell, Director, Dept. of Env. Programs

Katherine Munson, Planner V, Dept of EP

I. Call to Order

II. Administrative Matters

- A. Review and approval of minutes, November 1, 2018** — As the first item of business, the Planning Commission reviewed the minutes of the November 1, 2018 meeting. Following the discussion it was moved by Mr. Knerr, seconded by Mr. Barbierri and carried unanimously to approve the minutes as submitted.
- B. Board of Zoning Appeals agenda, January 10, 2019** — As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for January 10, 2019. Mrs. Keener was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

III. Public Hearing - Revised Draft Land Preservation, Parks and Recreation Plan

As the next item of business, the Planning Commission held a public hearing on the revised draft Land Preservation, Parks and Recreation Plan. Mr. Diffendal opened the public hearing at 1:03 P.M. Katherine Munson, Planner V, Environmental Programs, Bill Rodriguez, Parks Superintendent, Department of Recreation and Parks, and Tom Perlozzo, Director, Department of Recreation and Parks were present.

Ms. Munson referred to a packet sent to the members in December, which included ten (10) pages from the 2017 plan (adopted February 20, 2018) edited to clarify recreational land deficiencies. She stated the new proposed draft has also been available on the county website. She explained that these changes are proposed in response to the state (Program Open Space) review of the adopted plan. She stated that although Program Open Space approved the 2017 Land Preservation, Parks and Recreation Plan submitted in February 2018, Program Open Space determined that the county had a recreational land deficit, based on information presented in the plan. Counties with recreational land deficiency are penalized with a significantly reduced

Program Open Space match for development of recreational amenities. She stated that the following proposed revisions to the plan have been made to address this:

1. Public and private school playing fields were added to the playing field access map and to the recreational land inventory. A discussion of playing field access was amended to include these facilities.
2. Half-mile service area analyses were amended to include these school facilities and discussion regarding these analyses were expanded to address concerns about deficiencies.
3. Three formal joint use agreements with schools were added as an appendix.

Mr. Diffendal asked for questions or comments on the drafted revision from the Planning Commission. Ms. Ott asked if Ocean Pines facilities were included in the analysis. Ms. Munson stated that they were. Mr. Barbierri asked why there was not a map for Pocomoke City in the attachment. After reviewing the attachment, Ms. Munson explained that no changes are proposed for that map. The deficiencies in playing fields were noted in the northern end of the county. Mr. Barbierri asked if the recreation department has a formal joint use agreement with the schools or YMCA in Pocomoke. Mr. Rodriguez stated that there is not one with the YMCA. Mr. Perlozzo clarified that there is a joint use agreement with the entire school system that covers all of the schools.

Mr. Diffendal asked for public comments on the draft plan.

Kate Patton, Executive Director, Lower Shore Land Trust, presented a letter describing the Lower Shore Land Trust's accomplishments, activities and services. She stated that the Lower Shore Land Trust is accredited with the national Land Trust Commission. She stated that the Land Trust holds 120 easements of over 21,000 acres that are monitored annually, including easements co-held with Worcester County. She stated that she envisions a strong partnership with Worcester County and would like to help the county implement the Land Preservation and Recreation Plan. She stated that the acreage the Lower Shore Land Trust has protected is 1,913.228 acres and she asked that this be updated in the document.

Kathy Phillips, Executive Director, Assateague Coastal Trust, presented a letter and stated that the organization appreciates that the county included the state goals in the plan, and commends the county for providing and planning for water access and trails. She stated concern that the state (Program Open Space) seems to mandate that the county focus on building ball fields and parking, over water trails or other passive recreational development. She stated that this is unfortunate because Worcester County is rural with an abundance of land and water-based recreational opportunities such as biking, hiking, fishing and boating. She said that more ball fields will require more impervious surfaces, pesticides and fertilizers, which impact the bays. She said that the plan is a good opportunity to include TMDL benchmarks. She stated that Worcester County does a good job with land protection.

No other public comments were offered.

Following the discussion, a motion was made by Ms. Ott, seconded by Ms. Smith, and carried unanimously to forward a favorable recommendation to the County Commissioners for approval and adoption of the draft plan with the proposed edits presented by staff.

IV. Water and Sewerage Plan Amendment

As the next item of business, the Planning Commission reviewed an application associated with the addition of certain informational items in the Master Water and Sewerage Plan (The Plan) for the Ocean Pines Sanitary Service Area and the River Run Sanitary Service Area (SW 2018-4). Robert Mitchell, Director of Environmental Programs, presented the staff report to the Planning Commission. Mark Cropper, attorney, was present on behalf of the applicant, River Run Development Associates, LLC (River Run) and Nichols-Neff Properties, LLC (Nichols), who are joint applicants for this amendment.

Mr. Mitchell explained that the applicant is requesting this amendment to reclassify the sewer and water planning areas for two adjacent parcels comprising the dormant golf course from S-6/W-6 (no planned service) to S-1/W-1 (within two years) and include this change within the appropriate sewer and water planning area information in The Plan. The reclassification of the sewer planning area will be for the River Run Sanitary Area and service to the properties will be from the River Run WWTP. The reclassification of the water planning area will be for the Ocean Pines Sanitary Area and service to the properties will be from the Ocean Pines water treatment and distribution system. This revision is to provide public sewer and water to serve a proposed residential subdivision on the dormant golf course.

Mr. Mitchell reviewed the staff report noting the consistencies found for such a development within the Comprehensive Plan and land use designations, and that the proposed improvements would be permitted in accordance with existing zoning classification for the properties. He explained the land use inconsistency for one of the two parcels and noted the preexisting use developed on the entirety of both properties that spanned land use designations given to the properties in successive Comprehensive Plans. Also discussed was the nature of the surrounding properties being existing developed and the point that the development of these properties would be done in exactly in the same manner as the golf course that was previously constructed across the property line.

Mr. Mitchell noted that the connections to the River Run Sanitary Area's sewer collection system and the Ocean Pines water distribution system would be in accordance with the Department of Public Works' (DPW) design approval and any installed infrastructure would be turned over to the County upon inspection and acceptance by DPW staff. He also noted that the properties have an existing onsite sewage system capacity that would be abandoned, fall within St. Martins River/Ocean Pines Water Management Strategy Area and Ocean Pines wellhead protection areas, and that the connection to public sewer and water was much more preferable than developing the property on well and septic. He also noted the connection to the spray plant

at River Run would not add flow to the area's point source discharge from the Ocean Pines WWTP.

Mr. Cropper concurred with staff's findings on this report and offered that the land use designation area for these properties and all environmental and planning aspects for future development were discussed and examined thoroughly during the recent rezoning of the properties.

He also introduced Dane Bauer, a consultant, from Hall and Bauer, who testified on the project. Mr. Bauer testified that in his opinion the public sanitary capacity and public water capacity was present to serve the development and that it was economically and technically feasible to do so. He also noted the specifics of the build out phasing for the permitting spray irrigation facility at River Run were more appropriate to be detailed in a Public Works agreement and the Sanitary Service Area expansion done under the local procedures according to the Public Works Article.

Following the discussion, a motion was made by Mr. Knerr, seconded by Ms. Ott and carried unanimously to find this application consistent with the Comprehensive Plan and recommended that they forward a favorable recommendation to the County Commissioners.

VI. Adjourn – The Planning Commission adjourned at 1:28 P.M.

Betty Smith, Secretary

Jennifer K. Keener, AICP

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

AGENDA

THURSDAY, FEBRUARY 14, 2019

Pursuant to the provisions of the Worcester County Zoning Ordinance, notice is hereby given that a public hearing will be held 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. 19-5, on the lands of Victoria & Kurt Purnell, requesting a variance to Ordinance prescribed rear yard setback from 50 feet to 39.7 feet (an encroachment of 10.3 feet) associated with a proposed addition and a variance to the Ordinance prescribed right side yard setback from 15 feet to 5.4 feet (an encroachment of 9.6 feet) associated with a proposed attached garage in the R-1 Rural Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-205(b)(2) and ZS 1-305, located at 9826 Orchard Road, approximately 767 feet east of Beaverdam Creek Road, Tax Map 41, Parcel 58, Block A, Lot 3, of the Newport Hills subdivision, in the Third Tax District of Worcester County, Maryland.

6:35 p.m.

Case No. 19-6, on the lands of Jay Biddle, requesting a special exception to allow the stock and storage of firearms associated with an after-the-fact home occupation in the R-1 Rural Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-205(d)(2) and ZS 1-339(a)(3), located at 3775 Village Trail, approximately 1,490 feet north of Crooked Oak Drive, Tax Map 46, Parcel 125, Lots 31 & 32, of The Village of Nassawango subdivision, in the Second Tax District of Worcester County, Maryland.

6:40 p.m.

Case No. 19-8, on the lands of Coard & Jill Bounds, requesting a special exception for the accessory use of land for the commercial hosting of non-agricultural functions and events on a farm in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-201(c)(33) and ZS 1-325, located at 7538 Whiton Road, on the easterly side of the intersection with Laws Road, Tax Map 38, Parcel 52, in the Second Tax District of Worcester County, Maryland.

6:45 p.m.

Case No. 19-9, on the lands of Brent & Donna Black, requesting a variance to the Ordinance prescribed rear yard setback from 30 feet to 18.9 feet (an encroachment of 11.1 feet) associated with a proposed deck and stairs on a proposed single-family dwelling in the V-1 Village District, pursuant to Zoning Code Sections ZS 1-116(c)(4),

ZS 1-208(b)(2) and ZS 1-305, located at 4537 Public Landing Wharf Road, approximately 420 feet southwest of Outten Road, Tax Map 65, Parcel 36, in the Second Tax District of Worcester County, Maryland.

6:50 p.m.

