

**WORCESTER COUNTY PLANNING COMMISSION  
AGENDA**

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

**June 6, 2019**

Est. Time

- |           |      |  |
|-----------|------|--|
| 1:00 P.M. | I.   | Call to Order  |
| 1:00 P.M. | II.  | Administrative Matters   |
|           | A.   | Review and approval of minutes – May 2, 2019   |
| 1:00 P.M. | III. | §ZS 1-322 Landscaping – Waiver request   |
|           | A.   | Waiver Request to Automatic Irrigation System with Rain Sensor – Duffie Boatworks, Proposed construction of a 23,392 foot boat construction and maintenance facility and 4,600 square feet of self-storage units, Tax Map 27, Parcels 628, 464, & 251, Lots 11, 13 & 16, Tax District 10, C-2 General Commercial District, located on the westerly side of Stephen Decatur Highway (MD Route 611), south of Old Bridge Road (MD Route 707), 611 Holdings, LLC, property owner/ Vista Design, Inc., land planner; |
| 1:05 P.M. | IV.  | §ZS 1-315 Residential Planned Communities  |
|           | A.   | Sea Oaks - Step II Residential Planned Community - Proposed 59 unit townhouse development with 24,570 square feet of mixed use commercial, West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood Commercial Districts, Sea Oaks Village, LLC, owner/ R.D. Hand & Associates, Inc., land planner;   |
| 1:20 P.M. | V.   | Text Amendment   |
|           | A.   | §ZS 1-324 – Removal of the maximum copy area limitations associated with on-building signage transfers to any side of an individual establishment, Mike Ramadan, applicant;  |
|           | B.   | §ZS 1-318 – Modification of the occupancy provisions for campground subdivisions only, Sally Connolly & Susan Naploachowski, applicants/ Hugh Cropper, IV, Esquire, legal counsel;   |

2:00 P.M. VI. Map Amendment

- A. Rezoning Case No. 418 – Tax Map 10, Parcels 4, 171 and 304, requested change from E-1 Estate District to I-1 Light Industrial District, Moore Boat, LLC, owner/ Hugh Cropper, IV, Esquire, legal counsel;

2:30 P.M. VII. Miscellaneous

- A. Reminder – The July Planning Commission meeting is scheduled for **Wednesday, July 3, 2019** due to the 4<sup>th</sup> of July holiday. The Election of Officers will be scheduled for this date as well.

2:35 P.M. VIII. Adjourn

**Worcester County Planning Commission  
Meeting Minutes**

**Meeting Date:** May 2, 2019

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

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

**Attendance:**

**Planning Commission**

Mike Diffendal, Chair

Jay Knerr, Vice Chair

Marlene Ott

Brooks Clayville

Rick Wells

Jerry Barbierri

Betty Smith

**Staff**

Maureen Howarth, County Attorney

Ed Tudor, Director

Phyllis Wimbrow, Deputy Director

Jennifer Keener, Zoning Administrator

Jessica Casey, Customer Service Representative

Bob Mitchell, Director, Dept. of Env. Programs

**I. Call to Order**

**II. Administrative Matters**

- A. Review and approval of minutes, February 7, 2019** — As the first item of business, the Planning Commission reviewed the minutes of the February 7, 2019 meeting. Following the discussion it was moved by Mr. Knerr, seconded by Ms. Ott and carried unanimously to approve the minutes as submitted. Ms. Smith abstained.
- B. Board of Zoning Appeals agenda, May 9, 2019** — As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for May 9, 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. §ZS 1-325 Site Plan Review – Ocean Pines Medical Health Care PUD**

As the next item of business, the Planning Commission reviewed a site plan associated with the proposed establishment of a Health Care PUD and proposed construction of one additional building consisting of 69,562 square feet of medical offices, Tax Map 16, Parcel 24, Lots 1 through 5, Tax District 3, C-1 Neighborhood Commercial District, located at the northeasterly intersection of Racetrack Road (MD Route 589) and Cathage Road. Present for the review were Mark Cropper, Esquire, Palmer Gillis, property owner, Chris Hall, Peninsula Regional Medical Center, and Jason Pearce, Becker Morgan Group. Mr. Cropper discussed the Health Care Planned Unit Development (HCPUD) parameters and the unified development design. Mr. Gillis stated that there are two existing buildings. The first building consists of a mixed use family practice, rehabilitation and a drive-thru pharmacy. The second building has a radiation facility, oncology and similar uses. Both buildings total 20,000 square feet of gross floor area each. The third building is smaller at approximately 11,000 square feet of gross floor area and is located at the front of the development. Once completed, it will contain a gastrointestinal practice and other

tenants not yet identified. Mr. Cropper stated that under the HCPUD regulations, all buildings/ lots within the project must be developed and maintained in a unified manner. He confirmed that any owners/ purchasers of additional lots are aware of the maintenance standards. Mr. Cropper explained that Ms. Betty Tustin with The Traffic Group had prepared a traffic study and the State Highway Administration (SHA) had approved the project. It was anticipated to meet or exceed SHA requirements, and accommodate the demand generated by the additional square footage. The project must be supplied with public water and sewer, and Mr. Cropper discussed that they have worked closely with the Worcester County Department of Public Works to design an enhanced sanitary sewer line. Mr. Ross was present and acknowledged his review and approval. Mr. Cropper noted that there were no proposed changes to the community impact statement or site plans that were submitted for Planning Commission review. Mr. Gillis noted that the anticipated build out timeframe was two years. The building shell is anticipated to be completed in Fall 2020, with about 50% occupancy at that time. Mr. Cropper discussed the proposed covenants and said that while they have sent an email to staff outlining general information, they want to work with the current and future owners to further develop those covenants. If the Planning Commission is not satisfied with the design and layout, then they don't have to approve it.

Mr. Diffendal inquired about why they waited so long to establish the HCPUD. Mr. Cropper noted that it wasn't necessary up until this point – the point at which they needed the approval in order to obtain the density bonus. Mr. Knerr asked about the traffic study and regarding the signalized entrance at north gate of MD Route 589 (Racetrack Road), he asked how far it backs up towards this facility? Mr. Gillis stated that it wasn't an issue to date. Ms. Ott stated that it is quite heavy in the summer. Mr. Gillis stated that the peak occupancy of his development is during the weekday, not during the peak weekend demand on the roadway. Mr. Knerr asked about the dumpster pad, and whether there was any issue with its placement in the swale. Mr. Mitchell confirmed that it needed to be relocated. Mr. Gillis stated that they have more parking than required, so it can be relocated. Mr. Barbierri had a question regarding the loading zones. The applicant will be requesting a waiver to the second loading zone.

Mr. Mitchell added that comments were provided before the meeting, and requested that the EDU chart be updated. A total of 24 EDUs are required at the minimum (based on low intensive uses), however more may be required depending on uses proposed within the building. Mr. Diffendal asked if they needed more, whether they were available to them. Mr. Mitchell said that EDUs are not unlimited in this service area, but was not specific about how many would be available to serve this project. Mr. Gillis said that there are no dialysis or surgery uses which would increase the demand. Ms. Ott inquired about how this project aligned to Section 8 of Ocean Pines. Mr. Gillis noted that Cathage Road and the remaining driveway extended along the easterly side of this development. He stated that there is a landscape screen shown on the site plan.

The Planning Commission discussed each of the three criteria, and found that they were in agreement that the proposed development is sufficient in size to provide adequate health care facilities and services and other associated or incidental facilities and services to the community

which may be expected to use the development; the proposed development is at a location where traffic congestion does not exist on the roads to be used for access to the development or where such congestion can be obviated by committed public road improvement projects, specifically the proposed roundabout at the North Gate of Ocean Pines; and the proposed development will consist of structures of an integrated and harmonious design, provided with adequate vehicular, pedestrian and bicycle circulation, parking, service, utility services, and landscaping.

Following the discussion, a motion was made by Ms. Smith, seconded by Mr. Barbierri, and carried unanimously to approve the establishment of the Health Care Planned Unit Development for Lots 1 through 5 based upon the three criteria found within §ZS 1-348(k).

The Planning Commission then reviewed the Planning Commission considerations associated with the site plan review of the proposed fourth building.

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

1. The Planning Commission approved the setback as shown between the porte cochere and the property line of Lots 3 & 5 at 21 feet;
2. The Planning Commission determined that there was adequate room for one loading space under the porte cochere and that it did not have to be formally delineated/ striped. They also granted a waiver to the requirement for a second loading space;
3. A waiver was granted to Planning Commission Consideration Nos. 7, 8, 9, 10 and 12. The applicant proffered to comply with Consideration Nos. 6 and 11;

#### **IV. §ZS 1-325 Site Plan Review – Atlantic General Hospital Medical Center Revision**

As the next item of business, the Planning Commission reviewed a revised site plan for the proposed construction of a 99,912 square foot medical office building, located on the 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. Mr. Knerr recused himself from the review of this project. Present for the review were Hugh Cropper, IV, Esquire, John Salm, engineer, and Wayne Yetman, Sina Companies. Mr. Cropper explained that they had decided to flip the building in order to create a holistic design with the northerly parcel, and that they made some minor architectural adjustments to comply with the Planning Commission requirements from the last meeting. Mr. Salm stated that they were able to secure an assisted living facility proposal for the northerly parcel. He noted that they were providing extensive landscaping in areas that they didn't previously before.

Mr. Diffendal asked why they couldn't provide landscaping along MD Route 589 (Racetrack Road); Mr. Cropper claimed that they were off-setting the landscaping with screening in the rear; all parking and landscape areas were to be associated with stormwater management facilities.

The applicants discussed widening the landscape island at the southwest corner of the building and adding landscaping with a tree, as well as adding shrubs at the main entrance at the northwesterly corner of the property line.

Following the discussion, a motion was made by Ms. Ott, seconded by Mr. Barbierri, and carried unanimously to approve the site plan revision subject to carrying forth the conditions/ waivers granted at the February 7, 2019 meeting, and the following additional conditions/ waivers:

1. The Planning Commission granted a waiver to the requirement for landscaping within the front yard setback along MD Route 589 (Racetrack Road), provided the applicant include shrubs within the northwesterly landscape area between the northerly property line and the travelway, and expand the landscape island, adding plant material, at the southwesterly corner of the building;
2. All other conditions of approval were carried forth from the original approval granted on February 7, 2019, as outlined in the letter dated February 8, 2019;

Mr. Knerr returned for the review of the next agenda item.

#### **V. Sketch Plan – Thrive at Ocean Pines**

As the next item of business, the Planning Commission reviewed a sketch plan for the proposed construction of a mixed commercial development consisting of approximately 30,000 square feet of retail/ office use, and approximately 100,000 square feet of assisted living with 110 units, east side of MD Route 589 (Racetrack Road), north of Adkins Spur Road, Tax Map 21, Parcel 66B, Tax District 3, C-2 General Commercial District. Present for the review were Hugh Cropper, IV, Esquire, John Salm, engineer, and Wayne Yetman, Sina Companies.

Mr. Cropper noted that he would like to incorporate his comments from the last discussion into this one. Mr. Diffendal asked about the features labeled as amenities on the sketch plan. Mr. Yetman said they would be food and fitness amenities for the residents. Overall, the Planning Commission noted that they generally liked the layout, especially the landscape buffer to the rear Ocean Pines properties.

No approvals are granted for sketch plan reviews.

#### **VI. Text Amendment**

As the next item of business, the Planning Commission reviewed a proposed text amendment application associated with §ZS 1-318 Campgrounds, requesting a modification of the occupancy provisions for campground subdivisions only. Present for the review were Hugh Cropper, IV, Esquire, Susan Napachowski and Sally Connolly. Mr. Cropper stated that he represents a group of concerned citizens in White Horse Park, led by Ms. Napachowski and Ms. Connolly. Mr. Cropper referenced the staff report, noting that staff found that affordable, small scale housing was needed in Worcester County, but that the campground subdivision regulations shouldn't be

modified. Mr. Cropper claimed that he's tried to do affordable housing in many forms but has been denied as it takes too long to go through Residential Planned Community process - 1 year 3 months – and the sewer rates are astronomical, so projects are no longer affordable. He stated that the Diakonia text amendment took so long that they ran out of steam.

Generally, Mr. Cropper stated that he would eliminate the age limitation if that causes staff heartburn. He reiterated the requested language for the Planning Commission. Mr. Cropper noted that there were only two campground subdivisions in Worcester County, White Horse Park and Assateague Point, and the Zoning Code says no new campground subdivisions are allowed, therefore this amendment won't set a precedent. Mr. Cropper wanted to remind the Planning Commission that they can ensure that the special exception is particular only to the occupants, so that if they leave or sell their homes, then the approval is no longer applicable. Mr. Cropper said that many of these residents have lived in White Horse Park for more than 30 years and have nowhere else to go. There are limitations on the size of the units, and he referenced Frank Adkins' comments that state if the roads work on 4<sup>th</sup> of July weekend, it will work in the off-season. Mr. Cropper said that there are plenty of sub-standard roadways throughout Worcester County that support residential development. Mr. Cropper referenced Mr. Mitchell's comments regarding the potential to overload the sanitary sewer system, and called it a bunch of bull, as he claimed 116 people in White Horse Park are not going to overload the entire Ocean Pines Sanitary Sewer System.

Mr. Cropper introduced Ms. Napachowski, who purchased a unit in 2001 then moved to White Horse Park full-time in 2009. She took the job as park manager at that time and was in the position for five years. Allegedly, the park board told Ms. Napachowski that in order to take the job, she had to live there full-time. She claimed that no one from the county told her that she couldn't live there full-time when she moved in. Mr. Bill Gibson has lived in White Horse Park full-time since 1989. He replaced his home in 2005, and a building permit was issued for a 750 square foot unit. Mr. Gibson stated that if he was not allowed to live there in the winter any longer, he has no place to go. Mr. Bob Raymond said he has also lived there year-round since 2004. Mr. Gibson said that he purchased his lot in 2001, and in 2004 he replaced the unit with a park model and a Florida room. Mr. Raymond said that the park office provided advice on how to permit the replacement, and recommended Lee Williams and Dave Howard. Mr. Raymond allegedly asked Mr. Williams whether he could live there year-round, and said he was told he could. Additionally, he claimed that Mr. Williams told him that the restriction on year-round occupancy was long gone, and that he himself was a resident. He too said he had nowhere to go if the County were to enforce this requirement. Ms. Patricia Reagan is a recent full-time resident. She moved to White Horse Park in 2015, full-time after she retired as a school teacher. She stated that she was on a fixed income, and claimed that the notice from the county was the first time that the residents were told they couldn't live there year round. She noted several disabilities that she had and that she felt secure in a gated community like White Horse Park. She spent her entire pension to purchase the unit outright without a mortgage. Overall, it was noted that the majority of the residents present at the meeting live in White Horse Park full-time and they cannot find another home if they were told to leave. Ms. Betsy Metsger stated that she

recently moved in to White Horse Park full-time at end of 2016. Her home consists of 726 square feet. She guessed that there were about 50 full-time residents at this point.

The main concerns that were voiced were a lack of anywhere else to go if the current regulations were enforced and security issues for unoccupied structures from vandalism and similar destruction. Mr. Cropper said that his clients understood that they would still have to go before the Board of Zoning Appeals for approval of this use for these individuals, and the sewer issues would need to be figured out. He said that if Assateague Point can't get sewer, the proposed amendment wouldn't even affect them. He believes that the language is so narrowly tailored that it will not tear apart the fabric of our society, nor will the world come to an end if these individuals are allowed to live there year-round.

Mr. Diffendal asked if there was anyone in the room that was opposed to it. Mr. Troy Purnell was present on behalf of the Board of Directors for Assateague Point and stated that they were opposed to the text amendment. The reasons were that the owners bought lots in a vacation community, their dues and other fees would go up for maintenance purposes. Mr. Purnell noted that there are a few people who reside there year-round, but the Board of Directors is diligent about sending those lot owner's letters and enforcing the law.

Mr. Diffendal asked staff how this issue came to a head. Mrs. Wimbrow stated that the County has dealt with the issues relative to year-round occupancy in White Horse Park for many years. Mr. Tudor said that the law says that notes relative to limited occupancy must be in the transfer documents, so if these residents were selling or buying property without that clause, it would be in violation of the law. Ms. Howarth stated that most recently, the County Commissioners received a complaint regarding year-round occupancy, they discussed it, and took action. She stated that White Horse Park was able to self-regulate through this past winter and current summer season, and then the County Commissioners would go from there. Mr. Diffendal asked if the costs for all of the bills (sewer, water, electric, etc.) would be subsidized by those who do not live there year round since they only have one meter. Would they be required to get individual meters? John Ross, Deputy Director of the Department of Public Works stated that the County doesn't own infrastructure within the park, just up to the property line. There is a master bill, and the park pays it. He is unsure how the park determines who pays for what services. Mr. Mitchell stated that he addressed this issue in his comments and he noted other concerns.

Mrs. Wimbrow stated that her concerns were that opening a campground to year round occupancy will lead to other campgrounds seeking the same provision. She doesn't think that developing regulations to retrofit an existing campground is appropriate. Mrs. Wimbrow also stated that she received several emails from individuals who were opposed to the request, but wishing to be anonymous for fear of retribution.

Mr. Barbierri asked whether the limited occupancy restriction was currently in the Homeowners Association documents, which staff and Mr. Cropper confirmed was the case. Mr. Knerr asked how these regulations would be enforced in the future, since they couldn't enforce the law currently? Mr. Cropper said that is an enforcement issue that the Planning Commission would



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

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

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

## **VII. Map Amendment**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Betty Smith, Secretary

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Jennifer K. Keener, AICP

## **WORCESTER COUNTY PLANNING COMMISSION**

**MEETING DATE:** June 6, 2019

**PURPOSE:** Waiver Request

**DEVELOPMENT:** Duffie Boat Works

**PROJECT:** Proposed construction of a 23,392 square foot boat construction and maintenance facility and 4,600 square feet of self-storage units, Tax Map 27, Parcels 628, 464, & 251, Lots 11, 13 & 16, Tax District 10, C-2 General Commercial District

**LOCATION:** Westerly side of Stephen Decatur Highway (MD Route 611), south of Old Bridge Road (MD Route 707)

**PROJECT HISTORY:** This project is considered a major site plan and was reviewed and approved by the Planning Commission on May 3, 2018. A building permit for the main structure has been issued, and the permit for the storage buildings is currently under review. The request before the Planning Commission currently is as follows:

The applicant is requesting a waiver to the requirement for an automatic irrigation sensor with rain sensor for the watering of the proposed landscaping in accordance with §ZS 1-322(b)(7). The proposal is to utilize hose bibs on the building.

The applicant has submitted a copy of the revised landscape plan which illustrates the placement of the hose bibs on the main building (see red clouded areas on the attached plan).

**DEVLEOPER:** 611 Holdings, LLC, c/o Jon Duffie, 1701 Elton Road, Silver Spring, MD 20930

**CONSULTANT:** Vista Design, Inc., c/o Steve Engel, 11634 Worcester Highway, Showell, MD 21862

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

**TECHNICAL REVIEW COMMITTEE**

**REPORT**

**SEA OAKS VILLAGE**

**RESIDENTIAL PLANNED COMMUNITY**

**STEP II**

**January 9, 2019**

## **GENERAL INFORMATION:**

**Date of TRC Review:** January 9, 2019

**Date of Planning Commission Review:** June 6, 2019

**Approval requested:** Step II Residential Planned Community

**Project Description:** Proposed 59 unit townhouse development with 24,570 square feet of mixed commercial use

**Location:** West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood Commercial Districts

**Owner:** Sea Oaks Village, LLC  
841 East Fort Avenue, Unit 152  
Baltimore, MD 21230

**Land Planner:** R.D. Hand & Associates, Inc.  
12302 Collins Road  
Bishopville, MD 21813

**Existing Conditions:** The 40 acre site area is comprised of approximately 21.82 acres of uplands and 18.18 acres of non-tidal wetlands. The property is located within the R-3 Multi-Family Residential District, with approximately 4.22 acres located in the C-1 Neighborhood Commercial District. The property has existing forested areas, with a minor amount of cleared lands closer to the roadway.

**Prior Approvals:** The County Commissioners approved the establishment of a residential planned community floating zone on the subject property on November 20, 2018. The County Commissioners' resolution approving the establishment of the residential planned community floating zone for the Sea Oaks Village RPC is attached.

**Proposed Project:** The Sea Oaks Village RPC as shown on the Step II plan is proposed to be a mixed use residential and commercial development comprised of a total of 59 residential townhouse units on fee simple lots. There will also be two commercial buildings consisting of 24,570 square feet. This square footage is proposed to include 10,000 square feet of retail uses, 2,570 square feet of office uses, and 12,000 square feet of contractor shops. For the residential townhouses, typical lot setbacks have been proposed, with a front yard setback of 20', side yard setbacks of 0', and a rear yard setback of 15'. The minimum lot area per the table provided on concept plat sheet 1 of 7 indicates that the smallest lot will be 2,325 square feet in area. No minimum lot width has been identified, but appears to be approximately 24' wide for interior units/lots.

For the commercial portion of this development, the front yard setback is proposed to be 50' off of MD Route 611 (Stephen Decatur Highway) as required of a collector highway,

a 10' front yard setback off of the proposed Sea Oaks Drive (internal road), side yard setbacks of 6', and a rear yard setback of 15'.

The Technical Review Committee reminds the Planning Commission that for individual structures, the minimum lot area, setbacks, lot width, and road frontage requirements shall be approved by the Planning Commission during this Step II review. A chart has been provided in the Planning Commission Considerations below.

Proposed open space totals approximately 13.293 acres based on the outlot table, however the Site Data lists 15.238 acres as proposed open space (both numbers can be found on the cover sheet M-1). These numbers will need to be clarified, as any open space to be provided shall be included in an outlot per §ZS 2-502(i)(7). The open space will consist of approximately 6 acres of natural open space (3 acres upland/ 3 acres wetland), 1.2 acres of active recreation, and 2.4 acres of passive recreation. While the active recreational areas consist of playgrounds, the swimming pool, and the use of the existing pond for water-based activities, further clarification will be needed on the intended uses of the passive open space. No reference to the types of passive recreational uses nor their location have been mentioned or shown within this plan or associated documents. Are they still the walking/ bird watching trails mentioned in Step I? When will these passive areas be established? Please further detail this in the construction timeline and on the site plan.

The Zoning Division is concerned with the notes referencing Outlots 7 and 8 as "revertible". Section ZS 1-315(d)(2)B.5(iv) requires that all minimum open space areas are to be dedicated, developed and perpetually protected as part of the Step III subdivision plat process. Since there is adequate land area within the "remaining lands" to set aside the 2.231 acres that these outlots currently contain, it would make the most sense to do so now, and prevent any issues with trying to revert those lands in the future, in the event that additional approvals are able to be obtained for further development.

The Step II plan indicates that there will be one point of access to the project from Stephen Decatur Highway (MD Route 611). The State Highway Administration has reviewed the proposed entrance design as well as the improvements proposed for MD Route 611, and has no additional concerns at this time. A commercial access permit will be required to be obtained for all improvements. The internal roads are proposed to be designed to one of the County Roads RPC standards. The developer may submit an offer of public dedication for the roads, or request approval under §ZS 1-123 for Approved private roads.

There is an area designated for future development that may increase the density of the project in the future. Any such expansion will require review and approval by the Worcester County Commissioners under a revised Step I RPC plan.



**FINDINGS OF THE TECHNICAL REVIEW COMMITTEE WITH REGARD TO  
THE ITEMS CITED IN §ZS 1-315(k)(2)B.3:**

- 1. The plans for the development fulfill the goals and objectives and comply with the recommendations of the Comprehensive Plan and are compatible with and complement the character and nature of existing and anticipated development in the vicinity of the proposed development:**

As it did when reviewing the Step I submittal for the Sea Oaks Village RPC and as was confirmed by the Planning Commission and County Commissioners, the Technical Review Committee finds that the subject property is currently in the “Existing Developed Areas” and “Green Infrastructure” land use categories of the Comprehensive Plan. The EDA category recognizes the importance of maintaining the neighborhood character, and strongly encourages mixed used developments. The Green Infrastructure category requires corridors and hubs for a connected system of wildlife habitat, and while not explicitly denying development activity, it should be designed to provide natural corridors that shall connect to larger tracts of land. As currently designed, the project has a lower overall density than many of the surrounding residential developments, with large tracts of the forested wetlands proposed to be protected that abut surrounding forested properties. There is an area that is proposed to be cleared with the initial development that is not associated with the proposed development or open space for this initial proposal. It is labeled on the Master Plan sheet M-1 as “Reserved Lands of Developer”. In general, the Residential Planned Community regulations allow for the flexibility of mixing residential and commercial land uses to encourage imaginative and environmentally sensitive development. The pattern of development will provide for a walkable community easily accessible to the residential amenities and the commercial area. The project will be designed in the Seaside architectural tradition of the *Design Guidelines and Standards for Commercial Uses*, which is consistent with the Eastern Shore vernacular style encouraged by the Comprehensive Plan.

- 2. The design of the development will, as its first priority, protect to the greatest extent feasible existing forested areas and greenways, floodplains, the Critical Area, where applicable, tidal and non-tidal wetlands, sensitive areas or special habitats, and source water and aquifer recharge areas:**

The residentially zoned portion of the property is within the Green Infrastructure land use category, with significant amounts of forested non-tidal wetlands. The Comprehensive Plan encourages the use of low impact development and cluster techniques in order to reduce overall impervious surface and maintain wildlife habitat. The project is shown to retain large tracts of the sensitive forested wetland areas that are an important aspect of the Green Infrastructure land use category. However, there is an area identified as “Reserved Lands of Developer” that is proposed to be cleared with this portion of the development project. No approvals have been granted for additional development, which would require

modifications to the Step I plan to be granted by the Worcester County Commissioners. The Planning Commission should consider how the proposed clearing of this area addresses this criteria.

A Letter of Authorization has been obtained from the Maryland Department of the Environment for the areas of non-tidal wetlands and associated buffer that are proposed to be impacted. There will continue to be connectivity of the proposed open space areas to larger tracts of naturally forested areas on surrounding properties that are not yet developed.

- 3. The residential planned communities' design lends itself to a clustered, pedestrian scaled development, providing mixed uses where appropriate, and is in keeping with the scale, layout, uses, architectural style and landscape design of existing County towns and villages and blends the natural and built environments:**

The Technical Review Committee finds that the project is providing townhouse dwellings on lots ranging in size from 2,325 square feet to 3,125 square feet. The townhouse buildings are clustered, with lands available for future development, and large contiguous tracts of forested wetlands within the open space. Sidewalks have been provided throughout the project to connect the uses. As stated above, the project is being designed in accordance with the Seaside architectural tradition of the *Design Guidelines and Standards for Commercial Uses*, which is consistent with the Eastern Shore vernacular style encouraged by the Comprehensive Plan and the surrounding West Ocean City area. The Master Plan notes that landscaping will be provided to complement the pedestrian scale of the development.

- 4. The residential planned communities design minimizes impervious surfaces and the consumption of vacant lands while maximizing open space:**

The Technical Review Committee finds that the project is providing slightly more open space than is required as part of the development and the development activity is clustered to reduce impervious surfaces. While a large percentage of the property is to remain vacant at this time, those areas not developed for residential or commercial purposes or included as open space outlots are labeled as "Reserved Lands of Developer". As previously mentioned, any future expansion of the project will require review and approval by the Worcester County Commissioners under a revised Step I RPC plan.

- 5. The project's layout and design promote street, trail and sidewalk connectivity within the project and to and through adjoining properties and neighborhoods:**

The Step II plan indicates that there will be one point of access for vehicular traffic from MD Route 611 (Stephen Decatur Highway), a collector highway.

Sidewalks have been illustrated throughout the project, and are illustrated along the parcel's road frontage for future connectivity along the highway. Therefore, the Technical Review Committee finds that the project is providing sufficient connectivity.

- 6. The types and extent of uses and structures in the project will not adversely affect the future development or value of undeveloped neighboring areas or the use, maintenance and value of neighboring areas already developed:**

The Technical Review Committee finds that the properties proposed to be developed into the Sea Oaks Village RPC are presently zoned R-3 Multi-Family Residential District and C-1 Neighborhood Commercial District. A townhouse development at a density of six units per net acre is permitted by zoning. Thus, the proposed density of 1.65 units per acre is well below the permissible threshold. The surrounding lands to the north are zoned R-2 Suburban Residential, C-1 Neighborhood Commercial and C-2 General Commercial Districts. To the south, there are A-1 Agricultural District zoned lands, as well as additional C-1 Neighborhood Commercial District properties. The undeveloped forested non-tidal wetlands will continue to provide connectivity to the forested areas on the neighboring properties, and act as a buffer should they be developed. Most of the residential development will be buffered from MD Route 611 (Stephen Decatur Highway) by virtue of the forested areas to be retained. Therefore, the Technical Review Committee concludes that the proposed Sea Oaks Village RPC will not have an adverse long-term implication on development patterns or values in the area.

- 7. The development will secure for the residents of the County a development which is consistent with the Comprehensive Plan and which is compatible with and complementary to established development in the County:**

As thoroughly described in the items above, the Technical Review Committee finds that this project is generally consistent with the policies and recommendations of the Comprehensive Plan and is compatible with and will be complementary to current established and future development patterns in the area.

**NOTE: The County Commissioners Resolution approving the Step I of this RPC, the written sequence of review and approval as prepared by Sea Oaks Village, LLC, and the comments from the individual members of the Technical Review Committee are attached.**

It should be noted that some of the comments submitted by various TRC members pertain to the permit submittals or to Step III of the review process (at which time subdivision plats and detailed §ZS 1-325 site plans would be submitted).

## PLANNING COMMISSION ACTIONS:

The Planning Commission shall meet with the applicant and review the Step II master plan, any associated documents and the Technical Review Committee's recommendations, as listed above. In its review, the Planning Commission is empowered to request any changes or additional information that it may deem necessary. Following its review, the Planning Commission shall either approve or disapprove the application. In the case of disapproval, the Planning Commission shall present the applicant with a written report of its findings, including the reasons for disapproval. In the case of approval, the Planning Commission may attach conditions concurrent with the approval of the residential planned community and impose time limits on the development.

**Please review the seven considerations above and address any concerns that you have regarding the project's compliance.**

In addition, the Planning Commission will specifically need to address the following items:

1. The Planning Commission is required to approve lot requirements as part of the Step II approval. The plans indicate "typical" lot area and setbacks, and a revised lot data chart has been provided.

Residential Requirements	
Minimum Lot Area	2,325 square feet
Minimum Lot Width	24'
Minimum Buildable Area	1,485 square feet
Minimum Road Frontage	24'
Front Yard Setback	20' for all lots
Side Yard Setback	0' for all lots
Rear Yard Setback	15' for all lots
Commercial Requirements	
Minimum Lot Area	6,000 square feet (consistent with the C-2 District regulations)
Minimum Lot Width	60 feet
Minimum Road Frontage	As shown to both MD Route 611 and the preliminarily labeled Sea Oaks Drive
Commercial Front Yard Setback	50' along MD Route 611, 10' to the preliminarily labeled Sea Oaks Drive
Commercial Side Yard Setback	6'
Commercial Rear Yard Setback	15'

2. Relative to the proposed open space:
  - a. The applicant needs to provide further clarification on the intended uses of the passive open space. No reference to the types of passive recreational uses nor their location have been mentioned or shown within this plan or associated documents. Are they still the walking/ bird watching trails

mentioned in Step I? When will these passive areas be established? Please further detail this information for the Planning Commission's review and approval. The information will then need to be provided within the construction timeline and on the site plan for signature approval;

- b. The Zoning Division is concerned with the notes referencing Outlots 7 and 8 as "revertible". Section ZS 1-315(d)(2)B.5(iv) requires that all minimum open space areas are to be dedicated, developed and perpetually protected as part of the Step III subdivision plat process. Since there is adequate land area within the "remaining lands" to set aside the 2.231 acres that these outlots currently contain, it would make the most sense to do so now, and prevent any issues with trying to revert those lands in the future, should additional approvals be obtained for further development. The Department and County Attorney have been working with the applicant on this matter.

