

## Joining and Participating in the June 4, 2020 Planning Commission Meeting

Zoom is a web-based application that offers the ability to join and participate in a meeting in a variety of ways. Below we will provide you with the instructions for joining the meeting by telephone, by computer, or both. You can also download the Zoom Mobile App for iOS or Android, and the Zoom desktop app for Windows and Mac users, however THIS IS NOT REQUIRED.

NOTE: There will not be any video participation as a part of the meeting. The only visual that may be provided will be a copy of the agenda on the screen. A computer is not required to virtually attend the meeting. All staff reports, site plans and exhibits will be provided in the meeting “packet” which can be found on the Worcester County website in the Meeting File Archives:

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

NOTE: **PRE-REGISTRATION IS REQUIRED FOR ALL PARTICIPANTS.** Please register by Noon the day of the meeting. Pre-registration can be completed with a valid email address by using the below link:

[https://us02web.zoom.us/webinar/register/WN\\_\\_pbgrsEaT2aurUmkLSJ39w](https://us02web.zoom.us/webinar/register/WN__pbgrsEaT2aurUmkLSJ39w)

Once registration has been complete, you will receive a follow up email providing instructions on how to join the meeting. You may join the meeting by telephone only, by computer or both. **\*Please do not forward the link received in your confirmation email;** this link is tailored specifically to the registered individual. If another individual would like to join the meeting, they must pre-register as well.

**If you have concerns or would like clarification on the process, please contact our office as soon as possible. We will be unable available to assist you at the time of the meeting.**

### **To Join by Telephone:**

1. Please dial the telephone number provided in the Webinar Confirmation email, received after you have registered.
2. When prompted, please enter this Webinar ID to join the meeting: **869 3167 3346**
3. When prompted, please enter this password: **135467**
4. If you have first joined by computer or mobile device, you will be prompted to enter your unique Participant ID. To skip this step, press #.

### **To Join by Computer:**

Click on the link provided in your Webinar Confirmation email. **\*Please do not forward this individualized link.** If another individual would like to join the meeting, they will need to pre-register as well.

If you have a computer with a microphone and speakers, you can participate directly on your computer. If you do not have these features built in, a pop-up screen should automatically provide you with the information needed to call into the meeting following the same steps above. If it doesn't, please follow the instructions below:

- Click “Join Audio” in the meeting controls at the top of the screen.

- Click “Phone Call” and follow the instructions provided for dialing in: If this is your first time using Zoom, select the country you're calling from in the flag drop-down menu, and call one of the numbers provided.
- Enter the Webinar ID **869 3167 3346** followed by #.
- Enter your unique participant ID followed by #.

## **Participating:**

To prevent background noises during the presentation, everyone is automatically muted upon joining the meeting.

## **Applicants:**

**If you are an applicant or presenter**, when it is your turn to participate your project will be read aloud. You will be asked to **raise your “virtual” hand by pressing \*9 if you joined the audio by telephone. If you have joined the meeting through the computer, please click the Raise Hand button.** Once your hand has been raised the Host can unmute you.

Once staff has read the project, you will be asked to state your full name. The Chairman will then prompt you to explain your request. **Please be sure to review and address the Planning Commission considerations, waivers, or necessary findings that is outlined in your staff report where applicable.**

Following your presentation, the Chairman will ask if the Board has any questions for you. Once all comments have been heard, you will be given an opportunity to make closing remarks. The Chairman will then request a member of the Board make a motion on your request. When your project is complete, you will be muted and may leave the meeting.

## **Receiving Public Comment:**

Please note that the Planning Commission meeting is not a public hearing; therefore, persons listening in that would like to comment on a particular project must be approved by the Chairman prior to the meeting. **Please contact Jessica Edwards at least one day prior to the meeting if you would like to comment on a particular project.**

For any questions regarding this process, please contact Jessica Edwards at [jedwards@co.worcester.md.us](mailto:jedwards@co.worcester.md.us) or (410) 632-1200, extension 1139.



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

# Worcester County

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

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

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

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICE DIVISION

## MEMO

TO: Worcester County Planning Commission  
FROM: Department of Development, Review and Permitting  
DATE: May 26, 2020

\*\*\*\*\*

Please be reminded that the next Planning Commission meeting will be held on **Thursday, June 4, 2020, at 1:00 P.M.** Pursuant to the provisions of the Worcester County Zoning Ordinance and due to the current COVID-19 pandemic, and in lieu of public appearance, notice is hereby given that the public meeting will be held remotely by conference call with the Planning Commission for Worcester County. Directions for joining and participating in the hearing will be posted on the County website on June 29, 2020.

### CC:

Development, Review and Permitting  
Fire Marshal's Office  
Department of Emergency Services  
Department of Environmental Programs  
Department of Public Works  
County Roads Division, DPW  
Maureen Howarth, County Attorney  
Maryland Department of Planning  
Terri Smith, Assessments and Taxation  
Blaine Smith, Town of Ocean City  
Hal Adkins, Town of Ocean City  
Dan Brandewie, City of Pocomoke  
Kelly Pruitt, Town of Snow Hill  
David Engelhart, Town of Berlin  
Ocean Pines Association, Inc.  
Dan Wilson, SHA  
Ace Adkins, MDE  
Joe Kincaid, MDE  
Paul Ferreri, MDE  
Edward Watson, MDE  
David Dorr/Verizon-MD Inc  
Jim Smith/ Delmarva Power  
Patrick Dubinski/ Delmarva Power  
Thomas Brady, Delmarva Power

John Willey, II/ Peninsula Propane  
Steve Ashcraft/Eastern Shore Gas  
Jerod Shelton/ Chesapeake Utilites  
Woody Francis/US ACOE  
Joe Price /Board of Education  
Ocean City Volunteer Fire Company  
Ocean Pines Volunteer Fire Dept, Inc.  
Pat Hynes/ Comcast Cablevision  
Greg Denston /Chesapeake Utilities  
John Shermer/Choptank Electric  
Joe Sise/Choptank Electric  
Greg Fentress/ Sharp Energy  
Assateague Coastkeeper  
Ayres, Jenkins, Gordy & Almand, PA  
Bayside Gazette  
Becker Morgan Group  
Betty Tustin, The Traffic Group  
Booth, Booth, Cropper & Marriner, PC  
Burbage Properties  
Coastal Compliance Solutions, LLC  
Coastal Realtors  
Coates, Coates & Coates, PA  
Davis, Bowen & Friedel, Inc.  
Delmarva Veteran Builders

Fox Theatres  
Gregory P. Wilkins Surveyor, Inc.  
Hampshire, Hampshire & Andrews, Inc.  
J.W. Salm Engineering, Inc.  
Lower Shore Land Trust  
Monogram Building and Design  
Ocean City Today  
R.D. Hand & Associates, Inc.  
Vista Design Inc.  
Whispering Woods HOA  
Worcester County Times  
Carol Ann Beres  
Charles Nichols  
Darl Kolar  
Duverese Scarlett  
Jeanne Lynch  
Jim Keitt  
Mark Wagner  
Mitch Parker  
Rota Knott  
Tom Stauss  
Troy Purnell

Copies to applicants - It is required that the applicant(s) and/or their representative attend this meeting.

cc: West O Madfish, LLC; West O Lodging, LLC, Iott Architecture & Engineering, Inc.; Hugh Cropper, IV; Mark Cropper; Mark Odachowski

**WORCESTER COUNTY PLANNING COMMISSION  
AGENDA**

Pursuant to the provisions of the Worcester County Zoning Ordinance and due to the current COVID-19 pandemic, and in lieu of public appearance, notice is hereby given that the public meeting will be held remotely by conference call with the Planning Commission for Worcester County.

Please review the attached page following the agenda that provides directions for joining and participating in the meeting.

**Thursday, June 4, 2020**

Est. Time

- |           |      |   |
|-----------|------|---|
| 1:00 P.M. | I.   | Call to Order   |
| 1:00 P.M. | II.  | Administrative Matters  |
|           | A.   | Review and approval of minutes –May 7, 2020   |
|           | B.   | Board of Zoning Appeals agendas –June 11, 2020  |
|           | III. | §ZS 1-325 Site Plan Review  |
| 1:05 P.M. | A.   | Loading Space Waiver Request for Mad Fish Restaurant - Proposed construction of a 13,775 square foot restaurant with outdoor dining and an off-premise parking area, located on the north and south sides of Harbor Road, east of First Street, Tax Map 27, Parcel 376, 374 & 388, Lots 44, 2 & 3, Tax District 10, CM Commercial Marine and C-2 General Commercial Districts, West O Madfish, LLC & West O Lodging, LLC, owners/ Iott Architecture & Engineering, Inc., engineer/ Hugh Cropper, IV, Esquire, attorney; |
| 1:10 P.M. | IV.  | Text Amendment  |
|           | A.   | ZS 1-229(a)(10) – Home Occupations in the A-1, A-2 and E-1 District – Mark S. Cropper   |
| 1:15 P.M. | V.   | Water and Waste Water Amendment   |
|           | A.   | Amendment of the Worcester County Comprehensive Plan for Water and Sewerage Systems—Request to amend the EDU allocation table for the available sewage treatment capacity in the Mystic Harbour Sanitary Service Area. Robert Mitchell, Director of the Department of Environmental Programs is the applicant on  |

behalf of the Worcester County Commissioners. Case No. SW-2020-02.

- B. Amendment of the Worcester County Comprehensive Plan for Water and Sewerage Systems—Request to expand the Mystic Harbour Sanitary Service Area to include the property known as Worcester County Tax Map 26, Parcel 193, at 12424 Old Bridge Road, West Ocean City, MD. Hugh Cropper IV is the applicant on behalf of the owner, Mark Odachowski. Case No. SW-2020-03.