Case No. 19-10, on the lands of M.C.P.B Limited Partnership, requesting a special exception to relocate an existing non-conforming gasoline canopy in the C-2 General Commercial District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-122(d)(1) and ZS 1-210(b)(2), located at 7167 Worcester Highway (US Route 113), approximately 160 feet northeast of Langmaid Road, Tax Map 49, Parcel 133, Lot A, in the Fourth Tax District of Worcester County, Maryland.

6:55 p.m.

Case No. 19-11, on the application of Hugh Cropper, IV, Esquire, on the lands of Joseph & Kelly Schweiger, requesting a variance to the Ordinance prescribed rear yard setback from 30 feet to 25.5 feet (an encroachment 4.5 feet) associated with a proposed deck extension in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-206(b)(2) and ZS 1-305, located at 12307 Snug Harbor Road, approximately 601 feet southeast of Meadow Drive, Tax Map 33, Parcel 346, Section A, Lot 55, of the Snug Harbor subdivision, in the Tenth Tax District of Worcester County, Maryland.

7:00 p.m.

Case No. 19-12, on the application of Hugh Cropper, IV, Esquire, on the lands of Joseph & Victoria Magnolia, requesting a variance to the Ordinance prescribed rear yard setback from 30 feet to 25.27 feet (an encroachment 4.73 feet) and a variance to the Ordinance prescribed front yard setback from 50 feet from the center of the road right-of-way to 48.75 feet (an encroachment of 1.25 feet) associated with a proposed deck in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-206(b)(2) and ZS 1-305, located at 12415 Snug Harbor Road, on the northerly terminus of Snug Harbor Road, Tax Map 33, Parcel 346, Section A, Lot 84, of the Snug Harbor subdivision, in the Tenth Tax District of Worcester County, Maryland.

7:05 p.m.

Case No. 19-7, on the application of Mark S. Cropper, Esquire, on the lands of George L. Hall, III, requesting a variance to the Ordinance prescribed rear yard setback from 30 feet to 21 feet (an encroachment of 9 feet) associated with a proposed two story deck in the R-4 General Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-208(b)(2) and ZS 1-305, located at 12817 Swordfish Drive, approximately 90 feet east of Golf Course Road, Tax Map 27, Parcel 395, Block A, Lot 8, of the Ocean City Harbor subdivision, in the Tenth Tax District of Worcester County, Maryland.

7:10 p.m.

Case No. 19-13, on the application of Mark S. Cropper, Esquire, on the lands of Brooks & Annette Aydelotte, requesting a special exception to allow a 330 foot tall guyed telecommunications tower in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-201(c)(29), and ZS 1-343, located on Payne Road, approximately 795 feet south of Brantley Road, Tax Map 92, Parcel 72, in the First Tax District of Worcester County, Maryland.

ADMINISTRATIVE MATTERS

WORCESTER COUNTY PLANNING COMMISSION

MEETING DATE: February 7, 2019

PURPOSE: Site Plan Review

DEVELOPMENT: Atlantic General Medical Center of Ocean Pines

PROJECT: Proposed construction of a 99,912 square foot medical office building

LOCATION: Easterly side of MD Route 589 (Racetrack Road), north of Adkins Spur Road, Tax Map 21, Parcel 66A, Tax District 3, C-2 General Commercial District

SIGNS: With respect to on-building signage, the Zoning Code bases the allowance of copy area on the building frontage where the principal entrance is located. With respect to freestanding signage, this development is allowed to have a single monument sign. All signage will be reviewed and approved at the time of permitting.

PARKING: In accordance with §ZS 1-320, a minimum of 397 parking spaces are required and a maximum of 661 spaces are allowed. The site plan illustrates 450 spaces have been provided. Any parking over the minimum (53 spaces) shall be constructed of a pervious design. This requirement has been exceeded. The proposed surface treatment for the main parking areas and travelways is bituminous asphalt and parking spaces shall be demarcated with striping.

Handicap accessible parking has been shown well in excess of the minimum required, even should the facility have an outpatient physical therapy tenant. Signage indicating "Reserved", "Van Accessible" and "No Parking in Access Aisle" with arrow have been noted on the site plan. Depressed curbing shall be provided along the sidewalks at the discharge aisle meeting the minimum ADA slope requirements. Section 15(b)(13) requires that all handicap parking be located within the front parking lot. Due to the design of the project with the main entrance on the easterly façade, a waiver will be needed to this standard.

LOADING SPACES: Two loading spaces are required and have been provided in accordance with §ZS 1-321 along the northerly side of the building.

TRAFFIC CIRCULATION: The site will be accessed via one commercial entrance off of MD Route 589 (Racetrack Road) as part of a full movement signalized intersection. A commercial entrance permit will be required to be obtained from the State Highway Administration. Written confirmation that the entrance as shown on the plan meets the requirements of SHA shall be provided prior to signature approval being granted.

For the pharmacy drive-thru, a minimum of three stacking spaces are required and have been provided as measured from the order/ pick-up window.

Interparcel connectors have been provided to the commercially zoned properties to the north and south of the subject property. The northerly connection point illustrates bollards to be installed at the property line. A note has been added to the site plan that states that at the time of redevelopment of the northerly parcel (66B), the bollards shall be removed by the developer of Parcel 66B. The note needs to specify that the owner/ developer of Parcel 66A is responsible for their removal, unless some formal agreement has been prepared that the cost of such connection shall be borne by the owner/ developer of Parcel 66B. If so, a copy of that formal agreement shall be provided to the Department, otherwise, please revise the note.

PEDESTRIAN AND BICYCLE CONNECTIVITY: Per Section 16(b)(2) and (b)(3), a 5' wide sidewalk is required to be provided along Racetrack Road (MD Route 589), with landscaping and human scale lighting. The sidewalk has been provided, however the landscaping is sparse and there is no lighting proposed. The front parking lot and travelway will be lit with pole mounted light fixtures located just outside of the curbing. In addition, there is a lack of connectivity shown between the front sidewalk and the crosswalk/ depressed curbing provided across from the immediate entrance. Sidewalks are also required where the parking areas are located more than 100 feet from the building (parking lots identified as Lots B, C and D). Section 15(b)(5) discusses recommended (not required) wayfinding provisions within the parking lot. The site plan identifies Lot "A" and Lot "B" as well as numbering of the rows, but it is not clear how that will be translated on site within the project.

Bike racks have been provided adjacent to the main building entrance on the easterly façade. In addition, Section 16(b)(8) requires benches for seating every 100' along any façade having a customer entrance. Several benches have been added along the southerly and easterly façades near the main entrance, however additional benches would be required along the easterly façade near the handicap parking spaces, as well as along the westerly façade where the immediate entrance is located.

Section 19 addresses the requirements for community spaces. For a development of this size, with more than one customer entrance, an additional community space would be required. The main community space is located at the end of the easterly side of the building, and consists of 1,908 square feet of paver patio area with the required seating. An additional paver patio area has been provided along the westerly façade near the immediate entrance consisting of approximately 266 square feet in area, without the required seating. The minimum square footage required for this space is 500 square feet, and shall include a bench at a minimum, unless waivers are granted.

LIGHTING: A lighting plan was provided at the Technical Review Committee level, but was not included in the Planning Commission submission. Parking lot lighting will consist of full cut-off pole mounted LED fixtures within the landscape islands. Pole heights vary between 15' and 25'. On building lighting is proposed to consist of full cut-off architectural sconces above the entrances/ exits. All lighting is listed as 4000K, consisting of natural white light. The applicant should review the proposed locations of the light poles as it appears that one of the post locations may conflict with the sidewalk

along the front property line.

REFUSE REMOVAL: A dumpster pad has been provided to the rear of the building that will accommodate two dumpsters. They are proposed to be screened on three sides with 6' tall chainlink fence with slats and double-leaf chainlink swing gates. Section 20 of the *Design Guidelines and Standards for Commercial Uses* requires that these types of service areas be incorporated into the overall design of the building. In addition, they should be constructed of the same material as the building itself. It is therefore recommended (but not required) that consideration be given to the design of the dumpster enclosure.

LANDSCAPING: A landscape plan has been provided in accordance with §ZS 1-322 and Section 17 of the *Design Guidelines and Standards for Commercial Uses*. The plantings will be maintained by an automatic irrigation system with rain sensor. Landscaping has been provided within the parking area that meets the code requirements for quantity and location. Section 16(b)(8) requires landscape foundation plantings to be a minimum of 6' wide along 50% of the façade with public entrances, and 10' wide in along all other façades. The site plan illustrates 6' wide and 9' wide foundation beds along the westerly façade and the easterly portion of the façade adjacent to the community space. Additional foundation beds would be required along the easterly façade near the handicap parking area and on the southerly façade along the portion of the building not providing the covered entrance feature, with buffer foundation plantings required along the northerly facade and easterly façade where the community space is located. In addition, Section 17(b)(7) and (b)(8) specifically require enhanced landscaping at the customer entrances. Section 17(b)(6) requires that all perimeter property lines, curbs, etc. shall have a landscape buffer a minimum of 6' in width. Along the northerly property line, there is a section where the curbing for the travelway follows the property line, and no landscaping has been/ could be provided without modifications to the travelway. Waivers to these requirements can be requested.

Landscape screening is required where a commercial development adjoins an A-2 or any R Zoning District. The property on the opposite side of MD Route 589 is zoned A-2, therefore a 15' wide landscape screen is required by the Zoning Code. In addition, this landscaped area shall be a total of 35' wide, with the remaining 20' consisting of buffer type plantings under the *Design Guidelines and Standards for Commercial Uses*. A 40' section along the southerly property line where it abuts Parcel 134 is also required to be screened. The majority of the southerly boundary has screening-type material with the exception of this 40' portion. These requirements can be modified or waived by the Planning Commission where it is deemed that strict compliance would cause undue hardship on the applicant.