The following items are corrections that need to be made by the applicant prior to signature approval of the Step II plan:

3. Please confirm the following: based on the Residential Area Summary Table provided on the cover sheet, all outlots (1 through 10) are located within the R-3 zoned portion of this development. If this is the case, please revise the Site Data chart for the "Area Breakdown – Commercial" to reflect different terminology other than open space. Please keep in mind that any open space to be provided shall be included in an outlot per §ZS 2-502(i)(7);
4. The total land area listed as "Reserved Lands of Developer" will need to be revised on the cover sheet M-1 beneath the EDU chart. Based on the area summary tables on the cover sheet, as well as reserved acreage listed on the Concept Plat sheet 1 of 7, the total reserved lands should be 17.413 acres, not 17.98 acres;
5. The Open Space Provided chart in the Site Data needs to reflect the approximately 13.293 acres that are actually being provided as dedicated open space. It appears that the 15.238 acres includes outlot 9 (utility lift station) as well as the lands listed as commercial open space & not included in the outlots (as described in Item 3 above);
6. In addition, the Area Breakdown – Residential chart does not list the "Reserved Lands of Developer", rather it lists it as open space which is confusing, since open space has a dedicated purpose. Having outlots 7 and 8 as revertible confuse the situation further. Consistency for all charts/ references need to be provided;

**Next Steps:** If approved, the applicant shall revise the plan based upon the comments received. Once the plan is in conformance with the Planning Commission's approval, the Department shall grant signature approval. The applicant shall then proceed to the Step III review, which would involve both a major residential subdivision application and a site plan review application for the commercial portion of the development. Staff can address any questions about the procedures for the Step III review that the applicant may have.

COPY OF  
RESOLUTION NO. 18-26  
ESTABLISHMENT OF THE  
RESIDENTIAL PLANNED COMMUNITY  
FLOATING ZONE



RESOLUTION NO. 18 - 26

SEA OAKS VILLAGE RESIDENTIAL PLANNED COMMUNITY

**A RESOLUTION OF THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, PURSUANT TO SECTION ZS 1-315 OF THE ZONING AND SUBDIVISION CONTROL ARTICLE OF THE CODE OF PUBLIC LOCAL LAWS OF WORCESTER COUNTY, MARYLAND, ESTABLISHING A RESIDENTIAL PLANNED COMMUNITY FLOATING ZONE ON A CERTAIN PARCEL OF LAND SHOWN ON TAX MAP 26 AS PARCEL 274, LOT 3A**

WHEREAS, pursuant to Section ZS 1-315 of the Zoning and Subdivision Control Article of the Public Local Laws of Worcester County, Maryland, Sea Oaks Village, LLC, owner, have filed an application for the establishment of a Residential Planned Community (RPC) Floating Zone on approximately 40 acres of land shown on Tax Map 26 as Parcel 274, Lot 3A, located on the west side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, in the Tenth Tax District of Worcester County, said residential planned community designated as Sea Oaks Village RPC; and

WHEREAS, the said application was referred to the Worcester County Planning Commission which gave the application a favorable recommendation during its review on November 1, 2018; and

WHEREAS, subsequent to a public hearing held on November 20, 2018, following due notice and all procedures as required by Sections ZS 1-315, 1-113, and ZS 1-114 of the Zoning and Subdivision Control Article of the Public Local Laws of Worcester County, Maryland, the County Commissioners made the finding that the establishment of a Residential Planned Community Floating Zone on the subject property would be compatible with the Worcester County Comprehensive Plan and the Worcester County Zoning and Subdivision Control Article.

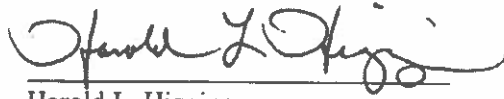
NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, that the land partitioned by Sea Oaks Village, LLC, shown on Tax Map 26 as Parcel 274, Lot 3A and consisting of approximately 40 acres of land, is hereby approved and established as a Residential Planned Community Floating Zone in accordance with the provisions of §ZS 1-315 of the Worcester County Zoning and Subdivision Control Article.

BE IT FURTHER RESOLVED that the effective date of this Resolution shall be nunc pro tunc, November 20, 2018.



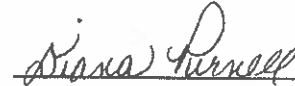
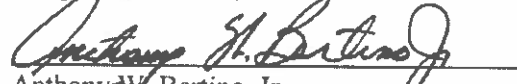
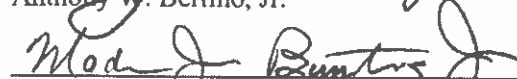
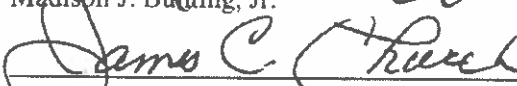


PASSED AND ADOPTED this 4<sup>th</sup> day of December, 2018.

ATTEST:




Harold L. Higgins  
Chief Administrative Officer

COUNTY COMMISSIONERS OF  
WORCESTER COUNTY, MARYLAND

  
Diana Purnell, President  
Joseph M. Mitrecic, Vice President  
Anthony W. Bertino, Jr.  
Madison J. Bunting, Jr.  
James C. Church  
Theodore J. Elder  
Joshua C. Nordstrom

PASSED AND ADOPTED this 4<sup>th</sup> day of December, 2018.

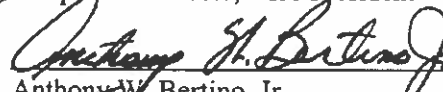
ATTEST:

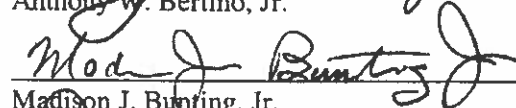
  
Harold L. Higgins  
Chief Administrative Officer

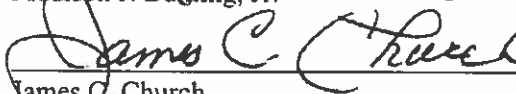
COUNTY COMMISSIONERS OF  
WORCESTER COUNTY, MARYLAND

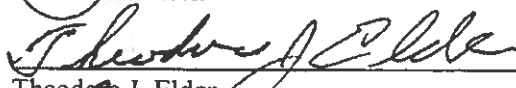
  
Diana Purnell, President

  
Joseph M. Mitrecic, Vice President

  
Anthony W. Bertino, Jr.

  
Madison J. Bunting, Jr.

  
James C. Church

  
Theodore J. Elder

  
Joshua C. Nordstrom

TECHNICAL REVIEW COMMITTEE

COMMENTS

JANUARY 9, 2019 REVIEW



## TECHNICAL REVIEW COMMITTEE

STAFF PERSON: Jennifer K. Keener DATE OF MEETING: January 9, 2019  
PROJECT: Sea Oaks Village Residential Planned Community – Step II Master Plan -  
Proposed 59 unit townhouse development with 24,5700 square feet of mixed commercial use,  
West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map  
26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood  
Commercial Districts

APPLICANT(S) IN ATTENDANCE: Hugh Cropper IV & Bob Harel

### TRC MEMBERS IN ATTENDANCE:

☒ Keener, Zoning Administrator  
☒ Zirkle, DRP Specialist II  
☐ Miller, Building Plans Reviewer III  
☐ Mitchell, Environmental Programs  
☒ Klump, Environmental Programs  
☐ Bradford, Environmental Programs  
☐ Birch, Environmental Programs  
☐ Gerthoffer, Environmental Programs  
☐ Mathers, Environmental Programs  
☐ Owens, Fire Marshal  
☒ Adkins, County Roads  
☐ Berdan, County Roads  
☐ Wilson, State Highway Admin.  
☐ Ross, W & WW, DPW  
☒ Clayville, Planning Commission Rep.

X This application is considered to be a Step II RPC plan. Ten copies of the revised concept plan and narrative which address the comments noted within will need to be resubmitted for Planning Commission review. The Technical Review Committee shall prepare a report within 90 days of the receipt of the revised plans and narrative. The applicant and specified representatives will be notified of the tentative date and time at which this application will be considered by the Planning Commission. Should you have any questions regarding the attached comments, please feel free to contact the respective Technical Review Committee member.



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)

WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE

January 9, 2019

**Jennifer K. Keener, AICP, Zoning Administrator**

Department of Development, Review and Permitting

Worcester County Government Office Building

One West Market Street, Room 1201, Snow Hill, MD 21863

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICE DIVISION

\*\*\*\*\*

Project: Sea Oaks Village Residential Planned Community – Step II Master Plan - Proposed 59 unit townhouse development with 24,5700 square feet of mixed commercial use, West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood Commercial Districts

#### GENERAL PROCEDURE:

The Technical Review Committee shall review the application and meet with the applicants to provide comments for correction or discussion. The applicants are responsible for submitting 10 copies of a revised Step II plan and updated narrative that addresses the Technical Review Committee's concerns. Following the meeting, the Technical Review Committee shall prepare a report to be forwarded to the Planning Commission for review within 90 days after the receipt of the revised plan.

The Planning Commission shall review the plan, associated documents and the Technical Review Committee's recommendations. In its review, the Planning Commission is empowered to request any changes or additional information that it may deem necessary. Following its review, the Planning Commission shall either approve or disapprove the application. In the case of disapproval, the Planning Commission shall present the applicant with a written report of its findings, including the reasons for disapproval. In the event of approval, the Planning Commission may attach conditions concurrent with the approval of the RPC and impose time limits on the development.

Substantial modification of the plan, as determined by the Department, may only be processed as a new Step II master plan in accordance with the provisions hereof and shall require Planning Commission review and action. Any significant modification to the detailed time schedule will require Planning Commission approval upon a showing of reasonable cause by the developer filed in writing. Minor modifications to the Step II master plan may be approved by the Department when limited to the layout, road alignment, landscaping, and stormwater management. Other amendments to the Step II approval and any conditions which may be imposed thereon may be granted by the Planning Commission upon the request of the applicant. Changes in the density or bulk of the residential planned community's structures may only be approved by the County Commissioners as an amendment to the approved Step I concept plan after a duly advertised public hearing where they determine the change to be of such significance that a public hearing is necessary.

Step III implementation plan approval must be obtained within three years from the date of the Step II approval.

The Planning Commission may grant a maximum of one additional year provided the request is made a minimum of 60 days in advance of the expiration of the Step II approval and granted prior to the expiration.

Any questions relative to the review process should be directed to Jennifer K. Keener at (410) 632-1200, extension 1123.

#### SPECIFIC COMMENTS:

1. Is there a general lot layout for the commercial area that is to be subdivided? It is not clear on Sheet S-1 the location of the possible lot lines, and therefore I was unable to accurately determine the lot requirements for the commercial area (see chart in item 14 below);
2. Based on the concept subdivision plan, there appears to be very limited access to the pond that has been designated as active recreational open space. Where will the access be provided? Will there be a shoreline feature or structure to allow for the loading/ unloading of canoes, kayaks and paddleboards? The subdivision regulations require that active open space must suitably function per §ZS 2-502(m)(6)A;
3. Generally, parking will be addressed in detail during the Step III process. However, since the plan shows specific information for the commercial development, I have the following comments: On Sheet S-1, please show the minimum required parking for the contractor shops to be three parking spaces. Also, I count a total of 67 parking spaces provided, not 66, but the parking layout for the contractor shops is different on the site plan versus the concept subdivision plan. Any parking provided over the minimum required shall be constructed of pervious material. Also, if the contractor shops and the retail/office building are to be on separate lots, they will have to stand on their own with respect to parking. This includes the provision for a handicap parking space within the contractor shop lot;
4. Relative to the parking for the community/ recreational area, please provide the parking calculations for amenity areas as stated in §ZS 1-320, which is based on the number of residential units and their proximity to the amenity area;
5. Why is the cul-de-sac provided at the end of the amenity area listed as "Temporary"? Until such time as future plans are approved by the County Commissioners for additional units within the reserved lands and the roads can be re-designed, the cul-de-sac needs to remain. Its construction will have to adhere to the approved private road standards and be approved as such by the County Commissioners;
6. Under the open space requirements, a minimum of 50% of the open space area shall be retained in a natural state and shall not be counted towards the active or passive recreational uses. The Step I plan indicated that there were 24.75 acres remaining after the recreational areas were deducted, however it included the 17.98 acres that were a part of the reserved lands of the developer. Therefore approximately 6.77 acres should remain for natural open space. Based on the Outlot Table on Sheet M-1 as well as the site data, the outlots are either in passive or active recreational open space. This chart and the site data needs to differentiate between passive recreation and natural areas;
7. No reference to the types of passive recreational uses nor their location have been mentioned or shown within this plan or associated documents. Are they still the walking/ bird watching trails mentioned in Step I? When will these passive areas be constructed? Please further detail this in the construction timeline and on the site plan;

8. Please keep in mind that all open space as well as areas for active and passive recreation are to be dedicated, developed and perpetually protected per §ZS 1-315(d)(2)B.5(iv). Further discussion on how to address Outlots 7 and 8 that are listed as "revertible" will have to happen when copies of the deed, deed covenants or open space easements are provided to the Planning Commission as part of the Step III subdivision review in accordance with §ZS 2-502(m)(6)D and §ZS 2-502(m)(6)E;
9. More detailed phasing plans will need to be provided. The construction timeline indicates that the first two clusters of townhouses will be constructed first. Which clusters would those be? What is the contract of sale schedule? As part of future reviews, the Department has to ensure that each phase can stand on its own or in conjunction with previous phases per §ZS 1-315(k)(2)B.2(xii);
10. All roads within the development shall be constructed to one of the RPC road standards. Approval for approved private roads will have to be given under the provisions of §ZS 1-123 during the Step II or Step III process;
11. All road names shall be reviewed and approved by the Department of Emergency Services during the subdivision review within Step III. Any references to the road names under this or future reviews are strictly for descriptive purposes only and do not reflect acceptance of a particular name(s);
12. Please provide a written description of how the architectural style and landscape design are relatable to the surrounding development per §ZS 1-315(k)(2)B.2(viii). Additional review of the architectural requirements for the commercial uses will be conducted during the Step III review per the *Design Guidelines and Standards for Commercial Uses*;
13. Please provide the Department with a copy of the wetland and buffer impact approvals when obtained (required during Step III review);
14. The following minimum lot requirements are based upon the information provided on the plans, and will be requested of the Planning Commission unless otherwise modified on a future submission:

Residential Requirements	
Minimum Lot Area	2,325 square feet
Minimum Lot Width	24'
Minimum Buildable Area	1,485 square feet
Minimum Road Frontage	24'
Front Yard Setback	20' for all lots
Side Yard Setback	0' for all lots
Rear Yard Setback	15' for all lots
Commercial Requirements	
Minimum Lot Area	
Minimum Lot Width	
Minimum Buildable Area	
Minimum Road Frontage	
Commercial Front Yard Setback	50' along MD Route 611, 10' to the internal approved private road
Commercial Side Yard Setback	6'
Commercial Rear Yard Setback	15'



15. Is a minimum side yard setback proposed for the end units of the townhouse groups?
16. Please revise the graphic scale on Sheet 2 of 7 of the concept subdivision plan;

**The Technical Review Committee shall give consideration to the items listed below. If any member has additional comments based upon this discussion that are relative to regulations under their purview that they feel need to be further expounded upon, please notify me immediately. The Technical Review Committee Report is required to be prepared within 90 days of the review for an upcoming Planning Commission meeting.**

- (i) The plans for the development fulfill the goals and objectives and comply with the recommendations of the Comprehensive Plan and are compatible with and complement the character and nature of existing and anticipated development in the vicinity of the proposed development.
- (ii) The design of the development will, as its first priority, protect to the greatest extent feasible existing forested areas and greenways, floodplains, the Critical Area, where applicable, tidal and nontidal wetlands, sensitive areas or special habitats, and source water and aquifer recharge areas.
- (iii) The residential planned community's design lends itself to a clustered, pedestrian scaled development, providing mixed uses where appropriate, and is in keeping with the scale, layout, uses, architectural style and landscape design of existing County towns and villages and blends the natural and built environments.
- (iv) The residential planned community's design minimizes impervious surfaces and the consumption of vacant lands while maximizing open space.
- (v) The project's layout and design promote street, trail and sidewalk connectivity within the project and to and through adjoining properties and neighborhoods.
- (vi) The types and extent of uses and structures in the project will not adversely affect the future development or value of undeveloped neighboring areas or the use, maintenance and value of neighboring areas already developed.
- (vii) The development will secure for the residents of the County a development which is consistent with the Comprehensive Plan and which is compatible with and complementary to established development in the County.



## Worcester County

Department of Environmental Programs  
Environmental Programs Division

### Memorandum

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**To:** Technical Review Committee (TRC) for January 9, 2019 Meeting

**From:** Environmental Programs Staff

**Subject:** Sea Oaks Step 1 RPC, TM 26 P 274 L 3A

**Date:** December 26, 2018

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Environmental Programs comments are based on the plans submitted. These comments are subject to change every time a change is made to the plans that affect water and/or sewage for this site.

1. The owner may not be aware that there was an existing chicken house with wells and a septic system and well for a mobile home in the area where the retail buildings are proposed. These should be found and sealed if possible and as soon as possible. It is not known if anyone has ever tried to find them or if these were filled long ago, but reports must be submitted to this office to document what happened to these systems. There are 3 old wells on the property. One served the trailer which was there, and two served the chicken houses that are no longer there. An attempt must be made to find these wells and seal them. They were all steel and should be locatable with a metal detector.
2. It is assumed that the old metal septic tank that served the trailer was collapsed and filled years ago.
3. At their meeting on September 18, 2018, the County Commissioners approved an allocation of sixty-three (63) sewer EDUs for this property subject to certain conditions. The only condition we are awaiting is concurrence by MDE for the Water and Sewerage Plan amendment. Reservations and allocations have been made for the EDUs needed to serve this proposed RPC.
4. The EDU chart for sewer allocations is incomplete. Please show the proposed commercial uses, their multiplication factor and flow in gallons per day for the total number of commercial EDUs needed. It appears now that 63 EDUs will be sufficient to serve the proposed uses, provided commercial areas do not intensify beyond the uses indicated on the plan.

**Citizens and Government Working Together**

WORCESTER COUNTY GOVERNMENT CENTER 1 WEST MARKET STREET, ROOM 1306 SNOW HILL, MARYLAND 21863  
TEL: 410-632-1220 FAX: 410-632-2012

5. A natural gas main has been installed and is available to this community. Gas permits will be needed if gas utilized within the community.
6. Plumbing Code is the 2015 National Standard Plumbing Code (NSPC) Illustrated (National Association of Plumbing-Heating-Cooling Contractors). The Gas Code is National Fuel Gas Code, ANSI Z223.1, NFPA 54, 2015 Edition, for natural gas
7. It is assumed that the pool backwash and filtering system will not require the assignment of an EDU due to flow concerns. If the pool treatment system selected provides significant flow to the sewer in the normal course of operation, additional capacity will need to be purchased.

**Citizens and Government Working Together**

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TEL: 410-632-1220 FAX: 410-632-2012



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

TECHNICAL REVIEW COMMITTEE  
FOREST CONSERVATION REVIEW

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

STAFF PERSON: David Mathers 

DATE OF MEETING: January 9, 2019

PROJECT: Sea Oaks RPC

LOCATION: Tax Map 26, Parcel 274, Lot: 3A

OWNER/DEVELOPER: Sea Oaks Village, LLC

SURVEYOR/ENGINEER: R.D. Hand and Associates, Inc.

.....

**This project is exempt from the Worcester County Forest Conservation Law per NR 1-403(b)(15).** The area of forested non-tidal wetland, including any regulated buffer, is greater than or equal to the area of reforestation and afforestation required. The Forestry Calculation Sheets will need to be included in future plans to ensure that all stages of the project support this exemption. Furthermore, a voluntary easement is recommended for all remaining forested non-tidal wetlands. If changes are made, and reforestation/afforestation requirements are greater than the area of remaining forested non-tidal wetlands, compliance with the Forest Conservation Law will be required.

**This project is subject to the Worcester County Stormwater Ordinance.** In order to ensure design changes are not needed, this project needs stormwater site development plan approval prior to this project being reviewed as a Step III RPC.



DEPARTMENT OF  
ENVIRONMENTAL PROGRAMS

**Worcester County**

GOVERNMENT CENTER  
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LAND PRESERVATION PROGRAM  
STORMWATER MANAGEMENT  
SEDIMENT AND EROSION CONTROL  
SHORELINE CONSTRUCTION  
AGRICULTURAL PRESERVATION  
ADVISORY BOARD

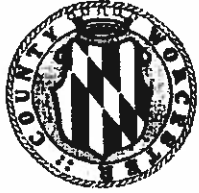
WELL & SEPTIC  
WATER & SEWER PLANNING  
PLUMBING & GAS  
CRITICAL AREAS/FORESTRY  
COMMUNITY HYGIENE

**MEMORANDUM**

DATE: December 20, 2018  
TO: Worcester County Technical Review Committee  
FROM: Joy S. Birch, Natural Resources Specialist III (JB)  
RE: January 9, 2019 Technical Review Committee Meeting

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- Sea Oaks - Step II Residential Planned Community - Proposed 59 units townhouse development with 24,570 square feet of mixed use commercial, West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood Commercial Districts, Sea Oak Village, LLC, owner/ R.D. Hand & Associates, Inc., land planner. According to the plan provided dated October 16, 2018 the property and project boundaries are not located within the Atlantic Coastal Bays Critical Area (ACBCA) program; therefore, we have no comments.



## WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE

Department of Development Review & Permitting  
Worcester County Government Center  
1 W. Market St., Room 1201  
Snow Hill, Maryland 21863  
410-632-1200, Ext. 1151  
pmiller@co.worcester.md.us

\*\*\*\*\*

Project: Sea Oaks

Date: 1/9/2019

Tax Map: 26 Parcel: 274 Section:        Lot: 3A

### STANDARD COMMENTS

1. Items listed in this review are not required for Technical Review Committee approval.
2. Provide complete code review. List type of construction, use groups, height and area, occupant loads, live, dead and other structural loads.
3. Soils report required at time of building permit application.
4. Compaction reports due at all footings and slab inspections as well as any site work and structural fill.
5. Complete sealed architectural, structural, mechanical, plumbing and electrical plans are required.
6. Provide information for wind, snow, floor, roof and seismic loads.
7. Special inspections (Third party) required per IBC Chapter 17 for steel, concrete, masonry, wood, prepared fill, foundations and structural observations.
8. Provide plan for owner's special inspection program, list inspections and inspection agencies.
9. A Maryland Registered Architect must seal plans. This architect or architectural firm will be considered the architect of record.
10. A pre-construction meeting will be required before any work starts.
11. Provide complete accessibility code requirements and details.
12. List on construction documents all deferred submittals.
13. Truss and other shop drawings will be required prior to installation. Design professional in responsible charge shall review and approve all shop drawings.
14. Please provide your design professional with a copy of these comments.

### **Site specific comments: Commercial**

1. Current Codes: 2015 International Building Code  
2015 International Residential Code  
2015 International Energy Conservation Code  
2015 International Mechanical Code  
2017 NEC  
Maryland Accessibility Code  
2010 ADA Standards for Accessible Designs  
(Maryland Codes Administration plans to complete required code adoption of the 2018 edition of the International Codes by the end of 2018).
2. Wind Design: 128 MPH (assumed); Risk category II; Exposure "C"
3. Complete sealed architectural, structural, mechanical, plumbing and electrical plans are required.
4. ADA: Provide all details and specifications per 2010 ADA design standards.
5. Provide an accessible route from parking to building entrance.
6. Provide all information per section C103.2 and R103.2: "Information on construction documents of 2015 IECC".
7. Provide an Energy Compliance Report and lighting plan (wattage report).

### **Site specific comments: Townhomes**

1. Comply with Worcester County Floodplain Regulations.
2. The overall building height is to be clearly indicated on the construction documents. Maximum 45 feet building height permitted for townhomes, an as-built height certification may be required prior to framing inspection.
3. Townhomes to be signed and sealed by Maryland registered Architect.
4. Soils report and compaction testing required for all building pads, townhome sites and parking areas.

There is not enough information provided at this time to provide additional comments.





GOVERNMENT CENTER  
ONE WEST MARKET STREET, ROOM 1003  
SNOW HILL, MARYLAND 21863-1194  
TEL: 410-632-5668  
FAX: 410-632-5664

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## TECHNICAL REVIEW COMMITTEE COMMENTS

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PROJECT: **Sea Oaks RPC**  
LOCATION: **Tax Map 26; Parcel 274, Lot 3A**  
CONTACT: **Sea Oaks Village, LLC**  
MEETING DATE: **January 9, 2019**

TRC #: **2018632**

COMMENTS BY: **Matthew Owens**  
**Chief Deputy Fire Marshal**

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As you requested, this office has reviewed plans for the above project. Construction shall be in accordance with applicable Worcester County and State of Maryland fire codes. This review is based upon information contained in the submitted TRC plans only, and does not cover unsatisfactory conditions resulting from errors, omissions or failure to clearly indicate conditions. A full plan review by this office is required prior to the issuance of a building permit. The following comments are noted from a fire protection and life safety standpoint.

### Scope of Project

The request for establishment of the RPC floating zone for proposed 59 unit townhouse development with 24,570 square feet of mixed commercial use.

### General Comments

1. A water supply for fire protection shall be identified indicating the following:
  - a. Water Source
  - b. Engineering study for reliability of water source
  - c. Size (in gallons) of water source
  - d. Replenishment of water supply
  - e. Diameter of in ground pipe
  - f. Number of hydrants
  - g. Location of hydrants
  - h. Roadway width and surface types
  - i. Distance from hydrant to roadway
2. If public water source, approved plans by the public works department.
3. Water source plans must be approved prior to recording of plat.

4. Fire hydrants shall be located within 3 ft. of curb line. Placement of fire hydrants shall be coordinated with this office prior to installation.
5. Obstructions shall not be placed or kept near fire hydrants, fire department inlet connections, or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately visible and accessible.
6. All underground water mains and hydrants **shall be installed, completed, and in service** prior to construction work or as soon as combustible material accumulates, which ever comes first. A stop work order will be issued if fire hydrants are not in service prior to construction work start.
7. Fire Lanes shall be provided at the start of a project and shall be maintained throughout construction. Fire lanes shall be not less than 20 ft. in unobstructed width, able to withstand live loads of fire apparatus, and have a minimum of 13 ft. 6 in. of vertical clearance. Fire lane access roadways must be established prior to construction start of any structure in the project. Failure to maintain roadways throughout the project will be grounds to issue stop work orders until the roadway access is corrected.
8. Coordinate 9-1-1 addressing with Worcester County Department of Emergency Services (410) 632-1311.

#### Specific Comments

1. Multifamily units shall be protected by an automatic sprinkler system. Plans shall be submitted and approved by this office prior to the installation of such system (NFPA 13D compliant design but shall include a FDC and notification).
2. A fire hydrant shall be located within 100 feet of fire department connection for sprinkler system. Based on the plans provided, it appears the distance between the proposed fire hydrants and the FDC may exceed the required 100 feet for both the proposed commercial use buildings and the proposed townhouses.
3. Provide the appropriate code compliant fire rated separation between units.
4. Depending on the commercial use, the proposed commercial units may be required to be protected by an automatic sprinkler system in accordance with NFPA 13.
5. Complete set of building plans shall be submitted and approved prior to start of construction.
6. No further comments at this time.

**WORCESTER COUNTY  
DEPARTMENT OF PUBLIC WORKS  
WATER & WASTEWATER DIVISION  
INTEROFFICE MEMORANDUM**

---

**TO:** Jennifer K. Keener, Zoning Administrator  
Development Review and Permitting  
**FROM:** John S. Ross, P.E., Deputy Director  
**DATE:** January 4, 2019  
**SUBJECT:** TRC Meeting – January 9, 2019

---

**Residential Planned Community**

- \* A. Sea Oaks - Step II Residential Planned Community - Proposed 59 unit townhouse development with 24,570 square feet of mixed use commercial, West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood Commercial Districts, Sea Oaks Village, LLC, owner/ R.D. Hand & Associates, Inc., land planner;
1. Confirm adequate EDUs are assigned to the project.
  2. Construction drawings must show service connections, meter locations, sewer cleanouts, valves, hydrants, sewer line profiles, pump station details and other information identified in the Worcester County Design Guidelines.
  3. Future comments will be provided when detailed construction drawings are prepared.

**Site Plan Review**

- A. Atlantic General Medical Center - 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. Confirm adequate EDUs are assigned to the project.
  2. Identify the limits of County maintenance responsibility for the water and wastewater facilities being constructed.
  3. Provide capacity information on the proposed pumping facilities.
  4. Waterline and utility easement should extend across the front of the property to accommodate future extension.
- B. Exodus Craft Brewery and Restaurant - Proposed construction of an approximately 21,000 square foot restaurant with brewery for on-site consumption only, east side of MD Route 611 (Stephen Decatur Highway), north of Sunset Avenue, Tax Map 27, Parcels



STATE HIGHWAY  
ADMINISTRATION

Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor  
Pete K. Rahn  
Secretary  
Gregory Slater  
Administrator

December 27, 2018

Ms. Jennifer Keener, Zoning Administrator  
Department of Developing, Review and Planning  
Worcester County Government Center  
One West Market Street, Room 1201  
Snow Hill MD 21863

Dear Ms. Keener:

Thank you for the opportunity to review the submittal for the proposed Sea Oaks project development, located on the west side of MD 611, north of Sinepuxent Road, in Worcester County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the plans and we are pleased to respond.

This site plan proposes the construction of a 59-unit townhouse development, with 24,570 square feet of mixed commercial use. As the plan proposes the new construction of a commercial development with a commercial access onto MD 611, a Commercial Access Permit will be required from this office.

Subject to our aforementioned comments, the applicant must submit four sets of plans, two sets of the Stormwater Management Report, and a CD containing the plans and supporting documentation in PDF format directly to Mr. James W. Meredith at 660 West Road, Salisbury, MD 21801, attention of Mr. Daniel Wilson. If you are unable to make a hard copy submission or would prefer to submit electronically, you can make an electronic project submittal by logging into:

<https://mdotsha.force.com/accesspermit/login?ec=302&inst=1B&startURL=%2Faccesspermit>.

If you have any questions or require additional information please contact Mr. Daniel Wilson, Access Management Regional Engineer, at 410-677-4048, by using our toll free number (in Maryland only) at 1-800-825-4742 (x4048), or via email at [dwilson12@sha.state.md.us](mailto:dwilson12@sha.state.md.us). He will be happy to assist you.

Sincerely,

James W. Meredith  
District Engineer

cc: Mr. Hicham Baassiri, Assistant District Engineer-Project Development, MDOT SHA  
Mr. Mike Marvel, Resident Maintenance Engineer, MDOT SHA  
Mr. Daniel Wilson, Access Management Regional Engineer, MDOT SHA



**Worcester County**  
**DEPARTMENT OF PUBLIC WORKS**  
6113 TIMMONS ROAD  
SNOW HILL, MARYLAND 21863

JOHN H. TUSTIN, P.E.  
DIRECTOR

**MEMORANDUM**

JOHN S. ROSS, P.E.  
DEPUTY DIRECTOR

**TO:** Jennifer Kenner, Zoning Administrator  
**FROM:** Frank J. Adkins, Roads Superintendent (FA)  
**DATE:** December 26, 2018  
**SUBJECT:** TRC Meeting – January 9, 2019

TEL: 410-632-5623  
FAX: 410-632-1753

**DIVISIONS**

**Section 1-315 Residential Planned Communities**

**MAINTENANCE**  
TEL: 410-632-3766  
FAX: 410-632-1753

**ROADS**  
TEL: 410-632-2244  
FAX: 410-632-4020

**SOLID WASTE**  
TEL: 410-632-3177  
FAX: 410-632-3000

**FLEET  
MANAGEMENT**  
TEL: 410-632-5675  
FAX: 410-632-1753

**WATER AND  
WASTEWATER**  
TEL: 410-641-5251  
FAX: 410-641-5155

**A. Sea Oaks – Step II RPC**

1. Since these roads are listed as private, they will not be accepted into the County inventory nor turned over to the County.
2. Any structures, drainage easements, drainage ponds, drainage pipes, or utilities inside or outside the right-of-way will not be the responsibility of Worcester County DPW – Roads Division.
3. Will require four (4) commercial entrance permits and posting of a \$5,000.00 bond per entrance prior to construction for the commercial portion of this project.
4. Please provide commercial entrance detail drawing. Commercial entrances must meet Worcester County specifications.
5. A road construction bond will need to be posted and in place prior to construction. All road stabilization must meet 95% compaction and 24 hours notice before paving begins.
6. A geo-tech must be on-site during all phases of road construction. Copies of all written reports from the geo-tech must be submitted to Worcester County DPW – Roads Division on a daily basis.
7. A pre-construction meeting is required before construction begins.
8. Please supply road detail for wide commercial portion of road.
9. Please show construction details for temporary cul-de-sac. This temporary cul-de-sac must be removed if road is extended.
10. Is the 200-06 detail for the C-1 and R-3 zones?
11. Detail 200-06 as shown on sheet M-1 should total 27' stabilized area to include a 1' stabilized area behind curb.
12. Please show a 21' paved road on detail 200-06 on sheet M-1.
13. Please show detail for the 24" rolled curb CG2 on sheet M-1.