- 1:20 P.M. VI. Miscellaneous
- VII. Adjourn

**Worcester County Planning Commission  
Meeting Minutes**

**Meeting Date:** May 7, 2020

**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 Barbierrri

**Staff**

Roscoe Leslie, County Attorney

Ed Tudor, Director

Phyllis Wimbrow, Deputy Director

Jennifer Keener, Zoning Administrator

Jessica Edwards, Customer Service Representative

Robert Mitchell, Director of Environmental Programs

**I. Call to Order**

**II. Administrative Matters**

- A. Vote to Amend the Rules of Procedure** – As the first item of business, a motion was made by consensus and carried unanimously to temporarily amend the rules of procedure to allow remote meetings as a result of the COVID-19 pandemic.
- B. Review and approval of minutes – March 5 2020** — As the next item of business, the Planning Commission reviewed the minutes of the March 5, 2020 meeting. Following the discussion, it was moved by Ms. Ott, seconded by Mr. Barbierrri, and carried unanimously to approve the minutes as submitted.
- C. Board of Zoning Appeals agendas, May 7, 2020 and May 14, 2020**— As the next item of business, the Planning Commission reviewed the agendas for the Board of Zoning Appeals hearings scheduled for May 7, 2020 and May 14, 2020. 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. §ZS 1-325 Site Plan Review – Assateague Life Retail Waiver request**

As the next item of business, the Planning Commission reviewed a landscape waiver request associated with the Assateague Life Retail development. This project consists of the proposed conversion of an existing dwelling into a retail store, located at 8313 Stephen Decatur Highway (MD Route 611), south of Assateague Road (MD Route 376), Tax Map 33, Parcels 87 and 90. Denny Riordon, owner, and Russell Hammond, surveyor, were present for this discussion. Mr. Riordon said that there was a letter of support for the landscape waiver in the Planning Commission’s packet from the adjoining property owner along the southerly (side) property line. Relative to the westerly (rear) property line, the landscape screening would block the subject property view from a Choptank Electric substation. Mr. Riordon stated that Choptank’s fence is only approximately 7’ from the rear of his property. He claims that there wouldn’t be enough room to plant and would cause more harm (specifically to his structures) than good.

Mr. Knerr said that he drove by the property last week, and on the southerly side, there is a line of trees on the neighboring property, therefore he is ok with the waiver for that portion as requested. He said that with respect to the rest of the property, there is no landscaping whatsoever. He thinks that they could provide some, whether it is in the back, or in the front of the building. Mr. Riordon said that they have plans to put some landscaping in the front of the building that they are seeking to convert, but financially have not been able to do so. Due to the pandemic, they have had to put it on hold. He said that they have 50' of tower behind them, therefore all that they would be doing is blocking the 7' tall fence. Mr. Riordon agreed that they would be planting hibiscus, palm trees, dune grass, but not until the Spring of 2021. Mr. Knerr asked that he submit a plan to staff for those plantings.

Following the discussion, a motion was made by Mr. Knerr, seconded by Ms. Ott and carried unanimously to grant the waivers as provided for under §ZS 1-322(e)(4) as follows:

- § ZS 1-322(e)(4)B.1, which requires landscape screening along the southerly and westerly property lines; provided he installs landscaping in front of the proposed retail building.
- §ZS 1-322(b)(7), which requires an automatic irrigation system with rain sensor for the watering of the landscaping. Plantings shall be maintained by hose bibs.

#### **IV. §ZS 1-325 Site Plan Review – Mt. Zion Church**

As the next item of business, the Planning Commission was informed that the Mount Zion Church waiver request has been postponed. The request was for a modification to the surface treatment in the parking lot. Staff was notified prior to the meeting that the church has contracted to have the entire parking lot paved, no longer necessitating the waiver. No action was taken by the Planning Commission.

#### **V. §ZS 1-325 Site Plan Review – Fort Whaley Campground Waiver request**

As the next item of business, the Planning Commission reviewed several requests for waivers to the *Design Guidelines and Standards for Commercial Uses* associated with the amended design of an accessory building at the Fort Whaley Campground, located on the southeasterly side of Dale Road and Ocean Gateway (US Route 50), Tax Map 18, Parcel 20, Tax District 3, A-2 Agricultural District. Michael Johnson and Bob Hufnagel of Atwell Group, LLC, Stacie Brown, manager, Sun Communities, Chris McCabe, consultant, and Hugh Cropper, IV, Esquire, were present for the review. Mr. Cropper stated that the Planning Commission had approved the site plan a few years prior, which is included in their packet. They would like to replace the proposed recreation building and arcade with a pole building to be used for storage. It is a little larger than the original plans. He is familiar with the site, and stated that it will not be visible from the US Route 50 (Ocean Gateway). They are requesting four waivers relative to the roof, material (prefabricated steel), façade provisions, and detailing. Mr. Hufnagel stated that the development has other recreational facilities, and based upon the evaluation of the uses, this is what they need.

Following the discussion, a motion was made by Ms. Ott, seconded by Ms. Smith, and carried unanimously to grant the following:

1. A waiver was granted to Items 1 through 4 as outlined in the Staff Report.

## **VI. §ZS 1-325 Site Plan Review – Island Resort Campground**

As the next item of business, the Planning Commission reviewed a proposed site plan associated with the Island Resort Cooperative Campground expansion. It consists of the proposed construction of 34 additional cooperative campsites, located at the eastern terminus of Cropper Island Road, east of Worcester Highway (US Route 113), Tax Map 40, Parcel 241, Lot C, Tax District 4, A-1 Agricultural District. Rod Ewell, owner, Steve Engel, Vista Design, Inc., and Mark Cropper, Esquire, were present for the review. Mr. Engel noted that this is the third phase of the campground, which will consist of 34 campsites. Each site will have a water and sewer connection, and all roads are to be gravel in accordance with the newly approved road standard. Pad sites and parking spaces will also be graveled. All construction plans have received preliminary approval, subject to this final approval.

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

## **VII. Text Amendment**

As the next item of business, the Planning Commission reviewed a Text Amendment Request to amend the provisions of §ZS 1-314 Manufactured and mobile home and manufactured and mobile home parks to remove the height limitation for one story manufactured or mobile homes in a park. Present for the review was Pete Cosby, Esquire, and Edward Sowers, applicant. Mr. Cosby noted that Mr. Tudor was going to present this, but the package pretty much outlines the need to amend this regulation. Mr. Cosby referenced a letter that had been submitted on behalf of Delmarva Park in support of the request. Overall, construction techniques and modern roof designs conflict with the height limitation.

Mr. Tudor stated that this section was a leftover in the code, and the manufactured homes of today are unlike what they used to be with flat roofs. Mr. Tudor also noted that staff fully supports this request.

Following the discussion, a motion was made by Mr. Barbierri, seconded by Mr. Knerr to forward a favorable recommendation to the Worcester County Commissioners.

## **VIII. Adjourn – The Planning Commission adjourned at 1:38 P.M.**

---

Jerry Barbierri, Secretary

---

Jennifer Keener



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

**AGENDA**

*THURSDAY, JUNE 11, 2020*

Pursuant to the provisions of the Worcester County Zoning Ordinance and due to the current COVID-19 pandemic, and in lieu of public appearance, notice is hereby given that the public hearing will be held remotely by conference call with the Board of Zoning Appeals for Worcester County. Directions for joining and participating in the hearing will be posted on the County website on June 4, 2020.

**6:30 p.m.**

**Case No. 20-31**, on the application of Mark Spencer Cropper, lands of West Ocean City, LLC, requesting an exception to the Forest Conservation Code associated with NR 1-413(b) for an exception to allow for payment to the Forest Conservation Fund in lieu of any required acres of afforestation or reforestation, in the C-3 Highway Commercial District, pursuant to Zoning Code Sections ZS 1-116(k)(2) and NR 1-412 (d), located at the intersection of Samuel Bowen Blvd. and Ocean Gateway (MD Route 50), Tax Map 26, Parcels 300 and 368, in the Third Tax District of Worcester County, Maryland.

**6:35 p.m.**

**Case No. 20-30**, on the application of Richard and Heather Treml, on the lands of Donald and Rebecca Carter, requesting a variance to the Atlantic Coastal Bays Critical Area Buffer Management Area (BMA) from 15 feet to 12.43 feet (an encroachment of 2.57 feet) associated with an After-the-Fact ground level paver patio in the R-3 Multi-family Residential District, pursuant to Zoning Code Sections ZS 1-116(m)(1), NR 3-104(c)(4), and NR 3-111 located at 38 Alton Point Road, approximately 265 feet east of Leigh Drive, Tax Map 16, Parcel 96, Section 14B, Lot 121 of the Ocean Pines Subdivision, in the Third Tax District of Worcester County, Maryland.

**6:40 p.m.**

**Case No. 20-29**, on the lands of John & Brenda Maniatty, requesting a variance to the Atlantic Coastal Bays Critical Area Buffer Management Area (BMA) from 100 feet to 36.06 feet (an encroachment of 63.94 feet) associated with a proposed fence in the R-1 Rural Residential District, pursuant to Zoning Code Sections ZS 1-116(m)(1), NR 3-104(c)(4), located at 4232 Carry Back Road, approximately 465 feet east of Bayside Road, Tax Map 73, Parcel 126, Lot 9 of the Equestrian Shores Subdivision, in the Second Tax District of Worcester County, Maryland.

**6:45 p.m.**

**Case No. 20-32**, on the application of Hugh Cropper, IV, Esquire, on the lands of Gregory & Nancy Britt, on the lands of Gregory & Nancy Britt, requesting a variance to the Atlantic Coastal Bays Critical Area setback from 50 feet to 33.6 feet (an encroachment of 16.4 feet) associated with a proposed pool, patio and fence in the R-2 Suburban Residential District, pursuant to Zoning Code Section ZS 1-116(m)(1) and Natural Resources Sections NR 3-104(c)(4) and NR 3-111, located at 13016 North Shore Road, approximately 324 feet east of Golf Course Road, Tax Map 22, Parcel 367, Lot 26 of the Captain's Hill Subdivision, in the Tenth Tax District of Worcester County, Maryland.

**6:50 p.m.**

**Case No. 20-33**, on the application of Jason Hearn, on the lands of Thomas & Renee Finnegan, requesting a special exception to increase the height of a fence in the side yard setback from 6 feet tall to 9 feet 7 ½ inches tall in the R-4 General Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(3) and ZS 1-305(k)(3)C, located at 12545 Ocean Reef Drive, approximately 900 feet south east of Indian Trail Drive, Tax Map 27, Parcel 442, Lot 28, in the Tenth Tax District of Worcester County, Maryland.