Waivers to some of the landscape provisions are being requested as outlined in the Planning Commission's considerations below.

In accordance with §ZS 1-322(g), a maintenance and replacement bond for required landscaping is mandatory for a period not to exceed two years in an amount not to exceed

one hundred and twenty-five percent of the installation cost. A landscape estimate from a nursery will be required to be provided at the time of permitting to accurately determine the bond amount.

FOREST CONSERVATION LAW: This property is subject to the Forest Conservation Law. A Forest Stand Delineation and Forest Conservation Plan have been approved. Confirmation of final approval shall be required from the Department of Environmental Programs prior to signature approval.

STORMWATER MANAGEMENT/ SEDIMENT EROSION CONTROL: Written confirmation that final approval has been obtained will be required from the Department of Environmental Programs prior to signature approval.

WATER SUPPLY AND WASTEWATER SERVICES: According to the comments provided by the Department of Environmental Programs at the Technical Review Committee meeting, this project will need to be served with at least 34 EDUs from the Ocean Pines Sanitary Service Area. A public hearing with the County Commissioners on the formal inclusion of the subject property into the Ocean Pines Sanitary Service Area is scheduled for Tuesday, February 19, 2019. The Water and Sewerage Plan Amendment was approved by the County Commissioners in December 2018. Staff would recommend conditioning the approval of this plan on obtaining all necessary approvals associated with the water and sewer service.

Please provide written confirmation from the Department of Environmental Programs that the necessary approvals and quantity of EDUs have been obtained prior to granting signature approval. Also provide written confirmation from the Department of Public Works, Water and Wastewater Division that the appropriate utilities and easements are shown on the plan.

ARCHITECTURAL JUSTIFICATION: The building elevations have been reviewed under the *Design Guidelines and Standards for Commercial Uses*. This project is located within an area designated as the Agricultural tradition based on the Staff Policy. Within this section of the MD Route 589 corridor, there is a mix of older single-family dwellings, as well as some commercial establishments. The majority of the commercial establishments were constructed prior to the implementation of the *Design Guidelines and Standards for Commercial Uses*, however developments such as Taylorville Center still have many of the architectural features that are common to the Agricultural architectural tradition, such as the sloped gable roof and earth tone siding. The addition to the Casino at Ocean Downs was constructed under the Agricultural tradition of this document.

The proposed building as designed is more consistent with the Town Center architectural tradition with dark red brick, a flat roof, tall rectangular windows, and metal sidewalk awnings. The applicant is requesting a number of waivers to the building design as outlined in the Planning Commission considerations below.

The items requiring a waiver from the Planning Commission have been itemized below under "Planning Commission Considerations". The applicant is required to justify their waiver request based upon the criteria outlined in Section 2(b) of the *Design Guidelines and Standards*.

OWNER: Silver Fox, LLC, 9919 Stephen Decatur Highway, Berlin, MD 21811

DEVELOPER: Ocean Pines Medical Owners I, LLC, 5220 Hood Road, Suite 110, Palm Beach Gardens, FL 33418

ENGINEER: J.W. Salm Engineering, Inc., Post Office Box 397, Berlin, MD 21811

SURVEYOR: Frank G. Lynch, Jr. & Associates, Inc., 10535 Racetrack Road, Berlin, MD 21811

ARCHITECT: Array Architects, 1 West Elm Street, Suite 400, Conshohocken, PA 19428

PREPARED BY: Jennifer K. Keener, AICP, Zoning Administrator

PLANNING COMMISSION CONSIDERATIONS:

1. Section 15(b)(13) requires that all handicap parking be located within the front parking lot (between the front property line and the westerly façade of the building). The main entrance is located on the easterly façade interior to the project, and therefore a large number of the handicap accessible spaces are required to be located along this façade. Justifiably, a waiver will be needed to this standard;
2. Landscape screening is required where a commercial development adjoins an A-2 or R Zoning District. The property on the opposite side of MD Route 589 is zoned A-2, therefore a 15' wide landscape screen is required by the Zoning Code. In addition, this landscaped area shall be a total of 35' wide, with the remaining 20' consisting of buffer type plantings under the *Design Guidelines and Standards for Commercial Uses*. A 40' section along the southerly property line where it abuts Parcel 134 is also required to be screened. The majority of the southerly boundary has screening-type material with the exception of this 40' portion. Section 17(b)(6) requires that all perimeter property lines, curbs, etc. shall have a landscape buffer a minimum of 6' in width. Along the northerly property line, there is a section where the curbing for the travelway follows the property line, and no landscaping has been/ could be provided without modifications to the travelway. The Zoning Code requirements can be modified or waived by the Planning Commission where it is deemed that strict compliance would cause undue hardship on the applicant;
3. Per Section 16(b)(2) and (b)(3), a 5' wide sidewalk is required to be provided along the front yard setback of Racetrack Road (MD Route 589), with landscaping and human scale lighting. The sidewalk has been provided, however the landscaping is sparse (as identified in No. 2 above) and there is no human scale lighting proposed. The front parking lot and travelway will be lit with pole mounted light fixtures located just outside of the curbing. In addition, there is a lack of connectivity shown between the front sidewalk and the crosswalk/ depressed curbing provided across from the immediate entrance. To the rear of the development, sidewalks are required where the parking areas are located more than 100 feet from the building (parking lots identified as Lots B, C and D).
4. Section 16(b)(8) requires landscape foundation plantings to be a minimum of 6' wide along 50% of the façade with public entrances, and 10' wide in along all other façades. The site plan illustrates 6' wide and 9' wide foundation beds along the westerly façade and the easterly portion of the façade adjacent to the community space. Additional foundation beds would be required along the easterly façade near the handicap parking area and on the southerly façade along the portion of the building not providing the covered entrance feature, with buffer foundation plantings required along the northerly façade and easterly façade where the community space is located. In addition, Section 17(b)(7) and (b)(8) specifically require enhanced landscaping at the customer entrances. I would caution the Planning Commission to take note that the building schematics illustrate foundation plantings where none are proposed on the official landscape plan;

5. Section 16(b)(8) requires benches for seating every 100' along any façade having a customer entrance. Several benches have been added along the southerly and easterly façades near the main entrance, however additional benches would be required along the easterly façade near the handicap parking spaces, as well as along the westerly façade where the immediate entrance is located.
6. Section 19 addresses the requirements for community spaces. For a development of this size, with more than one customer entrance, an additional community space would be required. The main community space is located at the end of the easterly side of the building, and consists of 1,908 square feet of paver patio area with the required seating. An additional paver patio area has been provided along the westerly façade near the immediate entrance consisting of approximately 266 square feet in area, but without the required seating. The minimum square footage required for this space is 500 square feet, and shall include a bench at a minimum, unless waivers are granted.
7. As stated in the staff report above, the building design is more consistent with the Town Center tradition than with the Agricultural tradition. Several waivers are needed based on the current design of the building:
 - a. Visually, the building is very large in scale. The building is required to be broken into distinct modules that should be made to appear as either individual buildings or as additions to the primary structure [Section 7(b)(1) & (b)(3); Section 10(b)(1)D.]. Only the west façade has two modules that break up the façade width. In addition to modules, the building should have a base, body and cap. As designed, it is mainly a body, with a small cap in some areas where the parapet wall is a different material/ color. There is no clearly defined base. Finally, building recesses and projections are required that would break up the scale of the building along the public façades [Section 10(b)(1)B & C]. Items requiring a waiver are identified in bold within the chart:

Façade	Recess/ Projection depth Required vs. Provided	Recess/ Projection length Required vs. Provided
West Façade (facing MD Route 589), Module 1 (121.33')	3.6' / 4'	24.26' / 28'
West Façade, Module 2 (192')	5.76' / 12'	38.4' / 0'
East Façade (main entrance, internal), no modules provided	6.8' / 6'	43.87' / 18'
North Façade (service façade), no modules provided	0'	0'

- b. Within the design itself, please identify the building materials to be used per Section 9, and the colors per Section 12, to include the wall in the service area/ loading area. Section 10(b)(1)E requires two continuous details of 12" or less in height provided within the first 10' of the building wall (none appear to have been provided).
- c. Since this project is located in the Agricultural Tradition, a waiver is required in order to provide a flat roof/ appearance of a flat roof in general [Section 8(b)(4)]. In addition, the drive-thru canopy at the pharmacy is required to have a minimum pitch of 4:12 [Section 8(b)(8)]. The main roof is required to have two architectural features as specified in Section

8(b)(2) (none have been provided). With respect to the parapet wall, the average height of the parapet shall not exceed 15% of the height of the wall (equivalent to 4.2'). What I assume is the mechanical screening parapet feature exceeds this provision (11' proposed), and appears tacked on, rather than a part of the roof structure. In addition, the parapet should have a three dimensional cornice feature [Sections 8(b)(4)A, 8(b)(9), 8(b)(10) and 20(b)(5)].