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

**Worcester County**

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

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)

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Worcester County Planning Commission  
FROM: Phyllis H. Wimbrow, Deputy Director *PHW*  
DATE: May 21, 2019  
RE: Text Amendment Application - § ZS 1-324(c)(4)A - Building Signs

\*\*\*\*\*

The attached text amendment application was submitted by Mike Ramadan and seeks to amend the Zoning and Subdivision Control Article to remove the maximum copy area limitations associated with allowable copy area of signs that may be transferred to any side of an individual establishment. Specifically, the text amendment as submitted by Mr. Ramadan seeks to remove the phrase establishing the aforesaid limitations from § ZS 1-324(c)(4)A, with the phrase to be removed shown with ~~strikeouts~~:

- A. Building signs. Signs mounted against a building wall or mounted upon the roof may contain, in the aggregate, up to two square feet of area for each linear foot of principal building width providing the primary customer entrance as defined in Subsection § ZS 1-103(b). A portion of the allowable signage may be transferred to any side of the individual establishment; ~~provided it does not exceed fifty percent of the allowable copy area or twenty square feet, whichever is less.~~ However, no individual sign shall exceed two hundred square feet in area. Building signs, including roof-mounted signs, shall not extend over the highest point of the coping of a flat roof or the average point between eaves and ridge for gable, hip, mansard, and gambrel roofs. No building sign shall be located in or project into any required yard setback. In the case of a development with multiple establishments on a parcel of record, the property owner or agent may proportionately allocate the total allowable on-building signage area among various uses or tenants. The County is not responsible for enforcing any provisions of an owner's allocation formula, lease arrangements, or other private contractual restrictions. [Amended 10-20-2015 by Bill No. 15-11]

Following our customary practice, once I received the text amendment application I forwarded it to Ed Tudor, Director, Jennifer Keener, Zoning Administrator, and Maureen Howarth, County Attorney and Planning Commission Attorney, for their review and comment. Mrs. Keener submitted written comments and they are attached Mr. Tudor provided verbal comments to me. As explained in Mrs. Keener's written comments the text amendment as proposed would remove the limit on the amount of sign copy area allowed to be transferred to the side of a building which does not have a primary customer entrance. This proposed amendment does not affect the freestanding signage regulations at all. At present a maximum of 20 square feet of the overall copy area can be utilized on other facades such as the side or rear of the building. The majority of the time, the primary customer entrance or front of the establishment or building will be that facing the roadway and thus that is where the primary signage will be located. However, there are circumstances when a building is oriented in such a fashion that the primary customer entrance is located on the side that does not face the road. Under current regulations, the owner would be able to transfer a maximum of 20 square feet of the total allowable copy area to another facade, such as the one facing the roadway. Mrs. Keener notes that this limitation was not in place prior to a text amendment that was passed in 2015 that changed how the copy area was calculated. She states that since the amendment was adopted she has heard quite a bit of concern from several constituents relative to this particular provision of the sign regulations. Mrs. Keener states that given the County's tight restrictions on the maximum size of a sign overall in conjunction with our requirement for monument freestanding signs, she does not believe that the requested change will cause significant visual blight and therefore has no issue with the text amendment as proposed. Both Mr. Tudor and I concur with the conclusions of Mrs. Keener. 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  
Maureen Howarth  
Jennifer Keener



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

## Worcester County

GOVERNMENT CENTER  
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ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICE DIVISION

### MEMORANDUM

To: Phyllis Wimbrow, Deputy Director, DDRP  
From: Jennifer Keener, AICP, Zoning Administrator *JKK*  
Date: April 22, 2019  
Re: Text Amendment request – On-Building Signage Regulations

.....

The text amendment as proposed would remove the limit on the amount of sign copy area allowed to be transferred to the side of a building which does not have a primary customer entrance. It does not affect the freestanding signage regulations. Currently, the Zoning Ordinance calculates the amount of copy area allowed per establishment as two square feet of copy area for each linear foot of principal building width *providing the primary customer entrance*. A maximum of 20 square feet of the overall copy area can be utilized on other façade(s) such as the side or rear of the building.

The majority of the time, the primary customer entrance (or “front”) of an establishment/ building will be facing the road, and that is where the primary signage will be located. There are instances where a developer wants a larger sign on a side façade so that it would be visible by passing vehicular traffic. However, there is a circumstance when a building is oriented in such a way that the primary customer entrance is located on the side that doesn’t face a road. Under current regulations, the owner/ developer would be able to transfer a maximum of 20 square feet of the copy area to another façade(s), such as the one facing the roadway.

Prior to a previous text amendment that was passed in 2015 that changed how the copy area was calculated, this limitation was not in place. However since the amendment was adopted, I have heard quite a bit of concern from several constituents relative to this particular provision of the sign regulations. Given our tight restrictions on the maximum size of a sign overall, plus our requirement for monument type freestanding signs, I do not believe that this change will cause significant visual blight. Therefore, I have no issue with the text amendment as proposed.





DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

## Worcester County

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

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

### MEMORANDUM

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICE DIVISION

TO: Edward A. Tudor, Director  
Jennifer K. Keener, Zoning Administrator  
Maureen Howarth, County Attorney  
FROM: Phyllis H. Wimbrow, Deputy Director *PHW*  
DATE: April 16, 2019  
RE: Text Amendment Application - Building Signs

The attached text amendment application has been submitted by Mike Ramadan and seeks to amend the Zoning and Subdivision Control Article to remove the maximum copy area limitations associated with allowable copy area of signs that may be transferred to any side of an individual establishment. Specifically, the text amendment as submitted by Mr. Ramadan seeks to remove the phrase establishing the aforesaid limitations from § ZS 1-324(c)(4)A, with the phrase to be removed shown with **strikeouts**:

- A. Building signs. Signs mounted against a building wall or mounted upon the roof may contain, in the aggregate, up to two square feet of area for each linear foot of principal building width providing the primary customer entrance as defined in Subsection § ZS 1-103(b). A portion of the allowable signage may be transferred to any side of the individual establishment, ~~provided it does not exceed fifty percent of the allowable copy area or twenty square feet, whichever is less.~~ However, no individual sign shall exceed two hundred square feet in area. Building signs, including roof-mounted signs, shall not extend over the highest point of the coping of a flat roof or the average point between eaves and ridge for gable, hip, mansard, and gambrel roofs. No building sign shall be located in or project into any required yard setback. In the case of a development with multiple establishments on a parcel of record, the property owner or agent may proportionately allocate the total allowable on-building signage area among various uses or tenants. The County is not responsible for enforcing any provisions of an owner's allocation formula, lease arrangements, or other private contractual restrictions. [Amended 10-20-2015 by Bill No. 15-11]

I anticipate scheduling this text amendment for consideration by the Planning Commission at its June 6, 2019 meeting. So that I may incorporate them into the staff report, please submit your comments to me no later than May 22, 2019.

Should you have any questions or require additional information, please do not hesitate to contact me. Thank you for your attention to this matter.

attachment



Worcester County Commissioners  
Worcester County Government Center  
One W. Market Street, Room 1103  
Snow Hill, Maryland 21863

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

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(For 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 4/12/19

Date Reviewed by the Planning Commission \_\_\_\_\_

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- 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: ✓
- b. Taxpayer of Worcester County: ✓
- c. Governmental Agency: \_\_\_\_\_ (Name of Agency)

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

- a. Section Number: ZS1-324(c)(4)A:
- b. Page Number: \_\_\_\_\_
- c. Proposed revised text, addition or deletion:  
PLEASE SEE ATTACHED:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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:

PLEASE SEE ATTACHED:

IV. Signature of Applicants

Signature(s):



Printed Name(s):

Mike Ramadan

Mailing Address:

P.O. Box 3009 Ocean City MD 21843

Phone Number:

410-430-7511

Email:

msr@109@aol.com

Date:

4/6/2019

V. Signature of Attorney

Signature:

Printed Name:

Mailing Address:

Phone Number:

Email:

Date:

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.

# **PETITION FOR AMENDMENT TO THE OFFICAL TEXT OF THE ZONING AND SUBDIVISION CONTROL ARTICLE ATTACHMENT:**

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

Regarding the code, here is the applicable section for on building signage ZS 1-324(c0(4)A:

“Building signs. Signs mounted against a building wall or mounted upon the roof may contain, in the aggregate, up to two square feet of area for each linear foot of principal building width providing the primary customer entrance as defined in Subsection § ZS 1-103(b). A portion of the allowable signage may be transferred to any side of the individual establishment, provided it does not exceed fifty percent of the allowable copy area or twenty square feet, whichever is less. However, no individual sign shall exceed two hundred square feet in area. Building signs, including roof-mounted signs, shall not extend over the highest point of the coping of a flat roof or the average point between eaves and ridge for gable, hip, mansard, and gambrel roofs. No building sign shall be located in or project into any required yard setback. In the case of a development with multiple establishments on a parcel of record, the property owner or agent may proportionately allocate the total allowable on-building signage area among various uses or tenants. The County is not responsible for enforcing any provisions of an owner's allocation formula, lease arrangements, or other private contractual restrictions.”

The sentence in question is “A portion of the allowable signage may be transferred to any side of the individual establishment, provided it does not exceed fifty percent of the allowable copy area or twenty square feet, whichever is less. ” To allow us to transfer the allowable signage between any elevation, with no limitation we are asking for the following: A portion of the allowable signage may be transferred to any side of the individual establishment, ~~provided it does not exceed fifty percent of the allowable copy area or twenty square feet, whichever is less.~~ The sentence ending with establishment.

### III. Reasons for Requesting Text Change:

The reason for this request is due in part by numerous aspects to the new Dairy Queen Location in West Ocean City. The Dairy Queen in West Ocean City has no pile on sign on the highway, and with it being on the intersection of 611 and Rt 50, Its imperative that we have visibility from the sides and front of the restaurant. We have invested a large amount of monies to bring the franchise to the area, and not having the ability to get the right signage would cause sales to not reach sustainable amounts to keep the business open. The change is to allow us to transfer the allowable signage area to be transferred to other sides without having the restrictions of the "not exceed fifty percent of the allowable copy area or twenty square feet, whichever is less". Having signage on sides of the building that do not need any signage, and losing frontage prohibits us from sales that otherwise would be had if residents and tourists could designate our restaurant from the highway and other sides of the building that otherwise would have insufficient branding due to the current state of the law.

**A BILL ENTITLED**

**AN ACT Concerning**

**Zoning - Building Signs**

For the purpose of amending the Zoning and Subdivision Control Article to remove limitations on the amount of building sign copy area that may be transferred to the facade of a building that does not have a primary customer entrance.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subtitle § ZS 1-324(c)(4)A be repealed in its entirety and replaced to read as follows:

- A. Building signs. Signs mounted against a building wall or mounted upon the roof may contain, in the aggregate, up to two square feet of area for each linear foot of principal building width providing the primary customer entrance as defined in Subsection § ZS 1-103(b). A portion of the allowable signage may be transferred to any side of the individual establishment. However, no individual sign shall exceed two hundred square feet in area. Building signs, including roof-mounted signs, shall not extend over the highest point of the coping of a flat roof or the average point between eaves and ridge for gable, hip, mansard, and gambrel roofs. No building sign shall be located in or project into any required yard setback. In the case of a development with multiple establishments on a parcel of record, the property owner or agent may proportionately allocate the total allowable on-building signage area among various uses or tenants. The County is not responsible for enforcing any provisions of an owner's allocation formula, lease arrangements, or other private contractual restrictions.

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.



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  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICE DIVISION

## MEMORANDUM

TO: Worcester County Planning Commission  
FROM: Edward A. Tudor, Director *EAT*  
DATE: May 30, 2019  
RE: Text Amendment Application - § ZS 1-318(d)(1) -  
Campground Subdivisions - Occupancy

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Pursuant to the requests from several Planning Commission members for additional information concerning the above referenced text amendment, the staff has assembled what I believe are all of the various emails that the staff or Planning Commission members have received from parties on both sides of the issue as well as various items of correspondence between the County Administration and White Horse Park. We have also included the email correspondence from Robert Mitchell, Director of Environmental Programs, with regard to the water and sewer issues. This information will also be available as a power point presentation at the Planning Commission meeting to be held on June 6, 2019 along with other additional information from this Department.

I would like to take a moment to reiterate what I believe are some of the salient points from the last staff report and speak to several points made at your meeting on May 2, 2019. First, as you may recall, Hugh Cropper, IV, the attorney representing those who submitted the text amendment application, stated at the May 2, 2019 meeting that he would eliminate the age limitation in his proposed amendment if that provision was what was causing the staff distress. While policing the age limitation was certainly a big concern of the staff with regard to the enforceability of the proposed amendment, eliminating that provision does very little to make the law any more enforceable. As we stated over and over previously, the properties affected by this proposed amendment are **CAMPGROUNDS**. They are not now nor were they ever designed or intended for year-round occupancy by anyone, regardless of age or any other factor. Allowing **any** percentage of units to be occupied on a permanent basis is inconsistent with their **legally approved** design and purpose.



As a further reminder with regard to these development's intended purpose, there are about 2.7 miles of roads within White Horse Park which were constructed to a private **CAMPGROUND** road standard. Most of the road network is constructed on a 20 foot right-of-way. The largest road right-of-way is 40 feet. Current standards for a year round residential subdivision require a 50 foot right-of-way. While we may be able to provide you with a ballpark estimate of what it would take to upgrade the road network to meet today's construction standards, the answer is really immaterial since it would be impossible to obtain additional right-of-way from the tiny lots that abut them with front yard setbacks of only 10 feet (15 feet less than the typical front yard setback for a residential subdivision). There has also no evidence of compliance with other typical residential subdivision standards such as open space and special requirements for gated communities.

The other big point is that Campground Subdivisions allow a variety of unit types, including recreational vehicles, park trailers, and cabins, all of which are limited by definition to no more than 400 square feet of gross floor area and which are not designed for year round occupancy. As was pointed out in our previous staff recommendation, these units are 100 square feet smaller than required for a single family dwelling.

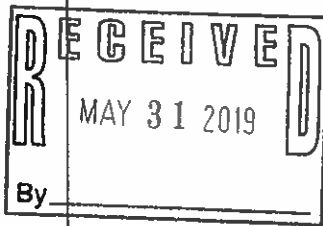
We must keep in mind that the proposed text amendment is **NOT** just about White Horse Park. Although residents of that development are the applicants, the proposed text amendment would affect any campground subdivision, including the Assateague Point campground subdivision, as well as the unit owners within same. On that same note, the proposed amendment if adopted would set a precedent for other forms of campgrounds. Text amendments to allow year round occupancy of residents in rental or cooperative campgrounds could just as easily be submitted.

As discussed as your last meeting, the staff will work to develop recommendations relative to a type of residential planned community that perhaps lends itself to more affordable housing, with the use of reduced lot requirements and smaller unit types. **It must be crystal clear, however, that anything the staff may develop for the Planning Commission's consideration will not be for the purpose of legitimizing, validating or permitting the year round occupancy of units in a campground subdivision.** Rather, any staff proposal will have a more forward looking approach to try and establish mechanisms for more affordable housing choices in the County beyond the standards for manufactured and mobile home parks which already serve as a source of affordable housing. I have no doubt that our recommendations with regard to lot requirements, etc. will be greater than what exists in the White Horse Park **CAMPGROUND**.

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

cc: Maureen Howarth  
Phyllis Wimbrow  
Jennifer Keener  
Robert Mitchell

John Tustin  
John Ross  
Frank Adkins  
Jeff McMahon



**Worcester County**  
**DEPARTMENT OF PUBLIC WORKS**  
6113 TIMMONS ROAD  
SNOW HILL, MARYLAND 21863

**MEMORANDUM**

**JOHN H. TUSTIN, P.E.**  
DIRECTOR

**JOHN S. ROSS, P.E.**  
DEPUTY DIRECTOR

TEL: 410-632-5623  
FAX: 410-632-1753

**TO: Harold L. Higgins, Chief Administrative Officer**  
**FROM: John H. Tustin, P.E., Director of Public Works** *JHT*  
**DATE: May 31, 2019**  
**SUBJECT: White Horse Park Roads**

**DIVISIONS**

**MAINTENANCE**  
TEL: 410-632-3766  
FAX: 410-632-1753

**ROADS**  
TEL: 410-632-2244  
FAX: 410-632-0020

**SOLID WASTE**  
TEL: 410-632-3177  
FAX: 410-632-3000

**FLEET  
MANAGEMENT**  
TEL: 410-632-5675  
FAX: 410-632-1753

**WATER AND  
WASTEWATER**  
TEL: 410-641-5251  
FAX: 410-641-5185

As requested by the Planning Commission, we have been asked to comment on the impact on the roads within the White Horse Park Community if the Community would allow full-time residents. While it is true that the roads function in both the summer and winter seasons there are other considerations as follow:

1. Year-round use of the road system within the park will most certainly increase the needed road maintenance
2. The use of snow removal equipment, including the heavy snow plow mounted trucks, causes damage to roads during the winter months.
3. The life of a road can best be estimated based on the effectiveness of the drainage system. There is no active drainage system along the White Horse Park Roads.
4. We really don't know how the roads in White Horse Park were constructed. A geotechnical evaluation of the roads, would be needed to determine the pavement thickness and subgrade condition in comparison to County construction standards.
5. Most of the roads would not meet minimum roadway width requirements for RPC or PUD Subdivisions
6. The dedicated rights-of-way are smaller than permitted and expanding the rights of way would essentially take up all area between the housing units with no front setbacks
7. The "speed bumps" in the park are not permitted by the County

If you have any questions, please contact me.

cc: John S. Ross, P.E. Deputy Director  
Frank Adkins, Roads Superintendant

**White Horse Park Declaration of Covenants, Easements, Equitable  
Servitudes, Charges of Assessments and Liens of White Horse Park  
Recreational Vehicle Development**

LIBER 881 PAGE 236  
DECLARATION OF

RESTRICTIONS, COVENANTS, EASEMENTS, EQUITABLE  
SERVITUDES, CHARGES, ASSESSMENTS AND LIENS  
OF  
WHITE HORSE PARK  
RECREATIONAL VEHICLE DEVELOPMENT

THIS DECLARATION OF RESTRICTIONS, COVENANTS, EASEMENTS, EQUITABLE SERVITUDES, CHARGES, ASSESSMENTS AND LIENS, made this 25th day of February, 1983, by WHITEHORSE PARK RECREATIONAL VEHICLE DEVELOPMENT CO., INC., a Maryland corporation, with its principal office being located in Ocean City, Worcester County, Maryland, hereinafter referred to as the "Declarant", WITNESSETH:

WHEREAS, Declarant is the owner of certain real property located near Ocean Pines, Berlin, Worcester County, Maryland, known as "White Horse Park Recreational Vehicle Development", hereinafter referred to as the "Development", described on the subdivision plats, hereinafter referred to as the "Plats", as recorded by the Declarant among the Plat Records of Worcester County, Maryland (the "Clerk of the Court's Office") and identified thereon as "White Horse Park Recreational Vehicle Development", and which is more particularly described on Exhibit "A" which is attached hereto and made a part hereof; and

WHEREAS, Declarant desires to sell and convey the Lots and parcels, referred to herein as "Campsites" within the Development as shown on the Plats and before doing so desires to impose upon them mutual and beneficial restrictions, covenants, easements, equitable servitudes, charges, assessments and liens under a general plan of development and improvement for the mutual benefit of all Campsites therein and for the Owners thereof, present and future.

NOW, THEREFORE, WHITEHORSE PARK RECREATIONAL VEHICLE DEVELOPMENT CO., INC., declares that all of the Campsites and all other property in the Development are held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, occupied and improved, subject to provisions of this Declaration, all of which are declared and agreed to be in furtherance of a plan for the development, improvement and sale of said Campsites and are established and agreed upon for the purpose of enhancing and protecting the value, desirability and attractiveness thereof. The provisions of this Declaration are intended: to create mutual equitable servitudes upon each of the Campsites in favor of all such Campsites, with each Owner covenanting and agreeing with each and every other Owner and with Declarant, and for their mutual benefit, that the Owners, their heirs, administrators, successors and assigns will faithfully keep, observe and perform the covenants and conditions hereof for the benefit of each and every other Owner; to grant each and every Owner the right to enforce, in law or equity, the performance hereof by each and every Owner; and to operate as covenants running with the land for the benefit

of each and every Campsite in the Development and their respective Owners, present and future.

# I. DEFINITIONS

The following terms and phrases as used in this Declaration shall be defined as follows, unless the context clearly indicates otherwise:

1.1 "Association" means the White Horse Community Association, Inc., a Maryland not-for-profit corporation.

1.2 "Board" means the Board of Directors of the Association elected pursuant to the provisions hereof and the By-laws.

1.3 "By-laws" means the By-laws of the Association.

1.4 "Campsite" means any numbered Lot designated on a recorded Plat to be used in accordance with the Declaration, or any Supplemental Declaration(s), for camping purposes.

1.5 "Committee" means the Environmental Control Committee, the members of which, initially, shall be the members of the Board and thereafter shall be such as are appointed by the Board, pursuant to the provisions hereof.

1.6 "Common Area" means any and all real property designated as such on a Plat(s) and all real property acquired by the Association, whether from the Declarant or otherwise, together, in each instance, with all improvements which may be at any time constructed thereon, including, but not limited to, Roads, Utility Facilities (including, but not limited to, feeder or service lines for electricity, water, sewer, telephone and community television), Recreational and Community Facilities, Storage Areas and Maintenance Facilities.

1.7 "Declarant" means Whitehorse Park Recreational Vehicle Development Co., Inc., a Maryland corporation, its successors and assigns.

1.8 "Declaration" means the Declaration of Restrictive Covenants, dated February 25, 1983, made by the Declarant and which shall be recorded among the Land Records of Worcester County, Maryland, setting forth certain restrictive covenants, easements, etc. with respect to the Development as the same may be amended or supplemented from time to time.

1.9 "Development" means all of the real property comprising WHITEHORSE PARK RECREATIONAL VEHICLE DEVELOPMENT, located adjacent to Ocean Pines, Worcester County, Maryland, as shown on the Plats as provided in the Declaration, including any real property annexed thereto as provided therein.

1.10 "Household" means one or more persons, each related to the other by blood, marriage or legal adoption, or a group of not more than 3 adult persons, not so related, who, in each instance, regularly and customarily reside together in the same house or home as a principal residence.

1.11 "Improvements" means all buildings, outbuildings, streets, roads, driveways, parking areas, fences, retaining and other walls, decks, piers, hedges, poles, antennae and any other structures of any type or kind.

1.12 "Lot" means any numbered, named or lettered tract of real property with such boundaries as are shown on the Plat.

1.13 "Management Contract" means the agreement between the Declarant and the Agent which provides for management services to the Association in connection with the operation, maintenance and use of the Development, including the common areas.

1.14 "Owner" means any person, or persons, including Declarant who hold(s) fee simple title to any Campsite.

1.15 "Plat" means a final subdivision map(s) with respect to the Development, as recorded by the Declarant in the Land Records for Worcester County, Maryland. The term "Plats" shall mean all of the final subdivision maps of the Development, as recorded by Declarant from time to time, including any additions or revisions thereto.

1.16 "Recreational Vehicles" means a vehicular type unit initially designed as a temporary living quarters for recreational camping or travel use which either has its own mode of power or is mounted on or drawn by another vehicle. The basic types of approved recreational vehicles within the subdivision must be approved with the Recreational Vehicle Institute Association (R.V.I.A.) seal or standards and are limited to the following:

(a) Travel Trailers - A licensed vehicle, mounted on wheels, of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle; initially designed and constructed to provide temporary living quarters for recreational, camping or travel use. This definition does not preclude telescoping additions as long as a unit meets roadway requirements.

(b) Motor Home - A licensed vehicle which has its own mode of power and designed and constructed as temporary living quarters for recreational, camping or travel use.

1.17 "Road" means any and all of the real property designated as such on a Plat.

1.18 "Tent" means a movable shelter made of canvas or other similar new material, supported by a pole or poles and designed and manufactured to provide temporary living quarters for recreational and camping use.

1.19 "Transfer, Construction and Operation Agreement" means the agreement between the Declarant and the Association dated February 25, 1983, providing for, inter alia, transfer of Common Areas to the Association, construction of Improvements thereto, including Roads, Utility Facilities and certain recreational facilities as provided therein, operation and maintenance of Common Areas and Improvements thereto by the Association and Transfer of the Improvements to the Association.

1.20 "Utility Facilities" means all property, real, personal or mixed acquired or constructed by Declarant or the Association and used or useful in connection with providing water supply service, sanitary sewage collection and disposal service and electric service to Campsites within the Development, or providing such other services including cable television service and telephone) as shall be determined by the Declarant or Association to be useful or necessary to Campsites or the Development.

## II. TERM

2.1 The provisions of this Declaration shall run with the land, shall exist and shall be binding upon all parties claiming any interest in the Development in perpetuity, unless an amendment hereto has been duly adopted and recorded as hereinafter provided.

## III. LAND USES

3.1 Campsites. Unless otherwise provided in this Declaration, Campsites shall be used only for camping purposes. Owners of Campsites may place thereon approved Recreational Vehicles (which are capable of connection to individual Campsite sewer, water and electrical hookups) and any related facilities as may be approved by the Committee. Exceptions may be approved



by the Committee, provided said exceptions do not violate any local, county or state ordinances, rules and regulations or laws. Except as approved by the Committee, no permanent or semi-permanent structure may be erected on any Campsite, nor may any mobile home be located or placed thereon, it being the intention of the Declarant to exclude such mobile homes from use on the Campsites shown on the Plat. No tents may be erected or pitched on any Campsite, same being expressly precluded. No Recreational Vehicle other than those described or defined above shall be placed on any Campsite unless approval therefor shall have been obtained from the Committee. All Recreational Vehicles in the Development shall be maintained in a transportable condition at all times and shall be fully self-contained.

CAMPsites SHALL BE OCCUPIED ONLY ON A SEASONAL BASIS AND IT SHALL BE UNLAWFUL FOR ANY PERSON TO CONTINUELY OCCUPY ANY SUCH CAMPSITE OR LOT OR UNIT FOR MORE THAN NINETY (90) CONSECUTIVE DAYS OR FOR MORE THAN NINETY (90) DAYS IN ANY SINGLE ONE HUNDRED EIGHTY (180) DAY PERIOD. This specified period of use, or limitation of use of the Campsites cannot, and shall not be, amended without the written consent of the County Commissioners for Worcester County, Maryland. This limitation of use shall be, and is, enforceable by the said County Commissioners. Further, no Campsite shall be the primary and principal residence of the Owner, or any other occupant thereof, it being the express intention of Declarant that each Campsite be used and occupied for camping and recreational purposes only by a single Household. The Committee or the Managing Agent may require any Owner to remove a Recreational Vehicle for a period of twenty four (24) hours at any time to establish mobility. Nothing herein contained shall prevent any Owner from storing his Recreational Vehicle on his/her Campsite, without occupancy, during periods of non-use.

### 3.2 Common Areas.

(a) Roads: All real property in the Development designated as Roads on the Plats are and shall remain private property, and Declarant's recording of the Plats shall not be construed as dedication of the Roads to public use. The Roads shall be constructed by Declarant and transferred to the Association pursuant to the provisions of the Transfer, Construction and Operation Agreement. All Owners shall have the use and enjoyment of the Roads subject to the provisions hereof and to reasonable rules and regulations from time to time adopted by the Association. Declarant reserves the right to the use of the Roads in connection with its sales and development program. Operation and maintenance of Roads shall be the responsibility of the Association.

(b) All other Common Areas, excluding the Utility Facilities which are governed by Part VI hereof, are and shall remain private property and Declarant's recording of the Plats shall not be construed as dedication of any such Common Areas to public use. Subject to the provisions of the Transfer, Construction and Operation Agreement, Declarant will transfer to the Association all Common Areas together with any Improvements constructed thereon. The use and enjoyment of Common Areas and Improvements thereon shall be subject to the provisions hereof and to reasonable rules and regulations from time to time adopted by the Association. Declarant reserves

the right to the use of Common Areas and any Improvements thereon in connection with its sales and development program. Operation and maintenance of Common Areas and any Improvements thereon, including repair to any such improvements, shall be the responsibility of the Association. All improvements must be approved by the Committee as hereinafter provided.

#### IV. CAMPSITE USE RESTRICTIONS

4.1 The following shall be applicable to all Campsites within the Development and all Campsite Owners, and each Owner covenants to observe and perform the same:

(a) Setback Requirements. Each Recreational Vehicle placed on a Campsite shall be at least:

- (1) Ten (10) feet from the front Lot Line; and
- (2) Five (5) feet from the side Lot Lines; and
- (3) Five (5) feet from the rear Lot Line; and
- (4) Twenty (20) feet from all other Recreational Vehicles.

(b) Improvements. No improvements shall be placed or erected upon any Campsite without the approval of the Committee. Generally, no building shall be erected or placed upon any Campsite except storage sheds not exceeding eighty (80) square feet in floor area nor more than eight (8) feet in height. Improvements shall be constructed only by persons approved by the Committee. Improvements may not be located in the front yard setback area, but are not subject to the other yard setback requirements. No storage shed may be used for human habitation or sleeping quarters. Any Improvements approved shall be completed as approved within one (1) month following commencement of construction.

(c) Recreational Vehicles. No Recreational Vehicle shall be placed or erected upon any Campsite without the approval of the Committee. Any foundation shall be approved by the Committee prior to installation.

(d) Maintenance of Campsites. All Campsites whether occupied or unoccupied and any Improvements or Recreational Vehicles placed thereon shall at all times be maintained by the Owner in such a manner as to prevent them from becoming unsightly, unsanitary, or a hazard to health or safety. If not so maintained, the Association shall have the right, through its agents and employees, to provide such maintenance or take other corrective work which, in its sole discretion it deems necessary, the cost of which shall be payable by the Owner of such Campsite immediately, and if not paid, shall be added to the next annual assessment applicable to such Campsite as provided in Part IX hereof. Neither the Association nor any of its agents, employees or contractors shall be liable for any damage which may result from any such maintenance work or other corrective action.

(e) Waste Disposal. No Owner or occupant of any Campsite shall permit or allow the dumping or placement of any sanitary sewage or other waste anywhere upon any Campsite or elsewhere within the Development except in places designated therefor. No sewage, garbage or liquid or solid waste disposal systems shall be permitted on any Campsite. All Recreational Vehicles having sanitary sewage drains shall have such drains sealed for the duration of their stay in the Development, unless such drains are connected to the central sewage disposal system constructed within the Development. Garbage and trash receptacles shall be kept at the rear of all Campsites, and trash in approved, securely closed receptacles shall be deposited at specified locations within the development for regular trash collection.