**6:55 p.m.**

**Case No. 20-35**, on the lands of Reet Reet Inc., requesting a special exception to increase the gross floor area of two retail and service establishments up to a maximum of 5,000 square feet each in the C-1 Neighborhood Commercial District, pursuant to Zoning Code Sections ZS 1-116(c)(3) and ZS 1-209(c)(1), on the southerly side of Jones Road, approximately 250 feet east of Old Worcester Highway, Tax Map 20, Parcel 320, Lot 5, in the Third Tax District of Worcester County, Maryland.

#### **ADMINISTRATIVE MATTERS**

**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE  
AGENDA**

Governor Larry Hogan has issued an Executive Order that limits public gatherings to no more than 10 persons in a further effort to reduce the spread of the COVID-19 virus. Additionally, effective Thursday, March 19, 2020, the Worcester County Government Center is closed to the public. Therefore, the Technical Review Committee will suspend all in-person meetings for the time being.

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

**Wednesday, June 10, 2020**

Est. Time

- 1:00 P.M.     I.     Call to Order
- II.     § ZS 1-325 Site Plan Review
- 1:00 P.M.     A. Reet Reet Retail – Proposed construction of a 9,000 square foot building to house two retail establishments, located on the southerly side of Jones Road, approximately 250 feet east of Old Worcester Highway, Tax Map 20, Parcel 320, Lot 5, District 3, C-1 Neighborhood Commercial District, Reet-Reet Inc., owner / R.D Hand and Associates, Inc., applicant
- 1:05 P.M.     B. Buas Mini Storage – Proposed construction of three buildings containing 106,000 square feet of mini storage, associated office, and one 5,000 square foot maintenance building associated with a three lot subdivision, located at 11750 Ocean Gateway and 11802 Ocean Gateway, on the southerly side of Ocean Gateway (US Route 50), approximately 1,980 feet south of Samuel Bowen Blvd., Tax Map 26, Parcels 114 and 116, District 10, C-2 General Commercial District, Poppa & Nanna Buas LLC., owner / Will Kernodle; Parker & Associates; applicant, engineer;
- 1:10 P.M.     IV.     Adjourn

## WORCESTER COUNTY PLANNING COMMISSION

**MEETING DATE:** June 4, 2020

**PURPOSE:** Request to waive/ modify the loading space requirement

**DEVELOPMENT:** Redevelopment of the Mad Fish Restaurant

**PROJECT:** Proposed construction of a 13,775 square foot restaurant with outdoor dining/ service areas and an off-premise parking area

**LOCATION:** North and south sides of Harbor Road, east of First Street, Tax Map 27, Parcels 376, 374 & 388, Lots 44, 2 & 3, Tax District 10, CM Commercial Marine and C-2 General Commercial Districts

**PROJECT HISTORY:** West O Madfish, LLC is proposing to reconstruct the previously demolished Mad Fish restaurant on the harbor with a new building. This project is considered a major site plan, and was reviewed by the Technical Review Committee at their Wednesday, April 8, 2020 meeting.

There are a number of outstanding items that need to be addressed before this project can formally be considered by the Planning Commission for site plan approval. However, staff is requesting that the Planning Commission evaluate the loading space waiver request in advance of the site plan review as a whole, as this decision will have a bearing on the overall design of the project.

**WAIVER REQUEST:** Based upon the size of the establishment, the project will require a minimum of one (1) loading space in accordance with §ZS 1-321. A loading space is required to be a minimum of 10' wide by 65' in length, with a 14' clear height. The architect has shown a proposed loading dock on the southeast side of the proposed building.

In order for the loading dock and the trash compactor activities to occur, vehicles must be able to have free and clear access to those areas. The revised site plan now illustrates two (2) code required parking spaces in this area, as shown by the dashed lines on the plan (highlight added to sheet C200 for clarification). When those parking spaces are occupied, access to the loading area and the trash compactor will be restricted, and vice versa. In order to meet the minimum parking as established by Resolution No. 20-1, a total of eleven (11) parking spaces are required to be provided on-site based upon the current square footage of the building. Those spaces must be fully accessible in order to be counted towards the minimum parking provided.

Should the two parking spaces be able to be relocated or reconfigured on the site so that they are fully accessible, the loading space is proposed at 46' 1 ½" in length, and would not be able to meet the full 65' length as required by code. Under the provisions of §ZS 1-321(d), the Planning Commission may grant a waiver to the requirement for a loading

space (but not to the size) where it is deemed that strict compliance would cause undue hardship on the applicant. Should the Planning Commission waive the overall requirement for the standard loading space, they have the option to require another, smaller loading space as a condition of site plan approval, such as the one proposed.

**OWNER/ APPLICANT:** West O Madfish, LLC, 12817 Harbor Road, Ocean City, MD 21842

**CONSULTANT:** Iott Architecture & Engineering, Inc., 310 Hammond Street, Suite 100, Salisbury, MD 21804

**ATTORNEY:** Hugh Cropper, IV, Esquire, 9923 Stephen Decatur Highway, D-2, Ocean City, Maryland 21842

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



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

**Worcester County**

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

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICE DIVISION

**MEMORANDUM**

**TO:** Worcester County Planning Commission  
**FROM:** Phyllis H. Wimbrow, Deputy Director  
**DATE:** May 20, 2020  
**RE:** Text Amendment Application - § ZS 1-339(a)(10) - Home Occupations

\*\*\*\*\*

The attached text amendment application was submitted by Mark S. Cropper and seeks to amend Section §1-339(a)(10) of the Zoning and Subdivision Control Article to include the E-1 Estate District as one of the zoning districts in which a home occupation may be in an accessory building of up to 3,000 square feet in gross floor area. Currently this is limited to the A-1 and A-2 Agricultural Districts on parcels of greater than 80,000 square feet in area.

Following our customary practice, once I received the text amendment application I forwarded it to Ed Tudor, Director, Jennifer Keener, Zoning Administrator, and Roscoe Leslie, County Attorney and Planning Commission Attorney, for their review and comment. The comments of both Mr. Tudor and Ms. Keener are attached. Both noted that the Comprehensive Plan calls for the elimination of the E-1 Estate District, with its replacement by either an agricultural or residential district. Given the rural location and large size of many of the E-1 parcels, Mr. Tudor and Ms. Keener both stated that they had no issue with the requested text amendment. I concur with those conclusions.

Therefore, the staff gives a favorable recommendation to the text amendment application as specifically requested. A draft bill is attached for your reference

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

cc: Edward A. Tudor  
Roscoe Leslie  
Jennifer Keener



**Worcester County Commissioners  
Worcester County Government Center  
Once West Market Street, Room 1103  
Snow Hill, MD 21863**

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

---

---

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

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

Date Received by Development Review and Permitting: 5/11/2020

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

---

---

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

- A. Resident of Worcester County        X    
B. Taxpayer of Worcester County        X    
C. Governmental Agency              \_\_\_\_\_

(Name of Agency)

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

- A. Section Number:        ZS 1-339(a)(10)    
B. Page Number:          ZS 1:III:148    
C. Proposed revised text, addition or deletion:

Revise as follows: (10) In the A-1, A-2 and E-1 Districts on parcels greater than eighty thousand square feet in area, the area used for a home occupation in an existing accessory building or the gross floor area of a single accessory building to be constructed for a home occupation may comprise up to three thousand square feet in gross floor area.

III. **Reasons for Requesting Text Change.**

- A. Please list reasons or other information as to why the proposed text change is necessary and therefore requested:

The reason for the text change is to provide consistency between the A-1, A-2 and E-1 Districts with regard to home occupations in accessory buildings.

IV. Signature of Applicants

Signature:



Printed Name of Applicant:

**Mark Spencer Cropper**

Mailing Address: **6200 Coastal Highway, Suite 200, Ocean City, MD 21842**

Phone Number: **(410) 723-1400**

Email: [mcropper@ajgalaw.com](mailto:mcropper@ajgalaw.com)

Date: 5/7/20

V. Signature of Attorney

Signature:



Printed Name of Applicant:

**Mark Spencer Cropper**

Mailing Address: **6200 Coastal Highway, Suite 200, Ocean City, MD 21842**

Phone Number: **(410) 723-1400**

Email: [mcropper@ajgalaw.com](mailto:mcropper@ajgalaw.com)

Date: 5/7/20

VI. General Information Relating to the Text Change Process.

- A. Applications for text amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
  
- B. Procedure for Text Amendments – Text amendments shall be passed by the County Commissioners of Worcester County as Public Local Laws according to legally required procedures, with the following additional requirements. Any proposed amendment shall first be referred to the Planning Commission for recommendation. The Planning Commission shall make a recommendation within a reasonable time after receipt of the proposed amendment. After



receipt of the recommendation of the Planning Commission, the County Commissioners shall hold at least one public hearing in relation to the proposed amendment, at which parties and interested citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing and the nature of the proposed amendment shall be published in an official paper or a paper of general circulation in Worcester County. IN the event no County Commissioner is willing to introduce the proposed amendment as a bill, it will not be considered.

## Phyllis Wimbrow

---

**From:** Ed Tudor  
**Sent:** Wednesday, April 29, 2020 5:28 PM  
**To:** Phyllis Wimbrow; Jennifer Keener; Roscoe Leslie  
**Subject:** RE: Text Amendment - Home Occupations

Well, given the fact that we had always thought that when the E-1 district goes away as it is supposed to, the zoning districts the parcels will go to will either be the A-1 or A-2, I don't really have a problem with it.

Ed Tudor  
Director, Development Review and Permitting Worcester County Government

-----Original Message-----

**From:** Phyllis Wimbrow <pwimbrow@co.worcester.md.us>  
**Sent:** Wednesday, April 29, 2020 9:16 AM  
**To:** Ed Tudor <etudor@co.worcester.md.us>; Jennifer Keener <jkkeener@co.worcester.md.us>; Roscoe Leslie <roscoe.leslie@co.worcester.md.us>  
**Subject:** Text Amendment - Home Occupations

Good morning all,

Mark Cropper submitted the attached draft text amendment application to me yesterday and would like our comments before formally submitting it. The proposed text amendment seeks to amend Section ZS 1-339(a)(10) to add the E-1 Estate District to the zoning districts in which a home occupation may be in an accessory building of up to 3,000 sq. ft. in gross floor area. Currently this is limited to the A-1 and A-2 Agricultural Districts.