- d. Any public façade is required to incorporate transparent features over a minimum of 25% and a maximum of 40% of the façade (such as windows and doors). Waivers are required to the three public facades as follows:

West Façade (facing MD Route 589)	22%
East Façade (main entrance, internal)	20.2%
North Façade (service façade)	11.3%

- e. A dumpster pad has been provided to the rear of the building that will accommodate two dumpsters. They shall be screened on three sides with 6' tall chainlink fence with slats and double-leaf chainlink swing gates. Section 20 of the *Design Guidelines and Standards for Commercial Uses* requires that these types of service areas be incorporated into the overall design of the building. In addition, they should be constructed of the same material as the building itself. It is therefore recommended (but not required) that consideration be given to the design of the dumpster enclosure.
8. According to the comments provided by the Department of Environmental Programs at the Technical Review Committee meeting, this project will need to be served with at least 34 EDUs from the Ocean Pines Sanitary Service Area. The Water and Sewerage Plan Amendment was approved by the County Commissioners in December 2018. A public hearing with the County Commissioners on the formal inclusion of the subject property into the Ocean Pines Sanitary Service Area is scheduled for Tuesday, February 19, 2019. Staff would recommend conditioning the approval of this plan on obtaining all necessary approvals associated with the water and sewer service.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410-632-1200 / FAX: 410-632-3008
www.co.worcester.md.us/drp/drpindex.htm

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

February 1, 2019

J.W. Salm Engineering, Inc.
Post Office Box 397
Berlin, MD 21811

Re: Atlantic General Medical Center of Ocean Pines- Proposed construction of a 99,912 square foot medical office building, east side of MD Route 589 (Racetrack Road), north of Adkins Spur Road, Tax Map 21, Parcel 66A, Tax District 3, C-2 General Commercial District

Dear Mr. Salm:

This is to advise you that the Department has completed a review of the site plan, submitted on January 16, 2019, associated with the above referenced project. The plan has been reviewed in accordance with the pertinent sections of the Worcester County *Zoning and Subdivision Control Article* and the *Design Guidelines and Standards for Commercial Uses*. The following code requirements have yet to be addressed:

1. Please identify the parcel information for the property across MD Route 589. Please also indicate the zoning of all of the parcels on the site plan;
2. What do the wayfinding signs consist of? There are no notes or details that depict their purpose or wording. While not required, if they are to be provided, a little more detail is recommended;
3. The subject parcel as well as the one adjoining it were originally platted as agricultural parcels when they were zoned A-1 Agricultural District. To convert these properties to allow a commercial use, a new plat will be required prior to signature approval of the site plan. The applicant should work with the Department of Environmental Programs to include the applicable notes once the Water and Sewer Plan Amendment has been finalized, and a determination of the Forest Conservation requirements have been made. One plat may be able to address all of those concerns;
4. A note has been added to the site plan (No. 23) that states that at the time of redevelopment of the northerly parcel (66B), the bollards shall be removed by the developer of Parcel 66B. The note needs to specify that the owner/ developer of Parcel 66A is responsible for their removal, unless some formal agreement has been prepared that the cost of such connection shall be borne by the owner/ developer of Parcel 66B. If so, a copy of that formal agreement shall be provided to the Department, otherwise, please revise the note;

5. Please review the proposed locations of the light poles. It appears that one of the post locations may conflict with the sidewalk along the front property line;
6. Please label the fuel tank and generator on the site plan and any other applicable sheets (it only appears to be labeled on the utility plan). There is a 10' setback requirement from the property line under the building code provisions, therefore the tank and generator will need to be relocated. I would recommend speaking with the Fire Marshal's Office as well to confirm any additional requirements prior to finalizing the location. Please keep in mind that a building permit and plans will be required to be submitted for these improvements;
7. Within the design itself, please identify the building materials to be used per Section 9, and the colors per Section 12, to include the wall in the service area/ loading area;
8. Please provide written confirmation from the Department of Environmental Programs that the Stormwater Management/ Sediment Erosion Control requirements and Forest Conservation Law requirements have been addressed prior to signature approval;
9. Please provide written confirmation from the Department of Environmental Programs that the necessary approvals and quantity of EDUs have been obtained prior to granting signature approval;
10. Please provide written confirmation from the Department of Public Works, Water and Wastewater Division that the appropriate utilities and easements are shown on the plan prior to signature approval;
11. Written confirmation that the entrance as shown on the plan meets the requirements of the State Highway Administration shall be provided prior to signature approval being granted;
12. Once the project is ready to receive signature approval, please submit the plans in an electronic format in accordance with §ZS 1-325(e)(1)F.;

Items to be addressed at the time of permitting include:

13. A demolition permit or building/zoning permit for relocation is required prior to the removal of any structures from the site;
14. In accordance with §ZS 1-322(g), a maintenance and replacement bond for required landscaping is mandatory for a period not to exceed two years in an amount not to exceed one hundred and twenty-five percent of the installation cost. A landscape estimate from a nursery will be required to be provided to accurately determine the bond amount;
15. Any signage shall meet the requirements of §ZS 1-324 and Section 14 of the *Design Guidelines and Standards for Commercial Uses* and shall be reviewed at permitting stage for compliance;

A copy of the Staff Report associated with this project is attached for your reference. Please do not hesitate to contact me at 410-632-1200 ext. 1123 with any questions or comments you may have concerning this matter.

Sincerely,



Jennifer K. Keener, AICP
Zoning Administrator

Enclosure

cc: Silver Fox, LLC, property owner
Ocean Pines Medical Owners I, LLC, developer
Frank G. Lynch, Jr. & Associates, Inc., surveyor
Array Architects, architect
file



DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County



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

MEMORANDUM

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

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

TO: Worcester County Planning Commission

FROM: Jenelle Gerthoffer; Natural Resources Administrator 
Katherine Munson, Planner V 

DATE: January 31, 2019

SUBJECT: Planning Commission Meeting, February 7, 2019, Growth Allocation Request
Moore's Boatyard, Tax Map 10, Parcels 4, 171, and 304

The following comments are provided for the above referenced request:

The subject property for this request is identified as Tax Map 10, Parcels 4, 171, and 304 consisting of 9.34 acres, all of which is within the limits of the Atlantic Coastal Bays Critical Area. There are 4.63 acres currently classified as a Limited Development Area (LDA) and 4.71 acres currently classified as a Resource Conservation Area (RCA). The property presently contains a garage/storage building, a dwelling, and a previously used dredge spoil site within its boundaries. Existing industrial uses on the property 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. Also within and along the parcels' boundaries, non-tidal wetlands, tidal wetlands, and a blue line stream are present. For your reference, attached is a copy of the Atlantic Coastal Bays Critical Area Program Map Sheet 10, highlighting the subject property.

This proposal is for reclassification of 4.71 areas of RCA to LDA, resulting in the proposed use of 4.71 acres of Growth Allocation. The applicant is proposing to construct a 46,000 square foot long-term warehouse and associated parking area. Currently the proposed industrial use cannot be approved within the RCA. As noted under §NR 3- 108(c)(5), "*new commercial, industrial, and institutional uses shall not be permitted in the Resource Conservation Areas.*" The proposed warehouse will further support the existing industrial use of the property.

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 forwarded 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:

1. Attached you will find copies of the Critical Area Site Plan, Phase One Plan, and Critical Area Report, all of which were supplied by the Applicant as 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 Developed Areas should be located adjacent to existing Limited Development Areas or Intensely Developed Areas.

This proposal meets this guideline as the property is adjacent to an existing area currently classified as a Limited Development Area.

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

As this request is for 4.71 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.

§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 and 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.

- Applicant maintains in the Report that the stormwater management system for the development of the site will meet the three phase stormwater management process (concept plan, site development plan, and final stormwater management plan) for all new

impervious surfaces proposed. In addition, the applicant is proposing to remove/convert 2,810 square feet of impervious cover currently within the 100' Buffer into rain gardens or other environmental site design Best Management Practices (BMPs). This will provide treatment for currently untreated runoff from existing structures and impervious areas.

- There is no proposed removal of forest onsite. Onsite forest totals 2.11 acres, or 22.6 percent of the total site area. There is additional developed woodland to be retained onsite and .05 acres of developed woodland that will be cleared to develop the building and associated parking.

- The applicant is proposing to remove invasive phragmites and bamboo currently located within and adjacent to the 100' Buffer. It is anticipated that removal of these invasive species will take two to three years, after which, the planting of native species in the eradicated areas will occur.

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

- Also, as 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.”* Applicant has calculated the proposed total impervious surface coverage within the Critical Area will be 14.9 percent of the site.

§NR 3-112(b)(7) New Intensely Developed Areas and 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.

The 100' Buffer from tidal wetlands/mean high water has been demarcated on the proposed site plan. The applicant is seeking approval of the Growth Allocation without proving a 300' Buffer. As noted 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 claims that the 300' Buffer provision would prohibit development on the property due to the small size of the property and due to having two sides of the property that would need to comply with the Buffer provision. As noted in the Critical Area Report, the applicant notes the following to justify the reduced buffer size:

- Remove 2,810 square feet of existing impervious surface from the 100' Buffer. Also, remove 1,686 square feet of impervious surface that is located outside the 100' Buffer, but would be located within the 300' Buffer.
- Provide water quality treatment via rain gardens to existing impervious surfaces within the 100' Buffer and 300' Buffer.
- The existing and proposed septic systems will be installed/upgraded to provide the most up to date nitrogen removal technology. Retrofitting of the existing system is not a requirement of the growth allocation.
- Eradicate 37,000 square feet of phragmites and bamboo in tidal wetlands, then plant in accordance with a Buffer Management Plan.
- Plantings, exceeding any required due to Buffer Establishment or tree removals, will be provided.
- There is limited use of public infrastructure proposed for the project.
- The project is extensively buffered from adjacent RCA uses by existing and proposed uses. The project is at the end of a dead end road with no impact to RCA areas south of the project.

§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, but the 300' Buffer requirement noted in §NR 3-112(b)(7), requirements of the Critical Area Law with respect to the development standards of LDA as found in the Natural Resource 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 paragraphs (b)(1) and (2) above within or adjacent to existing IDA or LDA, then that portion of the allocated expansion which cannot be so located may be located in the RCA in addition to the expansion allowed in (b)(4) above. An applicant shall be required to cluster any development in an area of expansion authorized under this paragraph.

The proposed request is adjacent to existing LDA.