(f) Fences and Clotheslines. All Lots shall be kept free and open and no fences, ledges or walls shall be permitted thereon, unless the Committee shall grant an exception. No clotheslines shall be permitted on any Lot at any time.

(g) Nuisances. No noxious or offensive activities or nuisances shall be permitted on any Campsite.

(h) Signs. No person except Declarant shall erect or maintain any sign or advertisement in the Development, with the exception of name signs, no more than 5" by 20" in size, constructed of natural colored wood and approved by the Committee.

(i) Animals. No animals shall be kept or maintained on any Campsite except the usual household pets. Pets shall be kept confined and quiet so as not to become a nuisance. Unless otherwise approved by the Committee, pets shall be kept on leashes. All pets must be inoculated against rabies. No commercial breeding of pets or animals shall be permitted within the Development.

(j) Limit of Occupancy. No more than one (1) Recreational Vehicle may be erected or placed upon a Campsite.

(k) Open Fires. No open fires of any kind shall be permitted on any Campsite except within the confines of a cooking device of approved design. No burning of wood, leaves or similar refuse shall be permitted without a "burning permit" from the Committee. No burning of trash or garbage, shall be permitted. All fires, if approved, shall be contained within approved camp stoves or fire boxes.

(l) Camping Accessories. Picnic tables, benches, fire boxes or fireplaces and similar items of personal property related to camping activities, which meet the standards adopted by the Association, may be placed on a Campsite. No tree houses shall be erected or placed upon a Campsite. All personal property on a Campsite

shall be maintained in good condition so as not to become unsightly. Unless in actual use, items of personal property shall not be left standing on a Campsite during the period between November 1st and the following March 1st.

(m) Removal of Trees. No trees over two (2) inches in diameter may be removed from any Campsite without the approval of the Committee. No live trees or natural growth of any kind shall be removed or cleared within the set back areas of a Campsite, except for normal and routine maintenance, without the approval of the Committee.

(n) Docks and Piers. No Dock, pier or other similar structure may be erected, constructed or placed within the Development, or the waters located adjacent to the Development, other than those erected, constructed and placed therein by the Declarant in the "Common Area".

(o) Ditches and Swales. Each Owner shall keep drainage easements, ditches and swales located on his Campsite free and unobstructed and in good repair and shall provide, with the approval of the Committee, if applicable, for the installation of such drainage facilities (including culverts and galvanized corrugated drain pipes of no less than 15 inches in diameter under driveways, if necessary), upon his Campsite as may be reasonably required for proper drainage. Such drainage facilities shall be considered Campsite Improvements hereunder and the construction plans and person installing or constructing the same shall be approved by the Committee as provided herein. He shall also prevent erosion on his Campsite.

(p) Drilling and Mining. No drilling, refining, quarrying or mining operation of any kind shall be permitted, nor shall drilling for water or digging of water wells be permitted on any Campsite.

(q) Vehicle Parking. Each Campsite shall provide at least one (1) parking space on-site. Parking of motor vehicles on any Road or right-of-way shall at all times be kept at a minimum. No other vehicles, trailers, water craft or equipment shall be parked on any Road within the Development.

(r) Structural Repairs. Any structure or material on any Campsite which may be destroyed in whole or in part by fire, windstorn, or other cause shall be removed from the Campsite and the Campsite shall be restored to a sightly condition with reasonable promptness, subject to the approval of the Committee.

(s) Commercial Uses. No Campsites shall be used for business, professional or commercial purposes. Declarant specifically reserves the right to lease or offer for lease any Campsite owned by it.

(t) Abandoned Vehicles. No wrecked, abandoned, discarded or junked Recreational Vehicle, motor vehicle,

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trailer, water craft, equipment or material of any kind shall be placed upon or be permitted to remain on any Campsite.

(u) Use of Roads; Motor Vehicles, etc. No motor vehicle of any type shall be driven or towed in a reckless manner on or along any Road. All drivers of motor vehicles shall observe speed restrictions and noise limitations within the Development as established from time to time by the Association. No motor vehicles shall be permitted upon any Road within the Development unless the same are over-the-road vehicles, properly and currently licensed and inspected pursuant to the laws of the state of registration and operated by licensed persons; mini-bikes, snowmobiles, trail bikes and all terrain vehicles are specifically prohibited.

(v) Guests. Any person entering the Development at the invitation of an Owner, other than members of an Owner's Household, shall be registered with the Association and shall be subject to such rules and regulations as the Association shall adopt from time to time applicable thereto, including the imposition of any charges. This provision shall not apply to the invitees of Declarant.

(w) Intoxicating Beverages. The excessive use of intoxicating beverages is strictly prohibited within the Development and any persons who appear to be intoxicated shall not be permitted to enter or remain within the Development.

(x) Television and Radio Antennae. Except with the approval of the Committee, no radio or television antennae shall be erected or placed on any Campsite.

(y) Firearms. No hunting or shooting, use of firearms, pellet guns, air guns, slingshots or bows and arrows shall be permitted within the Development.

#### V. EASEMENTS

5.1 Campsites. The following easements over each Campsite and the right of ingress and egress to the extent reasonably necessary to exercise such easements are reserved unto Declarant, its successors, assigns, and licensees:

(a) A five (5) foot wide strip running along the inside of each side and rear Lot line, and a ten (10) foot wide strip running along the inside of each front Lot Line of each Campsite for the purpose of construction, installation, operation and maintenance of drainage courses, culverts, etc. and Utility Facilities, including telephone, water, sewer, radio and TV transmission lines, if any, and including the accessory right to locate guy wires, braces or anchors, or to cut, trim or remove trees, shrubs or plantings wherever necessary.

(b) An easement over any portion, or all, of every Campsite in the Development for the maintenance of all

utility lines, including, but not limited to, water, sewer, electricity, drainage, telephone and radio or TV transmission, is reserved unto the Declarant, its agents, employees, licensees, successors and assigns, including the Association.

(c) A fifteen (15) foot wide easement running along the inside of all Campsite lines coincident with Road right-of-way lines for the purpose of cutting, filling, drainage and maintenance of slopes and drainage courses.

(d) Greenbelt Easements. A five (5) foot wide strip parallel to the rear lot line of all Campsites which shall be used as a preserved, natural or planted green area.

(e) Where existing roads or streets are of less than a forty (40) foot right-of-way, a five (5) foot wide easement running along the inside of all Campsite lines coincident with Road or Street right-of-way lines shall exist for the purpose of widening the said Rights-of-Way to forty (40) feet in the event the County Commissioners for Worcester County, Maryland ever elect to maintain the Roads or Streets within the Development as County Roads or Streets.

5.2 Streets. Declarant, on behalf of itself, its successors, assigns and licensees, reserves an easement over, upon and under all Roads for installation, maintenance and operation of Utility Facilities, for purposes of drainage control, for access to Campsites and Common Areas by Owners, the Association and Declarant, and for use by any other authorized persons.

5.3 Other. Any other easements shown on the Plats and an easement in favor of Declarant, its agents, employees, licensees, successors and assigns, including the Association, upon all land within the Development for the enforcement of this Declaration.

5.4 Use or Maintenance by Owners. The area of any lot affected by the easement reserved herein shall be maintained continuously by the owner of such Lot, but no structure, plantings or other material shall be placed or permitted to remain or other activities undertaken thereon which may damage or interfere with the use of said easements for the purpose herein set forth. Improvements within such areas shall be maintained by the Owner except those for which a public authority or utility company is responsible.

5.5 Liability. No Owner shall have any claim or cause of action against Declarant or its licensees arising from exercise or non-exercise of any easement reserved hereunder as shown on a Plat.

## VI. UTILITY FACILITIES

6.1 Pursuant to provisions of the Transfer, Construction and Operation Agreement, Declarant shall construct and transfer to the Association certain Utility Facilities for the purpose of providing water supply, sanitary sewage collection and disposal and electric services to the Development.

6.2. The Association shall operate and maintain the Utility Facilities in accordance with sound utility management practices and shall pay all costs thereof, including a reasonable reserve for depreciation, from revenues from assessments levied and collected by the Association pursuant to Part IX hereof.

6.3 Use and enjoyment of the Utility Facilities by Owners shall be subject to reasonable rules and regulations applicable to the Utility Facilities as shall be adopted from time to time by the Association.

6.4 The Transfer, Construction and Operation Agreement provides that each individual Campsite shall be metered to measure the usage of electricity by the Owner thereof. The Agreement shall further provide that each individual Campsite shall be connected to the central sewage collection and treatment system which is serviced by Maryland Marine Utilities Corporation, its successors and assigns. Since the Association shall be the sole purchaser of the utility services, it shall assess, pursuant to Part IX hereof, each individual Campsite Owner for the services provided to the Campsites. Such special charges shall be made a part of the assessment payable with respect to each such Campsite under Part IX hereof and shall be payable and collected in the manner provided herein with respect to such assessments. The Board shall have the authority to adopt any other measures, by such rules and regulations, which may be necessary, in its judgment to regulate the use of the Utility Facilities by the Owners.

6.5 No tampering with, modification or alteration of any Utility Facilities shall be permitted without the approval of the Association.

6.6 The Association reserves the right to discontinue service from the Utility Facilities to any Campsite, upon 15 days written notice to the Owner thereof, if such Owner is delinquent with respect to payment of any assessment imposed pursuant to provisions of Part IX hereof, or if such Owner otherwise is in violation of any provision hereof, or if such Owner is in violation of any rule or regulation of the Association applicable to the Utility Facilities.

#### VII. THE ENVIRONMENTAL CONTROL COMMITTEE

7.1 All Improvements constructed or placed on any Campsite, or any Recreational Vehicle placed on any Campsite shall first have the written approval of the Committee. Such approval shall be granted only after written application has been made to the Committee in the manner and form prescribed by it. The application to be accompanied by plans and specifications, where applicable, shall indicate the location of all Improvements proposed, the color and composition of all exterior materials to be used, proposed landscaping, and any other information which the Committee may require.

7.2 The Committee shall be composed of three members to be appointed by the Board. Initially, or until such time as appointments to the Committee are made, the Committee shall be composed of members of the Board. Committee members shall be subject to removal by the Board and any vacancies from time to time existing shall be filled by appointment by the Board.

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7.3 The Committee may disapprove any application:

- (a) if it does not comply with this Declaration;
- (b) because of the reasonable dissatisfaction of the Committee with grading plans, location of proposed Improvements on a Campsite, location of a proposed Recreational Vehicle on a Campsite, finished ground elevation, color scheme, finish, design, proportions, architecture, shape, height or style of the proposed Improvement, materials used therein; or
- (c) if, on the reasonable judgment of the Committee the proposed Improvement, or Recreational Vehicle will be inharmonious with the Development, or with any Improvement or Recreational Vehicle placed on other Campsites.

7.4 The Committee shall from time to time adopt written rules and regulations of general application governing its procedures which shall include, among other things, provisions for the form and content of applications, required number of copies of plans and specifications, provisions for notice of approval or disapproval, including a reasonable time period of approval by reason of failure to disapprove, etc. The Committee may grant reasonable variances or adjustments from the provisions in this Declaration where literal application thereof results in unnecessary hardship and if the granting thereof will not be materially detrimental or injurious to Owners of other Campsites.

7.5 At any time prior to completion of construction of an Improvement, the Committee may require a certification, upon such form as it shall furnish, from the contractor, owner or a licensed surveyor that such Improvement does not violate any setback, ordinance or statute, nor encroach upon any easement or right-of-way of record.

7.6 As a means of defraying its expenses, the Committee may adopt and impose a reasonable filing fee to accompany the submission of plans and specifications.

7.7 Notwithstanding the approval by the Committee of plans and specifications or its inspection of the work in progress, neither it, Declarant, the Association, nor any person acting in behalf of any of them shall be responsible in any way for any defects in any plans or specifications or other material submitted to the Committee, nor for any defects in any work done pursuant thereto. Each person submitting such plans or specifications shall be solely responsible for the sufficiency thereof and the adequacy of Improvements constructed pursuant thereto.

7.8 Any applicant shall have the right to appeal to the Board from any decision of the Committee within 30 days after entry of such decision. The decision of the Board shall be final.



7.9 All duties, responsibilities, obligations and liabilities hereunder, may, at the discretion of the Board of Directors of the Association, be delegated to the Managing Agent. In the event such delegation occurs, the Managing Agent shall have full power and authority to exercise all of the duties and obligations of the Committee, and shall have the full power to enforce the provisions hereof.

VIII. WHITE HORSE PARK COMMUNITY  
ASSOCIATION, INC.

8.1 Every person identified as an "Owner" under section 1.14 hereof shall be a member of the Association.

8.2 The Association is a Maryland not-for-profit corporation organized to further promote the common interests of the Owners in the Development. The Association shall have the duties, responsibilities, rights and privileges with respect to the Development as are provided herein.

8.3 The classes of members of the Association and the voting rights thereof shall be as follows:

(a) Class A. The Class A members shall be all Owners, excluding Declarant, of the Campsites within the Development. Class A members shall be entitled to one vote for each Campsite owned, with respect to all matters required hereby, or by the Articles or By-laws to be voted upon by members of the Association. In the event of joint ownership of a Campsite, only one vote may be cast by all joint Owners; the person authorized to cast the joint Owners' vote shall be designated to the Association in writing. Any disputes as to the proper person holding the right to vote with respect to any such Campsite shall be determined by the Board, which decision shall be final. Other than the right to vote, all Owners and persons constituting the Household of an Owner shall have full rights and privileges as members of the Association.

(b) Class B. The Class B member shall be Declarant; with respect to all matters required hereby or by the Articles or By-laws to be voted upon by members of the Association, the Class B member shall be entitled to five (5) votes for each Campsite of which Declarant is then the Owner.

8.4 The governing body of the Association shall be the Board, the members of which shall be elected by the members for such terms and in the manner provided in the By-laws.

8.5 To the extent not provided herein, the Articles and By-laws shall govern the affairs of the Association, including

the designation and election of officers, time, place and notice of meetings and the rights, duties, privileges and obligations of membership. In the event of any conflict between provisions of the Articles or By-laws and this Declaration, the provisions of this Declaration shall prevail.

#### IX. ASSESSMENTS, LIENS

9.1 Each Owner of a Campsite, by acceptance of a deed therefor, covenants and agrees to pay to the Association, for the purposes herein provided: (1) annual assessments for operation and maintenance of Common Areas; (2) special assessments for capital improvements; and (3) any additional charges assessed against such Owner as hereinafter provided.

9.2 Assessments shall be levied and collected by the Association against all Campsites within the Development; provided, however, no assessment shall be levied against any Campsite while Declarant is the Owner thereof.

9.3 The Association shall levy and collect, in each year, an annual assessment upon each Campsite liable therefor in an amount sufficient to provide revenues to pay all costs, including a reasonable reserve for depreciation, and a reasonable reserve for uncollectible accounts, of operation and maintenance of the Common Areas, including the Utility Facilities, and all other obligations of the Association, for such year, including any deficits from operations in prior years and any amounts required to be paid to Declarant pursuant to the Transfer, Construction and Operation Agreement, the Management Agreement, or otherwise. In January of each year the Board shall adopt a budget setting forth all such costs and obligations of the Association for that calendar year and on the basis thereof, shall establish the amounts of the annual assessments for such year and shall collect the same. No annual assessment shall be levied upon or collected with respect to any Campsite until the sale of the Campsite by Declarant to an Owner; the amount of the annual assessment payable with respect to such lot shall be pro-rated on the basis of the number of months remaining in the applicable assessment year, and shall be paid at settlement.

9.4 Notwithstanding any provisions hereof to the contrary the maximum amount of the annual assessment shall not exceed \$456.00 per Campsite for the calendar year commencing January 1, 1983.

Thereafter the maximum amount of any annual assessment shall be determined by the Board and shall be an amount required to satisfy all costs and obligations of the Association as provided in section 9.3 hereof.

9.5 In addition to the annual assessments authorized above, the Association, by its Board, may levy, in any assessment year, a special assessment applicable to that year only or over an extended period of years, for the purpose of defraying, in whole or in part, the cost of any construction,

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reconstruction, repair or replacement of a capital improvement upon the Common Area, including fixtures and personal property related thereto, provided that any such assessment in excess of the aggregate amount of \$50 per Campsite owned by any Owner other than Declarant, in any given calendar year, shall have the approval of fifty-one percent (51%) of the votes of a quorum of members of the Association at a meeting duly called for this purpose.

9.6 Annual assessments with respect to all Campsites, and special assessments for capital improvements as authorized by Section 9.5 hereof shall be fixed at a uniform rate for all Campsites, and may be collected on a monthly, quarterly or annual basis as determined from time to time by the Board. Special charges may be included in any annual assessment with respect to any Campsite, to the extent authorized hereby and by action of the Board.

9.7 The Association is also authorized to levy and collect special assessments against any Campsite Owner, other than Declarant, upon a finding by the Committee, subject to an appeal to the Board, which appeal shall be final, that such Owner has violated any of the covenants contained in Article IV hereof. Rules and regulations as to procedures for the filing of complaints, notice and hearing, before the Committee in connection with adjudication of any such violations and the amounts and procedures applicable to any such fines or penalties shall be adopted from time to time by the Board.

Any and all costs of the Association incurred with respect to performance of any corrective work or maintenance in connection with any Campsite, as provided in Section 4.1(d) hereof, shall also be added to the annual assessment with respect to such Campsite.

9.8 Notice of any assessment shall be mailed by the Association to each Owner at such Owner's principal residence address as the same appears on the records of the Association. The date of payment of any assessment shall be fixed by the Board and shall be contained in the notice. Any assessment remaining unpaid as of the date of payment shall be delinquent and shall bear interest from the date of payment at the highest rate then allowable by law. The Association may publish the name of the delinquent Owner in a list of delinquent Owners or by any other means of publication. The Association may file a notice that it is the owner of a lien to secure payment of any unpaid assessment, plus costs and reasonable attorney's fees, which lien shall encumber the Campsite against which the assessment has been made, and which notice shall be filed in the Office of the Clerk of the Circuit Court for Worcester County, Maryland. Every such lien may be foreclosed by equitable foreclosure or other appropriate writ or action pursuant to the laws of the State of Maryland at any time within three (3) years after the date on which the notice thereof shall have been filed. In addition to the remedy of lien foreclosure, the Association shall have the right to pursue any other remedy available at law or in equity for the collection

of a debt for such unpaid assessments, interest, costs and reasonable attorney's fees against the delinquent Owner, as on a personal obligation.

9.9 The Association shall upon demand at any time furnish a statement in writing signed by an officer of the Association certifying that the assessments on a specified Campsite have been paid or that certain assessments against said Campsite remain unpaid, as of the date thereof. A reasonable charge may be made by the Board for issuance of such certificate. Such certificates shall be conclusive evidence of payment of any assessments therein stated to have been paid.

9.10 The lien of any Mortgage or Judgment placed upon any Campsite for the purpose of financing acquisition thereof and recorded in accordance with the laws of the State of Maryland, shall be, from the date of recordation, superior to any or all such liens provided for herein.

9.11 Any assessment, general or special, which shall remain unpaid thirty (30) days subsequent to its due date shall commence to accrue interest on the thirty-first (31st) day at the rate of one and one-half per cent (1-1/2%) per month. Said interest shall be treated in all respects as a part of the assessment.

#### X. ANNEXATION OR EXPANSION

10.1 Declarant may, from time to time and in its sole discretion, annex to, or expand, the Development by adding any other real property owned or to be acquired by Declarant which is continuous or adjacent to or in the vicinity of the Development.

10.2 Declarant shall effect such annexation or expansion by recording a Plat of the real property to be annexed and by indicating thereon that the property shown on said Plat is a part of White Horse Park thereby declaring that such annexed property is held and shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved subject to the provisions of this Declaration. Declarant may also record a Supplemental Declaration hereto which shall:

(a) describe the real property being annexed and designate the premissible uses thereof;

(b) set forth any new or modified restrictions or covenants which may be applicable to such annexed property, including limited or restrictive uses of Common Areas; and

(c) contain such other matters as shall be deemed necessary or appropriate.

10.3 Upon the recording of such Plat and Supplemental Declaration, if any, the annexed area shall become a part of the Development, as fully as if such area were part of the Development on the date of recording of this Declaration and thereafter the term "Development" as-used herein shall include the annexed area.

XI. REVISION OF PLATS

Notwithstanding the provisions and conditions herein contained, Declarant hereby reserves unto itself, its successors and assigns, the right to relocate, open, or close streets or Roads shown on the Plats, and to revise, resubdivide and change the size, shape dimensions and locations of Lots in the Development; and upon such relocation, opening or closing of streets or revision, resubdivision or changing of size, shape, dimensions and locations of Lots, the covenants, conditions, restrictions and reservations hereby imposed shall be applicable to the resulting Lots in lieu of the Lots as originally shown on said Plat prior to such revision, relocation or change, provided, however, that no Lot sold prior to such revision, relocation or change shall be deprived of a portion of the street or streets on which it bounds nor of access to such Lot from the streets or Roads in the Development.

XII. REMEDIES

12.1 Declarant and each person to whose benefit this Declaration inures, including the Association and/or the Managing Agent, may proceed at law or in equity to prevent the occurrence continuation or violation of any provisions of this Declaration, and any court of competent jurisdiction in such action may award the successful party reasonable expenses in prosecuting such action, including attorney's fees.

12.2 The Board may suspend all voting rights, if any, all rights to use the Association's Common Areas and all other rights or privileges of membership of any Owner for any period during which any Association assessment or other obligation remains unpaid, or during the period of any continuing violation of the provisions of this Declaration by such Owner after the existence thereof has been declared by the Board.

12.3 Declarant and authorized representatives of the Association, their successors and assigns, shall share an absolute right of entry and access upon any Campsite or Common Area for the purpose of enforcing the provisions of this Declaration.

12.4 Remedies specified herein are cumulative and any specifications of them shall not be taken to preclude an aggrieved party's resort to any other remedy at law or in equity. No delay or failure on the part of an aggrieved party to invoke an available remedy in respect of a violation of any provision of this Declaration shall be held to be a waiver by that party of any right available to him upon the recurrence or continuance of said violation or the occurrence of a different violation.

XIII. GRANTEE'S ACCEPTANCE

Each grantee or purchaser of any Campsite shall, by acceptance of a deed conveying title thereto, whether from the Declarant or a subsequent Owner of such Campsite, accept such deed or contract upon and subject to each and all of the provisions of this Declaration and to the jurisdiction, rights, powers, privileges and immunities of Declarant and of the Association. By such acceptance such grantee or purchaser shall for himself, his heirs, devisees, personal representatives, grantees, successors and assignees, lessees and/or lessors, covenant, consent

LAW OFFICES  
EWELL &  
O'MEARA, P.A.

3400 COASTAL HIGHWAY  
OCEAN CITY, MD. 21842

and agree to and with the Declarant, the Association and the grantee or purchaser of each other Campsite in the Development to keep, observe, comply with and perform the covenants, conditions and restrictions contained in this Declaration and the By-laws.

XIV. AMENDMENT

This Declaration may be amended by the affirmative vote of 2/3rds of the total number of votes held by all members of the Association entitled to vote and the recording of an amendment to this Declaration duly executed by (a) the requisite number of such members required to effect such amendment; or (b) by the Association, in which case, such amendment shall have attached to it a copy of the resolution of the board attesting to the affirmative action of the requisite number of members to effect such Amendment, certified by the Secretary of the Association.

XV. MISCELLANEOUS

15.1 Every provision of this Declaration is hereby declared to be independent of and severable from every other provision hereof. If any provision hereof shall be held by a court of competent jurisdiction to be invalid, or unenforceable, all remaining provisions shall continue unimpaired and in full force and effect.

15.2 Paragraph captions in the Declaration are for convenience only and do not in any way limit or amplify the terms or provisions hereof.

IN WITNESS WHEREOF, Declarant has executed this Declaration this 25th day of February, 1983.

ATTEST:

WHITEHORSE PARK RECREATIONAL  
VEHICLE DEVELOPMENT CO., INC.

By: \_\_\_\_\_ (SEAL)  
Winnie Williams, President  
Secretary

STATE OF MARYLAND, COUNTY OF WORCESTER, TO WIT:

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 1983, before me, the subscriber, a Notary Public in and for the said County and State, personally appeared WINNIE WILLIAMS, President of Whitehorse Park Recreational Vehicle Development Co., Inc., a corporation, and on behalf of said corporation did acknowledge the foregoing instrument to be the act and deed of said corporation.

IN TESTIMONY WHEREOF, I have affixed my official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires:

## EXHIBIT "A"

All that lot or parcel of ground situate, lying and being in the Third Election District of Worcester County, Maryland and described as follows, that is to say:

BEGINNING for this description with reference to a plat entitled "White Horse Park Recreational Vehicle Development", prepared by Delmarva Surveys, Inc. and recorded among the Land Records of Worcester County, Maryland in Plat Book W.C.L. No. 79, folio 67, at a point being N 68° 04' 51" E a distance of 1119.78 feet from a concrete monument set on the northwest corner of the lands of Whitehorse Park Recreational Vehicle Development Co., Inc., said point of beginning being also described with reference to said plat as the point of intersection between the northerly property line of the lands of the said Whitehorse Park Recreational Vehicle Development Co., Inc. and the Phase line of Phase I and II of the White Horse Park Recreational Vehicle Development; thence, running from said point of beginning the following courses and distances, to wit: 1) S 20° 44' 21" E, 452.08 feet; 2) S 28° 17' 05" W, 271.24 feet; 3) S 61° 42' 55" E, 53.90 feet; 4) S 25° 15' 26" W, 73.77 feet; 5) S 67° 53' 03" W, 50.00 feet; 6) S 46° 32' 43" W, 16.10 feet; 7) S 67° 53' 03" W, 50.00 feet; 8) S 85° 16' 45" W, 20.96 feet; 9) S 68° 04' 51" W, 212.50 feet; 10) S 21° 55' 09" E, 50.00 feet; 11) S 22° 36' 28" E, 40.00 feet; 12) S 21° 55' 09" E, 100.00 feet; 13) S 29° 43' 25" E, 20.19 feet; 14) S 21° 55' 09" E, 105.00 feet; 15) S 9° 02' 39" E, 20.52 feet; 16) S 22° 06' 57" E, 116.45 feet; 17) S 40° 37' 53" E, 41.21 feet; 18) S 26° 42' 45" E, 250.00 feet to the northerly right of way line of Beauchamp Road; thence, running by and with the said northerly right of way line of said Beauchamp Road N 63° 17' 15" E, 1374.74 feet to a concrete monument; thence, running by and with the easternmost property line of the said Whitehorse Park Recreational Vehicle Development Co., Inc., N 7° 17' 15" E, ± 752 feet, or such distance as is needed to reach the mean high water line of the St. Martins River; thence, running in a north, northwesterly direction by and with the said mean high water line of the St. Martins River to a gut leading to the boat launching facility of the White Horse Park Recreational Vehicle Development; thence, running by and with the mean high water line in said gut, following its meanderings to such point as it again intersects the mean high water line of the said St. Martins River; thence running in a generally north, northwesterly direction by and with the mean high water line of the St. Martins River such distance as is needed to reach the southerly line of lands now or formerly owned by Bruce C. Nelson; thence, running by and with the southerly line of the lands of the said Bruce C. Nelson (said line also being the northerly line of the lands of White Horse Park Recreational Vehicle Development) S 68° 04' 51" W, a distance of 1,213 feet or such distance as is needed to reach the point of beginning; said area being all of that area shown as Phase I on the said Plat of White Horse Park Recreational Vehicle Development, recorded as aforesaid, said area containing 45.5 acres, more or less, of land; and being a part of the land that was conveyed unto Whitehorse Park Recreational Vehicle Development Co., Inc., by deed dated May 4, 1982 and recorded among the aforesaid Land Records in Liber W.C.L. No. 818, folio 199.

PLATS RECORDED IN PLAT BOOK LIBER W.C.L. NO. 79 FOLIOS 67 THRU 71.

1983 Jan 16 The foregoing Declaration & Plat filed for record and is accordingly recorded among the land records of Worcester County, Md. in Liber, W.C.L. No. 881 folios 254 thru 254  
 \_\_\_\_\_ Clerk

**White Horse Park Board of Directors and  
Worcester County Correspondence**

<b>Exhibit Number:</b>	<b>From:</b>	<b>Dated:</b>
Item 1-1	Worcester County	1/3/2017
Item 1-2	Worcester County	11/7/2018
Item 1-3	White Horse Park BOD	11/15/2018
Item 1-4	Worcester County	12/6/2018
Item 1-5	White Horse Park BOD	2/6/2019
Item 1-6	White Horse Park BOD	4/15/2019
Item 1-7	White Horse Park BOD	5/23/2019





Item 1-1

COMMISSIONERS  
MADISON J. BUNTING, JR., PRESIDENT  
MERRILL W. LOCKFAW, JR., VICE PRESIDENT  
ANTHONY W. BERTINO, JR.  
JAMES C. CHURCH  
THEODORE J. ELDER  
JOSEPH M. MITRECIC  
DIANA PURNELL

OFFICE OF THE  
COUNTY COMMISSIONERS

HAROLD L. HIGGINS, CPA  
CHIEF ADMINISTRATIVE OFFICER  
MAUREEN F.L. HOWARTH  
COUNTY ATTORNEY

## Worcester County

GOVERNMENT CENTER  
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

January 3, 2017

Pat Heath, President, Board of Directors,  
White Horse Park Community Association  
Ted Gajewski, Property Manager,  
White Horse Park  
11647 Beauchamp Road #1  
Berlin, Maryland 21811

RE: Complaint Regarding Year-Round Occupancy at White Horse Park

Dear Ms. Heath and Mr. Gajewski:

The Worcester County Commissioners recently received correspondence from a concerned property owner in your campground subdivision. The complainant states that when purchasing the property, they were advised that year-round occupancy of the park was prohibited and they were given a copy of the declarations and restrictions stating that units shall only be occupied on a seasonal basis and prohibiting the occupancy of any unit in the park for more than ninety consecutive days in any one hundred and eight day period. This language is different from County law, which states the following:

"Units or sites in a campground subdivision shall be occupied only on a seasonal basis and shall not be occupied as a place of primary residence or domicile. Between September 30 of each year and April 1 of the succeeding year, units or sites shall not be occupied for more than thirty consecutive days or an aggregate of sixty days. Any condominium declaration or declaration of restrictions of a homeowners' association shall include language providing for such limited occupancy."

Allegedly, there are now property owners who are occupying units on a year-round basis. It has also been alleged that when questions concerning the occupancy restrictions are brought to the Board of Directors, the property owners are advised by the Board they may do as they like with their units.

I am sure you are well aware of the declarations and restrictions for your community as well as the requirements of County law with respect to year-round occupancy. I certainly hope that advice contrary to these restrictions is not being disseminated by the Board or park management. In order for the law to be equitably enforced for all property owners in the park it is essential that we work together to ensure that the requirements are upheld. As such, I am asking for your cooperation in disseminating the proper information to the property owners and

Pat Heath and Ted Gajewski  
January 3, 2017  
Page Two

renters in the park so that any situation can be addressed on a voluntary basis so as to avoid the County being placed in a position to enforce the provisions through civil penalties or future legislative action.

Thank you for your kind consideration of this matter. If you have questions or need any additional information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Harold L. Higgins". The signature is fluid and cursive, with the first name "Harold" being more prominent than the last name "Higgins".