Please let me know your thoughts. I'd like to place this item on the agenda for the June Planning Commission meeting if possible.

Phyllis H. Wimbrow  
Deputy Director  
Worcester County Development  
Review and Permitting  
1 West Market Street, Room 1201  
Snow Hill, Maryland 21863  
(410) 632-1200, ext. 1110

-----Original Message-----

**From:** wcg-xerox@co.worcester.md.us [mailto:wcg-xerox@co.worcester.md.us]  
**Sent:** Wednesday, April 29, 2020 9:18 AM  
**To:** Phyllis Wimbrow <pwimbrow@co.worcester.md.us>  
**Subject:** Scanned from DRP-XeroxB8065

Please open the attached document. It was sent to you using a Xerox multifunction printer.

Attachment File Type: pdf, Multi-Page



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](http://www.co.worcester.md.us/drp/drpindex.htm)

ZONING DIVISION  
BUILDING DIVISION  
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICES DIVISION

## MEMORANDUM

To: Phyllis Wimbrow, Deputy Director  
From: Jennifer K. Keener, AICP, Zoning Administrator *JKK*  
Date: May 5, 2020  
Re: Home Occupations

\*\*\*\*\*

I have reviewed the proposed text amendment submitted by Mr. Mark Cropper that seeks to modify the home occupation section, §ZS 1-339. Specifically, he is seeking the inclusion of the E-1 Estate District within the list of permissible districts for a home occupation to exceed 600 square feet, but in no case larger than 3,000 square feet, in a detached accessory building. Currently, this provision only applies to those parcels located in the A-1 and A-2 Agricultural Districts with a minimum lot area of eighty thousand square feet.

Per the Comprehensive Plan, the E-1 Estate District was intended to be eliminated with the most recent re-write of the Zoning Code as well as the comprehensive rezoning efforts of 2009. The intent was to re-designate those properties as either Agricultural (A-1 or A-2) or Residential. Due to the desire of a segment of the E-1 Estate District residents to retain their zoning classification, this district was not eliminated, though some areas were rezoned.

Currently, the E-1 District can be found in Bishopville, along the southerly side of Saint Martins Neck Road; in the South Point area, from Assateague Road (MD Route 376) to the end of the peninsula; a small portion at the northerly terminus of Racetrack Road (MD Route 589); and several parcels of land on both sides of Public Landing Road (MD Route 365) just west of the Village district. Given the quantity of parcels affected, in addition to the minimum lot area required, I have no issue with this request.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 20-

BY:  
INTRODUCED:

A BILL ENTITLED

AN ACT Concerning

Zoning - Home Occupations

For the purpose of amending the Zoning and Subdivision Control Article to include the E-1 Estate District as a zoning district in which a home occupation may be in an accessory building of up to three thousand square feet in gross floor area.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing § ZS 1-339(a)(10) be repealed and reenacted to read as follows:

- (10) In the A-1, A-2 and E-1 Districts on parcels greater than eighty thousand square feet in area, the area used for a home occupation in an existing accessory building or the gross floor area of a single accessory building to be constructed for a home occupation may comprise up to three thousand square feet in gross floor area.

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

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

COUNTY COMMISSIONERS OF  
WORCESTER COUNTY, MARYLAND



DEPARTMENT OF  
ENVIRONMENTAL PROGRAMS

## Worcester County

GOVERNMENT CENTER  
ONE WEST MARKET STREET, ROOM 1306  
SNOW HILL, MARYLAND 21863  
TEL: 410-832-1220 / FAX: 410-832-2012

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

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

May 26, 2020

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

RE: Transmittal- Draft Comprehensive Water and Sewerage Plan Amendment –Mystic Harbour  
Revision of Allocation of Sewer EDUs  
(SW-2020-02)

Dear Commissioners:

We are writing to forward the proposed *Worcester County Comprehensive Water and Sewerage Plan (The Plan)* amendment to revise the EDU allocation table for the Mystic Harbour Service Area to *The Plan*, for your review and comments.

The Department of Environmental Programs is the applicant on behalf of the Worcester County Commissioners. The applicant requests a revision of the EDU sewer allocation table for new capacity in the Mystic Harbour Sewer Planning Area in *The Plan*. The Sewer EDU Allocation Table was included in the Maryland Department of Environment's modified approval of the Frontier Town amendment to *The Plan* (approval October 29, 2015) and the modified approval of the Mystic Harbour Waste Water Treatment Plant expansion amendment (approved November 25, 2015), and subsequent approved amendments for the Mystic Harbour Sewer Planning Area including the first expansion of this campground approved under Resolution No. 18-17.

This amendment would modify the Allocation of Sewer EDUs (table and map) in the Mystic Harbour SSA to reassign twenty nine (29) sewer EDU's from the "Infill and Intensification" category for properties in Area 1 (North of Airport) and nine (9) EDU's from the "vacant or Multi-lot properties" category properties in Area 1 (North of Airport) to the Frontier Town Campground category in Area 2

*Citizens and Government Working Together*

(South of Airport). The capacity is intended to serve a proposed 112 campsite expansion of the Frontier Town Campground. The new campsites are proposed to connect to the Mystic Harbour WWTP utilizing a pump station and force main constructed for the initial connection of the existing 584 campsites at the Frontier Town campground and a subsequent 101 site expansion. This second expansion of additional sites will be located on the existing Frontier Town property. The sewer EDU allocation table was included in the Maryland Department of Environment's (MDE) modified approval of the Frontier Town and Mystic Harbour amendments to *The Plan*.

Other than a relabeling of the assigned EDUs within the service area on the map, this amendment also does not seek to amend or intensify the wastewater planning areas approved as modified by MDE in Resolution 14-26, with respect to the mapped planning areas in Figure 4-14.

In order to complete this project, the following infrastructure will be needed:

- Anticipated infrastructure changes include connecting force/gravity mains within the campground property for the new campsites to connect to the force main and pump station conveying the sewage from the existing campground to the Mystic Harbour WWTP.

To summarize, this amendment is prepared to revise the allocation of sewer EDUs within the Mystic Harbour Sewer Planning Area.

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

### **Comprehensive Plan Policies**

The comprehensive plan assigns five land use designations to the West Ocean City and Mystic Harbour sewer planning area. These designations include commercial center, existing developed area, institutional, green infrastructure, and agriculture.

Existing Developed Centers are defined (p. 13) as follows:

- Existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained.
- Not designated as growth areas, these areas should be limited to infill development.

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

- This category designates sufficient area to provide for anticipated needs for business, light industry, and other compatible uses.

Agriculture is defined (p. 18) as follows:

- This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted.
- Residential and other conflicting land uses although permitted are discouraged.

Institutional is defined (p. 20) as follows:

- Major public properties and facilities.

Green Infrastructure is defined (p. 19) as follows:

- Designated to preserve environmentally significant areas and to maintain the environmental functionality of the county's landscape.

The comprehensive plan goes on to state:

Chapter One, "Introduction" states:

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

Chapter Three, "Natural Resources" states:

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

Chapter Three, "TMDLs" states:

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

Chapter Six, "Public Infrastructure" states:

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

Chapter Seven, "Transportation", under Transportation Policies, Projects, and Recommendations, MD 611 (p. 85), states:

- Growth along the mid and southern portion of the corridor should be limited due to sensitivity of nearby lands and the limited capacity of the area's road system.

## **Zoning**

The *Planning Area* has already been approved under various amendments and is appropriately

zoned for the current and proposed uses planned for the existing sanitary area properties.

**Staff's Comments**

Staff comments are submitted below for your consideration. The Department of Public Works has no comments at this time.

1. This proposal seeks to meet new demand generated by infill development within the planning areas. The project would provide service to areas designated by the comprehensive plan and comprehensive water and sewerage plan for public sewer service.
2. The *Planning Area's* comprehensive plan designations and zoning permits the proposed uses. Any construction in the *Planning Area* would be required to meet the provisions of the storm water program, critical area, and other local and state regulatory requirements.
3. This proposal does not require the expansion of the treatment facilities capability and can be adequately handled in the upgraded Mystic Harbour WWTP.
4. Current land use patterns will not change as a result of this project which is entirely located within the current property boundaries of the existing campground.
5. *The Plan* states that proposed amendments must be consistent with *The Comprehensive Plan* and existing zoning classifications. As proposed, the project appears to be consistent with *The Comprehensive Plan* and existing zoning.

If you need further information, please contact us.