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:

Parcel 171 is currently primarily designated as “Existing Developed Area”, with a small portion “Agriculture”; Parcel 304 is partly designated “Existing Developed Area” and partly “Agriculture”; Parcel 4 is designated as “Agriculture” on the land use map contained in the Worcester County Comprehensive Plan. The parcels are zoned “E-1” (“Estate”), with the shoreline of Parcel 4 zoned “RP” (“Resource Protection”). See attached maps.

The following is relevant from the Land Use Chapter of the Comprehensive Plan:

“Existing Developed Areas”—This category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained. Recognizing existing development and neighborhood character is the purpose of this designation. Appropriate zoning providing for densities and uses consistent with this character should be instituted. Not designated as growth areas, these areas should be limited to infill development. Caution should be exhibited within these areas to protect green infrastructure and sensitive areas.

“Agriculture”—This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted.

The proposed project is consistent with this, in that the site has a history of use as a boatyard that preceded the Comprehensive Plan, which is recognized by the “Existing Developed Areas” designation. While this designation does not extend to the entire site, it includes a portion of this existing use. This use, being located on a peninsula and adjacent to existing development, will have minimal impact on farming, forestry or related industries.

The Comprehensive Plan calls for elimination of the “Estate” category, for both the land use plan and as a zoning category, because it created an over-supply of land for residential use in environmentally sensitive areas. While the zoning of these parcels remains “E-1”, the proposed use is non-residential, and building upon an existing use on part of the site, not contributing to sprawl. The shoreline which is zoned “R-P” is proposed to be protected with a vegetative buffer, which is consistent with that zoning category. (The property owner has applied to re-zone these parcels to “I-1” (“Light Industrial”).)

The primary goal stated in Chapter 2 (Land Use) is that “Worcester County will maintain its rural and coastal character, protect its environment and natural resources,

and locate planned development for new residences in designated growth areas...”. The re-development/expansion of an existing boatyard at this site, with appropriate environmental protections, is consistent with this statement. The project will not impinge upon the rural and coastal character of the area and inappropriate residential development is not involved.

The proposed project is consistent with relevant objectives stated in Chapter 2 (Land Use): “Locate...all industrial development in areas having adequate arterial road access or near such roads”, “Limit rural development to uses compatible with agriculture and forestry”. The proposed project has adequate access and is in location that will not cause conflict with agriculture or forestry.

Chapter 3 (Natural Resources) identifies general recommendations for new development. The proposed site design is consistent with all recommendations as it minimizes impervious surfaces, including removing impervious surface, proposes a rain garden which will improve stormwater management on the site, and will be using native species for all planting areas. No forest is proposed to be removed. Bamboo/*Phragmites* eradication is proposed, which is specifically consistent with objective “C”, for new development, described on page 53 of the Chapter (enhancement of reduced or lost environmental functions). This Chapter also recognizes that growth in the Critical Area may be accommodated.

Chapter 4 (Economy) calls for maintaining an inventory of suitable locations for appropriate industries to locate within the county (page 59). The proposed site, which contains an existing use in an appropriate waterfront location, is consistent with this statement.

Chapter 6 (Public Infrastructure) states that nutrient reduction technologies should be applied to on-site septic systems. The proposed project will retrofit existing septic systems with best available nitrogen removal technology, and will use a nitrogen removal systems for all new systems.

Chapter 7 (Transportation) does not note any roadway capacity issues that anticipated demand of this use would have any impact upon.

- 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:**

This project will be served by upgraded and new nitrogen removal systems.
 - b.) **Is a completion of an existing subdivision and is clustered:**

No, this is not a completion of an existing subdivision.

3) Uses public infrastructure where practical:

As described in the report, the site proposes little use of 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 not within a Priority Preservation Area, nor would this project have an impact on one.

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 nitrogen removal septic systems. 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 coastal hazard area. 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.

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 4.71 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:

Jenelle Gerthoffer- ext. 1147, jgerthoffer@co.worcester.md.us

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

Attachments: Growth Allocation Summary;
Critical Area Commission Letter;
Critical Area GIS Map;
Critical Area Program Map Sheet;
FEMA Map;
Land Use Map

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.*

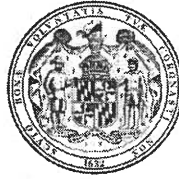
Proposed YMCA (M21 P118)
Site Area 9.46 acres
RCA to IDA w/condition project must be substantially complete by 6/28/08 or growth allocation is reversed. *No Permit issued or activity on property as of 6/28/08- acreage reverts back to RCA.*

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

To date: Balance of acres available for Growth Allocation: 444.01 acres
Less Approved G.A. projects - 70.12 acres

TOTAL REMAINING FOR GROWTH ALLOCATION 373.89 acres

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor



Charles C. Deegan
Chairman
Katherine Charbonneau
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

January 31, 2019

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

Re: **Moore's Boat Yard
Growth Allocation**

Dear Mr. Bradford:

Thank you for forwarding information on the above-referenced project. The applicant is requesting growth allocation in order to expand a commercial use. The site is approximately 9.34 acres, split between approximately 4.71 acres of Resource Conservation Area (RCA) and 4.63 acres of Limited Development Area (LDA). If the request is approved, the RCA portion will be re-classified as LDA, thus accommodating the expanded commercial use. It is also our understanding that the applicant eventually would like to pursue an Intensely Developed Area (IDA) designation, in order to exceed the 15% lot coverage limitation.

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). This includes a determination by the Worcester County Commissioners that the growth allocation meets the locational standards listed under Natural Resources Article 8-1808.1(c)(2) and COMAR 27.01.02.06-3.E and 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.

In order for the growth allocation submittal to be accepted for processing by the Critical Area Commission, it must meet the submittal requirements per COMAR 27.01.02.06-1. Based on the information I have received to date, the following additional information is required to meet the regulations:

1. Preliminary stormwater management plans, including calculations that provide information on how the project will meet the State's requirement for Environmental Site Design to the Maximum Extent Practicable (ESD to the MEP) are required per COMAR 27.01.02.06-2.A(6) and (7). Please note, given the applicant is also offering 10% pollutant reduction as an offset to the 300-foot setback, the stormwater management plans should include supporting information for this proffer.
2. Copies of the letters from U.S. Fish and Wildlife, as well as from the Maryland Department of Natural Resources per COMAR 27.01.02.06-1.A(6).

3. A proposed development Plan and supporting information that identifies all proposed, existing, and removed lot coverage by phase per COMAR 27.01.02.06-1.B, existing and proposed forest and developed woodland clearing and any required mitigation.
4. Information regarding the factor of environmental impacts associated with coastal hazard areas and increased risk of severe flooding per COMAR 27.01.02.06-3.G(8), and how the site will address this factor.
5. A map showing the proposed location of the new LDA, as well as a calculation of the amount of growth allocation acreage proposed and the County's existing total allotment of growth allocation that will remain, per COMAR 27.01.02.06-1.A(8).
6. A stand-alone Buffer Management Plan demonstrating compliance with COMAR 27.01.09 and 27.01.02.06-1.B(27).

Additionally, we have the following preliminary comments for the Planning Commission:

Proposed Development Plan

1. A lot coverage table should be included, broken out by structure and surface area, such as driveways, walkways, parking, etc. As currently labeled and described, it is difficult to verify the information provided.

Buffer Impacts and Preliminary Buffer Management Plan

1. COMAR 27.01.03.03 requires nonwater-dependent structures or operations associated with a water-dependent project to be located outside the Buffer, insofar as possible. Given the applicant is re-designing the entire site it would appear there is opportunity to remove additional lot coverage, currently labeled for parking, from within the Buffer, and further offset impacts to the Buffer. The site is also vulnerable to coastal flooding, increasing the likelihood of pollutants from vehicles entering the waterway during storm events.
2. Based on the provided plans, it appears that almost all of the phragmites and bamboo that are proposed to be eradicated (approximately 0.85 acres) are within the 100-foot Buffer. However, the preliminary planting plan shows only 0.64 acres will be planted in the Buffer in accordance with COMAR 27.01.09.01-2. It would appear additional planting to meet the establishment standards is required.

Additional Information related to Standards and Factors

1. The Planning Commission may want to consider additional information regarding how this proposed LDA is located in a manner that minimizes its impacts to the defined land uses of the RCA in accordance with COMAR 27.01.02.06-3.E. The applicant has provided information related to stormwater management and invasive species control. The defined land uses of the RCA are described in COMAR 27.01.02.05.
2. The Planning Commission should address how the project is consistent with its adopted Comprehensive Plan and whether the growth allocation would implement the goals and objectives of the adopted plan, as the Critical Area Commission is required to consider this factor per Natural Resources Article 8-1808.1(c)(4). The applicant has provided information citing the objectives of Chapter 2 and Chapter 4 of the Comprehensive Plan.

Thank you for the opportunity to provide comments on this growth allocation. We look forward to working with the County, the property owner, and his consultant as this project moves forward through the growth allocation process. If you would like to set up a time to meet and discuss this project and to ensure that all required application materials are provided, or if you have any other questions, please contact me at kathryn.durant@maryland.gov or (410)260-3477.

Sincerely,



Kathryn Durant
Natural Resources Planner

cc: Jack Burbage, Blue Water Development Corporation
Robert Hand, R.D. Hand and Associates, Inc.
Chris McCabe, Coastal Compliance Solutions, LLC
Kate Charbonneau, Critical Area Commission
Nick Kelly, Critical Area Commission

File: WC 683-18



- Legend**
- IDA - Intensely Development Areas
 - LDA - Limited Development Areas
 - RCA - Resource Conservation Areas
 - Out of Program
 - Tidally Influenced Areas

Growth Allocation Request
Moore Boat LLC
Tax Map 10, Parcels 4, 304, 171



2016 Imagery
 Map generated by the Dept. of Environmental Programs
 January 31, 2019

Atlantic Coastal Bays Critical Area Program

Map Sheet 10


- IDA - Intensely Development Areas
- LDA - Limited Development Areas
- RCA - Resource Conservation Areas
- Out of Program
- Initial Development Exempt From Program
- Tidal Influenced Areas (Color under cross hatching indicates the land classification)
- Open Water and Tidal Marsh
- Stream

The Worcester County Critical Area Boundary was established by Worcester County in compliance with the Atlantic Coastal Bays Protection Act. This data set was reviewed, updated and converted to digital format by the Maryland Department of Natural Resources and the Worcester Regional GIS Program.