Harold L. Higgins  
Chief Administrative Officer

cc: County Commissioners  
Maureen Howarth, County Attorney  
Ed Tudor, Director of Development Review & Permitting

- H. No retail business or merchandising, other than amenities which are purely incidental and subordinate to the operation of the campground and intended only for its occupants, shall be permitted.
- I. Structures or buildings which serve as an amenity or are incidental and accessory to the operation of the campground in general may not exceed two stories or forty-five feet in height.
- J. Units or sites in a campground subdivision shall be occupied only on a seasonal basis and shall not be occupied as a place of primary residence or domicile. Between September 30 of each year and April 1 of the succeeding year, units or sites shall not be occupied for more than thirty consecutive days or an aggregate of sixty days. Any condominium declaration or declaration of restrictions of a homeowners' association shall include language providing for such limited occupancy.
- K. All campground subdivisions shall be subject to subdivision review and approval as required by Title 2, Subdivision Regulations.
- L. Each campground subdivision shall comply with all pertinent regulations of the Maryland Department of the Environment and Environmental Programs Division as well as other state and County requirements prescribed by law or regulations for such use and shall be required to provide water and sewer utility hookups to each individual campsite.
- M. Campground subdivisions shall provide the following facilities:
1. An adequate potable water supply to each campsite, as approved by the Environmental Programs Division.
  2. An adequate sewer connection to each campsite, as approved by the Environmental Programs Division.
  3. Adequate and safe electrical services to each campsite in accordance with the requirements of the National Electric Code, current edition, and the Worcester County Floodplain Management Law,<sup>2</sup> as determined by the Department.
  4. A refuse collection, management and disposal system.
  5. The sewer system shall be connected to a public system and a public treatment plant or to a privately owned public utility system which complies with the requirements of the Worcester County Shared Facilities Law.<sup>3</sup>

2. Editor's Note: See § BR 2-301 et seq. of the Building Regulations Article of the Code of Public Local Laws of Worcester County, Maryland.

3. Editor's Note: See § PW 5-101 et seq. of the Public Works Article of the Code of Public Local Laws of Worcester County, Maryland.

- O. Every campground subdivision shall have not less than twenty-five percent of its total area devoted to open space and/or recreation as a common area.
  - P. All campground subdivisions shall establish a system of management and maintenance for the common areas and commonly owned improvements as may be required in conjunction with subdivision approval by the Planning Commission.
  - Q. Placement of a recreational park trailer, cabin or accessory structure on a campsite in a campground subdivision shall require the issuance of a building permit and zoning certificate. The temporary placement on a campsite of a recreational vehicle bearing current valid registration or license plates shall not require the issuance of a building permit or zoning certificate. Placement of a recreational vehicle on a campsite in such a manner that its placement is not intended to be temporary or transient shall require the issuance of a building permit and zoning certificate.
- (2) Prior to the occupancy or use of any lot or unit in a campground subdivision, a zoning certificate certifying that all of the requirements of Subsection (d)(1) hereof have been fully and completely complied with must be obtained from the Department. Any such zoning certificate shall be for the entire subdivision, including all lots or units within the subdivision, and may be revocable at any time as to any lot or unit in the subdivision or as to the entire subdivision upon not less than ten days' written notice, providing an opportunity to be heard, given, in the case of an individual lot or unit, to the owner or, in the case of an entire subdivision, to the authority responsible for the subdivision. Upon revocation of the zoning certificate, the lot or unit or, in the case of an entire subdivision, the subdivision may no longer be used as a campground subdivision until it is in full compliance and a new zoning certificate is issued.
  - (3) The County Commissioners may, by resolution, adopt a procedure for the annual inspection of campground subdivisions to determine compliance with the provisions hereof, particularly the provisions of Subsection (d)(1)J hereof. Such systems may include licensure and fees for such inspections.

(e) Cooperative campgrounds.

- (1) No new cooperative campgrounds shall be permitted except as provided for in Subsections (e)(3) and (e)(4) hereof.
- (2) The following provisions apply to all cooperative campgrounds:
  - A. Words as used herein where defined in § 5-6B-01 of the Corporations and Associations Article of the Annotated Code of Maryland, as from time to time amended, shall be defined as therein set forth.
  - B. Cooperative campgrounds, for the purposes of this Title, shall not be considered rental campgrounds, membership campgrounds or campground subdivisions as governed by Subsections (c) and (d) hereof but shall be governed by this subsection.

TEL 410-632-1194  
FAX 410-632-3131  
E-MAIL admin@co.worchester.md.us  
WEB www.co.worchester.md.us



OFFICE OF THE  
COUNTY COMMISSIONERS

## Worcester County

GOVERNMENT CENTER  
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

November 7, 2018

HAROLD L. HIGGINS, CPA  
CHIEF ADMINISTRATIVE OFFICER  
MAUREEN F.L. HOWARTH  
COUNTY ATTORNEY

COMMISSIONERS  
DIANA PURNELL, PRESIDENT  
THEODORE J. ELDER, VICE PRESIDENT  
ANTHONY W. BERTINO, JR.  
MADISON J. BUNTING, JR.  
JAMES C. CHURCH  
MERRILL W. LOCKFAW, JR.  
JOSEPH M. MITRECIC

White Horse Park Community Association Board  
Brian Fenstermacher, President  
11647 Beauchamp Road #1  
Berlin, MD 21811

Re: Follow-up Year Round Residency Issue

Dear Mr. Fenstermacher and Board Members,

I have reviewed the surveys you provided the County and extracted certain information from those surveys for your review. The attached excel spreadsheet includes 106 units, including 9 entries that are designated with a "?". Based on the information presented, it was not clear whether these 9 units should be considered as year round residents. The remaining 97 units have year round residents. Also attached to this letter is a copy of the Worcester County Zoning Code that prohibit year round residency within your community, specifically between October 1 and March 31 of the following year.

The information that was extracted from the surveys and incorporated into the spreadsheet includes the first and last names of the owner, age if given, number of occupants, status (full time or renter), disability or other financial hardship and any action taken to date by the owner. Respondents of the survey offered several suggestions; including grandfathering certain units, offering year round residents the opportunity to purchase unused time from part time residents, and having a number of units granted full time status to assist in the maintenance and safety of the park. Additionally, it was suggested that there should be an exception for the park manager and park secretary.

The Commissioners are anxious to receive your plan to address this issue and in the continued spirit of cooperation, we will await an update from you. Currently, the Commissioners have indicated to me that that if the Association does not begin to take steps to enforce the prohibition on year round residency, they will be forced to take action to uphold the County law. At present the timeline would include enforcement for the camping season beginning April 1, 2019. The restrictions would then be monitored from October 1, 2019 to March 31, 2020.

Please address this issue promptly.

Sincerely,

A handwritten signature in black ink, appearing to read "Harold L. Higgins".

Harold L. Higgins, CPA  
Chief Administrative Officer

*Citizens and Government Working Together*



WHITE HORSE PARK COMMUNITY ASSOCIATION, INC.  
11647 Beauchamp Road Unit 1,  
Berlin, MD 21811  
Tel. (410) 641-5102 Fax. (410) 641-5105  
whpcamd@yahoo.com  
<http://whpca.org>

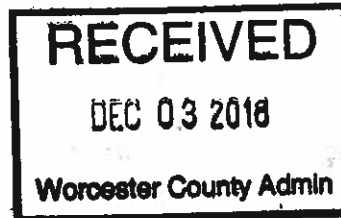
INFO

Item 1-3

November 15, 2018

Copy: Ed Tudor  
Maurice Haworth

Harold L Higgins  
Chief Administrative Officer  
Office of the County Commissioners  
One W. Market Street, Room 1103  
Snow Hill, MD 21863



Re: Follow-up Year Round Residency Issue

Dear Mr. Higgins,

Thank you for your letter dated November 7, 2018. The White Horse Park Board of Directors appreciates the cooperation of the County regarding this matter. White Horse Park is taking steps to enforce the prohibition of year round occupancy. Starting October 1, 2018 our Park Manager and security guards have been monitoring and recording which homes are occupied every day. We will perform this monitoring and recording of occupancy from October 1 to April 1 of the following year every year. During this first period from October 1, 2018 to April 1, 2019, owners of homes that are occupied for more than 30 consecutive days or more than a total of 60 days, will receive a warning letter

Progress has already been made. Since June 30, 2018, four homes of full time residents have been sold and five full time renters have moved out. Also as of November 12, 2018 seven full time homes are for sale. Other owners have made plans to relocate during the winter months and stay in compliance with the County ordinance. I have attached a spreadsheet showing the status of the full time homes. This includes whether they have violated the occupancy rule as of October 31, 2018. Seven of the 106 lots that were in the County list and had sent surveys to the County were owners who are not presently full time residents. This can be seen by the fact that they have not occupied their homes on a full time basis this year. These seven homes are not included on our spreadsheet. As of October 31, 2018 only 62 homes were in violation of the year round residency ordinance.

There are concerns about the community being very sparsely occupied during the winter months. The White Horse Park Board of Directors would like to request an exemption for one lot for the purpose of safety and security during the winter months. The Board of Directors would assign one lot that could be occupied on a full time basis. This would be the home of our Park Manager or someone else assigned to the role of watching over the community. The Board of Directors assumes this would be acceptable.

Sincerely,

*Brian Fenstermacher*  
Brian Fenstermacher

President, Board of Directors

White Horse Park Community Association

- Notes:
- 1) The 19 lots highlighted in yellow were previously suspected as full time and now appear to have taken action to be in compliance.
  - 2) Lot 15, 33, 63, 79, 119, 243, 316 from County Spreadsheet are not full time and occupied very few days in October. Therefore they are not on this WHP list.
  - 3) Lot 3, 286, 305 were in violation in October 2018. These owners leave in the winter. Some have left already. Next year we expect them to leave slightly earlier to stay in compliance.
  - 4) As of November 14, 2018 7 units belonging to full time owners/renters were for sale.
  - 5) 62 lots in violation

Lot	Street	Name	Comment	For Sale	Days in October	In Violation
3	Deep Sea Dr	Chris & Jean Koawl	Part Time, Leaves in winter			1
4	Deep Sea Dr	James & Lorna Pearre	Full Time		31	1
13	Deep Sea Dr	Elizabeth Metzger	Full Time, for sale	Yes	31	1
18	Deep Sea Dr	Angelo Serpe	Rented		31	1
26	Deep Sea Dr	Todd & Patty Dundore	Rented		31	1
30	Salt Spray	Shirley & William Skillman	Part Time		31	1
34	Salt Spray	Joan Barr	Full Time		31	1
49	Salt Spray	Angelo Assadi	Full Time		31	1
50	Salt Spray	Sally Connolly	Full Time		31	1
51	Salt Spray	Mike Bussasca	Full Time		31	1
54	Salt Spray	Anthony Thomas	Full Time		10	0
60	Skipjack Circle	Susan Naplachowski	Full Time		31	1
61	Skipjack Circle	Danny Bougourd	Full Time, For sale	Yes	15	0
64	Skipjack Circle	Eugene & Joan Braun	Full Time		31	1
71	Skipjack Circle	Gary & Jonie Mercier	Full Time		31	1
80	Skipjack Circle	Larry & Bonnie Harnly	Full Time		31	1
85	Spindrift Lane	Charles & Janet Lutz	Full Time		31	1
87	Spindrift Lane	Joseph & Linda Atwater	Rented		16	0
97	Spinnaker Lane	Scott Jones	Full Time		31	1
102	Skipjack Circle	Stanley Gibson	Full Time		30	0
105	Spinnaker Lane	Linda McCoubrey	Full Time		31	1
109	Spinnaker Lane	Harry and Alba Brubaker	Full Time, For sale	Yes	1	0
110	Spinnaker Lane	Robert Nowakowski	Full Time		31	1
115	Skipjack Circle	Francis & Diane Shanahan	Full Time		31	1

120	Skipjack Circle	Robyn White	Full Time			31	1
121	Skipjack Circle	Terri & Michael Bathen	Full Time			31	1
122	Skipjack Circle	Tina & Joshua Koch	Full Time			20	0
126	Skipjack Circle	Thomas Cardillo	Stays long time in winter			3	0
128	Skipjack Circle	Mark Bathen	Rented, Moved out			0	0
131	Skipjack Circle	Ted & Sue Gajewski	Park Manager			31	1
132	Skipjack Circle	Stacey Cramer	Rented			0	0
136	Salt Spray	Frances Kohne	Full Time			8	0
149	Ocean Oval	Patricia Regan	Full Time			31	1
153	Ocean Oval	Janet Corgill	Full Time			0	0
159	Black Duck Lane	Rachael Amlony	Full Time			29	0
161	Ocean Oval	Gary & Ann Phillips	Full Time??			7	0
164	Ocean Oval	Thomas & June Johns	Full Time, Selling			25	0
173	Ocean Oval		Sold at end of 8/27/2018			0	0
179	Timberline Circle	Sheila Ann Mentzer	Full Time			2	0
185	Timberline Circle	Clarence & Lois Lauer	Full Time			31	1
187	Timberline Circle	Mike McCarraher	Full Time			24	0
189	Timberline Circle	Ned & Stella Gobrecht	Rented, Sold 11/9/2018			28	0
194	Timberline Circle	Linda Lambert	Rented, Moved out			0	0
200	Timberline Circle	Karen Boon	Full Time			31	1
201	Timberline Circle	Patrick Welch	Full Time			0	0
202	Timberline Circle	Bonnie Sickora	Full Time, For sale	Yes		0	0
205	Timberline Circle	David & Kris Warfel	Rented			31	1
207	Timberline Circle	Mike Bussacca	Full Time			31	1
208	Timberline Circle	Peggy Price	Full Time			19	0
210	Timberline Circle	Kay Colton	Full Time			31	1
221	Timberline Circle	Edith Stafford	Full Time			31	1
222	Timberline Circle	Roxanne Waughtel	Full Time			31	1
225	Timberline Circle	George & Barbara Francis	Full Time			31	1
			Full Time, moving for winter & selling				0
236	White Pine Lane	Danielle Stallings	Full Time			30	0
239	White Pine Lane	Jennifer Adkins	Full Time			31	1



248	White Pine Lane	John & Diana Krausman	Rented, Moved out		7	0
262	White Pine Lane	Robert Harrison	Full Time		31	1
268	Timberline Circle	Eugene & Barbara Bean	Full Time		31	1
269	Timberline Circle	Gladys Webster	Full Time		31	1
279	Timberline Circle	Alan & Shawn LeMaster	Rented, Will move summer of 2019		26	0
280	Woodhaven Court	Ned & Stella Gobrecht	Rented		31	1
283	Woodhaven Court	Sheila & Kerry Mentzer	Full Time, For sale	Yes	5	0
286	Woodhaven Court	Ronald & Patricia Weeks	Part Time (Move to FL in winter)		31	1
289	Woodhaven Court	Eva Hudson	Rented		31	1
304	Timberline Circle	Mark Hill	Full Time		31	1
305	Timberline Circle	Peter Umerlik	Full Time? (Move to FL in winter)		31	1
306	Timberline Circle				31	1
309	Timberline Circle	Maria Castellano	Full Time (moving in winter)		31	1
313	Timberline Circle	Robert & Sandra Sefanelli	Rented, Moved out		2	0
321	Dolphin Drive	Jeffrey Beard	Full Time		31	1
326	Dolphin Drive	John & Betty Hupman	Rented		26	0
346	Pine Cone Dr	Steven Curtis	Rented, Moved out		0	0
350	Pine Cone Dr	Darlene Lukaszewicz	Full Time		31	1
351	Pine Cone Dr	Carl & Virginia Wycoff	Full Time		31	1
355	Pine Cone Dr	Arlis Hefflin	Full Time, Unit for sale	Yes	31	1
357	Timberline Circle	Rick Kennedy	Full Time		31	1
363	Timberline Circle	John & Donna Emm	Full Time		31	1
367	Sea Hawk Lane	Mary Sisson	Full Time	Yes	0	0
370	Sea Hawk Lane	Kathleen Andolino	Rented		31	1
371	Sea Hawk Lane	Robert & Betty Raymond	Full Time		31	1
386	Sea Hawk Lane	Erin & Donna Pearson	Full Time		0	0
389	Sea Hawk Lane	Phil & Janice Rensch	Full Time		16	0
395	Timberline Circle	Charles & Barbara Farcher	Full Time		31	1

396	Timberline Circle	Ron Baker	Full Time		31	1
398	Timberline Circle	Walter Michalak	Full Time		31	1
400	Snow Bird Court	Kim & Lisa Andreone	Full Time		31	1
401	<del>Snow Bird Court</del>	<del>Cecilia Seifert</del>	<del>Full Time</del>	<del>AG</del>	<del>0</del>	<del>0</del>
402	Snow Bird Court	John Znamirovski	Full Time		31	1
405	Snow Bird Court	Dean Epperson	Full Time		23	0
408	<del>Snow Bird Court</del>	<del>Mary-Mighelman</del>	<del>Full Time, sold 10/10/18</del>	<del>AG</del>	<del>5</del>	<del>0</del>
412	Snow Bird Court	Rick & Lynn McLaren	Full Time		31	1
418	<del>Snow Bird Court</del>	<del>Arthur Sauers</del>	<del>Full Time</del>		<del>2</del>	<del>0</del>
419	Snow Bird Court	Robert Baggarly	Full Time		31	1
431	Timberline Circle	Steven & Patty Vaughn	Full Time		31	1
435	Timberline Circle	William & Phyllis Rosenbaum	Full Time		31	1
441	Timberline Circle	Paul Gross	Full Time		31	1
443	Timberline Circle	Richard & Rachel Runge	Rented, through 4/1/19		31	1
457	Timberline Circle	Joseph & Patty Serpe	Full Time, sold 11/07/18		31	1

Total lots in violation



Item 1-4

COMMISSIONERS  
DIANA PURNELL, PRESIDENT  
THEODORE J. ELDER, VICE PRESIDENT  
ANTHONY W. BERTINO, JR.  
MADISON J. BUNTING, JR.  
JAMES C. CHURCH  
MERRILL W. LOCKFAW, JR.  
JOSEPH M. MITRECIC

OFFICE OF THE  
COUNTY COMMISSIONERS

HAROLD L. HIGGINS, CPA  
CHIEF ADMINISTRATIVE OFFICER  
MAUREEN F.L. HOWARTH  
COUNTY ATTORNEY

## Worcester County

GOVERNMENT CENTER  
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

December 6, 2018

Mr. Brian Fenstermacher, President, Board of Directors  
White Horse Park Community Association, Inc.  
11647 Beauchamp Road Unit 1  
Berlin, MD 21811

RE: Enforcement of Year Round Residency Prohibition in White Horse Park

Dear Mr. Fenstermacher:

Thank you for your letter dated, November 15, 2018 which we received on December 3, 2018 regarding enforcement actions taken by the White Horse Park Community Association to prohibit year round occupancy in accordance with County law. We are encouraged by the progress which you have made and wish you success in correcting the previous violations at the remaining 62 units in White Horse Park. Regarding your request for an exemption to allow a park manager to reside in White Horse Park throughout the year, I have previously discussed this matter with the County Commissioners and they have denied that request as such an arrangement is not permitted in accordance with the current County law.

Thank you for your understanding with regard to this matter. I look forward to receiving another status report preferably in January 2019. If you should have any questions or concerns regarding this matter, please feel free to contact me at this office.

Sincerely,

Harold L. Higgins  
Chief Administrative Officer

HLH/kah

CC

Ed Tudor, Director of Development, Review and Permitting  
Bob Mitchell, Director of Environmental Program  
Maureen Howarth, County Attorney

*Citizens and Government Working Together*



Item 1-5

WHITE HORSE PARK COMMUNITY ASSOCIATION, INC.  
11647 Beauchamp Road Unit 1, Berlin, MD 21811  
Tel. (410) 641-5102 Fax. (410) 641-5105  
whpcamd@yahoo.com  
<http://whpca.org>

Wednesday, February 06, 2019

As you should already know, starting October 1, 2019, the following County seasonal occupancy restrictions will be enforced:

*"Units or sites in a campground subdivision shall be occupied only on a seasonal basis and shall not be occupied as a place of residence or domicile. Between September 30 of each year and April 1 of the succeeding year, units or sites shall not be occupied for more than thirty consecutive days or an aggregate of sixty days."*

White Horse Park has determined that your home in White Horse Park has been occupied for more than sixty days from October 1, 2018 and December 31, 2018. This letter serves as a warning to you that starting October 1, 2019 this seasonal occupancy regulation will be enforced.

Respectfully,

Theodore J Gajewski  
Park Manager

For the Board of Directors



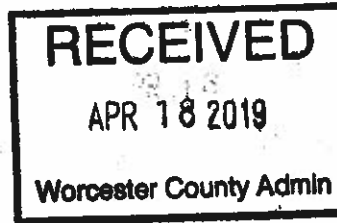
WHITE HORSE PARK COMMUNITY ASSOCIATION, INC.  
11647 Beauchamp Road Unit 1,  
Berlin, MD 21811  
Tel. (410) 641-5102 Fax. (410) 641-5105  
whpcamd@yahoo.com  
<http://whpca.org>

11480  
Item 1-6

April 15, 2019

Copy: Maureen Haworth  
Ed Tudar  
Kim Moses

Harold L Higgins  
Chief Administrative Officer  
Office of the County Commissioners  
One W. Market Street, Room 1103  
Snow Hill, MD 21863



Re: Follow-up Year Round Residency Issue

Dear Mr. Higgins,

As I had indicated, in my last correspondence to you dated January 22, 2019; I would give you an update after the end of March 2019. For the full winter season from October 1 through March 31, we had 72 homes that were occupied for more than 60 days. Violation warning letters were sent to all of these owners. 9 of these did not occupy their homes all winter; but still exceeded the 60 day limit. Of the 63 remaining violators 2 have been sold since the violations occurred. Removing the sold homes, leaves us with 61 violators.

I speculate that most full time owners are awaiting the outcome of the text amendment proposal before taking steps to comply with the regulations. The White Horse Park Board of Directors remains committed to enforcing the regulations.

Sincerely,  
*Brian Fenstermacher*  
Brian Fenstermacher  
President, Board of Directors  
White Horse Park Community Association

**Phyllis Wimbrow**

---

**From:** Mike Diffendal [mthomasdiffendal@comcast.net]  
**Sent:** Thursday, May 23, 2019 12:48 PM  
**To:** Jay Knerr; Betty Smith; Brooks Clayvile; Rick Wells; Marlene Ott (marleneott@shamrockrealty.com); Jerry Barbierri  
**Cc:** Ed Tudor; Phyllis Wimbrow; Jennifer Keener; Maureen L. Howarth  
**Subject:** Fwd: WHP Board Position on Proposed Text Amendment

Please find noted below the White Horse HOA's position on this matter.

## ----- Original Message -----

**From:** "brianfenst@netzero.com" <brianfenst@netzero.com>  
**To:** mthomasdiffendal@comcast.net  
**Date:** May 23, 2019 at 10:49 AM  
**Subject:** WHP Board Position on Proposed Text Amendment

Dear Mr. Diffendal,

The White Horse Park Board of Directors had 2 full time residents serving on the board. One resigned as of May 19th 2019 and the other board members term is up in June 2019 and will not be serving on the board again.

The Board of Directors fully supports Worcester County rules regarding full time residency in campgrounds and we abide by our declarations that stipulate that we are a seasonal campground with full time residency not allowed.

The White Horse Park Community Association will not pay for any required infrastructure upgrades to the entire community that may be required by this proposed text amendment.

Since only a small percentage of owners in White Horse Park have requested this amendment, we feel that if it passes, we would need to amend our declarations to reflect this new zoning rule.

This would require 2/3 of the owners to vote in favor of amending our declarations. Since the White Horse Park Board of Directors has not been directly involved and we don't know what other requirements might be imposed on White Horse Park due to this amendment, we find it hard to take a firm position on this matter.

We are concerned about a comment made to us by Commissioner Bunting, that he is considering a text amendment to close our park for 4 months from November 1 through February 28, if the 55 and older amendment failed to pass. This would be a more restrictive zoning rule than we presently have. Many owners that use their homes occasionally during this period would be very upset if this occurred. This would be a more restrictive rule than the one in place when owners purchased their homes. This would also leave our community completely vacant during this time and very vulnerable to crime. The White Horse Park Board of Directors and it's members are strongly opposed to a text amendment to close our park for 4 months.

Sincerely,

Brian Fenstermacher  
President, Board of Directors  
White Horse Park Community Association

---

## **Sad News For Meghan Markle And Prince Harry**

track.volutrck.com

<http://thirdpartyoffers.netzero.net/TGL3232/5ce6b31bbb8b3331b0488st04vuc>



**In Favor:**

<b>Exhibit Number:</b>	<b>Name:</b>	<b>White Horse Park Address:</b>	<b>Dated:</b>
Item 2-1	Jane Corgill	Not Provided	5/23/2019
Item 2-2	Charles Farcher	395 Timberline Road	5/20/2019
Item 2-3	Jon Gilmore	Not Provided	5/15/2019
Item 2-4	Sally Connolly	Not Provided	5/11/2019
Item 2-5	William & Marla Warburton	192 Timberline Circle	5/25/2019
Item 2-6	Sandra Morgan	Not Provided	2nd communication 5/28/2019
Item 2-7	Jon Gilmore	11647 Beachamp Road	2nd communication 5/28/2019
Item 2-8	Arliss & Constance Hefflin	Not Provided	5/25/2019
Item 2-9	Susan Waskey	150 Ocean Oval Circle	5/29/2019
Item 2-10	Sandra Morgan	Not Provided	5/15/2019
Item 2-11	Walter and Betty Michalak	Not Provided	5/15/2019



**Jennifer Keener**

Hem 2-1

**From:** Mike Diffendal <mthomasdiffendal@comcast.net>  
**Sent:** Thursday, May 23, 2019 12:49 PM  
**To:** Ed Tudor; Phyllis Wimbrow; Jennifer Keener  
**Subject:** Fwd: White Horse Park  
**Attachments:** 984B7BFC6BF94405ADD9FF94BAED415A.png

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

From: Susan Naplachowski <SueNap@outlook.com>  
To: "marlene@marleneott.com" <marlene@marleneott.com>, "mthomasdiffendal@comcast.net" <mthomasdiffendal@comcast.net>, "r.wells46@me.com" <r.wells46@me.com>, "Jay@Kiteloft.com" <Jay@Kiteloft.com>, "barbierri.jerry@emd.sysco.com" <barbierri.jerry@emd.sysco.com>, "Judges45@aol.com" <Judges45@aol.com>, "brooksc88@gmail.com" <brooksc88@gmail.com>  
Date: May 23, 2019 at 7:25 AM  
Subject: White Horse Park

Planning Commissioners,

Below is a letter from Janet Corgil an owner in White Horse Park. She does not have a computer so I am forwarding her letter to you all.

Thank You for reading this letter.

Susan Naplachowski

Friday  
5/17/19

TO:

Hello - My name is Janet Corgill, a "year-rounder" in White Horse Park for the past 19 years. If I were forced to vacate my home based on a "campground subdivision," I would be homeless. I have nowhere to go, and housing in this area is way beyond my resources.

In May of 2000, I inherited two properties from my parents: a condo in Ocean City and Lot 153 Ocean Oval Circle with a modular home in White Horse Park. I preferred to sell the condo and live in the Park with 24-hour security, swimming pool, activities, bath houses, laundry rooms, maintenance men, and a friendly staff in the office and all around.

I would like to stay as a resident of the Park as a "year-rounder" without the threat of "seasonal occupancy." I found a document in one of my Worcester County files. It is an "Assessment Notice" dated 12/29/2009 for my property here. Under the heading "PRINCIPAL RESIDENCE" is one word: "YES" It is a document from the State of Maryland Department of Assessments and Taxation (copy attached). Maybe I am not the only owner in the Park with this document, wherein this critical matter affecting so many property owners could be settled amicably.

Thank you for this opportunity to submit my comments on this critical situation.

NOTICE # NOTICE DATE TAX YEAR BEGINNING  
398713 12/29/2009 07/01/2010

DIST MAP PARCEL SEC BLOCK LOT USE SUBD  
03 16 85 2 153 R 741

PROPERTY LOCATION PRINCIPAL RESIDENCE  
YES

OCEAN OVAL CIR  
WHITE HORSE PARK

CONTROL #: 3370

Sincerely

Susan

Sent from Mail for Windows 10

Jennifer Keener

Ham 2-2

**From:** Betty Smith <judges45@aim.com>  
**Sent:** Thursday, May 23, 2019 10:05 AM  
**To:** Rick Wells; Jerry Barbierri; Jay Knerr; Marlene Ott; Betty Smith; Jennifer Keener; Brooks Clayville; Mike Diffendal  
**Subject:** Fwd: White Horse Park

Sent from my iPhone

Begin forwarded message:

**From:** charles farcher <[charlesfarcher@gmail.com](mailto:charlesfarcher@gmail.com)>  
**Date:** May 20, 2019 at 5:29:44 PM EDT  
**To:** [judges45@aol.com](mailto:judges45@aol.com)  
**Subject:** White Horse Park

Hello Betty Smith my name is Charles Farcher and i live in white horse park i been here since 2005 i am 81 years old and my wife Barbara is 79, the amendment means so much to us, we have no other place to live, i live on a low budget income and my medical services is supplied by the veteran services my wife and i would very much appreciate if you would consider passing the amendment we would like to finish our lives in the park, thank you so much for your consideration P.S. i have a 87 year old sister named Betty there again thank you God bless you Charles Farcher 395 Timberline Rd.

**Jennifer Keener**

Item 2-3

**From:** Marlene Ott <marlene@marleneott.com>  
**Sent:** Thursday, May 16, 2019 1:27 PM  
**To:** Jennifer Keener  
**Subject:** FW: White Horse Park

Did you get this one?



## Marlene Ott

Associate Broker, CRS LTG

MarleneOtt.com



### Berkshire Hathaway HomeServices PenFed Realty

11001 Manklin Meadows Lane, Ocean Pines, MD 21811

Office 410-208-3500 | Cell 410-430-5743

Fax 410-208-3501 | marlene@marleneott.com

**From:** Jon Gilmore <jdgee2@gmail.com>  
**Sent:** Wednesday, May 15, 2019 11:13 AM  
**To:** Marlene Ott <marlene@marleneott.com>  
**Subject:** White Horse Park

Hello,

I'm writing this message in support of Home Owners within White Horse Park Community. In particular, to those of us who reside in our homes on a full time basis.

I ask you to please stop for a moment and look back in time, 30 years. Where were you; Residence?, Children?, Careers?, Education?, Relationships?

For more than 30 years, the County and White Horse Park have overlooked the fact that People were living full-time in White Horse Park Community.

All the Park's Home Owners pay taxes comparable to (for example), Home Owners living in Ocean Pines. A difference however, is that Ocean Pines residence are allowed to legally reside in their home for 12 months out of the year. With White Horse Park, that number is limited to 8 [months].

The infrastructure of White Horse Park is 100% self maintained and has been beta tested without failure for more than 30 years.

While I don't expect her to recall, I have viewed properties for sale, represented by Marlene Ott. She is but one agent that I have been using, searching to find affordable housing alternatives. To date, I have not been successful. Affordable Housing is a luxury not easily obtained in this part of the County.

I paid cash for my home with plans of not having a mortgage during my retirement years.

At this time, a group of Home Owners working along side of Attorney Hugh Cropper have designed tentative ways and means to monitor those living in White Horse Park. This would correct mistakes in livability that neither the County nor White Horse Park has been able to manage.

I believe allowing a percentage of Home Owners to live in White Horse Park full-time has many more positives than negatives. I'm certain that others will express this opinion in greater detail.

Thank you,  
Jon D. Gilmore  
717.275.2037

Jennifer Keener

Item 2-4

From: Mike Diffendal <mthomasdiffendal@comcast.net>  
Sent: Monday, May 13, 2019 5:50 AM  
To: Ed Tudor; Phyllis Wimbrow; Jennifer Keener  
Subject: Fwd: White Horse Park - Amendment

FYI....