Sincerely,



Robert J. Mitchell, LEHS  
Director

**Attachments**

cc: WS Amendment File (SW 2020-02)



# **Attachment 1**

## **Revised Sewer Allocation Table** (Proposed Revision to Page 4-31.6 in *The Plan*)

## **Current Figure 4-14** (*Current Mystic Sewer Planning Area*)

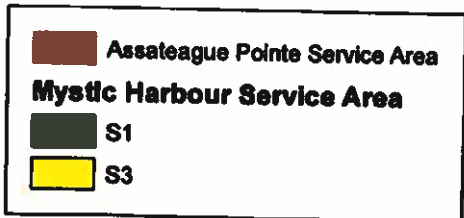
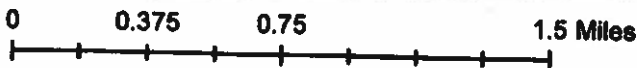
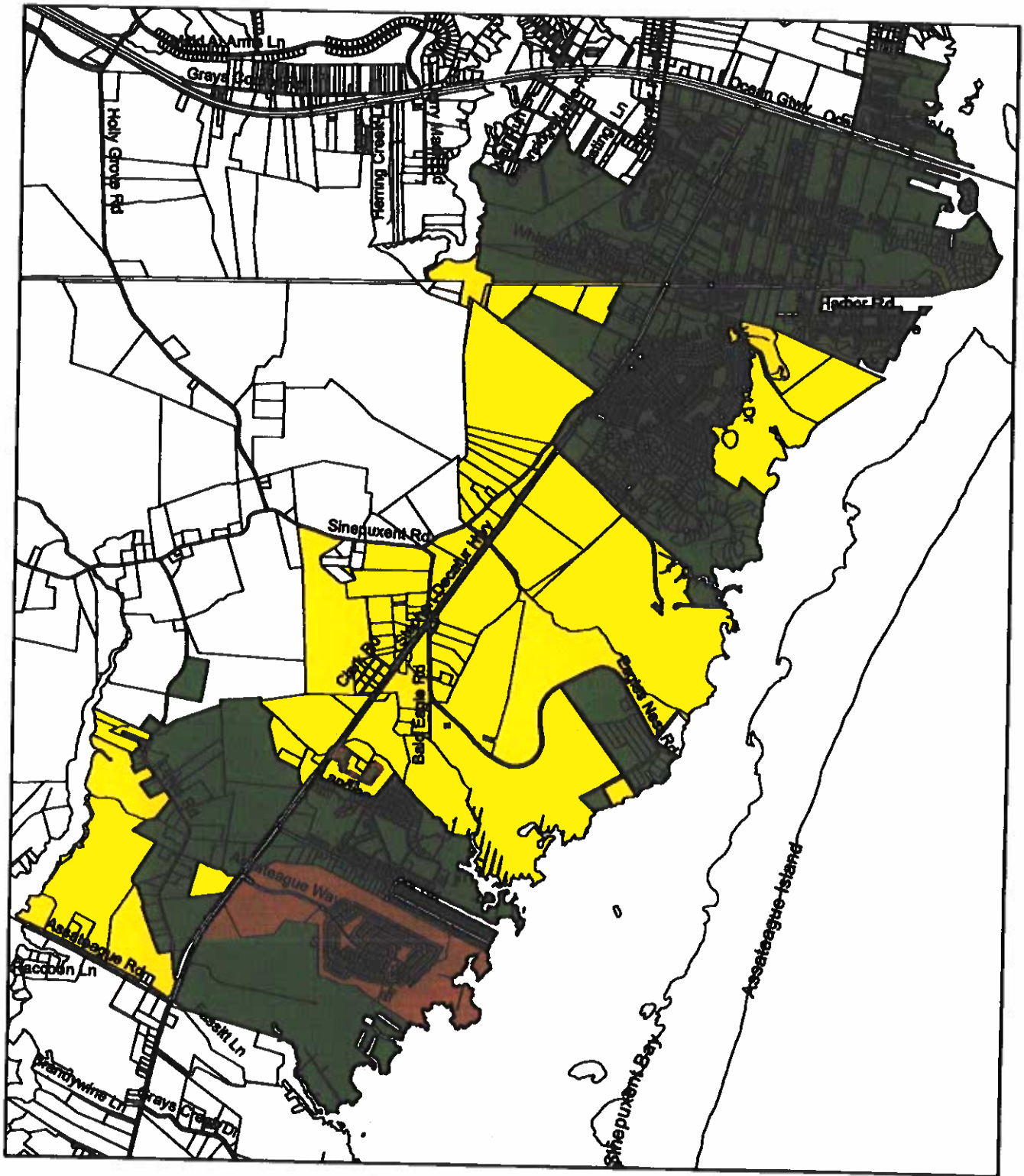
**Allocation of Sewer EDUs in Mystic Harbour Sanitary Service Area (New Capacity as of 4/14/20)**

North of Airport, North of Antique Road, East and West of Route 611 - "Area 1"	Original Allocation	Current Adjusted Allocation	Sold and In Service	Sold and Not In Service	Remaining Allocation	Footnotes
Infill and Intensification of Properties in "Area 1"	154	114	0	110	4	3, 10, 12, 13, 14, 19
Vacant or Multi-lot Properties in "Area 1"	80	80	0	39	41	13, 19
Single Family Dwellings	17	17	0	0	17	
Commercial Properties in "Area 1"	80	80	43	33	4	4, 5, 7, 8, 11, 13, 14, 17, 18
<b>Subtotal EDUs in "Area 1"</b>	<b>331</b>	<b>291</b>	<b>43</b>	<b>182</b>	<b>66</b>	
<b>Airport and South of Airport, East of Route 611 - "Area 2"</b>						
Commercial Infill South of Airport	20	20	0	20	0	15, 16
Vacant or Multi-lot Properties	4	4	1	2	1	6, 16
Assateague Greens Executive Golf Course/Range-9-holes	6	6	0	0	6	
Ocean City Airport, Clubhouse and Humane Society	32	32	32		0	1
Church	5	5	0	0	5	
Single Family Dwellings	20	20	0	1	19	9
Castaways Campground	88	88	88		0	2
Frontier Town Campground	130	238	166	72	0	3, 10, 19
Commercial Portion of Frontier Town Campground	30	0			0	
<b>Subtotal EDUs in "Area 2"</b>	<b>335</b>	<b>413</b>	<b>287</b>	<b>95</b>	<b>31</b>	
<b>TOTAL EDUs</b>	<b>666</b>	<b>704</b>	<b>330</b>	<b>277</b>	<b>97</b>	

Note: See attached map for location of EDU allocations

**Footnotes:**

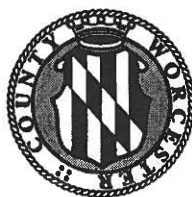
- 1 - Transferred 32 EDUs to Town of Ocean City on June 3, 2014 as part of the Eagles Landing Spray Irrigation MOU.
- 2 - Sold 88 EDUs to Castaways Campground on July 3, 2014.
- 3 - Sold 166 EDUs to Frontier Town Campground on March 30, 2017 by transferring 30 EDUs from Frontier Town Commercial allocation and 6 EDUs from "infill and intensification of properties in Area 1" allocation as agreed by Commissioners on September 19, 2017.
- 4 - Sold 14 EDUs to Park Place on May 16, 2017.
- 5 - Hampton Inn bought 40 EDUs from Mitch Parker and bought an additional 13 EDUs from the County on August 28, 2017.
- 6 - Approved the sale of 2 EDUs to Victor H. Birch Property on March 20, 2018.
- 7 - Approved the sale of 1 EDU to Eugene Parker Trust Property on April 3, 2018.
- 8 - Approved the sale of 3 EDUs to L & B Ocean City, LLC Properties on April 3, 2018.
- 9 - Approved the sale of 1 EDU to Michael Jay Deem Property on April 17, 2018.
- 10 - Water and Sewerage Plan Amendment - 34 EDUs from "infill and intensification of properties in Area 1" to Frontier Town Campground for Expansion - approved on June 19, 2018 by County Commissioners (Resolution No. 18-17).
- 11 - Approved the sale of 9 EDUs to Stockyard Inc. Property on June 19, 2018.
- 12 - Approved the sale of 27 EDUs to GCR Development, LLC Property on July 3, 2018.
- 13 - Approved the sale of 63 EDUs - (29-infill, 30-vacant, 4-commercial) - to Sea Oaks, LLC property on Sept 18, 2018. Pending MDE approval.
- 14 - Approved the sale of 45 EDUs - (25-infill, 20-commercial) - to ODIE-1, LLC (Alamo Motel) property on October 23, 2018.
- 15 - Approved the sale of 6 EDUs to Assateague Island Farm, LLC property on January 22, 2019, subject to various conditions.
- 16 - Approved the sale of 15 EDUs to ES Adkins and Company property (14 commercial infill, 1 vacant) on February 19, 2019.
- 17 - Approved the sale of additional 7 EDUs to Stockyard Inc. Property on July 16, 2019.
- 18 - Approved the sale of additional 5 EDUs to Stockyard Inc. Property on December 3, 2019.
- 19 - Pending Water and Sewerage Plan Amendment - 29 EDUs from "infill and intensification" and 9 EDUs from "Vacant or Multi-lot properties" in Area 1 to Frontier Town Campground for Expansion - pending public hearing on June 16, 2020 by County Commissioners (Resolution No. 20-77).



**Figure 4-14**  
Mystic Harbour Sewer Planning Area



Prepared by the Worcester County  
Department of Environmental Programs  
January 8, 2020



DEPARTMENT OF  
ENVIRONMENTAL PROGRAMS

**Worcester County**

GOVERNMENT CENTER  
ONE WEST MARKET STREET, ROOM 1308  
SNOW HILL, MARYLAND 21863  
TEL: 410-632-1220 / FAX: 410-632-2012

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

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

May 26, 2020

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

RE: Transmittal-Comprehensive Water and Sewerage  
Plan Amendment –Mystic Harbour Sanitary Area –  
Expansion of Sewer Planning Area  
12424 Old Bridge Road  
TM 26 P 193  
(SW-2020-03)

Dear Commissioners:

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

Mr. Hugh Cropper is the applicant on behalf of the owner, Mr. Mark Odachowski. This amendment seeks to expand the Mystic Harbour sewer planning area for the subject property. The property is 10 acres in size and has the western portion of the property already within the Mystic Harbour sewer planning area with a designation of S-1 (immediate to two years). They are applying to include the whole property within the Mystic sewer planning area with a designation of S-1 (immediate to two years), and include in the Mystic Harbour sewer service information in *The Plan* to include a revised Mystic Harbour sewer planning area map that will reflect the entire property as a planned S-1 designation. Since we already have a West Ocean City sewer planning area overlay in the area, the subject property is already designated S-1 in *The Plan* for the West Ocean City sewer planning area. This amendment would not change that planning designation for the West Ocean City sewer planning area, it would only include the entire property within the Mystic Harbour sewer planning area with an S-1 designation in the same.

*Citizens and Government Working Together*

Mystic Harbour WS Amendment Case No. 2020-03  
May 26, 2020

The applicant requested the change in sewer service classification in order to serve a proposed fifty-nine (59) unit residential development. The subject property, is located at 12424 Old Bridge Road (MD Route 707), in West Ocean City, Maryland. The property is more specifically identified on Worcester County Tax Map 26 as Parcel 193. The owner will need to seek an allocation of Mystic Harbour sewer EDUs from the County Commissioners to serve the proposed development from available capacity in Area 1 (North of the Airport).