The tidal wetland boundary lines depicted on this map are for guidance purposes only. The State of Maryland does not recognize these boundaries in Worcester County. Maps depicting the State's regulatory jurisdictions may be viewed by contacting the Worcester County Department of Development Review and Permitting.

The first 100' landward measured from mean high water line to tidal waters, tidal wetlands and tributary streams is called "THE BUFFER". No alterations, vegetation removal, grading, paving, or building can take the place within "THE BUFFER" without additional approvals. The line 100' landward is not mapped hereon. A field survey may be required to accurately establish this line. See program for additional information.

These maps are designed for use as a planning tool and not a primary regulatory tool. The information shown is a compilation from various information sources and maps. Field verification will be required.



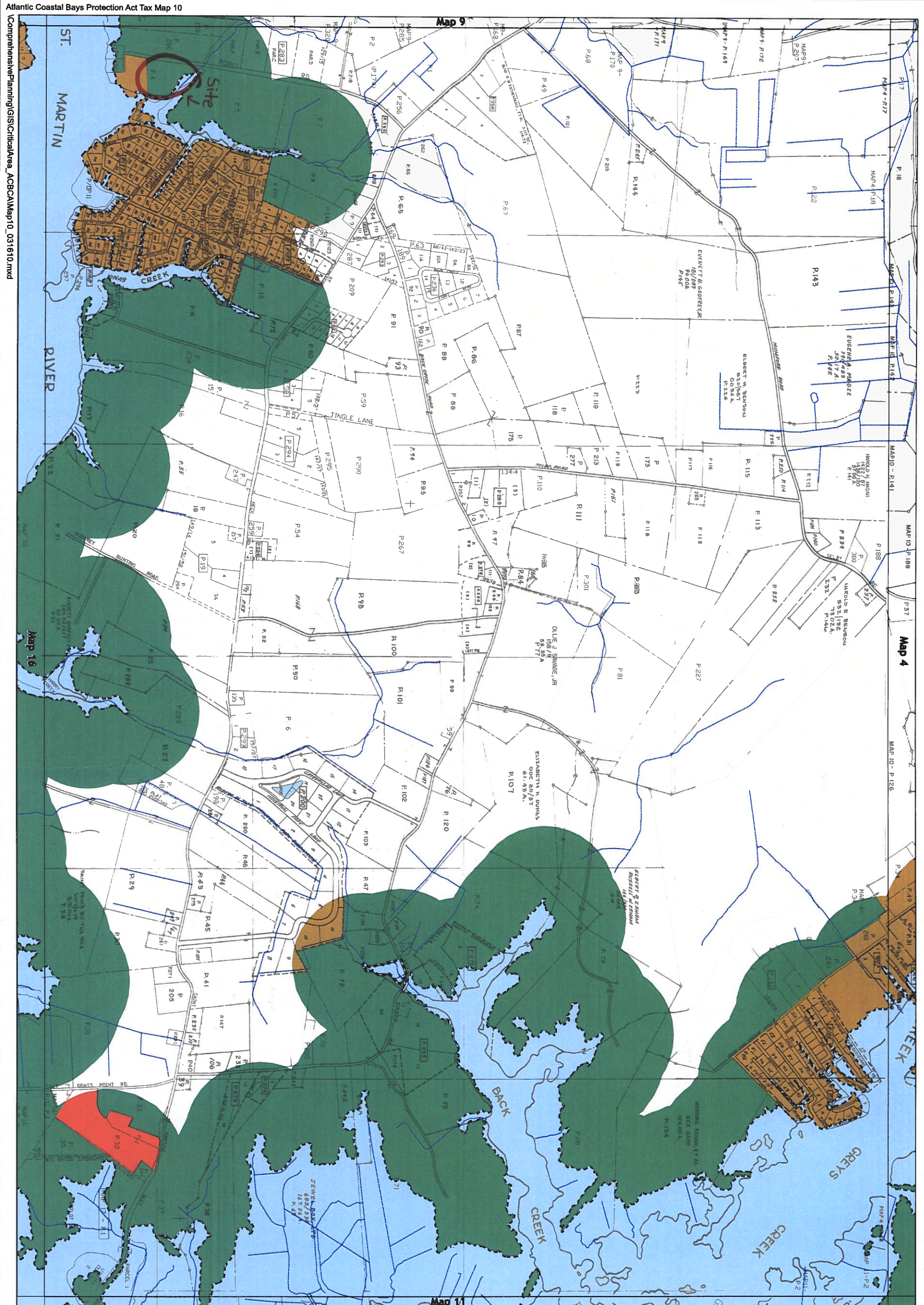
N

This Box Represents Twenty Acres



0 600 1,200 Feet

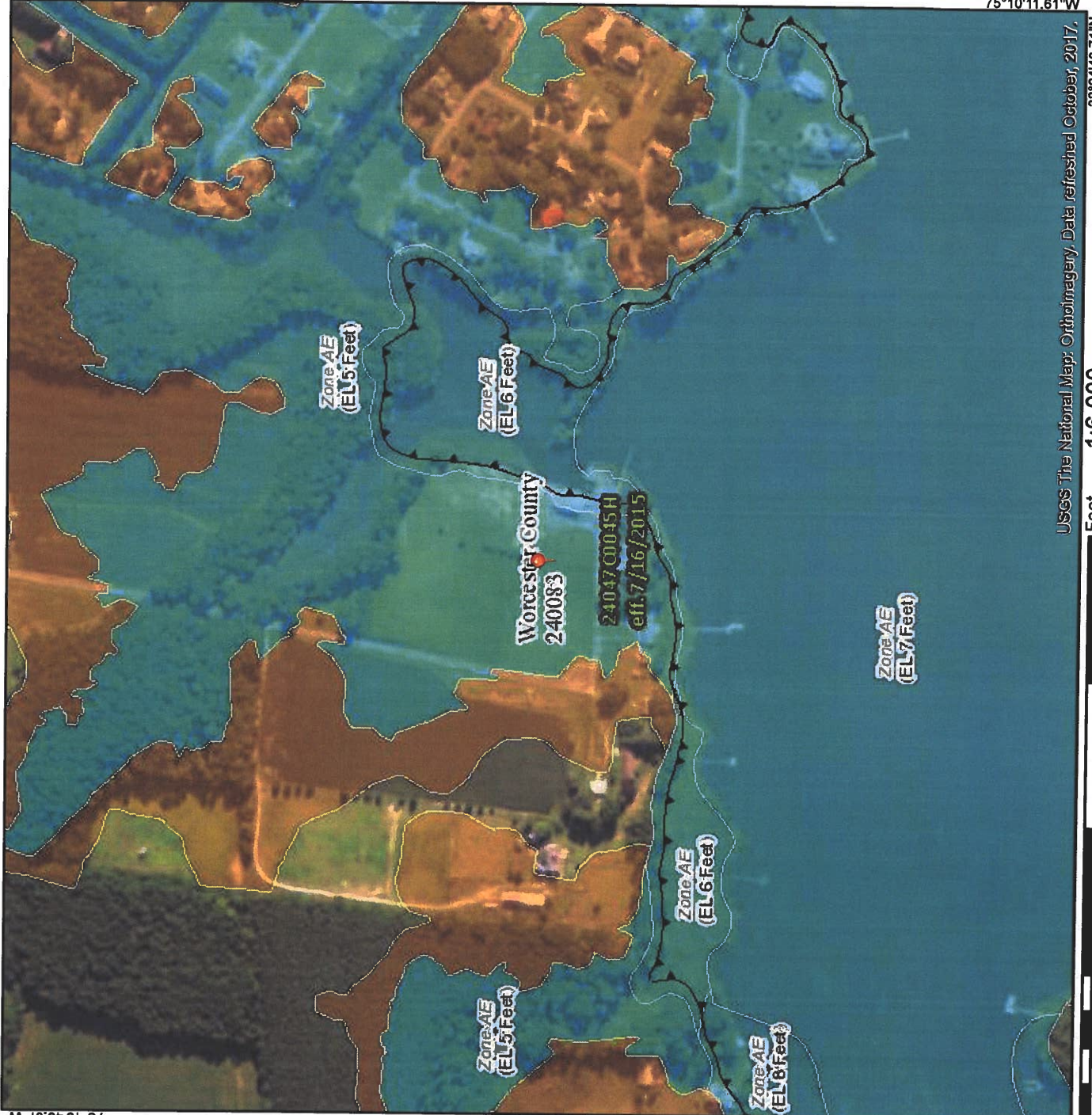
Source: Worcester County Commissioners.
 Adopted: November 18, 2002.
 Revised: January 9, 2009.
 Revisions approved:
 Prepared by the Worcester County Department of Comprehensive Planning
 Stream data provided by the USDA Natural Resource Conservation Service (NRCS), 1997.
 2001 tax maps by the Maryland Department of Planning.