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

From: Sally Connolly <sconnolly12000@yahoo.com>  
To: "jay@kiteloft.com" <jay@kiteloft.com>, "barbierri.jerry@emd.sysco.com" <barbierri.jerry@emd.sysco.com>, "r.wells46@me.com" <r.wells46@me.com>, "mthomasdiffendal@comcast.net" <mthomasdiffendal@comcast.net>, "marleneott@marleneott.com" <marleneott@marleneott.com>, "judges45@aol.com" <judges45@aol.com>, "brookssc88@gmail.com" <brookssc88@gmail.com>  
Date: May 11, 2019 at 11:57 AM  
Subject: White Horse Park - Amendment

Hello Planning Commissioners, My name is Sally Connolly and I am a current full-time homeowner at White Horse Park in Worcester County. I was unable to attend the meeting in Snow Hill last week as I recently had back surgery. I am a 71 year old woman who lives alone, am social security deemed disabled and have lived here full-time since 2012 when I retired as Director, Human Resources for a government contractor. I worked in the area of HR for more than 35 years. I was born in Washington D.C., and lived most of my life in the Maryland suburbs. I bought my property here in White Horse Park in 1999. My realtor, Brenda Archer, never disclosed to me that I couldn't live here full time nor provided any documents as such. I had a permanent foundation home built in 2009. As stated above, I retired here in 2012. I would never have retired here if I thought I couldn't live here full-time. I retired early due to medical issues. Since retirement I have had 2 hip replacements, one knee replacement, and now back surgery. I will probably have to have additional back surgery in a year. There is absolutely no way that I can get my house ready to sell now. Also, being retired my income is much less than what I was making when I was working so I would not be able to qualify for another home in a safe environment. This current county compliance is placing extreme stress and hardship on myself as well as all the other full-time residents. My doctor has noted the mental anguish I am experiencing because of this. I still have a mortgage so I cannot afford to just relocate for the winter. My son is disabled and only has a small one bedroom apartment. My daughter is 3 hours away. You have evidently brought up issues about water, waste management, etc. We are all currently living here full-time and we have no problems with enough water or waste management. There would be no additional burden on our systems. Plus, it's good for community safety to have people here full-time in the Park. Our roads are better than most of those in Ocean Pines. Our ECC policies mandate good upkeep of our homes. My house is being power washed right now. We add to revenue here not only with full-time taxes being paid but also supporting businesses in the winter when things are slow for them. We are good citizens of Worcester County. Please support our Amendment that our attorney, Hugh Cropper IV has presented to allow us to stay in White Horse Park. Thank you very much. Sally Connolly  
Sent from Yahoo Mail on Android

Item 2-5

365 Foxfield Drive  
Westminster MD 21157  
410-967-2100  
May 25, 2019

Dear Commissioners:

We are property owners in White Horse Park (WHP), having purchased 192 Timberline Circle in 2003. About 2 ½ years ago, we started the process of replacing the original park model on our property with a new 748 square foot manufactured home (cottage) of the type now allowed in WHP. Construction was completed in August 2017.

We had considered purchasing a new park model mobile home, at a savings of at least \$30,000 but decided on the cottage because we thought we might spend much of the off season in WHP once retired. We knew when we purchased our property that year-round residency was not allowed but we were not aware of the time of year restriction. The bylaws and regulations we were given at the time of settlement make no mention of this restriction nor is there a definition of what it means to be seasonally occupied. We were unaware, until last year, of the county code defining the restrictions for a campground subdivision such as WHP.

If we knew two years ago what we have learned since, we certainly would not have gone to the considerable extra expense of building a cottage. The cottage, by the way, is sprinklered, including with a \$900 pump, which we found out was required one week prior to getting our Use and Occupancy. It's my understanding that all new homes in WHP now require sprinklers.

We became aware of the proposed text amendment submitted by a group of WHP owners regarding the occupancy provisions for campground subdivisions (ZS-1-318) about a month ago. We were unaware of the presentation at the May 2 2019 Worcester County Planning Commission meeting until after the fact. That said, we are not necessarily opposed to the proposed amendment, but understand the additional work that comes with approving it, both for county personnel and the WHP Board of Directors.

Given the concerns noted in the packet prepared for the May 2<sup>nd</sup> meeting, we offer an alternative text amendment. This amendment would revise Section ZS 1-318(d)(1) J so that September 30 is replaced preferably with November 30, but a minimum with October 31, leaving the rest of the section unchanged.

This change would still prohibit year-round residency in campground subdivisions, while reaping benefits. It reduces County costs because it reduces the time and scope of potential inspections and enforcement needed to ensure compliance with the code because no oversight would be needed in October and November.

Additionally, Ocean City and the County are continually promoting the extension of the 'season' into October and beyond. Updating the code by adding two more months to the definition of



seasonal occupancy would certainly help extend the season and thus increase revenues to the County. Owners would then still be able to access their property an additional 60 days between December 1 and April 1, perhaps with many spending a week or two over the winter holidays and/or spring break as well as other times, spending money in restaurants and at attractions.

We ask that in addition to considering the text amendment presented on May 2<sup>nd</sup>, that the one presented here also be considered. We believe it can be a win-win for both the County and the vast majority of WHP property owners.

Sincerely,

William Warburton

Maria Warburton

Phyllis Wimbrow

Item 2-6

**From:** Mike Diffendal [mthomasdiffendal@comcast.net]  
**Sent:** Tuesday, May 28, 2019 12:49 PM  
**To:** Jay Knerr; Betty Smith; Marlene Ott (marleneott@shamrockrealty.com); Jerry Barbierri; Rick Wells; Brooks Clayvile  
**Cc:** Ed Tudor; Phyllis Wimbrow; Maureen L. Howarth  
**Subject:** Fwd: White Horse Park

FYI....

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

**From:** sandra morgan <s.morgan56@hotmail.com>  
**To:** "mthomasdiffendal@comcast.net" <mthomasdiffendal@comcast.net>  
**Date:** May 28, 2019 at 12:36 PM  
**Subject:** White Horse Park

Dear Mr. Diffendal,

I am writing in reference to the response letter sent to you by our BOD president, Brian Fenstermacher.

I've have attended all the monthly BOD meetings since last June when we informed that some of our homeowners were not living in compliance with the county law. We were informed that our BOD received a notice from the county pertaining to this issue in 12/16. This information was withheld from the homeowners by the BOD. Brian Fenstermacher was part of a BOD that withheld important information from us for 17 months.

In Mr Fenstermacher's response to you I feel he was not totally honest and truthful. There are currently 4 board members. One current member is a full-time resident and another member stayed here full time in 2018 as well as other years. Both of these members will be off the board in June. One retiring and one not running for re-election. Another member Tom Molyneaux has spoken in support of full time residency numerous times over the past year at the meetings. Brian Fenstermacher also has spoken in support f full time residents.

Brian Fenstermacher has been asked multiple times to send a survey out to all residents to see what their feelings were about full time residency. He has never done so. Brian has served multiple terms of office being fully aware of the full time occupants here at WHP.

For 30 plus years some residents have been living at White Horse Park 365 days a year. They have not added additional cost to services paid by all owners. So many of these residents are 70-90 years old. I can't imagine what would happen them if they lost their homes. The intent of these people is not to take advantage and cost all owners more money.

I feel that Mr. Bunting's comments (threats) of shutting the park for 4 months, turning it into a horse farm, and placing county security guards at the gates has instilled a lot of fear into people.

Please keep in mind that we just found out about the county law on 6/30/18. Since that date many full time owners have grouped together to try to change the zoning requirement legally.

I am one of the many seasonal residents in support of the proposed zoning change to allow for 55+ / 25% full time occupancy for our community.

Sincerely,

Sandra Morgan

Phyllis Wimbrow

Item 2-7

**From:** Mike Diffendal [mthomasdiffendal@comcast.net]  
**Sent:** Tuesday, May 28, 2019 12:18 PM  
**To:** Jay Knerr; Betty Smith; Marlene Ott (marleneott@shamrockrealty.com); Brooks Clayvile; Rick Wells; Jerry Barbierri  
**Cc:** Ed Tudor; Phyllis Wimbrow; Maureen L. Howarth  
**Subject:** Fwd: Recent letter, White Horse Park

FYI....Mike

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

**From:** Jon Gilmore <jdgee2@gmail.com>  
**To:** mthomasdiffendal@comcast.net  
**Date:** May 28, 2019 at 10:56 AM  
**Subject:** Recent letter, White Horse Park

Jon Gilmore  
11647 Beachamp Rd  
Lot 117  
Berlin, Md. 21811  
(717-275-2037)

Hello Mr, Diffendal,

I am writing this letter to express my opinion that some statements made to you by White Horse Park's Board Of Director (BOD) President Brian Fenstermacher are not accurate. I have a list of six statements below, each followed by my beliefs and opinions.

re: 5-24-2019 BOD response to an email received from Mr Diffendal (Planning Commission Worcester County) enquiring about the WHP BOD position concerning full time residents.

1. Mr. Fenstermacher's quote: Dear Mr. Diffendal, The White Horse Park BOD had 2 full time residents serving on the board. One resigned as of May 19th 2019 and the other board members term is up in June 2019 and will not be serving on the board again.

1a. The above [1.] is incorrect. The Board's Vice President was also a full time resident in 2018. The Board Member mentioned in Mr. Fenstermacher's statement (above) resigned for reasons not related to the Parks Declarations / current issue on livability.  
For a decade, the current Park Manager has been an openly accepted full time resident here at White Horse Park. Full time residency has been the cultur for White Horse Park dating back more than thirty years; a condition openly supported by the BOD, documented numerous times throughout the years in the BOD meeting minutes.  
I have audio from recent BOD meetings that prove President Mr Brian Fenstermacher is actually in favor of having full time residence in the park.  
In our most recent [May] meeting, DOD Treasurer [Mr. Tom Molyneaux], spent several minutes clarifying his strong support for full time residency and well wishing for change.

2. Mr. Fenstermacher's quote: The BOD fully supports Worcester County rules regarding full

time residency in campgrounds and we abide by our declarations that stipulate that we are a seasonal campground with full time residency not allowed.

2a. This is not true. As stated above [1a.], the BOD have never agreed with, nor shared with any Home Owner, the current County declarations covering Home Owner's limited livability in the park. In fact, the current version of such Declarations being offered to new Home Owners is by his [Mr. Fenstermacher] own definition, "wrong / erroneous". I have audio from a BOD meeting that proves this statement.

I also have in recorded message from the current Vice President of the BOD, Mr. Ed Webb, stating that we need to act as if we are following the County rules, thus allowing us to return to normal.

3. Mr. Fenstermacher's quote: The White Horse Park Community Association will not pay for any required infrastructure upgrades to the entire community that may be required by this proposed text amendment.

3a. Should the County demand upgrades to White Horse Park's infrastructure, the park would have no say in how such upgrades are financed.

Our infrastructure has been beta tested for more than thirty years, and maintained fully by it's Home Owners. Current infrastructure serves White Horse Park very well.

4. Mr. Fenstermacher's quote: Since only a small percentage of owners in White Horse Park have requested this amendment, we feel that if it passes, we would need to amend our declarations to reflect this new zoning rule.

4a. President Brian Fenstermacher denied all requests to offer a survey to it's Home Owners. Mr. Fenstermacher has no way of knowing the percentage of owners in White Horse Park whom have requested this amendment and/or support change.

5. Mr. Fenstermacher's quote: This would require 2/3 of the owners to vote in favor of amending our declarations.

5a. This is not true. On a matter such as this, the BOD does not have the means to call for a vote on zoning law issues.

6. Mr. Fenstermacher's quote: We are concerned about a comment made to us by Commissioner Bunting, that he is considering a text amendment to close our park for 4 months from November 1 through February 28, if the 55 and older amendment failed to pass.

6a. The comment made by Commissioner Bunting has been used numerous times to stir fear into those not familiar with probable legal ramifications and County procedures needed to impose such an egregious act placed on Tax Paying Home and Property Owners.

Thank you,  
Jon Gilmore

Phyllis Wimbrow

Item 2-8

**From:** Mike Diffendal [mthomasdiffendal@comcast.net]  
**Sent:** Thursday, May 30, 2019 11:39 AM  
**To:** Ed Tudor; Phyllis Wimbrow; Maureen L. Howarth  
**Subject:** Fwd: Sending this Letter from Concerned owner of White Horse Park who doesn't have email. Suan Naplachowski,

FYI

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

**From:** Susan Naplachowski <[SueNap@outlook.com](mailto:SueNap@outlook.com)>  
**To:** "mthomasdiffendal@comcast.net" <mthomasdiffendal@comcast.net>, "r.wells46@me.com" <r.wells46@me.com>, "marlene@marleneott.com" <marlene@marleneott.com>, Jay Knerr <jay@kiteloft.com>, "barbierri.jerry@emd.sysco.com" <barbierri.jerry@emd.sysco.com>, "Judges45@aol.com" <Judges45@aol.com>, "brooksc88@gmail.com" <brooksc88@gmail.com>  
**Date:** May 29, 2019 at 5:36 PM  
**Subject:** Sending this Letter from Concerned owner of White Horse Park who doesn't have email. Suan Naplachowski,

May 25, 2019

To Whom It May Concern,

Please allow us to introduce ourselves. My name Arliss (Bud) & Constance (Connie) Hefflin and we are full time residents at White Horse Park Community off Beauchamp Road in the Ocean Pines area of Berlin in Worcester County, MD. We purchased our first property at White Horse Park in 1988 and would come to stay on weekends, holidays, and while on vacation with our children and family. We owned that property until 1992 and then moved to West Virginia. I had retired in 1995 and then my wife retired from a long nursing career of 20+ years in 2000. We decided since we were retired, we wanted to move back to White Horse Park Community, only this time it would be year-round and we would stay permanently. We then started our search for a home to grow old together in. Since I am a handicapped, military veteran and my wife was now retired, we live on a fixed income. White Horse Park Community was the perfect place for us. We adored the community and it was affordable and still allowed us to live a moderate life style with all the amenities it offered. Since we have been back here, we have sold our other property and this is our permanent residence and has been since 2015. We, along with many of the residents are elderly, just as there are also many veterans whom reside in the park, living on fixed incomes! I am 81 and my wife is 80 and we were assured when we purchased our current property, that year-round, full-time occupancy was permissible here. There have been full timers living here year-round for over 33 years with no incident. Myself and many of my neighbors fought for this country and for our freedom and rights. We all believe that we have a right to live here year-round since we do pay property tax. We pay the same amount in taxes that the rest of Worcester County pays, plus we pay for our water & sewage every month to the County. As law abiding citizens and property owners, we just want what is rightfully ours, which is to reside on our property, in our homes, year-round. This should not be up for debate, as the county has required many of us to obtain building permits to place permanent structures (Cottages) on the land that we own individually. If they are going to go by the original by-laws to this community, then they should not have

allowed those of us who do have cottages pay for and obtain County Permits to have those cottages built. We all have rights and as property owners, we have the right to live in our home and on our property as often or as little as we want. Ultimately, the residents of White Horse Park Community are only asking you to recommend in favor of the amendment that we are presenting so as we can continue to reside here.

Thank you for your time, consideration, and understanding in this very critical matter! We hope that you can support us on our mission to remain in our homes.

Sincerely,

Arliss Hefflin

A handwritten signature in cursive script that reads "Arliss Hefflin".

Constance Hefflin

A handwritten signature in cursive script that reads "Constance Hefflin".



Phyllis Wimbrow

Ham 2-9

**From:** Mike Diffendal [mthomasdiffendal@comcast.net]  
**Sent:** Thursday, May 30, 2019 11:41 AM  
**To:** Jay Knerr; Betty Smith; Marlene Ott (marleneott@shamrockrealty.com); Brooks Clayvile; Jerry Barbierr; Rick Wells  
**Cc:** Ed Tudor; Phyllis Wimbrow; Maureen L. Howarth  
**Subject:** Fwd: White Horse Park , Berlin MD Full Time Residency Request

FYI...

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

**From:** Susan Waskey <[swaskey@mcdonogh.org](mailto:swaskey@mcdonogh.org)>  
**To:** [commissioners@co.worcester.md.us](mailto:commissioners@co.worcester.md.us), [jnordstrom@co.worcester.md.us](mailto:jnordstrom@co.worcester.md.us),  
[dpurnell@co.worcester.md.us](mailto:dpurnell@co.worcester.md.us), [jchurch@co.worcester.md.us](mailto:jchurch@co.worcester.md.us), [telder@co.worcester.md.us](mailto:telder@co.worcester.md.us),  
[cbertino@co.worcester.md.us](mailto:cbertino@co.worcester.md.us), [mbunting@co.worcester.md.us](mailto:mbunting@co.worcester.md.us), [jmitrecic@co.worcester.md.us](mailto:jmitrecic@co.worcester.md.us),  
[mthomasdiffendal@comcast.net](mailto:mthomasdiffendal@comcast.net)  
**Date:** May 29, 2019 at 12:46 PM  
**Subject:** White Horse Park , Berlin MD Full Time Residency Request

Dear Commissioners,

I would like to be among those listed, who would like to have full time residency especially for those residents over 55 years of age.

I am 70 years old and still working. I bought my home in White Horse Park in 2008 with the understanding that I could and would retire there. My real estate agent said that residents have lived there for 20 year, happily and quietly. I was excited about this new adventure for me. I planned to volunteer at Atlantic General, offer to help with ESOL program at Showell elementary school. and the be active at St John Neumann Church. For me, I was all set to enjoy my life in Berlin.

I now understand that this dream may not be my reality. I have worked my whole life many times holding down 3 jobs at once. I have raised my two children as a single mom. I now have 9 grandchildren , 2 of which are working in Ocean City for the summers. My hope was to live in peace and quiet in White Horse Park an be an active member of Berlin.

Please consider the fact that this is affordable living for seniors who want to be stewards of the park.

Thank You for your attention to my letter to you. I appreciate your time and consideration.

All the Best,

Susan C. Waskey  
150 Ocean Oval Circle  
Berlin, MD 21811

Please vote for Full Time Residency for White Horse Park and consier me in the count of those owners who want to life here full time.

**Jessica Casey**

Item 2-10

**From:** Jennifer Keener  
**Sent:** Thursday, May 16, 2019 1:33 PM  
**To:** Ed Tudor; Phyllis Wimbrow  
**Subject:** FW: WHP Residency

This one looks like it went to the full board, individually.

Jennifer K. Keener, AICP  
Zoning Administrator  
One West Market Street, Room 1201  
Snow Hill, MD 21863  
(410) 632-1200, extension 1123  
jkkeener@co.worcester.md.us

---

**From:** Marlene Ott [mailto:marlene@marleneott.com]  
**Sent:** Thursday, May 16, 2019 1:27 PM  
**To:** Jennifer Keener  
**Subject:** FW: WHP Residency

This one?



## Marlene Ott

Associate Broker, CRS LTG

MarleneOtt.com



**Berkshire Hathaway HomeServices PenFed Realty**  
11001 Manklin Meadows Lane, Ocean Pines, MD 21811  
Office 410-208-3500 | Cell 410-430-5743  
Fax 410-208-3501 | marlene@marleneott.com

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**From:** sandra morgan <s.morgan56@hotmail.com>  
**Sent:** Wednesday, May 15, 2019 11:04 AM  
**To:** Marlene Ott <marlene@marleneott.com>  
**Subject:** FW: WHP Residency

Sent from Mail for Windows 10

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**From:** sandra morgan  
**Sent:** Wednesday, May 15, 2019 11:02:06 AM  
**To:** mthomasdiffendal@comcast.net  
**Subject:** FW: WHP Residency

Sent from Mail for Windows 10

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**From:** sandra morgan  
**Sent:** Wednesday, May 15, 2019 11:00:21 AM  
**To:** [rwell46@me.com](mailto:rwell46@me.com)  
**Subject:** FW: WHP Residency

Sent from Mail for Windows 10

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**From:** sandra morgan  
**Sent:** Wednesday, May 15, 2019 10:58:27 AM  
**To:** [barbierri@emd.sysco.com](mailto:barbierri@emd.sysco.com)  
**Subject:** FW: WHP Residency

Sent from Mail for Windows 10

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**From:** sandra morgan  
**Sent:** Wednesday, May 15, 2019 10:57:34 AM  
**To:** [j@kiteloft.com](mailto:j@kiteloft.com)  
**Subject:** WHP Residency

Hello,

I am writing in regards to full time residency in White Horse Park. After an extensive search for our retirement home we chose a cottage in White Horse Park in 2016. Through this process we worked with 2 different realtors. The realtor we finally selected stated she once lived in the park and knew so many of the residents. We were so pleased that she seemed to be so informed about this community. We were given no reason to even suspect that this community was not a year round community.

We were shocked last June to find out that we were living in violation of the county code. Many of my elderly neighbors have lived here for years. We spent everything in our savings with the purchase of this home. We have actively been looking for other purchase options here in the county but unable to find anything within our budget. As senior citizens a mortgage payment is not an option for us.

White Horse Park is a nice, quiet, safe community that we've enjoyed for 3 years. I am asking you to please consider a zoning change to allow us to spend our final years here in our homes. We do not have the option of moving in with family members. We love living in this county and we love our home in White Horse Park.

With Appreciation,

Sandra Morgan  
Sent from Mail for Windows 10

**Jessica Casey**

Item 2-11

**From:** Betty Michalak <bjmichalak17@gmail.com>  
**Sent:** Wednesday, May 15, 2019 2:32 PM  
**To:** Mike Diffendal  
**Cc:** Ed Tudor; Phyllis Wimbrow; Jennifer Keener  
**Subject:** Re:

Thank you!

On Wed, May 15, 2019, 11:12 AM Mike Diffendal <[mthomasdiffendal@comcast.net](mailto:mthomasdiffendal@comcast.net)> wrote:

Betty: I will forward your comments to the appropriate county staff. Thank you for your comments. Mike Diffendal

On May 15, 2019 at 11:09 AM Betty Michalak <[bjmichalak17@gmail.com](mailto:bjmichalak17@gmail.com)> wrote:

Thank you for what ever you can do to get the amendment passed for us that can't afford to live anywhere else. We have no where else to go our kids can't afford to buy bigger houses for us to live. Thank you. Walter and Betty Michalak.

**Opposed:**

Exhibit Number:	Name:	White Horse Park Address:	Dated:
Item 3-1	Ida Kern	199 Timberline Circle	5/27/2019
Item 3-2	Robert Miller	41 Salt Spray Drive	5/27/2019
Item 3-3	Brian & Cindy Fenstermacher	Lot 329	5/28/2019
Item 3-4	Requests Confidentiality	Requests Confidentiality	3/4/2019
Item 3-5	Requests Confidentiality	Requests Confidentiality	4/1/2019
Item 3-6	Valerie Clark	Not Provided	5/28/2019
Item 3-7	Anonymous	Not Provided	5/16/2019
Item 3-8	Requests Confidentiality	Requests Confidentiality	2nd Communication 4/2/2019
Item 3-9	Anonymous	Not Provided	3/27/2019
Item 3-10	Bradley Weber	204 Timberline Circle	2nd Communication 5/16/2019

**Jennifer Keener**

Hem 3-1

**From:** Mike Diffendal <mthomasdiffendal@comcast.net>  
**Sent:** Monday, May 27, 2019 10:53 AM  
**To:** Jay Knerr; Betty Smith; Brooks Clayvile; Marlene Ott (marleneott@shamrockrealty.com); Jerry Barbierri; Rick Wells  
**Cc:** Ed Tudor; Phyllis Wimbrow; Jennifer Keener; Maureen L. Howarth  
**Subject:** Fwd: White Horse Park

FYI...

> ----- Original Message -----

> From: Ida Kern <idakern@verizon.net>

> To: mthomasdiffendal@comcast.net

> Date: May 27, 2019 at 9:00 AM

> Subject: White Horse Park

>

> Dear Mr. Diffendal,

>

> My husband and I have been the owners of #199 Timberline Circle in  
> White Horse Park since 1996. There have always been a few people  
> living in the park since I have owned there. Usually it was the park  
> manager and a few older people. I have always known that full time  
> residency was not allowed by the county but the park turned a blind  
> eye to it. In the beginning, I didn't mind the few people who snuck in  
> because it was all owners who retired down into the park and they kept  
> an eye on the place and didn't make any extra demands on the community.

>

> Over the years, especially the past 10 years, more and more people  
> have moved in to White Horse Park. It has changed from a sweet little  
> vacation community into a low brow trailer park. Long-term renters,  
> drug-addicts and even a transvestite are now calling White Horse Park  
> home because it is a cheap place to live. One of inhabitants on my  
> street wakes me up regularly when I am there because he is a tow truck  
> driver by trade and he is always driving it up and down the street.  
> The bipolar drug addict and his girlfriend regularly have the police  
> called on them. I have witnessed this personally more than once.

>

> I hope you decide to enforce the full time residency ban. Everyone  
> there knows it is not allowed and they do it anyway. It is costing the  
> part-time homeowners more money every year to cover the cost of the  
> full-time residents because some of our bills are in bulk.

>

> Thank you for your consideration,

>

> Ida Kern

>

> 506 Southwell Road

>

> Linthicum, Md. 21090

Jennifer Keener

Hem 3-2

**From:** Mike Diffendal <mthomasdiffendal@comcast.net>  
**Sent:** Monday, May 27, 2019 10:55 AM  
**To:** Jay Knerr; Betty Smith; Marlene Ott (marleneott@shamrockrealty.com); Rick Wells; Jerry Barbierri; Brooks Clayville  
**Cc:** Ed Tudor; Phyllis Wimbrow; Jennifer Keener; Maureen L. Howarth  
**Subject:** Fwd: White Horse Park Campground

FYI....

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

**From:** Robert Miller <bigbobsteelers@aol.com>  
**To:** commissioners@co.worcester.md  
**Cc:** jnordstrom@co.worcester.md.us, dpurnell@co.worcester.md.us, jchurch@worchester.md.us, telder@worchester.md.us, cbertino@co.worcester.md.us, mbunting@co.worcester.md.us, jmitrecic@co.worcester.md.us, mthomasdiffendal@comcast.net  
**Date:** May 27, 2019 at 9:39 AM  
**Subject:** White Horse Park Campground

Greetings,

If I may have a few moments of your time to speak on my thoughts of the ongoing issue of residential status of the White Horse Park (W.H.P.) Campground located at 11647 Beauchamp Rd, Berlin, Md. 21811. I have been a owner there since September 1984. Probably the longest current owner in the Park. When I purchased a lot in W.H.P. in 1984, I understood that I could not use my campground as a permanent resident. The rules and codes are laid out and easy to understand. I cannot understand how owners that have taken it upon their selves to conclude these lots are for permanent residence. I believe that W.H.P. should remain as a vacation residence and not utilized as a permanent residence. By allowing it as a permanent residence, this could open many unfortunate loop holes for renting units, as well as raised taxes, infrastructure costs and other fees. That would not be fair for those of us who utilize our places as a temporary vacation place.

Thank you for your consideration of this matter,

Sincerely,

Robert Miller

1174 Floyd Page Rd.

Galivants Ferry, S.C. 29544.....(owner of Lot 41...41 Salt Spray Drive, W.H.P.)



Jennifer Keener

Ham 3-3

**From:** Mike Diffendal <mthomasdiffendal@comcast.net>  
**Sent:** Tuesday, May 28, 2019 9:30 AM  
**To:** Jay Knerr; Betty Smith; Marlene Ott (marleneott@shamrockrealty.com); Brooks Clayvile; Jerry Barbierri; Rick Wells  
**Cc:** Ed Tudor; Phyllis Wimbrow; Jennifer Keener; Maureen L. Howarth  
**Subject:** Fwd: Proposed zoning change to WHP

FYI.....Mike

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

**From:** "brianfenst@netzero.com" <brianfenst@netzero.com>  
**To:** mthomasdiffendal@comcast.net  
**Date:** May 28, 2019 at 8:16 AM  
**Subject:** Proposed zoning change to WHP

Mr Diffendal,

Last week I sent you the WHP Board position on this subject. Now I thought I would send you my personal opinion.

My wife and I bought our vacation home at lot 329 in White Horse Park in 2010. We always knew that it was not a full time residence and have always used it in accordance with the County zoning laws.

We oppose the proposed text amendment brought to the County by a small group of owners from White Horse Park. The County shouldn't even consider this; since it was not brought to the County by the White Horse Park Association. How can the action of a minority of owners be allowed to affect the whole the community?

Furthermore, we fear other unintended consequences that this might have on White Horse Park. It may transform White Horse Park from a vacation community to a low cost retirement community.

We do use our home occasionally during the fall and winter months and do not want to see the park closed completely during that time period. I go fishing in November. We spend the weekend after Thanksgiving there. We go see the tree lighting in Berlin. We go to the festival of lights. Later in the winter, we sometimes go there for New Year's eve. Then in February, boat show weekend marks the start of this next season for us. Being able to use our property occasionally during this time weighed into our decision to purchase in White Horse Park.

Please recommend that the Commissioners vote NO on this text amendment.

Sincerely,

Brian & Cindy Fenstermacher

**Jennifer Keener**

Item 3-4

**From:**  
**Sent:** Monday, March 04, 2019 1:29 PM  
**To:** Jennifer Keener  
**Subject:** White Horse Park

Att: Jennifer Keener

I am a homeowner in White Horse Park and have been informed of a zoning hearing on April 4<sup>th</sup> at 1:00 in Snow Hill.

I am not able to attend the meeting but would like to express my concerns. I am not in favor of allowing 25 percent of homeowners to occupy on a full-time basis.

I have supported the board in trying to be compliant with the county but sadly many have not. Although I feel bad for those that have to sell their homes they broke County and Whitehorse Park laws. The other approx 400 homes bought their homes with the right intentions.

These by-laws have been the same since the 80's and the ones that have chosen to ignore the by-laws are former park managers and board members. Sue Naplachowski was a former manager and board member.

A: The park would have to be upgraded to accommodate that many people living there full time.

Water, sewer, roads, electric etc and this should not come at the homeowner's expense that bought their homes as vacation homes.

The board at White Horse has expressed they represent all homeowners and I would like the zoning board to consider doing the same thing.

Do to the tension with some homeowners I would like to not have my name mentioned.

Thank You,

April 1, 2019

It is our understand that the Worcester County Zoning Appeals Board has granted a hearing to some full time residents of White Horse Park to discuss allowing up to 25% of the homes in the park to be occupied on a full time basis by occupants 55 years and older. We live in Pennsylvania and are unable to come to the hearing but wanted to share our opinion so we hope that this is an appropriate forum to make our position known. Although we are signing our names to this letter so that you know who we are, we are hoping that our names may be kept confidential because there have been issues of vandalism to the property of owner who are opposing this group of individuals and their demands.

Some of the same people who are asking for this hearing and are hoping that the rules of the park are changed to accommodate them are the same people who started this mess to begin with. They didn't want full time renters allowed in the park so they called out the County Commissioner and other local elected officials but now they want to live here full time themselves. In addition, they want people who are 55 years and older to have more rights than other owners. Although we are over 55 years of age we don't think that our rights as an owner are any more important than a young owner raising a family. It seems like some of these people are bullies who expect to be rewarded because they scream louder than everyone else or vandalize other people's property when they don't get their own way and we're tired of it.

The rules of this park have been in writing and available since it was first developed in the early 80's and although they may have differed slightly from the county codes, you were never allowed to make White Horse Park your primary residence from the beginning. When we first began looking for a vacation property we looked at White Horse Park and found the by-laws open to the public on the White Horse Park website. After reading the by-laws for ourselves we found White Horse Park was the place that we wanted to purchase a property, even before we found a realtor. We didn't want to purchase a property that could be used as a primary residence because we knew that taxes as well as other amenities of a park like that would be much more expensive. We decided to purchase in White Horse Park because it was NOT a community that offered permanent occupancy.

Why does it seem that those who do the right thing (like following the existing rules and doing their own due diligence) are the ones that are made to pay the price for someone else who doesn't want to follow the rules and then cries foul when they're caught. Why is it that in any other instance the ignorance of the law is no excuse but in this case we are expected to make accommodations? Some are talking about being Grandfathered in by the County, how does that even make sense? It's always been against the by-laws to live here full time. Just because you got away with it doesn't make it the law. Even if the exception is made to allow 25% of the unit owners to live in the park full time how are you going to determine who has that privilege? Are they going to pay the same taxes and monthly fees that other owners pay but do not have those same rights? I think that this is a dangerous can of worms to open. Allowing some property owners to have more rights than others who live in the same community is a bad idea. Presently, even the park manager is not allowed to live in the park full time and if anyone had a right to do so I would think it should be those who are hired or voted by the owners to keep the park safe and protected; the park manager, office staff and the White Horse Park board members. These folks are expected to know what's going on in the park and take responsibility for it but they are not afforded the right to live here full time but of course this group opposes that idea too. If they want to live in the area as a full time resident then Ocean Pines is right across the street. If they want to live in a 55 and over community then The Parke at Ocean Pines would be perfect. Everyone should buy what suits their needs and that's exactly what we and many others at White Horse Park did. Keep White Horse Park as it is.