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

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

### **Comprehensive Plan Policies**

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

#### **1. Existing Developed Area**

Existing Developed Centers are defined (p. 13) as follows:

- Existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained.
- Not designated as growth areas, these areas should be limited to infill development.

The *Comprehensive Plan* goes on to state:

Chapter One, “Introduction” states:

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

Chapter Three, “Natural Resources” states:

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

Chapter Three, “TMDLs” states:

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

Chapter Six, “Public Infrastructure” states:

- Consistent with the development philosophy, facilities and services necessary for the health, safety, and general welfare shall be cost effectively provided (p.70).

Mystic Harbour WS Amendment Case No. 2020-03  
May 26, 2020

- Plan for efficient operation, maintenance, and upgrades to existing sanitary systems as appropriate (p. 73).
- Provide for the safe and environmentally sound water supply and disposal of wastewater generated in Worcester County (p.73).
- Use land application of treated wastewater as the preferred wastewater disposal method where appropriate (p. 73).
- Sewer systems should be sized to serve their service areas' planned for land uses (p. 74).

Chapter Seven, "Transportation", under Transportation Policies, Projects, and Recommendations, MD 611 (p. 85), states:

- Growth along the mid and southern portion of the corridor should be limited due to sensitivity of nearby lands and the limited capacity of the area's road system.

### **Zoning**

The *Planning Area* is has already been approved under various amendments and is appropriate zoned for the current and proposed uses planned for the existing sanitary area properties, including the subject property. This property, approximately 10 acres in area, has a single zoning designation, R-4 (General Residential District).

### **Staff's Comments**

Staff comments are submitted below for your consideration.

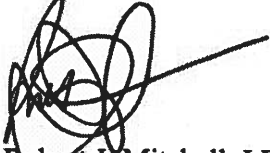
1. This proposal seeks to meet existing needs and demand generated by infill development within the planning areas. The project would provide service to an area designated by the *Comprehensive Plan* and *Master Water and Sewerage Plan* for public sewer service. The property is upgrading an existing sewer planning area designation to reflect an expedited timeframe with respect to the proposed development schedule.
2. The property is already classified as an S-1 in the West Ocean City sewer planning area. Since the West Ocean City area has limited capacity and overlays the subject property and adjacent properties, this proposed expansion of the Mystic Harbour sewer planning area is designed to accommodate the proposed sanitary needs of this development.
3. The subject property is mapped as an IDA (Intensely Developed Area) for the Atlantic Coastal Bays Critical Area, with the easternmost portion of the property located outside the critical area.
4. The *Planning Area's* comprehensive plan designations and zoning permits the proposed uses. Any construction in the *Planning Area* would be required to meet the provisions of the storm water program, critical area program, and other local and state requirements.
5. This proposal does not require the expansion of the treatment facilities capability and can be adequately handled in the recently upgraded Mystic Harbour WWTP.
6. This infill development will occur in the manner and character of the surrounding neighborhoods in existing developed areas.
7. *The Plan* states that proposed amendments must be consistent with *The Comprehensive Plan* and existing zoning classifications. As proposed, the project appears to be consistent with *The Comprehensive Plan* and existing zoning. While the rear portion of the property has a land use designation of Green Infrastructure, this entire property is already in the Mystic sewer planning

Mystic Harbour WS Amendment Case No. 2020-03  
May 26, 2020

area and any development would have to meet the provisions of environmental regulatory requirements as noted in #4 above.

If you need further information, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Mitchell', with a long horizontal line extending to the right.

Robert J. Mitchell, LEHS  
Director

Attachments

cc: WS Amendment File (SW 2020-03)

# **Attachment 1**

# **Application**

---

**Mystic Harbour Sanitary Area  
Expansion of Sewer Planning Area  
Case No. SW 2020-03  
May 26, 2020**



**Application for Amendment of the  
Comprehensive Water and Sewerage Plan  
Worcester County, Maryland**

Date: April 9, 2020

Applicant (name, mailing address, phone and FAX number):

**Name** Mark R. Odachowski  
**Address** 12424 Old Bridge Road  
West Ocean City, MD 21842  
**Contact Person:** Dane Bauer  
**Telephone:** 410.812.9109

Amendment Type: \_\_\_ Water X Sewer \_\_\_ Other  
Amendment Character: X Addition \_\_\_ Deletion \_\_\_ Change

Please complete all the applicable forms included in this package. If a system does not already have the "Existing System" sheet is not required. Include a map of the area to be served at a scale of at least 1" = 2,000'. Return the completed application to:

Department of Environmental Programs  
1 West Market Street Room 1306  
Snow Hill, Maryland 21863

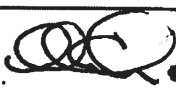
The fee for major amendment [adding or deleting service capacity or area(s)] is \$500.  
Minor amendments (not adding or deleting service) are \$100.  
**Note: Modification of this form will void the application.**


Property Identification:

Tax Map 26 Parcel Number(s): 193  
Town/Community Name: Odachowski Residential Development

Location Description:

Southside of Old Bridge Road, abutting Greenridge Lane.

Property Owner Signature:  e. attorney for Mark R. Odachowski Date: 4/21/20  
Mark R. Odachowski

Applicant Signature:  Date: 4/21/20  
(If other than property owner)  
Mark R. Odachowski

Hugh Cropper IV

**Application for Amendment of the  
Comprehensive Water and Sewerage Plan  
Worcester County, Maryland**

Date: April 9, 2020

Applicant (name, mailing address, phone and FAX number):

Name Mark R. Odachowski  
Address 12424 Old Bridge Road  
West Ocean City, MD 21842

Contact Person: Dane Bauer  
Telephone: 410.812.9109

Amendment Type:  Water  Sewer  Other  
Amendment Character:  Addition  Deletion  Change

Please complete all the applicable forms included in this package. If a system does not already have the "Existing System" sheet is not required. Include a map of the area to be served at a scale of at least 1" = 2,000'. Return the completed application to:

Department of Environmental Programs  
1 West Market Street Room 1306  
Snow Hill, Maryland 21863

The fee for major amendment [adding or deleting service capacity or area(s)] is \$500.  
Minor amendments (not adding or deleting service) are \$100.  
Note: Modification of this form will void the application.

Property Identification:

Tax Map 26 Parcel Number(s): 193  
Town/Community Name: Odachowski Residential Development

Location Description:

Southside of Old Bridge Road, abutting Greenridge Lane.

Property Owner Signature: [Signature] Date: 4/11/20  
Mark R. Odachowski Hugh Cooper II, attorney

Applicant Signature: [Signature] Date: 4/11/20  
(If other than property owner)  
Mark R. Odachowski  
Hugh Cooper II

## **Water and Sewerage Plan Amendment Application Worcester County, Maryland Proposed Uses**

**\* Please provide as much detail as possible on the proposed uses and review Worcester County zoning provisions for permitted uses.**

<u>Tax Map</u>	<u>Parcel</u>	<u>Zoning</u>	<u>Proposed Use</u>	<u>EDU's Needed (Approx.) *</u>
26	193	R-4	Residential District	35

**\* Note:**

Mr. Odachowski, through his corporate entity, previously applied for, and received, the allocation of forty-five (45) wastewater EDU's in the MHSSA in connection with the redevelopment of the Alamo Motel, located a short distance away on US Route 50. If the Service Area

April 13, 2004

**Water and Sewerage Plan Amendment Application  
Worcester County, Maryland  
Existing Sewer System**

**System Parameters**

Date: 9-Apr-20  
 System Name: Mystic Harbour WWTP  
 System owner: Worcester County  
 System operator: Worcester County  
 Priority/Sewer and  
 Water Plan Category: S-1  
 Service area: Mystic Harbour Sanitary Service Area  
 (Tax Map and parcel(s))

	Mystic Harbour Phase I Buildout			
	Year			
	2020	2025	2030	2035
Population served:	904	936	968	1,000
EDU's served	96	64*	32*	0
EDU's unserved				
GPD per EDU	250	250	250	250

	Mystic Harbour Phase 2 Buildout			
	Year			
	2020	2025	2030	2035
	300	500	600	667
	367	187	67	0
	300	300	300	300

System capacity				
	Year			
	2020	2025	2030	2035
Demand (MGD)	0.25	0.25	0.25	0.25
Planned (MGD)	0.26	0.25	0.25	0.25
Permitted (NPDES/groundwater)	0.45	0.45	0.45	0.45

	Year			
	2020	2025	2030	2035
	0.34	0.40	0.425	0.45
	0.45	0.45	0.45	0.45
	0.45	0.45	0.45	0.45

Collection system description: A system of gravity sewers, pump stations and forcemains.

**Treatment Plant**

Location (N/E): 38°18'33.3"N 75°06'53.7"W (Mystic Harbour Blvd)  
 Type: Advanced ENR facility  
 Site area (acres): \_\_\_\_\_ Occupied area: \_\_\_\_\_ Unused area: \_\_\_\_\_  
 Current Capacity (MGD): Secondary: 0.450 Advanced: \_\_\_\_\_  
 Potential Capacity (MGD): Secondary: \_\_\_\_\_ Advanced: \_\_\_\_\_  
 Existing flow (MGD): 0.270 Average: \_\_\_\_\_ Peak: \_\_\_\_\_  
 Sludge disposal: Dewatered sludge to landfill

**Discharge:**

Type: Spray irrigation on golf course, Mystic Harbour injection wells, transfer to Ocean City WWTP as needed  
 Location: As defined in MDE permits  
 NPDES/groundwater permit number: 10-DP-2273

Comments (planned expansion; alteration, abandonment if interim [indicate date], or other changes; problems; etc.)

Water and Sewer Plan amendment submitted along with a Sanitary Service Area expansion request to allow assignment of 35 EDUs to accommodate the Odachowski Residential Development.

\* These EDUs have been allocated but not used.