National Flood Hazard Layer FIRMette



38°25'11.91"N



Uses The National Map, Orthoimagery, Data (refreshed October, 2017, 38°24'43.71"N 1:6,000



75°10'11.61"W

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**
- 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
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

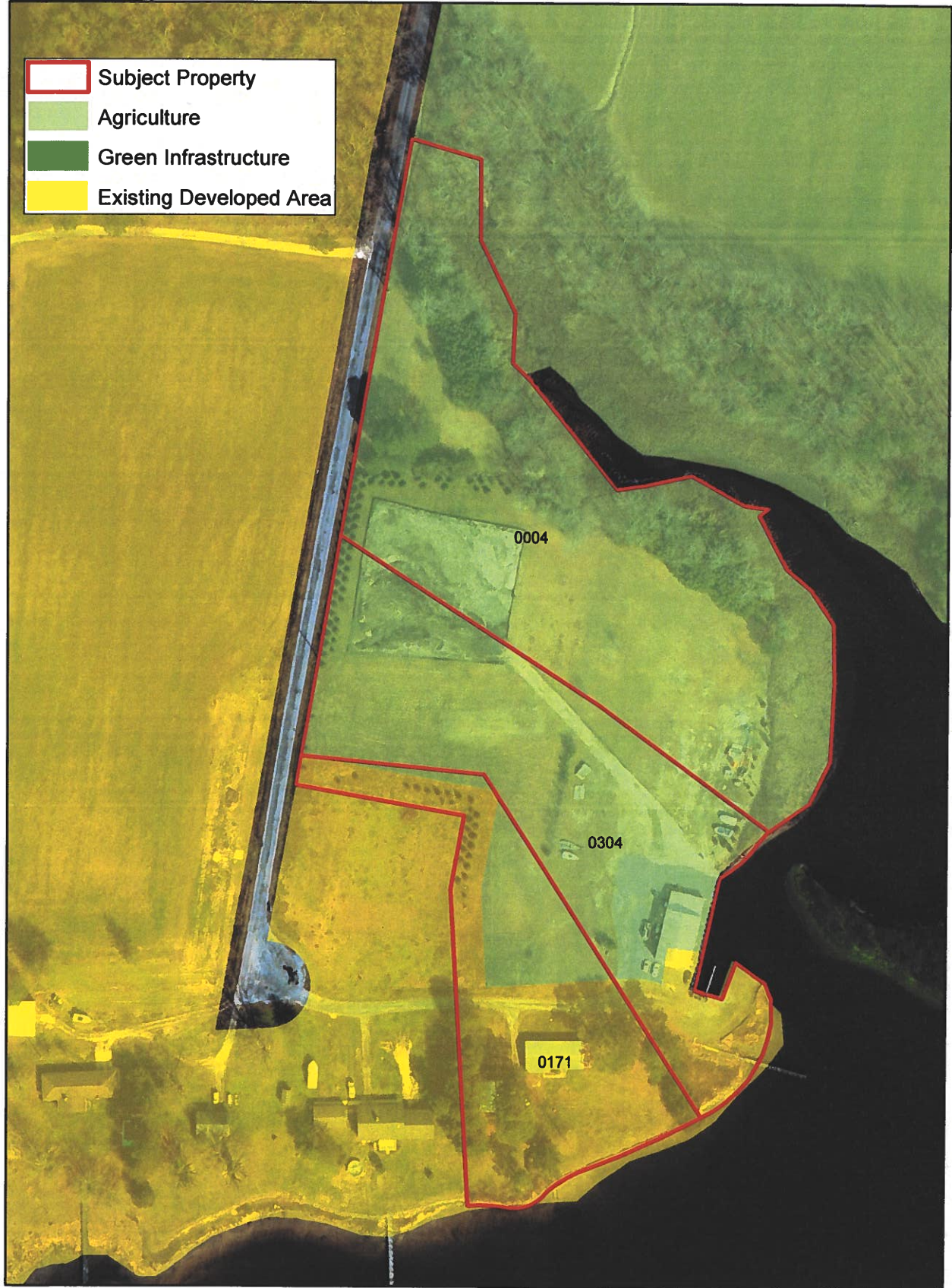
- Digital Data Available
- No Digital Data Available
- Unmapped

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 4/31/2019 at 8:02:43 AM 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.



**Atlantic Coastal Bays Critical Area Growth Allocation
Environmental Report
Moore's Boatyard
July 16, 2018
Rev. January 8, 2019**

**12301 Piney Point Road
TAX MAP 10, PARCELS 4, 171 & 304
SDAT 5-021448,009030,019184**

**Prepared for:
Moore's Boat L.L.C.
C/O Leighton Moore
117 49th St.
Ocean City, MD 21842**

**Prepared By:
R.D Hand and Associates INC.
12302 Collins Road
Bishopville MD 21813**

**Coastal Compliance Solutions LLC
P.O. Box 66
Fruitland, MD 21826**

Introduction:

In accordance with the requirements of the Chesapeake and Atlantic Coastal Bays Critical Area Law (CA), Regulations and Local Program, this report has been prepared to address standards as defined in Code of Maryland Annotated Regulations (COMAR), most specifically in section 27.01.02.06-2 *Environmental Report, NR 3-112 Worcester County Code of Public Local Laws*. As detailed below, this report will specify and describe the proposed development project and how each item is addressed. Further, details on limiting impacts to existing habitat and resources, coupled with a specific understanding of why this growth allocation request is needed and warranted.

Current Conditions:

The property subject to this request is now known as the Moore's boatyard. It was purchased in 2010. The site is an active boat repair facility. The site is also used to construct boats for commercial and governmental users.

The site has been in operation for the 50+ years. Attached are various Google Earth images that show the business has been active back to 1989 at a minimum.

The site area is +/- 9.34 acres, all of which is located within the landward limits of the CA. +/- 4.71 acres are designated RCA and +/- 4.63 acres are designated LDA. This application is proposing to reclassify the +/- 4.71 acres of RCA to LDA.

Project Description:

The proposed project will be construction of buildings for long term dry storage. The first storage building will be +/- 46,000 square feet with associated parking adjacent to the building.

Development History:

Walter J. Hudson acquired the original waterfront parcel on January 5, 1894. After Mr. Hudson's death, his wife, Eva Hudson, conveyed the property to their son, also Walter J. Hudson, on June 27, 1940. Walter Hudson's son and daughter in law, Walter J. Hudson, Jr. and Judy Hudson, acquired title to the original waterfront parcel. Mr. and Mrs. Hudson acquired additional lands for a total of 9.4 acres. The property remained in the Hudson family from 1894 until September 30, 2005, when it was sold to John H. Burbage, Jr.

The Hudson Family were commercial waterman, and they were in the boat repair/maintenance/building business. Walter J. Hudson, Jr. operated Hudson's Marine Railway for many years. Back in the 1980's business was robust. Large boats were pulled from the St. Martins River by a marine railway, which was backed down into the water. This was one of the very few launch/haul-out facilities in the area.

Large portions of the property were covered with storage boats. These boats were maintained, bottoms painted, zincs replaced, engines repaired, etc.

Mr. Hudson was also in the boat building business. Mr. Hudson built a sportfishing boat which was more than 50 feet in length on the property. Mr. Hudson built numerous Chincoteague scows, typically from 18 feet to 22 feet in length.

Mr. Hudson provided heavy repairs for vessels. Mr. Hudson and his son repaired all types of boats damage, including fiberglass work. They replaced propellers, shafts, rudders, zincs, etc. There was also a retail business. Mr. Hudson sold bottom paint, boat parts, etc. Large boats were frequently moored at the property.

Mr. Hudson's business waxed and waned over the years. The use of the marine railway became antiquated, and Mr. Hudson purchased a travel lift. The travel lift was a large structure on tires, which lifted vessels from the water with large straps. Mr. Hudson lifted vessels up to 50 or 60 feet in length.

Unfortunately, the Hudson Family business began to suffer when several marinas in West Ocean City acquired travel lifts. However, Mr. Hudson's repair and maintenance business remained vibrant. He continued to build boats, typically wooden vessels reinforced with fiberglass cloth and resin.

Moore Boat, LLC acquired the property on September 2, 2008, and it took over the fabrication and maintenance of boats. The business had declined over the previous years due to Mr. Hudson's failing health. Moore Boat, LLC constructed and repaired boats at the property. There was an active business in place on November 3, 2009, the date of our last Comprehensive Rezoning, as well as at the time of the drafting of the Critical Area maps.

Change in Critical Area designation

The current land use designation in the Critical Area is Limited Development Area (LDA) and Resource Conservation Area (RCA). This application proposes to amend that RCA designation to LDA through the award of growth allocation (GA). The LDA that is immediately to the south on the site meets the adjacency requirement for growth allocation. This request is to reclassify approximately +/- ~~4.77~~ 4.71 acres of RCA to LDA to facilitate expansion of the industrial use.

The project is in conformance with Natural Resources article 8-1808 (c)(2) *Standards for locating new intensely developed or limited development areas:*

(ii) It is a new limited developed area adjacent to an existing limited development area.

(iii) By providing stormwater in excess of what is required and elimination of existing invasive plant species the project minimizes impacts to areas and optimizes benefits to water quality

(iv) the project proposes alternate measures, instead of a 300' setback beyond the landward edge of tidal wetlands, for enhancement of water quality and habitat that provide greater benefits to the resources. These measures include enhanced buffer plantings, upgraded septic systems for existing and proposed uses, stormwater management for existing impervious areas, and stormwater treatment for new impervious structures in excess of required. The stormwater treatment will meet 10% pollutant removal criteria.

Consistency with Worcester County Comprehensive Plan

The site is currently zoned E-1, Estate District. On January 2, 2018, the property owner filed an Application for Amendment of the Official Zoning Map with respect to all three parcels, requesting a rezoning to I-1, Light Industrial District. The application has been assigned Rezoning Case No. 418. After considerable discussion with Worcester County Staff, the property owner has asked that that rezoning be placed on hold to pursue Growth Allocation as described herein.