Sincerely,

Phyllis Wimbrow

Hem 3-6

**From:** Mike Diffendal [mthomasdiffendal@comcast.net]  
**Sent:** Tuesday, May 28, 2019 1:28 PM  
**To:** Jay Knerr; Betty Smith; Marlene Ott (marleneott@shamrockrealty.com); Brooks Clayvile; Rick Wells; Jerry Barbierri  
**Cc:** Ed Tudor; Phyllis Wimbrow; Maureen L. Howarth  
**Subject:** Fwd: WHP

FYI...

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

**From:** Valerie Clark <vclark6504@gmail.com>  
**To:** mthomasdiffendal@comcast.net  
**Date:** May 28, 2019 at 12:46 PM  
**Subject:** WHP

Dear Mr. Diffendal,

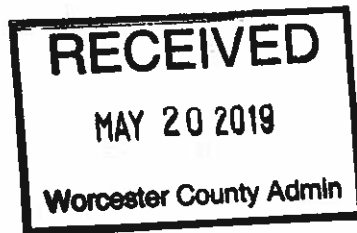
I have been an owner at White Horse Park since 1999 and am very concerned about the statement made by Commissioner Bunting proposing seasonal closing of the campground if the amendment fails. For those of us who occasionally visit during these months, this would be such a disappointment and I am totally against it.

As far as the amendment regarding full time residency, any proposed changes to the declarations would have to be voted on with a 2/3 majority in favor. Should the amendment pass, as a current resident I do not want to be responsible for any additional fees incurred in updating the campground for any County codes regarding full time residency.

Best,

Valerie Clark

May 16, 2019



INFO ✓  
Hem 3-7

- Copy: Ed Tudar ✓  
Mawren Howarth ✓

Office of The Commissioners  
Worcester County  
Government Center  
One West Market St, Rm 1103  
Snow Hill, MD 21863-1195

Attn: Diana Purnell, President

Re: White Horse Park, Berlin, Md. Full Time Residency Issue

I am writing as a concerned home owner in White Horse Park. I am also writing anonymously as I fear retribution from the full time residents living there. Tempers are flaring because everything has been so secretive. The full timers have had several secret meetings getting together to get a lawyer, etc. The rest of us, who abide by the rules, were not invited and could not attend, therefore had no input into what they were trying to do.

1. Many of these people have stated over time that "they knew they couldn't live there full time but since others were, they were going to do it too". Others stated "I wasn't going to sit and read all the rules at the settlement table; I figured it wouldn't be a problem."
2. Many of these people had HOMES. They sold their homes, bought at White Horse Park and are only paying \$135 mo., plus taxes, water, sewer and electric. They pocketed their profits and can now live the life of luxury. If that's the case, all 465 residents should have that option.
3. It is my understanding that Commissioner Bunting stated that if the text amendment didn't go through for the full timers, he was going to initiate his own text amendment to close the park for the winter. As a homeowner, I have an issue with that as well. Why are over 400 people who follow the rules being penalized? I thought at one time he said the County could fine the residents. That would be my choice. Hit them in the pocket and they'll learn to follow rules.
4. Below was taken out of a news article from Ocean City Today:

"Regardless of seeming consensus among those in attendance, Planning Commission Chairman Mike Diffendal inquired if anyone present opposed the text amendment, which received an affirmative from a representative with the Assateague Pointe HOA, who noted potential loss of property value and increased need for services were primary concerns."

Nobody, other than the full timers were aware of this meeting. I have been told that the attorney didn't want a bunch of people showing up and speaking against the proposal. Another sneaky tactic to make it look like nobody cares.

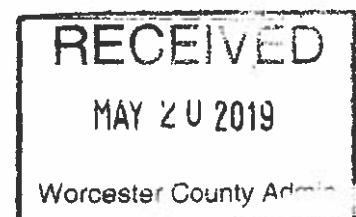
I would think that an issue such as this would be handled by the County. I would expect the County to notify each and every homeowner and give them a chance to voice their opinion.

Unfortunately, over the years, the different Board of Directors, nor the Park Managers, have run the Park according to the Declarations, but rather practiced selective enforcement of the rules.

We understand there are 3 sets of Restrictive Declarations. The current BOD doesn't seem too concerned about that; we as homeowners don't know who is under what set of Declarations and frankly, the BOD is not doing a very good job. Granted, they are non-paid positions so I guess this is what you get.

Bottom line is that the MAJORITY of the homeowners abide by the rules and should not be punished. We do not want to incur any additional costs for the MINORITY to live there full-time. Most of us do come down during the winter months to check on our units, or to enjoy something going on in Ocean City, bringing revenue to town and would not want the park closed during those months.

Thank you for your time.



Phyllis Wimbrow

Ham 3-8

**From:**  
**Sent:** Tuesday, April 02, 2019 9:26 AM  
**To:** Phyllis Wimbrow  
**Subject:** White Horse Park

I am a homeowner in White Horse Park and have been informed of a change in the zoning hearing in Snow Hill.

I am not able to attend the meeting but would like to express my concerns. I am not in favor of allowing 25 percent of homeowners to occupy on a full-time basis.

I have along with others have supported the board in trying to be compliant with the county but sadly many have not. Although I feel bad for those that have to sell their homes they broke County and Whitehorse Park laws. The other approx 400 homes bought their homes with the right intentions. Currently there are roughly 65 homes that are not compliant and many homes are for sale.

These by-laws have been the same since the 80's and the ones that have chosen to ignore the by-laws are former park managers and board members. Sue Naplachowski was a former manager and board member.

The County Commissioners met with the board and homeowners in July of last year and have given the park plenty of time to comply.

They have until Oct 31st of this year.

This is a beautiful vacation park and we would like to see it remain that way and not turn into low income housing.

A: The park would have to be upgraded to accommodate that many people living there full time.

Water, sewer, roads, electric etc and this should not come at the homeowner's expense that bought their homes as vacation homes.

The board at White Horse has expressed they represent all homeowners and I would like the zoning board to consider doing the same thing.

Do to the tension with some homeowners I would like to not have my name mentioned.

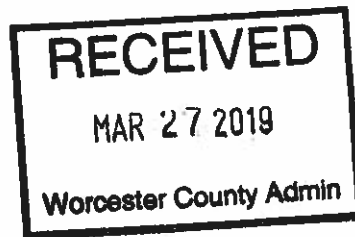
Thank You,

Hem 3-9

IN Fo

March 24, 2019

Mr. Harold Higgins



Copy: Ed Tular  
Maureen Howarth

I am writing to you about white horse park year round residency. I knew when I bought that you could not live there year round. I have been there for 25 years. There are 51 units that are cottages that want to change the rules for their benefit and not for the whole park. This is unfair to the 414 other units that are obeying the rules. Sue Naplachowski wants to say that if you have 700 square feet you can be allowed to stay. I have a single wide and I would not be allowed. This is unfair.

414 units pay for those who live there year round with, electrical use, water and sewer, dumpster, guards, snow removal and school kids stealing out of our sheds.

I was told that I my home was occupied for more than sixty days. I don't live there. The neighbor was parking his car in my driveway because he doesn't have enough room. And they assumed it was me. That is another reason the park can't enforce the rules already on the books.

I have a disabled son who owned a unit and was told he could not stay there so he sold the unit. Now sue naplachoswki wants to make an amendment that would just benefit a few.

Either the rules are good for everyone or no one at all. Please don't allow this amendment to go through for the best interest of white horse park home owners.

White horse park homeowner

I have to remain anonymous or there will be repercussions in the park.



## Staff Concerns & WHP Answers

21 Mar 2019

### Worcester County Concerns:

What we are proposing is unenforceable:

Worcester County doesn't have the staff to regulate the proposal

How can we regulate year round 55 plus residents?

Facilities by their very nature are for seasonal use only;

- People have been living in WHP for over 33 years. There was as many as 78 units occupied at one time, there was no facility problems
- The facilities are stretched during the summer months when the park is full, sometimes up to 1500 people, the facilities hold up.

**White Horse Park consist of 465 individually owned unit and land. There are a mixture of Manufactured, Modular and Park Trailers and 8 Recreational Vehicles**

### Possible Solutions to Concerns of the Planning Committee

The main concern I noted from the committees response to our amendment was Enforcement, how it will be regulated and who can take charge. Below I have addressed these concerns.

#### (1) Board of Directors forms a Committee that handles all full time residents processing

- Committee will consist of 5 people (3 full time residents, 2 seasonal residents & Board Member Liaison)
- Meet on a bi-monthly basis
- Application for occupancy
- Verification of age
  - Driver's License
  - Birth Certificate
- Plaque on Unit stating a permanent resident lives here.
  - When County rides through they will know who full time residence are
- Signed in person rules and regulations of 55+ residency
- Gate Passes – Software program to update our gate computer logs
- In charge of the waiting list if there is one
- All Residents names and addresses will be given to the county

#### (2) Rules and Regulations

- Only 25% (116) units of WHP will be a full time resident 55+
- The unit itself is not the sum of 116 but the occupant is the sum.
- Committee Regulates with input from the county
- There will be stipulations if not abided by; (Lawyer involved here); lose full time privilege
- Unit has to be over 700sq feet of living space to be a single family home for 2+ people
- Proof of age of individuals dwelling in the unit
- Future changes in occupancy (sale, death, marriage etc.)

- Continued compliance to the county
- Visitors for full time occupancy (abide by current seasonal regulation)
- Renting : Renter is 55 and above, vacates, new renter has to go to bottom of list before the unit can be rented out again to a full time resident at 55
- If the unit is sold it is not sold as a 55+ unit, but as a seasonal unit unless the new occupant wants to put their name on the waiting list.
- Every WHP Fiscal Year verification will occur of full time residents by the committee.

### **(3) Suggestions on how the list for residency will work**

- Submit paper work requesting residency to the committee
- Appointment will be set up by the committee to go over all rules & regulations with applicant(s)
  - All occupants must be present
  - Verification of age (License, Passport, Birth Certificate)
  - Rules and Regulations governing full time status will be read and understood by all
  - Signature(s) will be obtained from all concerned and witnessed by 2 Committee members
  - Issuing of New Gate Cards
  - Plaque will be mounted on the unit designating a full time resident(s) live there
  - Residents must take full time residency within 8 months of signing paper work

### **(4) How to control who will be a full time resident**

All people living full time now will be verified and reported to county

If name is not on the deed resident will be considered a renter.

### **(5) How to handle first wave and there after**

- Give everyone in the park time to get their name into the Committee
- Will have to be able to start full time residence within 6 months of selection
- If there is more people requesting residency, after screening everyone we will do a lottery
- Whoever is left will go on a list

### **(6) How to vacate a full time residence**

- If a Resident is married and one spouse dies, or vacates, the one still living will remain in the unit.
- If there is only one occupant and they pass on or vacate, the unit is no longer eligible for 55+.
- The next person on the list will have the Full time status.

### **(7) Rental Units**

- If an owner rents their unit out on a full time status, owner will have to abide by selection criteria.
- Once their renter vacates, the owner will lose full time status
- Owner will have to go to bottom of the list.



WHITE HORSE PARK COMMUNITY ASSOCIATION, INC.  
11647 Beauchamp Road Unit 1, Berlin, MD 21811  
Tel. (410) 641-5102 Fax. (410) 641-5105  
whpcamd@yahoo.com  
<http://whpca.org>

Wednesday, February 06, 2019

As you should already know, starting October 1, 2019, the following County seasonal occupancy restrictions will be enforced:

*"Units or sites in a campground subdivision shall be occupied only on a seasonal basis and shall not be occupied as a place of residence or domicile. Between September 30 of each year and April 1 of the succeeding year, units or sites shall not be occupied for more than thirty consecutive days or an aggregate of sixty days."*

White Horse Park has determined that your home in White Horse Park has been occupied for more than sixty days from October 1, 2018 and December 31, 2018. This letter serves as a warning to you that starting October 1, 2019 this seasonal occupancy regulation will be enforced.

Respectfully,

Theodore J Gajewski  
Park Manager

For the Board of Directors

**From:** Jennifer Keener  
**Sent:** Thursday, May 16, 2019 11:34 AM  
**To:** Betty Smith; Brooks Clayville; Jay Knerr; Jerry Barbierri; Marlene Ott; Mike Diffendal; Rick Wells  
**Cc:** Ed Tudor; Phyllis Wimbrow; Maureen L. Howarth  
**Subject:** FW: White Horse Park

Good morning,

Please see the email below from another property owner within White Horse Park.

Sincerely,

Jennifer K. Keener, AICP  
Zoning Administrator  
One West Market Street, Room 1201  
Snow Hill, MD 21863  
(410) 632-1200, extension 1123  
jkkeener@co.worcester.md.us

**From:** Bradley Weber [mailto:vegas017@hotmail.com]  
**Sent:** Thursday, May 16, 2019 10:58 AM  
**To:** Jennifer Keener; Phyllis Wimbrow  
**Subject:** White Horse Park

I wanted to bring some things to the attention of the county in regards to White Horse Park.  
I am a homeowner at White Horse Park and use my residence as a vacation home as the way the bylaws are written.  
The group that has abused the existing by laws is lead by Sue Naplachowski who is a former park manager and board member that has encouraged full time occupancy.  
We have former board members and current board members living in the park and when questioned at previous meetings about the county they say there not worried about the county. It is there arrogance that has the park in this situation.  
When Mr Bunting was at White Horse Park in July the board meetings that followed the board was encouraging everyone that we must follow the county regulations.  
That only lasted four months and changed to the attitude we are not going anywhere lead by Sue Naplachowski.  
As far as some of the people having hardships and no where to go is something they are using for leverage. Most of the full time residents are living in cottages valued on average of \$130,000.  
Currently at our board meetings which are once a month you cannot speak against full time residency. I have tried as well as others and you get shutdown quick and turns into a hostile situation. We have had peoples home vandalized if they spoke up.  
You cannot even walk around the park without someone saying something nasty to you if you are against what they are proposing.  
There are some homeowners including myself that will probably sell if full time residency is approved.

For us that have bought our homes and use them for the right intentions we do not want to see our expenses increase water, sewer, HOA, taxes, etc. We bought here because it was supposed to be a vacation community. We currently have section 8 renters in the park that are owned by people that are only concerned about their monthly check.

I understand the last zoning meeting more approved than disapproved of the new text amendment. What you have to understand is most people live in other states and are not aware of when these meetings are. Currently our board is not letting everyone know when these are. They only want the group living there to show up so the county needs to look at the whole picture of how this is going to effect the majority not the minority that has abused the regulations.

I have talked to some of the residence that have come to open their places up for the summer and they have no clue what is happening. Some of these people are elderly and do not even use a computer or go to meetings.

If for some reason the county does consider the changes I would like for you to consider the following.  
**Only allow HOMEOWNERS to occupy their residence and to only allow them to rent their places for no longer than 30 days.**

**There are owners that bought when the housing market crashed for the sole purpose of renting their place out and take no interest in the park.**

The reason I say this currently we have full time renters that cause problems for full time residence and the board says they cannot do anything to them. They can only contact and fine the homeowner.

Some of the residence (renters) cops have been called several times.

As a homeowner I do not want to see our property values or the park diminish due to low income housing.

This is mostly in response to the article in the OC Times sadly they are only seeing one side of the story.

I lastly want to applaud Mr Bunting and the county for their patience with the homeowners of White Horse Park.

Thank You,  
Brad Weber  
204 Timberline Dr  
717-577-3234

## **STAFF REPORT**

### **REZONING CASE NO. 418**

**PROPERTY OWNER:** Moore Boat, LLC  
Leighton Moore, Managing Member  
12303 North Piney Point Road  
Bishopville, Maryland 21813

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

**TAX MAP/PARCEL INFO:** Tax Map 10 - Parcels 4, 171 and 304 - Tax District 5

**SIZE:** The petitioned area is comprised of three parcels which total 9.4 acres. Parcel 4 is 4.47 acres, Parcel 171 is 2.01 acres and Parcel 304 is 2.92 acres.

**LOCATION:** The petitioned area is located on the easterly side of North Piney Point Road on the northerly side of the St. Martins River.

**CURRENT USE OF PETITIONED AREA:** Boat fabrication, repair, maintenance and/or storage

**CURRENT ZONING CLASSIFICATION:** E-1 Estate District

**REQUESTED ZONING CLASSIFICATION:** I-1 Light Industrial District

**APPLICANT'S BASIS FOR REZONING:** According to the application, the request for rezoning is based on a mistake in existing zoning.

**ZONING HISTORY:** At the time zoning was first established in the 1960s the petitioned area was given an A-1 Agricultural District classification. It was given an E-1 Estate District classification in the 1992 comprehensive rezoning and that designation was retained during the 2009 comprehensive rezoning.

**SURROUNDING ZONING:** Almost all adjoining and nearby properties to the west, north and east are also zoned E-1 Estate District. Two properties at the northerly terminus of North Piney Point Road, at the junction with St. Martins Neck Road, are zoned C-1 Neighborhood Commercial District. Holiday Harbor, a subdivision directly to the east of the petitioned area, is zoned R-1 Rural Residential District, as is the Piney Point subdivision on the southerly side of the St. Martins River/Bishopville Prong. Environmentally sensitive areas are zoned RP Resource Protection District.

## **COMPREHENSIVE PLAN:**

According to Chapter 2 - Land Use of the Comprehensive Plan and associated land use plan map, the petitioned area lies within the Existing Developed Area and Agricultural Land Use Categories. With regard to the Existing Developed Area category, the Comprehensive Plan states the following:

"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.

Surrounding areas have been mapped with one of the other land use designations as appropriate and should not be considered for rezonings by virtue of their proximity to an EDA. Further, the EDAs are anticipated to remain as mapped at least until the next plan review period. This will provide for orderly infill development within EDAs and new community-scale growth in the growth areas.

Not designated as growth areas, these areas should be limited to infill development. Density, height, bulk and site design standards should also be consistent with the EDA's existing character." (Pages 13, 14)

With regard to the Agricultural Land Use Category, the Comprehensive Plan states the following:

"The importance of agriculture to the county cannot be overstated. Its significance is economic, cultural, environmental, and aesthetic. Agriculture is simply the bedrock of the county's way of life. The county must do all it can do to preserve farming as a viable industry. This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. Large contiguous areas of productive farms and forest shall be maintained for agricultural uses and residential and other conflicting land uses, although permitted, are discouraged. " (Page 18)

Pertinent objectives cited in Chapter 2 - Land Use state the following:

.....

2. Continue the dominance of agriculture and forestry uses through the county's less developed regions.
3. Maintain the character of the county's existing population centers.
4. Provide for appropriate residential, commercial, institutional, and industrial uses.
5. Locate new development in or near existing population centers and within planned growth centers.

6. Infill existing population centers without overwhelming their existing character.  
.....
8. Regulate development to minimize consumption of land, while continuing the county's rural and coastal character.
9. Minimize conflicts among land uses due to noise, smoke, dust, odors, lighting, and heavy traffic.
10. Locate employment centers close to the potential labor force.  
.....
15. Balance the supply of commercially zoned land with anticipated demand of year-round residents and seasonal visitors.
16. Locate major commercial and all industrial development in areas having adequate arterial road access or near such roads.  
.....
19. Limit rural development to uses compatible with agriculture and forestry.  
.....

(Pages 12, 13)

Please note that the Comprehensive Plan does have an Industrial Land Use Category. Areas so mapped are limited to the Pocomoke City and Showell areas. With regard to this land use category, the Comprehensive Plan states the following:

"Traditionally a limited land consumer in Worcester County, light industry is a desirable addition to the county's land use mix. Heavy industry with its environmental and transportation impacts may be compatible in selected locations. Pocomoke City has and will continue to be the focus for the county's most intense industrial uses. To balance the employment base, a light industry location should be developed in the northern county."

"Industrial uses need good road access, large sites, sufficient electricity and public water and sewer services. Rail, port facilities, and natural gas are also desired. Selective economic development efforts focused on high-way, low impact industries and their supporting infrastructure will benefit the county. Industrial uses should be located in the county's designated industrial zones/parks and within appropriate areas in the municipalities." (Page 19)

Within the same chapter, under the heading Industrial Land Demand, the Comprehensive Plan states:

"Standard practice for determining the demand for industrial land does not work well in Worcester County. This method relates industrial land demand to population. In Worcester County with its high proportion of retirees, this relationship breaks down. For this plan, past experience shows existing industrial areas will be sufficient to meet future demand." (Page 24)



In Chapter 4, Economy, pertinent objectives under the heading Industrial Development state the following:

- "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.
  2. Maintain an inventory of suitable locations for appropriate industries to locate within the county.
  3. Locate industrial uses primarily in industrial parks.
  4. Address industrial infrastructure needs, including electrical supply, natural gas, and bandwidth improvements.
- ....." (Page 59)

In Chapter Six - Public Infrastructure, the Comprehensive Plan includes several objectives, including the following:

- "1. Meet existing public facility and service needs as a first priority. Health and safety shall take precedence.
  2. Permit development to occur only as rapidly as services can be provided.
  3. Ensure adequate public facilities are available to new development.
  4. Require new development to "pay its way" by providing adequate public facilities to meet the infrastructure demand it creates.
- ....." (Page 70)

Chapter Seven - Transportation of the Comprehensive Plan states that "Worcester's roadways experience morning and evening commuter peaks; however, they are dwarfed by summer resort traffic. ....Resort traffic causes the most noticeable congestion on US 50, US 113, US 13, MD 528, MD 589, MD 611, and MD 90." (Page 79)

This chapter also states that "c(C)ommercial development will have a significant impact on future congestion levels. Commercial uses generate significant traffic, so planning for the proper amount, location and design will be critical to maintain road capacity. The current amount and location of commercial zoned land poses problems for the road system, particularly for US 50." (Page 82)

In this same chapter, under the heading General Recommendations - Roadways, it states the following:

- "1. Acceptable Levels of Service -- It is this plan's policy that the minimal acceptable level of service for all roadways be LOS C. Developers shall be responsible for maintaining this standard.
- .....
3. Traffic studies -- Developers should provide traffic studies to assess the effect of each major development on the LOS of nearby roadways.

4. Impacted Roads -- Roads that regularly have LOS D or below during weekly peaks are considered "impacted." Areas surrounding impacted roads should be planned for minimal development (infill existing lots). Plans and funding for improving such roads should be developed.
  5. Impacted Intersections -- Upgrade intersections that have fallen below a LOS C.
- ..... (Page 87)

**WATER AND WASTEWATER:** According to the response memo dated February 28, 2018 from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the subject properties have a designation of Sewer Service Category S-6 (No Planned Service) in the Master Water and Sewerage Plan. He states that his department's well and septic records show the properties improved with existing individual well and septic for Parcels 304 and 171 and that Parcel 4 has an approved sewage reserve area. His response memo dated May 14, 2019 confirms these statements. John H. Tustin, P. E., Director of Public Works, or John Ross, stated in his memo (attached) that he had no comments.

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

WdA - Woodstown sandy loam - severe limitations to on-site wastewater disposal

HbA - Hambrook sandy loam - severe limitations to on-site wastewater disposal

**EMERGENCY SERVICES:** Fire and ambulance service will be available from the Bishopville Volunteer Fire Company's main facility on Bishopville Road or the substation on St. Martins Neck Road, both approximately five minutes away. No comments were received from the fire company with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately ten minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately thirty minutes away. No comments were received from the Maryland State Police Barracks or from the Sheriff's Department.

**ROADWAYS AND TRANSPORTATION:** The petitioned area is a part fronts on and currently has access North Piney Point Road, a County-owned and -maintained roadway. North Piney Point Road dead-ends at the St. Martins River. It connects to St. Martins Neck Road (MD Route 368). This latter roadway is state-owned and -maintained. The Comprehensive Plan classifies St. Martins Neck Road as a two-lane County road/minor collector highway and states that this roadway links MD Route 90 at its south end to MD Route 367 (Bishopville Road) and provides a secondary link from Ocean City to US Route 113, northeastern Worcester County, and the Delaware beaches. The Comprehensive Plan further states that this roadway's current configuration should be adequate for the planning period. No comments were received from the State Highway Administration District 1 with regard to this application. Frank J. Adkins, Worcester County Roads Superintendent, responded by memo (copy attached) that he had no comment at this time.

**SCHOOLS:** The petitioned area is within the area served by the following schools: Showell

Elementary School, Berlin Intermediate School, Stephen Decatur Middle School, and Stephen Decatur High School. No comments were received from the Worcester County Board of Education (WCBOE).

**CHESAPEAKE/ATLANTIC COASTAL BAYS CRITICAL AREAS:** According to Mr. Mitchell's response memo dated May 15, 2019, the petitioned area is located within the Atlantic Coastal Bays Critical Area (ACBCA). He notes that a portion of the subject properties involved in the rezoning request were recently awarded a Growth Allocation request by the State's Critical Areas Commission so all parcels are now designated as Limited Development Area (LDA). Previously a 4.71 acre portion was classified by the ACBCA as being within the Resource Conservation Area. Mr. Mitchell states that the LDA designation allows industrial uses as long as all development standards noted in § NR 3-107(c)(1 through 10) are able to be met. He further states that for all three parcels included in the proposed rezoning, a 100 foot Critical Area Buffer has been established from the mean high water lines of tidal waters, the edge of the bank of tributary streams, and the landward extent of tidal wetlands. He notes that any areas within the Buffer shall be maintained in natural vegetation and established if natural vegetation is not present throughout the Buffer and that as part of the Growth Allocation award, the buffer will be planted and managed for invasive species. Mr. Mitchell attached the comments of the Critical Area Commission and noted that Commission reiterated the maximum of 15 percent lot coverage and that the Commission had no objections to the proposed rezoning.

PLEASE NOTE THAT THE FOLLOWING HAS BEEN ADDRESSED BY THE ABOVE: According to Mr. Mitchell's memo dated February 28, 2018 (copy attached), the petitioned area is located within the Atlantic Coastal Bays Critical Area (ACBCA) and the property is designated as both Limited Development Area (LDA) and Resource Conservation Area (RCA). He states that the RCA designated area of the parcel does not allow for new commercial activities to be established and that any proposed industrial development must be located outside the RCA. Mr. Mitchell further states that according to NR 3-108(4), existing commercial, industrial, or institutional uses shall be allowed in the RCA and that under NR 3-108(5), new commercial, industrial, or institutional uses shall not be permitted in the RCA and additional land may not be zoned for those uses, unless said use falls under allowances made in NR 3-108(d) or a growth allocation is awarded. Mr. Mitchell notes that areas within the LDA portion of the two parcels (304 and 171) could allow for industrial uses if all development standards are able to be met. According to his memo, for all three parcels including the proposed rezoning, a 100 foot Critical Area Buffer will be established from the mean high water line of tidal waters, the edge of the bank of tributary streams, and the landward extend of tidal wetlands. Expansion of the Buffer beyond 100 feet will occur if contiguous sensitive areas, as noted in NR 3-104(c)(2) are present. Any areas within the buffer shall be maintained in natural vegetation and established if natural vegetation is not present throughout the Buffer. Mr. Mitchell further states that the only lot coverage that can occur in the 100 foot buffer, without a variance, is lot coverage that was permitted pre-Critical Area.

Mr. Mitchell additionally states that he attached the comments from the Critical Area

Commission (CAC) on this case and that they have recommended denial of the application because the requested zoning changes does not meet the requirements of the Critical Area law, including consistency with the existing Critical Area land classification (RCA). He states that the CAC's main points include:

- a. While the proposed I-1 Light Industrial District zoning could possibly be changed for portions of the parcels with LDA designation, the lot coverage limitation of 15 % would most likely preclude any expansion of the existing use on these parcels
- b. They are of the opinion that the mapping mistake for this zoning change is prohibited based on Critical Area law and regulations.
- c. The only option they see to increase the intensity of the development on these parcels is through the use of growth allocation.
- d. If the growth allocation is pursued, an amendment to the County's Critical Area program would also have to be made to allow alternative adjacency standards.

Please review the Critical Area Commission's attached letter for additional comment.

**FLOOD ZONE:** The FIRM map indicates that the petitioned area is primarily within Zone AE (100 Year Floodplain, Base Flood Elevation of 5 feet).

**PRIORITY FUNDING AREA:** The petitioned area is not within a designated Priority Funding Area.

**INCORPORATED TOWNS:** The site is not within one mile of the corporate limits of any town.

**ADDITIONAL COMMENTS RECEIVED:** Comments received from various agencies, etc. are attached and are summarized as follows:

Kathryn Gordon, Deputy Director, Economic Development: No objection to the proposed rezoning.

Edward Potetz, Director, Environmental Health, Health Department: No objection to the proposed rezoning.

Rob Clarke, Maryland Forest Service: No comments on the rezoning request.

!!!!!!!!!!!!!!!!!!!!!!!!!!!!!! **IMPORTANT** !!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

**THE PLANNING COMMISSION MUST MAKE FINDINGS OF FACT IN EACH SPECIFIC CASE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING MATTERS:**

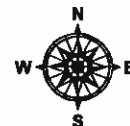
- 1) What is the applicant's definition of the neighborhood in which the subject property is located? (Not applicable if request is based solely on a claim of mistake in existing

zoning.)

- 2) Does the Planning Commission concur with the applicant's definition of the neighborhood? If not, how does the Planning Commission define the neighborhood?
- 3) Relating to population change.
- 4) Relating to availability of public facilities.
- 5) Relating to present and future transportation patterns.
- 6) Relating to compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact on waters included on the State's impaired waters list or having an established total maximum daily load requirement.
- 7) Relating to compatibility with the Comprehensive Plan.
- 8) Has there been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property (November 3, 2009) or is there a mistake in the existing zoning of the property?
- 9) Would a change in zoning be more desirable in terms of the objectives of the Comprehensive Plan?