**Water and Sewerage Plan Amendment Application  
Worcester County, Maryland  
Planned Sewer System**

Date: 4/9/2020

**System Name:** Mystic Harbour WWTP  
**Area Served:** Mystic Harbour Sanitary Service Area  
**Owner:** Worcester County  
**Operator:** Worcester County

Population and Capacity	2020	2025	2030	2035
Population Served (EDU):	1,300	1,500	1,600	1,667
Population Unserved (EDU):	367	167	67	0
GDP per EDU:	250   300	300	300	300
System Capacity Demand (MGD)	0.45	0.45	0.45	0.45
System Capacity Planned:	0.45	0.45	0.45	0.45
Permitted Capacity (MGD):	0.45	0.45	0.45	0.45

**Collection System**

**Type (circle one):** Combined Separate  
**Description:** A system of pump stations, gravity sewers, and forcemains  
**Condition of Transmission facilities:** Facilities in good condition and maintained by Worcester County.

**Treatment Facility**

**Location (MD coordinates):** 38°19'33.3"N 75°06'53.7"W  
**Type:** Advanced ENR facility with spray irrigation and injection wells.  
**Total Site Size (acres):** 18-20 Occupied by facility: 10  
**Design Flow (MGD)** 0.45  
**Existing Flow (MGD): Average:** 0.34 **Peak:** \_\_\_\_\_  
**Sludge disposal method:** Dewatered sludge to landfill

**Discharge**

**Type:** Spray irrigation on golf course and injection wells  
**Location:** Eagles Landing Golf Course | Injection wells of of Pony Island Ln  
**NPDES permit # & expiration date:** 10-DP-2273 | Exp - April 30, 2022

**Op., Maint., and Replacement Costs:** Owned and operated by Worcester County  
**Funding Source:** Rate payer utility fees.

**Comments:** Water and Sewer Plan amendment submitted along with a Sanitary Service Area expansion request to allow assignment of 35 EDUs to accommodate the Odachowski Residential Development.

April 13, 2004

**Water and Sewerage Plan Amendment Application  
Worcester County, Maryland  
Existing Water System**

Date: April 7, 2020

System name: \_\_\_\_\_  
System owner: \_\_\_\_\_  
System operator: \_\_\_\_\_  
Priority/Sewer and  
Water Plan Category: \_\_\_\_\_  
Service area: \_\_\_\_\_

	Year		
	<u>2018</u>	<u>2020</u>	<u>2025</u>
<u>EDU's Population served:</u>			
Served	_____	_____	_____
Unserved	_____	_____	_____
GPD per EDU	_____	_____	_____
<u>System capacity</u>			
Demand (MGD)	_____	_____	_____
Planned (MGD)	_____	_____	_____

**Production Wells**

Well number: \_\_\_\_\_  
Aquifer: \_\_\_\_\_  
Location: \_\_\_\_\_  
Depth: \_\_\_\_\_  
Diameter: \_\_\_\_\_  
Max. yield: \_\_\_\_\_  
Pumping capacity: \_\_\_\_\_  
Water quality: \_\_\_\_\_

**Treatment**

Water source: \_\_\_\_\_  
  
Type: \_\_\_\_\_  
Location: \_\_\_\_\_  
Rated Capacity: \_\_\_\_\_  
Average production: \_\_\_\_\_  
Max. peak flow: \_\_\_\_\_

Storage capacity: \_\_\_\_\_  
Sludge disposal: \_\_\_\_\_

**Comments (expansion plans [MGD/dates]; problems; planned improvements; etc.)**

Water service is currently connected to the property and capacity for additional EDUs is available for purchase.

April 13, 2004

**Water and Sewerage Plan Amendment Application  
Worcester County, Maryland  
Planned Water System**

Date: 9-Apr-20  
System Name: \_\_\_\_\_  
System Owner: \_\_\_\_\_  
System Operator: \_\_\_\_\_

Sewer/Water Plan proposed category: \_\_\_\_\_ (W-1, W-2, W-3)

Service area: \_\_\_\_\_  
[Tax Map and parcel(s)]

Population served:  
(EDU's served)

	Year	
2018	2020	2026

Gallons per EDU: \_\_\_\_\_

Constructed by: \_\_\_\_\_

Planned Distribution System: \_\_\_\_\_

**System parameters:**

Well location: \_\_\_\_\_  
Well depth/aquifer: \_\_\_\_\_  
Treatment facilities: \_\_\_\_\_  
Storage facilities: \_\_\_\_\_

Distribution system: \_\_\_\_\_

Pumping capacity: \_\_\_\_\_  
System Cost: \_\_\_\_\_  
Funding source: \_\_\_\_\_

**Construction schedule:**

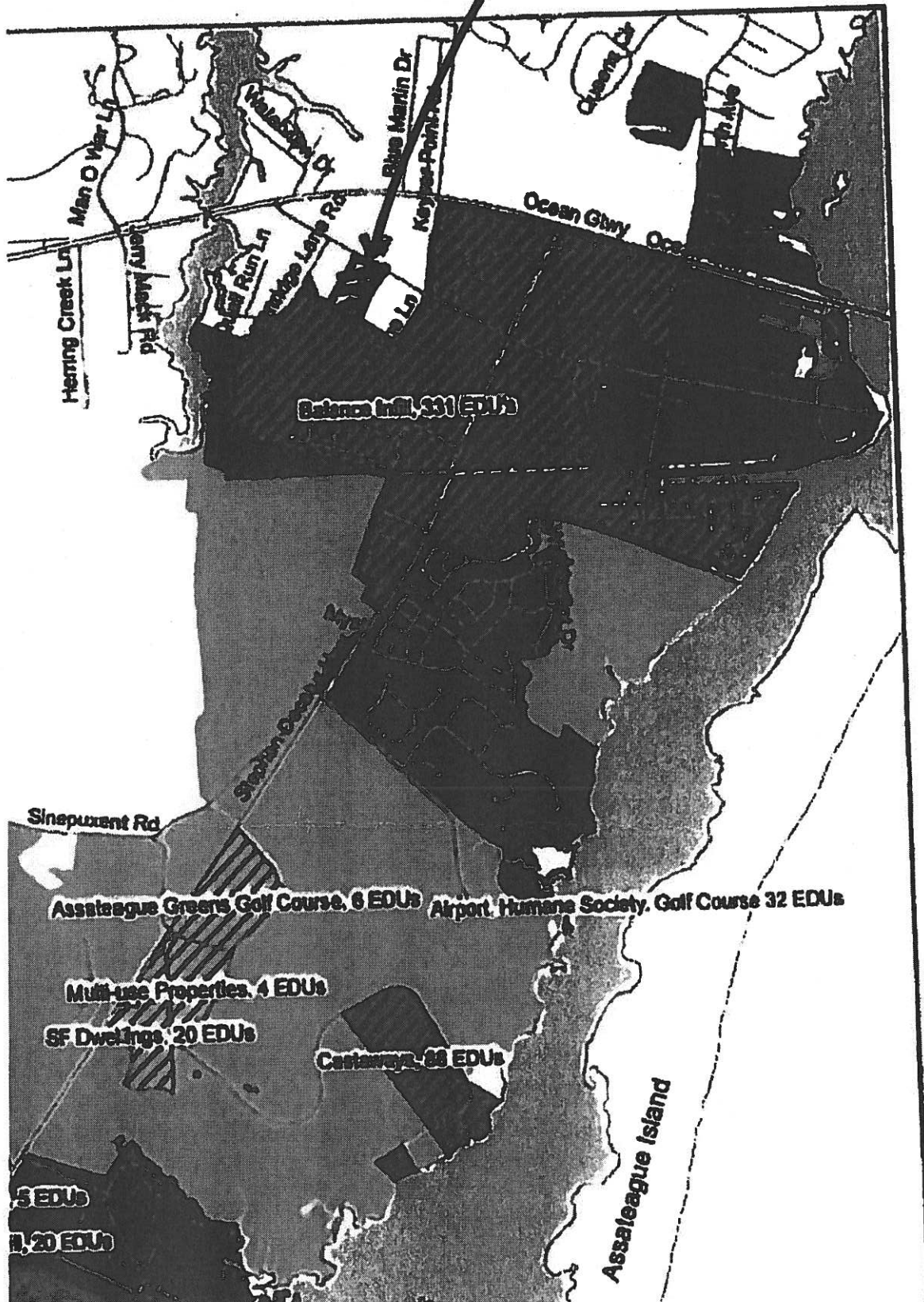
Start: \_\_\_\_\_  
Complete: \_\_\_\_\_

Comments: Water service is currently connected to the property and capacity for additional EDUs is available for purchase.