To address Natural Resources Article 8-1808.1 (c)(4)

The project is consistent with the Objectives of Chapter 2, of the Comprehensive Plan. The project proposes extensive buffering meeting the Objective of Item 4 "Preserve and protect natural resources and their ecological functions". (Page 8). The project expands industrial uses meeting the Objective of Item 5 "Facilitate the county's economic activity". (Page 8)

The site is located partially in the Existing Developed Area and Agriculture designations of the Comprehensive Land Use plan. The plan, Chapter 2-pages 13 and 14, call for...infill development. Density, height, bulk and site design should be consistent with EDA's existing character".

Additionally, by retrofitting the existing septic systems with best available nitrogen removal technology, this proposal is consistent with objective 9, chapter 6, page 73 of the Comprehensive plan as well as 1-1808.1 (c)(4)(ii)2 A of the Natural resources Article : Will be Served by a septic system that uses the best available nitrogen removal technology.

The project is consistent with Objective of Chapter 4, *Industrial Development*, Item 1 "Continue the industrial development program to retain existing industries and emphasize light

industry to expand the county's research/product development, manufacturing, health and high-tech sectors.

As noted in the Worcester County Comprehensive Plan (pages 20 and 26) the elimination of the Estate Zone is encouraged and reclassifying to something more appropriate is suggested. Further, Worcester County has a strong track record of encouraging redevelopment in places where appropriate.

Soils:

The Boxiron soils are very deep and very poorly drained. They formed in thin moderately decomposed organic deposits derived from salt tolerant vegetation overlying silty marine and estuarine sediments. They are not considered prime agricultural soils.

The Fort Mott soils are very deep and well drained. They formed in sandy and loamy fluvio-marine sediments. They are not considered prime agricultural soils unless they are irrigated.

The Hambrook soils are very deep and well drained. They formed in loamy fluvio-marine sediments. They are considered prime agricultural soils.

The Indiantown soils are very deep and very poorly drained. They formed in loamy alluvial deposits overlying sandy alluvial and marine sediments. They are not considered prime agricultural soils.

The Woodstown soils are very deep and are moderately well drained. They formed in loamy fluvio-marine sediments. They are considered prime agricultural soils.

Topography:

The site is relatively flat. The site generally slopes to the adjacent tidal water. There is an existing dredge spoil disposal onsite that is proposed to be graded out over the site and stabilized with turf grasses.

Forest Identification and Protection:

There is no proposal to clear any forest onsite. Onsite forest consists of +/- 2.11 acres.

This represents +/- 22.6% of the total site area. In addition, there is +/- 0.36 acres of developed woodland that will be retained onsite. +/- 0.05 acres of the existing developed woodland will be cleared to develop the building and associated parking.

The current existing forest is a mix of upland and non-tidal wetland species with scattered dense stands of Bamboo and Phragmites. Dominant species include Sweet Gum (*Liquidambar Styraciflua*), Red Maple (*Acer Rubrum*), Willow Oak (*Quercus phellos*), Loblolly Pine (*Pinus Taeda*) and Eastern Red Cedar (*Juniperus Virginiana*). Scattered throughout are also shrub species and an intensive stand of Greenbriar. In the transition zone from forested non-tidal wetlands to tidal wetlands, a fringe of Phragmites is densely present. This, along with the invasive bamboo should be treated and removed. Additionally, there are some fringe grasses, mostly panicum along the meadow forest edge.

Predominant tree sizes range from 36-inch caliper to 44-inch caliper, with the majority in the 22 inch to 30-inch caliper range.

Storm water Management:

The existing site was developed prior to modern storm water management being required. Untreated runoff from the existing buildings and impervious surfaces discharge directly into adjacent tidal wetland and waters. As part of the proposed storm water management +/- 4,496 sf of existing impervious areas, of which +/- 2,810 sf (+/- 63%) are in the 100' buffer, will be removed/converted to rain gardens or other environmental site design bmps. These areas will provide treatment for currently untreated runoff from existing structures and impervious areas.

All new development onsite will be required to meet the MDE three phase storm water management process. The first, concept plan will identify areas of conservation and utilize environmental site design (ESD) to the maximum extent practicable (MEP). The second submission will be the site development plan, which will identify the chosen suite of BMP's proposed for the site. And lastly the final stormwater management plan will bring components of the concept and site development plan together to mesh into the final selected plan.

It is anticipated that the final storm water design will consist of grass channels, rain gardens and disconnects to buffers to treat the storm water prior to discharge to tidal wetlands and waters

Soil Erosion and Sediment Control:

Erosion and sediment control will be implemented at the beginning phase of the project and continue through construction. All new development will be required to submit and obtain erosion and sediment control approval from the local soil conservation district. Further, any Disturbance exceeding one acre will require obtainment of the MD NPDES General Permit authorization for construction activities. To ensure compliance onsite during construction, weekly and rainfall event self-inspections will be performed as mandated by the NOI.

Lot Coverage:

The current site coverage is +/-33,896 sf. The proposed site coverage is +/- 31,363 sf. As part of this proposal the applicant is proposing to remove +/- 4,496 sf of existing coverage. The total post development lot coverage will be +/- 60,763 sf which equates to 14.9% coverage. LDA growth allocation if approved will be 205,168 sf or 4.71 acres.

Buffer Management Plan

The preliminary buffer management calls for the planting of (48)-2" Diameter Bald Cypress Along the forested edge of the 100" critical area buffer. The balance of the plantings will consist of natural regeneration and seedling plantings.

Upon completion of the eradication plan an assessment of the viability of natural regeneration for the remaining areas of the site will be performed. Based on this assessment the extent of natural regeneration versus seedling plantings will be determined.

Due to the extent of disturbance to be caused by the eradication program, all plantings will be performed after successful completion of the eradication program.

Phragmites and Bamboo Eradication Plan:

As noted, Phase 1 plan all phragmites and bamboo are proposed to be eradicated. Phragmites eradication will be done via herbicide (Habitat or Rodeo) with a 4-year monitoring period. Typical timeframe will be during late August and September when seed head is present on the plant. Also, once the plant starts to die, it will be immediately mowed to help with impacting its return the following growing season.

Regarding the bamboo, it will be direct injected with heavy Gysophate. Spraying will not directly eradicate the bamboo and with its close proximity to the wetland area, direct injection will prove most effective. Once the bamboo starts to show signs of death, mechanical removal

of the plant and the root system will be recommended. This will allow for opening in the canopy to allow for planting of native plants for buffer establishment and also regeneration of native plants that seed banks near the area can provide.

It is anticipated that it will take 2 -3 years to eradicate the invasive species onsite and within the buffer. Planting of these areas of the buffer with native species will have to be delayed until the invasives have been eradicated.

A total of 1.33 acres, 0.64 inside the 100' buffer, outside of existing forest will be planted in accordance with Comar 27.01.09.01-2. The final detailed buffer management plan will be prepared once the extent of invasive eradication is quantified.

Habitat Protection Areas:

Habitat protection areas onsite include the 100-foot buffer, contiguous forest area along the water and a small non-tidal depression. The buffer management plan will enhance the 100' buffer. The contiguous forest will not be impacted except for eradication of invasives. This should enhance the forest areas.

Attached is an assessment of the property from Fish and Wildlife that confirms that there are no endangered, threatened or anadromous fish habitat onsite. Additionally, the attached letter dated August 17, 2018 from the Maryland Department of Natural Resources, Wildlife and Heritage Division via Lori Byrne, shows no indication of rare, threatened or endangered species in the area.

Other Additional Factors:

- 1) This proposal will expand an existing business.
- 2) There are no known rare, threatened or endangered species onsite.
- 3) Impacts on Priority Preservation Areas: This proposed redevelopment site is outside of the adopted Worcester County Priority Preservation Area.
- 4) Impacts associated with wastewater and stormwater to tidal wetlands and waters, non-tidal wetland and tributary streams: As described in this report this project will provide storm water management upgrades for existing structures and impervious areas. Water quality associated with stormwater will improve as part of this development project. The existing septic systems onsite will be upgraded to provide the best available nitrogen removal technology.
- 5) Environmental Impacts Associated with Coastal Hazard Areas and Increased Flooding Potential: The current FEMA maps the property in the flood zone AE with an elevation of 5', 6' and 7' and flood zone X. Any proposed construction must meet the floodplain requirements for construction. Other portions of the site are shown as "Other Flood

Areas" with no elevation requirement. All development project must comply with the floodplain requirements.

COMAR 27.01.02.06-3 (E) 4 States— *"Locate a new intensely developed area or limited development area in a resource conservation area 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"*

-Provision of the 300' setback on this small property would prohibit development on the property due to having the setback on 2 sides of the property which would eliminate any area for development.

-2,810 sf of existing impervious area within the 100' buffer will be removed. 1,686 outside the 100' but within the proposed 300' buffer will be removed.

-Existing impervious to remain in the 100' buffer and 300' setback will have water quality treatment via rain gardens and will provide 10% pollutant removal design. This is above and beyond what is required by current best management practices.

-The existing and proposed septic systems will be installed /upgraded to provided with the most up to date nitrogen removal technology. Retrofitting of the existing systems is not a requirement of current growth allocation.

-There will be a total of +/- 37,000 sf of eradication of existing invasive phragmites and bamboo in the tidal wetlands, non-tidal wetlands and upland areas within and adjacent to the 100' buffer onsite. The eradicated areas will be planted in accordance with Buffer management criteria. This is in excess of growth allocation requirements.

-There is limited use of public infrastructure, except for county roads, proposed for the project.

-The project is extensively buffered from adjacent RCA uses by existing and proposed uses. Additionally, the project is at the end of dead-end road with no impact to RCA areas south of the project.