Agreement, Policies: \_\_\_\_\_

Allocation: \_\_\_\_\_

# Mystre Service Area Expansion



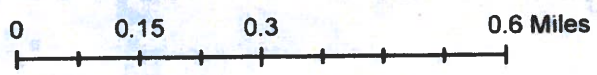
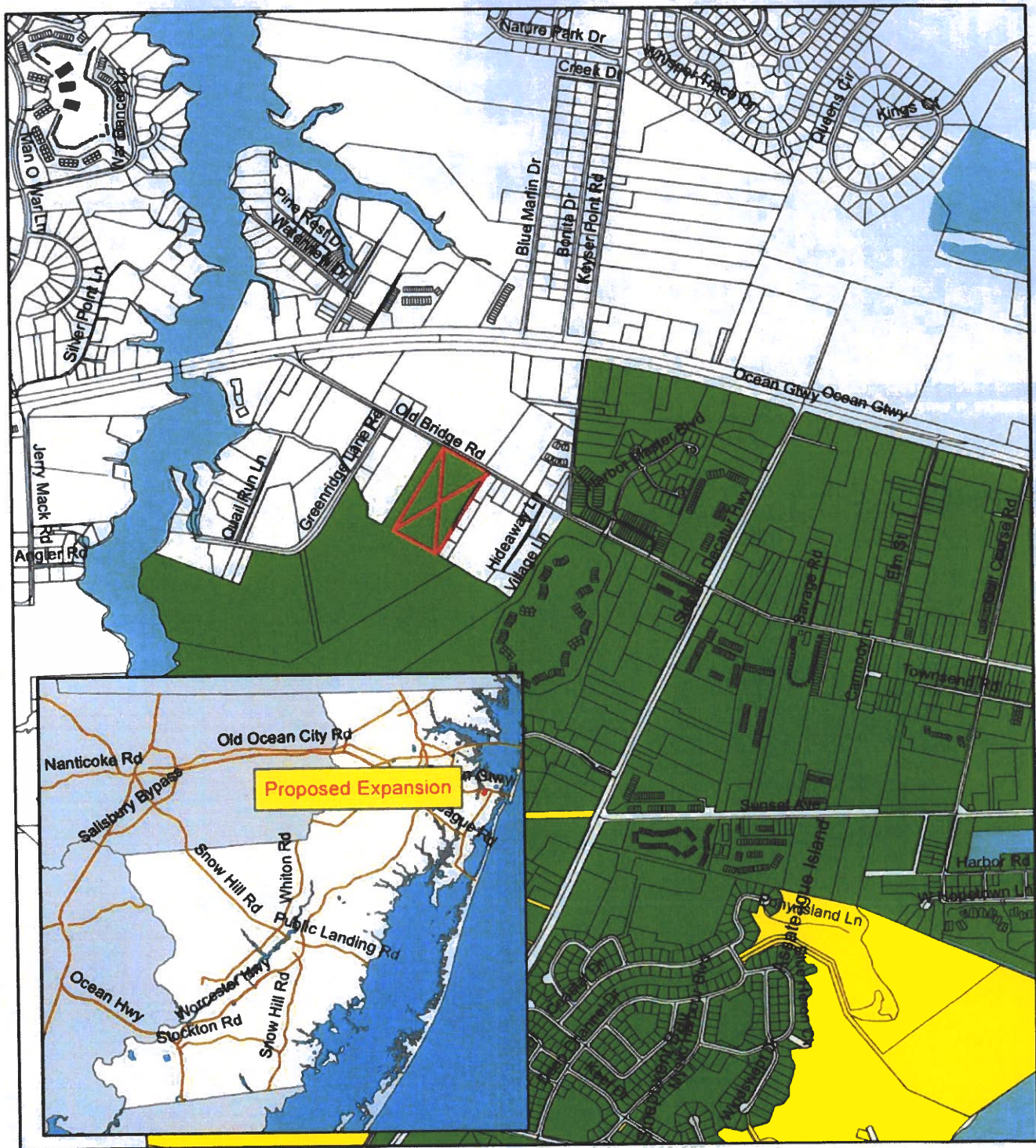


# **Attachment 2**

# **Maps**

---

**Mystic Harbour Sanitary Area  
Expansion of Sewer Planning Area  
Case No. SW 2020-03  
May 26, 2020**



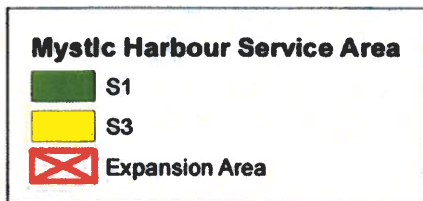
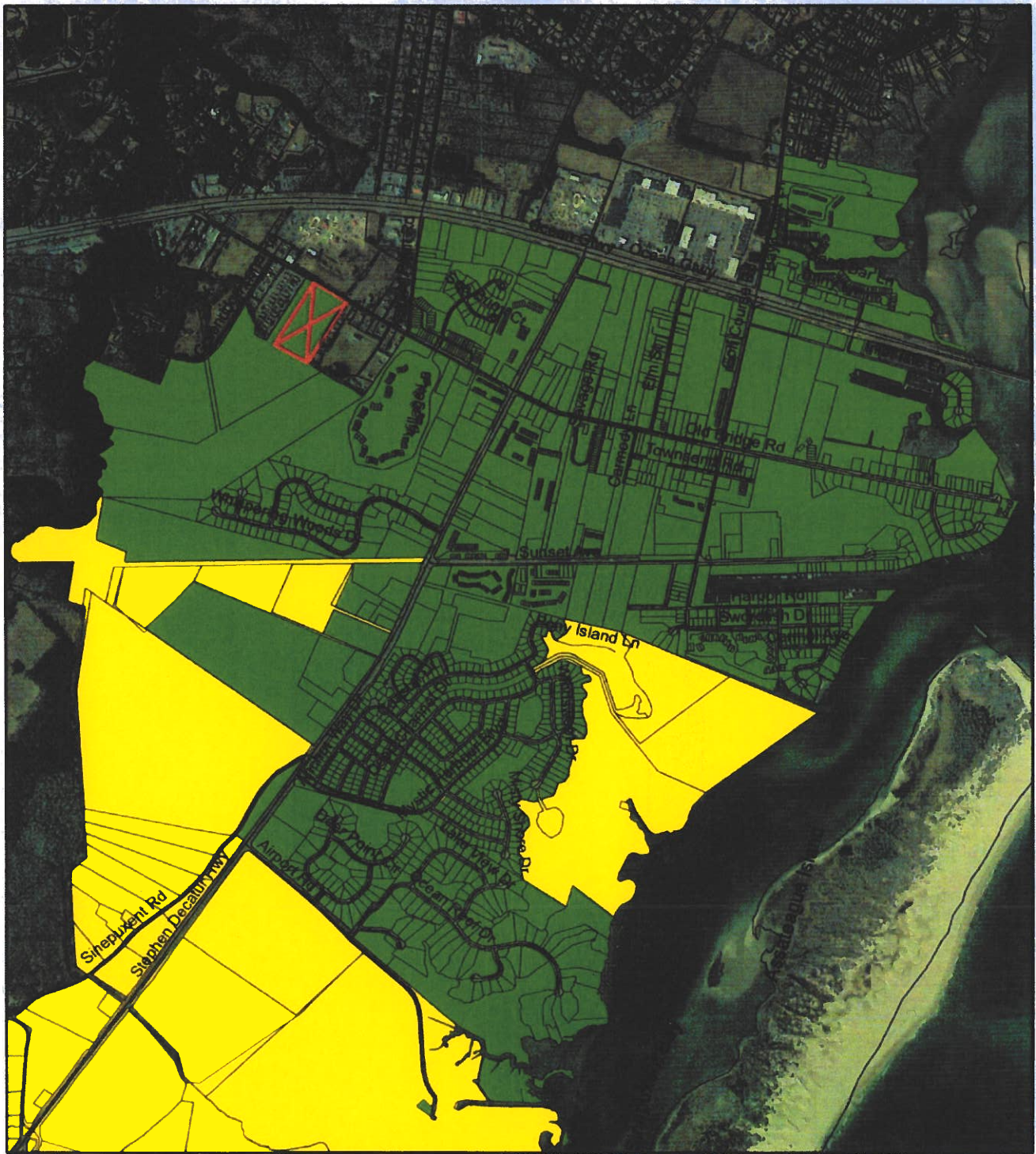
**Mystic Harbour Service Area**

- S1
- S3
- Expansion Area

**General Location Map**  
Mystic Harbour Sewer Planning Area



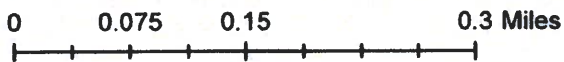
Prepared by the Worcester County  
Department of Environmental Programs  
May 18, 2020



**Proposed Amendment**  
Mystic Harbour Sewer Planning Area



Prepared by the Worcester County  
Department of Environmental Programs  
May 18, 2020



**Mystic Harbour Service Area**

- S1
- S3
- Expansion Area
- 500 Year Floodplain
- 100 Year Floodplain

## Floodplain

Mystic Harbour Sewer Planning Area



Prepared by the Worcester County  
Department of Environmental Programs  
May 20, 2020



0 0.075 0.15 0.3 Miles

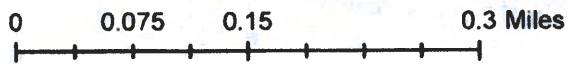
	Expansion Area		R1
	A1		R2
	A2		R4
	RP		C2
	E1		

### Zoning

Mystic Harbour Sewer Planning Area



Prepared by the Worcester County  
 Department of Environmental Programs  
 May 18, 2020

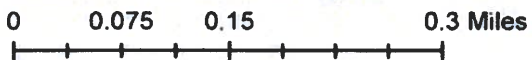


Mystic Harbour Service Area		Water	
	S1		Water
	S3		Excessively drained
	Expansion Area		Somewhat excessively drained
			Moderately well drained
			Well drained

**Soil Drainage Types**  
Mystic Harbour Sewer Planning Area



Prepared by the Worcester County  
Department of Environmental Programs  
May 20, 2020



**Mystic Harbour Service Area**

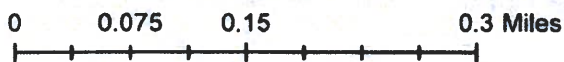
- S1
- S3
- Expansion Area
- Wetlands

## Wetlands

Mystic Harbour Sewer Planning Area



Prepared by the Worcester County  
 Department of Environmental Programs  
 May 18, 2020



**Mystic Harbour Service Area**

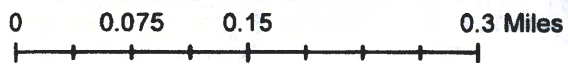
- S1
- S3
- Expansion Area

**Aerial Image**  
Mystic Harbour Sewer Planning Area









Prepared by the Worcester County  
Department of Environmental Programs  
May 20, 2020





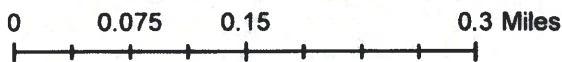
**Mystic Harbour Service Area**

 S1	 All areas are prime farmland
 S3	 Prime farmland if drained
 Expansion Area	 Prime farmland if irrigated

**Ag Suitability**  
Mystic Harbour Sewer Planning Area



Prepared by the Worcester County  
Department of Environmental Programs  
May 20, 2020



Mystic Harbour Service Area		Maryland Coastal Bays Critical Area	
	S1		IDA - Intensely Development Areas
	S3		LDA - Limited Development Areas
	Expansion Area		RCA - Resource Conservation Areas
			Out of Program
			Tidally Influenced Areas

### Critical Area

Mystic Harbour Sewer Planning Area



Prepared by the Worcester County  
Department of Environmental Programs  
May 20, 2020