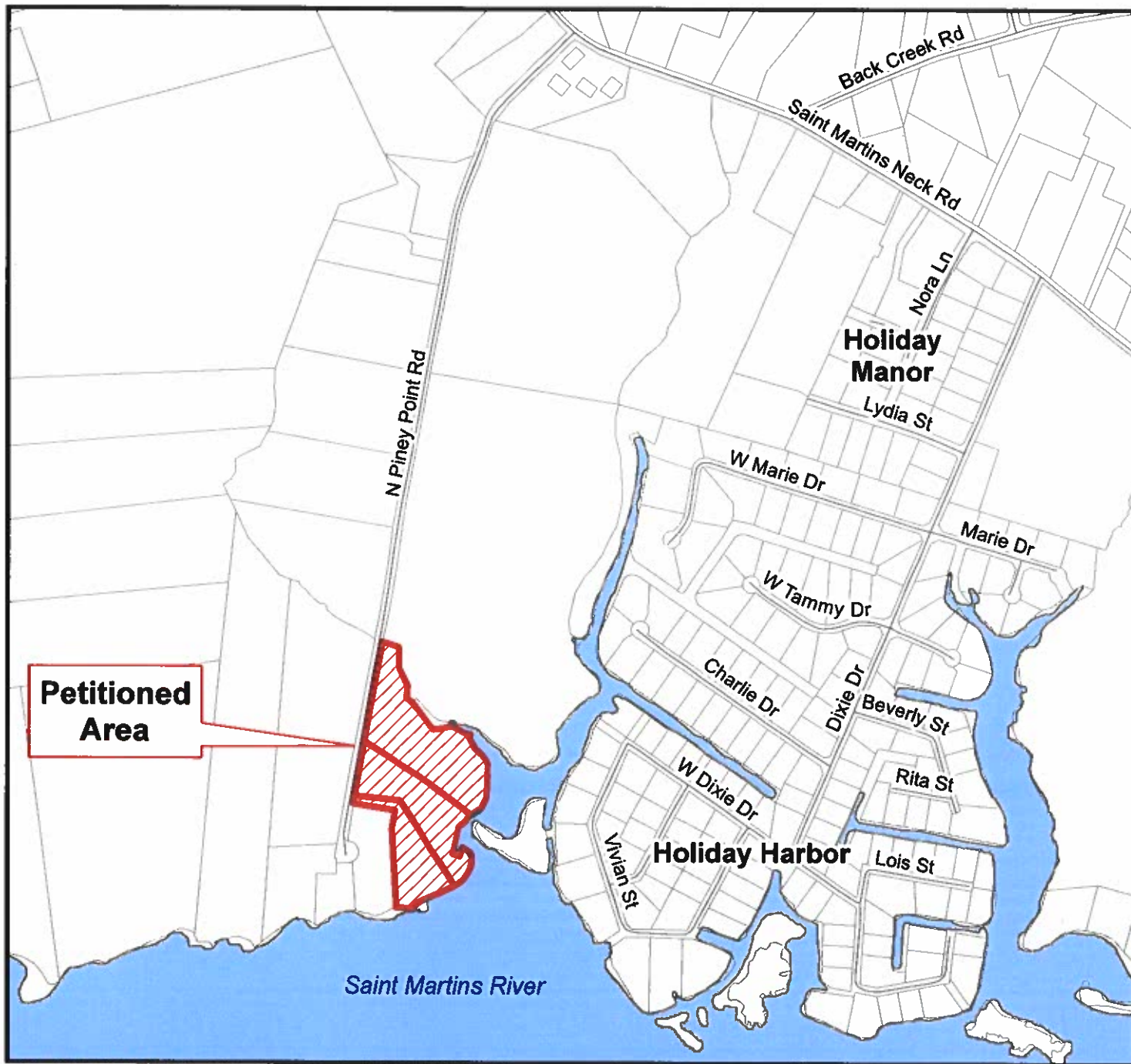


# WORCESTER COUNTY, MARYLAND



**REZONING CASE NO. 418**  
**E-1 Estatel District to I-1 Light Industrial District**  
**Tax Map: 10, Parcels 4, 171 and 304**

## LOCATION MAP



**DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING**  
**Technical Services Division - Prepared December 2017**

Source: 2015 State Assessment & Taxation Data and GIS Parcel Layer

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

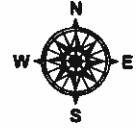
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Drawn By: KLH Reviewed By: PHW





# WORCESTER COUNTY, MARYLAND



**REZONING CASE NO. 418**  
**E-1 Estatel District to I-1 Light Industrial District**  
**Tax Map: 10, Parcels 4, 171 and 304**

## AERIAL MAP



**DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING**  
**Technical Services Division - Prepared December 2017**

Source: 2016 Aerial Imagery and GIS Parcel Layer

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

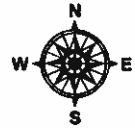
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Drawn By: KLH Reviewed By: PHW



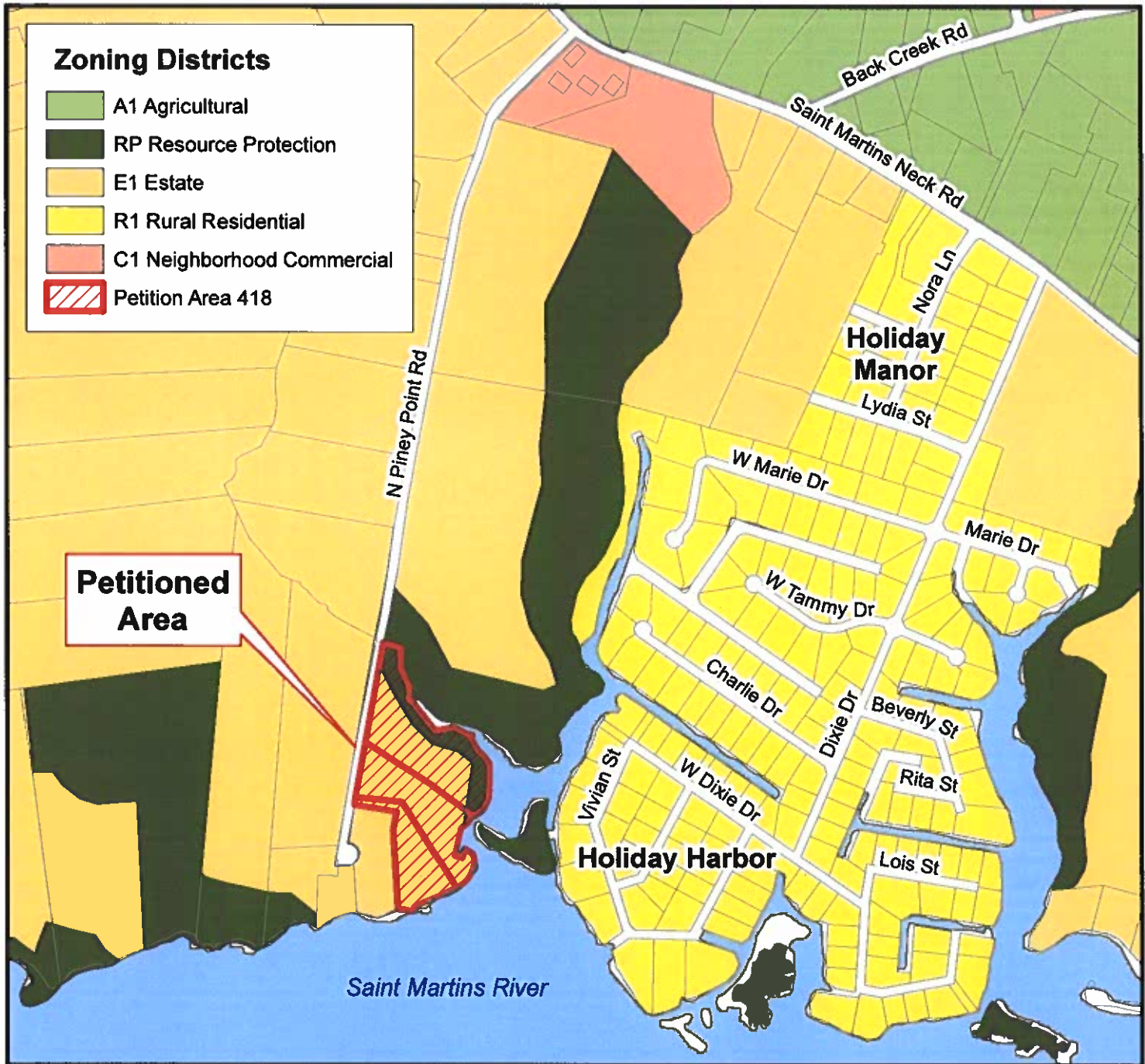


# WORCESTER COUNTY, MARYLAND



**REZONING CASE NO. 418**  
**E-1 Estatel District to I-1 Light Industrial District**  
**Tax Map: 10, Parcels 4, 171 and 304**

## ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared December 2017

0 500 1,000  
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Source: 2006 Zoning District Map (current)

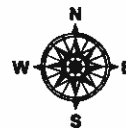
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: PHW





# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 418  
E-1 Estatel District to I-1 Light Industrial District  
Tax Map: 10, Parcels 4, 171 and 304

## LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared December 2017

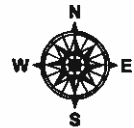
Source: 2006 Land Use Map and GIS Parcel Layer

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

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Drawn By: KLH Reviewed By: PHW

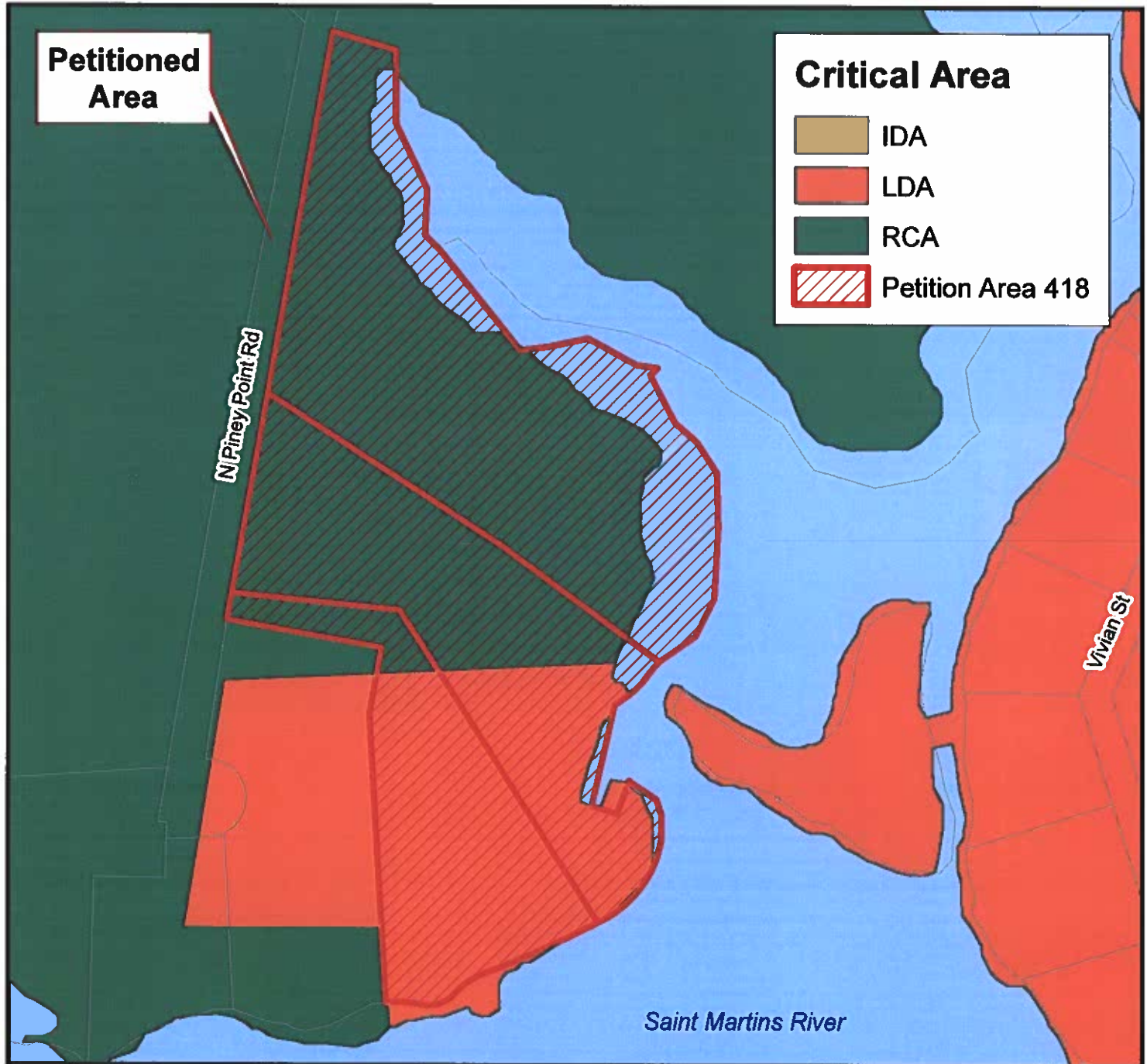


# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 418  
E-1 Estatel District to I-1 Light Industrial District  
Tax Map: 10, Parcels 4, 171 and 304

## ATLANTIC COASTAL BAY CRITICAL AREA MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared December 2017

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Source: 2002 Atlantic Coastal Bay Critical Area (current)

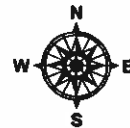
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: PHW



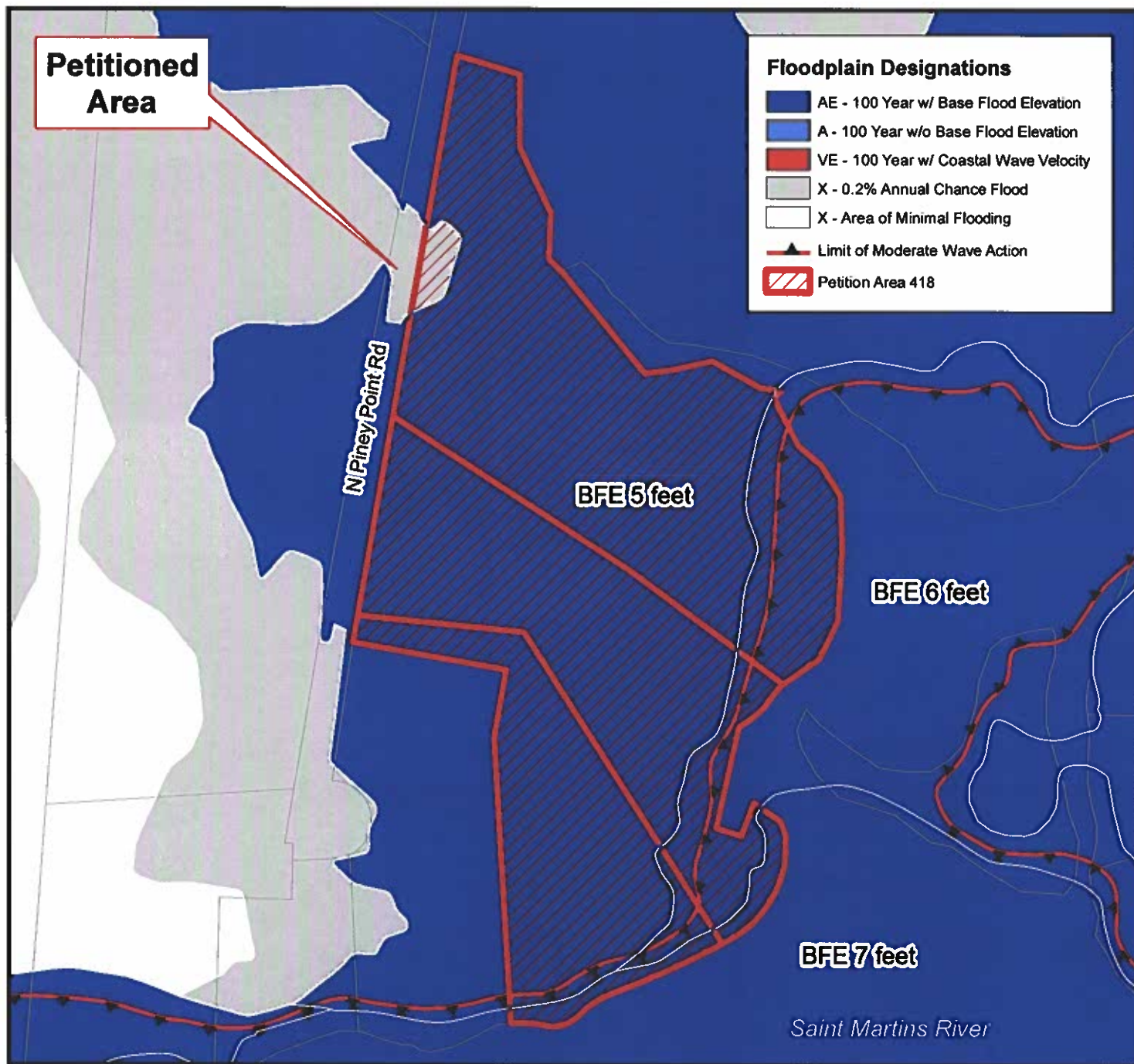


# WORCESTER COUNTY, MARYLAND



**REZONING CASE NO. 418**  
**E-1 Estatel District to I-1 Light Industrial District**  
**Tax Map: 10, Parcels 4, 171 and 304**

## FLOODPLAIN MAP



**DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING**  
**Technical Services Division - Prepared December 2017**

Source: 2015 FEMA Flood Insurance Rate Maps and GIS Parcel Layer

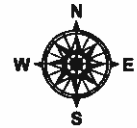
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

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Feet

Drawn By: KLH Reviewed By: PHW

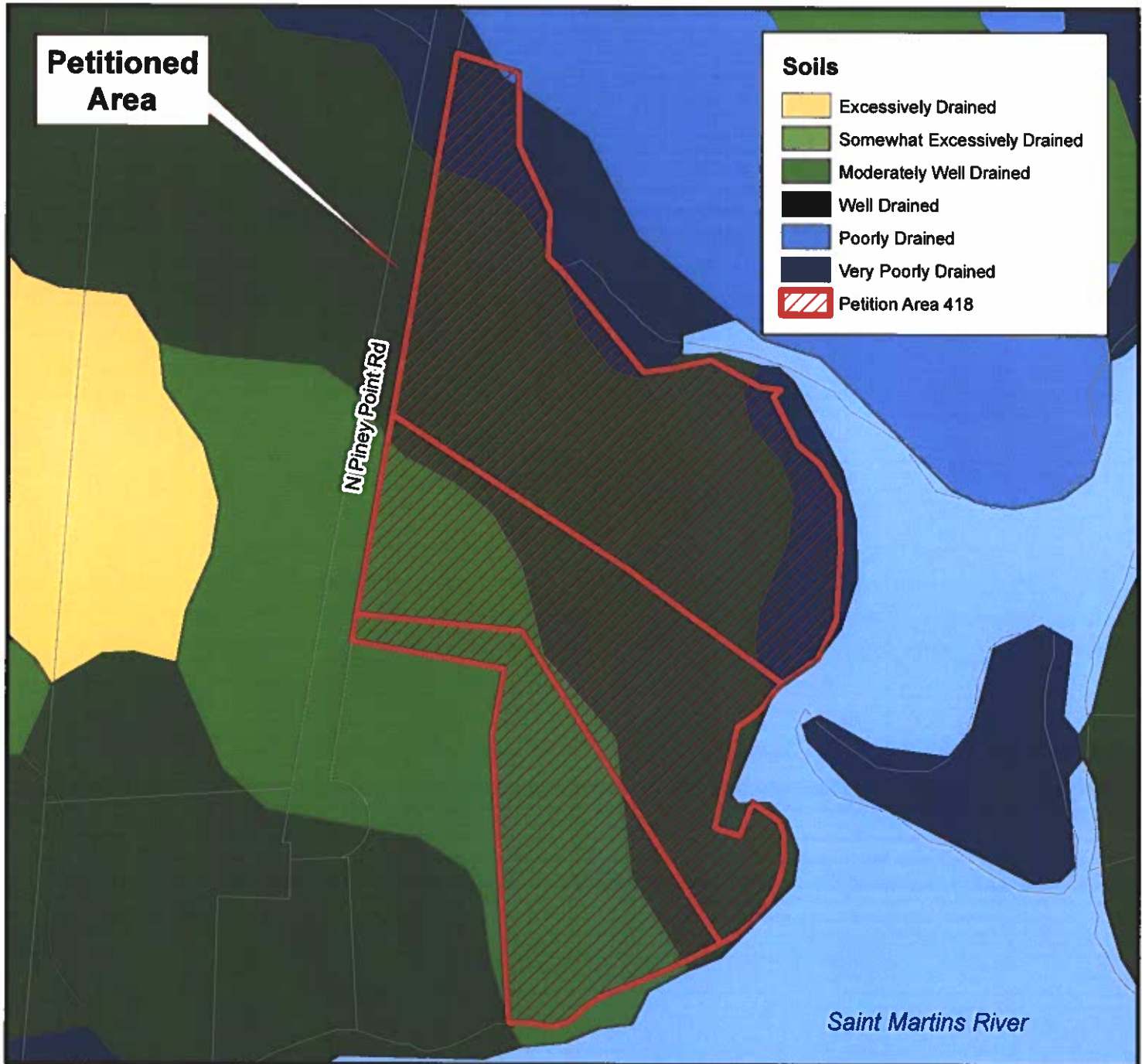


# WORCESTER COUNTY, MARYLAND



**REZONING CASE NO. 418**  
**E-1 Estatel District to I-1 Light Industrial District**  
**Tax Map: 10, Parcels 4, 171 and 304**

## SOILS MAP



**DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING**  
**Technical Services Division - Prepared December 2017**

Source: 2007 Soil Survey and GIS Parcel Layer

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

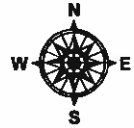
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Drawn By: KLH Reviewed By: PHW



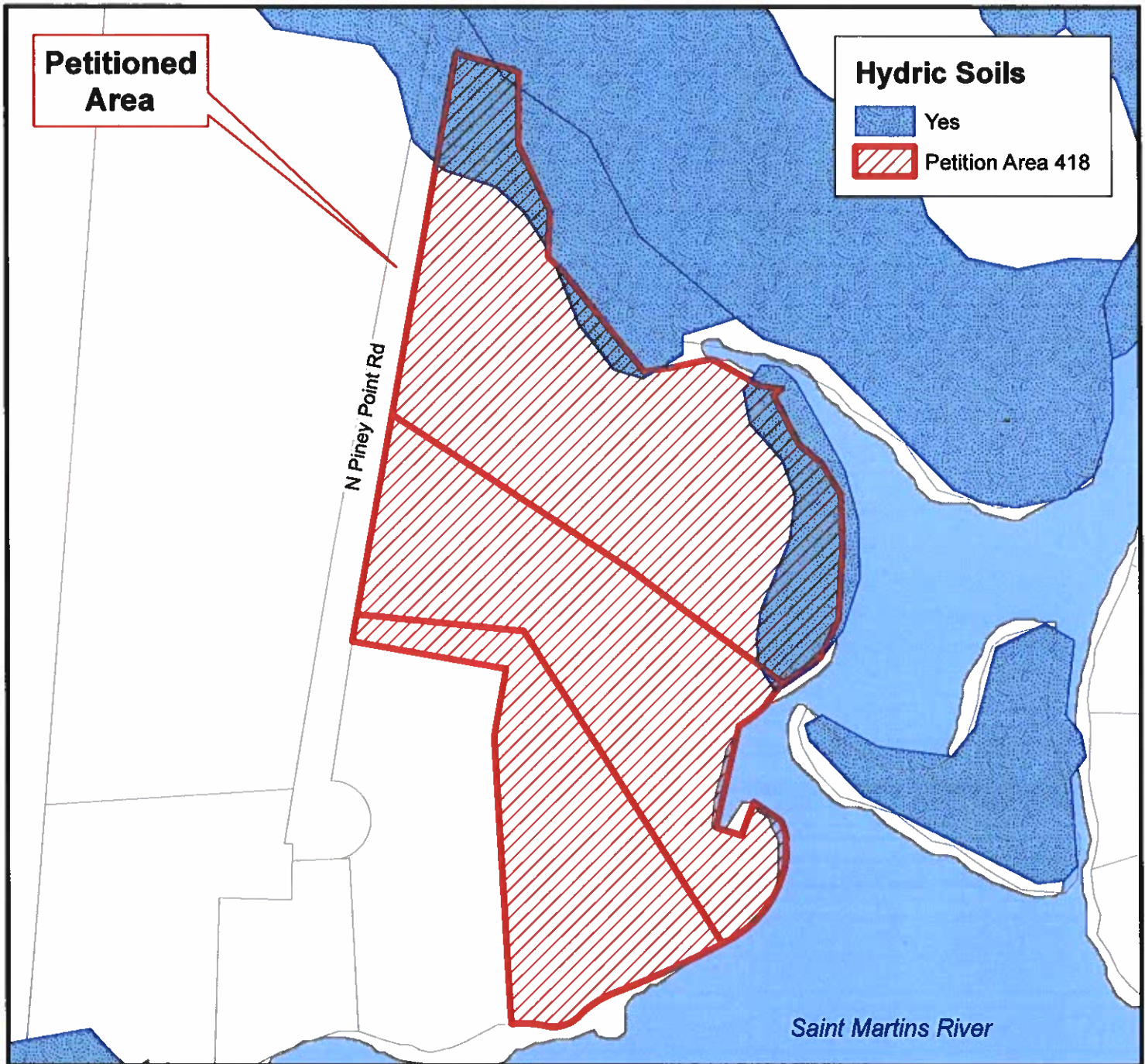


# WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 418  
E-1 Estatel District to I-1 Light Industrial District  
Tax Map: 10, Parcels 4, 171 and 304

## HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared December 2017

Source: 2007 Soil Survey and GIS Parcel Layer

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

Drawn By: KLH

Reviewed By: PHW



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  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICE DIVISION

MEMO

TO: Robert Mitchell, Director, Worcester County Environmental Programs  
Billy Birch, Director, Worcester County Emergency Services  
Matthew Crisafulli, Sheriff, Worcester County Sheriff's Office  
John H. Tustin, P.E., Director, Worcester County Public Works Department  
John Ross, P.E., Deputy Director, Worcester County Public Works Department  
Frank Adkins, Roads Superintendent, Worcester County Public Works Department  
Jeff McMahon, Fire Marshal, Worcester County Fire Marshal's Office  
Kathryn Gordon, Deputy Director, Economic Development  
Louis H. Taylor, Superintendent, Worcester County Board of Education  
James Meredith, District Engineer, Maryland State Highway Administration  
Lt. Earl W. Starnes, Commander, Barracks V, Maryland State Police  
Rebecca L. Jones, Health Officer, Worcester County Health Department  
Rob Clarke, State Forester, Maryland Forest Services  
Nelson D. Brice, District Conservationist, Worcester County Natural Resources Conservation Service  
David Collins, Fire Chief, Bishopville Volunteer Fire Department

FROM: Phyllis H. Wimbrow, Deputy Director *phw*

DATE: March 12, 2019

RE: Rezoning Case No. 418- Moore Boat, LLC/ Hugh Cropper, IV- Approximately 9.4 acres located on the east end of North Piney Point Road

\*\*\*\*\*

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application at a meeting in Summer 2019. This application seeks to rezone approximately 9.4 acres of land from E-1 Estate District to I-1 Light Industrial District. Uses allowed in the district include, but are not limited to, wholesale & service establishments, light

manufacturing and repair establishments, commercial marina and marine yards, industrial parks, bulk storage or wholesaling of fuels and other flammable liquids, and other similar uses.

This application was originally submitted in January 2018 and subsequently sent to you for comment at that time. However, the applicant's attorney, Hugh Cropper, IV, asked that the application be set aside while he sought to resolve certain issues. Mr. Cropper has now asked that the application be reactivated. Because so much time has passed, I felt it prudent to request that you review the case again and provide comment.

For your reference I have attached a copy of the rezoning application and location and zoning maps showing the property petitioned for rezoning.

The Planning Commission would appreciate any comments you or your designee might offer with regard to the effect that this application and potential subsequent development of the site may have on plans, facilities, or services for which your agency is responsible. ***If no response is received by MAY 15, 2019, the Planning Commission will have to assume that the proposed rezoning, in your opinion, will have no effect on your agency, that the application is compatible with your agency's plans, that your agency has or will have adequate facilities and resources to serve the proposed rezoning and its subsequent land uses and that you have no objection to the Planning Commission stating this information in its report to the Worcester County Commissioners. If I have not received your response by that date I will note same in the staff report I prepare for the Planning Commission's review.***

If you have any questions or require further information, please do not hesitate to call this office or email me at [pwimbrow@co.worcester.md.us](mailto:pwimbrow@co.worcester.md.us). On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments




# Worcester County

Department of Environmental Programs

## Memorandum

---

**To:** Phyllis Wimbrow, Deputy Director, DDRP

**From:** Robert J. Mitchell, LEHS   
Director, Environmental Programs

**Subject:** EP Staff Comments on Rezoning Case No. 418  
Worcester County Tax Map 10, Parcels 4, 171, and 304  
9.4 Acres E-1 Estate to I-2 Light Industrial District

**Date:** 5/14/19

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This response to your request for comments is prepared for the map amendment application associated with the above referenced property. The Worcester County *Zoning and Subdivision Control Article*, Section ZS1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning of the property or that a mistake has been made in the existing zoning classification. The application argues that there was a mistake in the Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009. The Code requires that the Commissioners find that the proposed "change in zoning" would be more desirable in terms of the objectives of the *Comprehensive Plan*.

The Department of Environmental Programs has the following comments:

1. The properties have both an Agricultural land use designation and a Existing Developed land use designation in the Land Use Map in the *Comprehensive Plan*. The existing developed portion of the three parcels is really confined to the southernmost portion along the waterfront areas where the existing structures are located on Parcels 171 and 304. The agricultural designation covers Parcel 4 in its entirety and extends through most of Parcel 304 and into the upper part of 171.
2. The subject properties have a designation of Sewer Service Category S-6 (no Planned Service) in the *Master Water and Sewerage Plan*.
3. Our well and septic records show the properties improved with existing individual well and septic for Parcels 304 and 171. Parcel 4 has an approved sewage reserve area. While there are limits, the onsite capacities should serve existing uses with some room for expansion of site uses in the future.

**Citizens and Government Working Together**



4. This proposed rezoning is located within the Atlantic Coastal Bays Critical Area (ACBCA). The parcels involved in this rezoning request were recently awarded a Growth Allocation request so all parcels are designated as Limited Development Area (LDA). The LDA designation does allow for industrial uses as long as all development standards as noted in NR 3-107(c)(1-10) are able to be met.
5. For all three parcels including the proposed rezoning, a 100 foot Critical Area Buffer has been established from the mean high water lines of tidal waters, the edge of the bank of tributary streams, and the landward extent of tidal wetlands. Any areas within the Buffer shall be maintained in natural vegetation and established if natural vegetation is not present throughout the Buffer. As part of the Growth Allocation award, the buffer will be planted and managed for invasive species.
6. We have attached the comments from the Critical Area Commission (CAC) on this case. They have reiterated the 15% lot coverage limit and noted they have no objections to the application.
7. If you have any questions on these comments, please do not hesitate to contact me.

Attachment

**Citizens and Government Working Together**

WORCESTER COUNTY GOVERNMENT CENTER 1 WEST MARKET STREET, ROOM 1306 SNOW HILL, MARYLAND 21863-1249  
TEL: 410-632-1220 FAX: 410-632-2012

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**

May 13, 2019

Ms. Jenelle Gerthoffer  
Worcester County Department of Environmental Programs  
One West Market Street – Room 1306  
Snow Hill, Maryland 21863

Re: Moore Boat, LLC  
Rezoning Application #418 (Revised)

Dear Ms. Gerthoffer:

Thank you for providing information on the proposed rezoning of approximately 9.4 acres within the Limited Development Area (LDA) from Estate District (E-1) to Light Industrial (I-1). The petitioned area is located on North Piney Point Road in Bishopville on Tax Map 10, Parcels 4, 171, and 304. Earlier this month, the Critical Area Commission approved a growth allocation request to convert 4.71 acres of Resource Conservation Area (RCA) to LDA on this property. The requested zoning change meets the requirements of the Critical Area law, including consistency with the existing Critical Area land classification of LDA; therefore, we do not have any objections to the application.

Please note that because the property is designated as LDA, it has a maximum of 15% lot coverage. If the property owner would like to increase the intensity of development on this property at a future date, growth allocation to change the designation to Intensely Developed Area (IDA) would be required, and an amendment to the County's Critical Area program would have to be made to allow alternative adjacency standards.

Please submit this letter to the Planning Commission as part of their record and notify the Commission in writing of the decision made in this case. If you have any questions or concerns, please call me at 410-260-3477.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn Durant".

Kathryn Durant  
Natural Resources Planner

File: WC 50-18

## Phyllis Wimbrow

---

**From:** Kathryn Gordon  
**Sent:** Wednesday, March 13, 2019 10:54 AM  
**To:** Phyllis Wimbrow  
**Subject:** Rezoning Cases 421 and 418

Good Morning Phyllis,

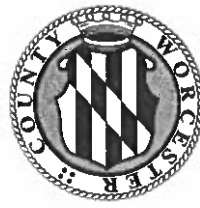
I have received and reviewed both rezoning cases referenced above and do not find anything that goes against my department's mission/plans.

Thank you and have a wonderful day!  
Kathryn



Kathryn Gordon  
Deputy Director  
Worcester County Economic Development  
100 Pearl Street, Suite B  
Snow Hill, Maryland 21863

P: 410.632.3112  
F: 410.632.5631  
C: 410.430.8776



**Worcester County**  
**DEPARTMENT OF PUBLIC WORKS**  
6113 TIMMONS ROAD  
SNOW HILL, MARYLAND 21863

**MEMORANDUM**

**TO:** Phyllis H. Wimbrow, Deputy Director  
**FROM:** Frank J. Adkins, Roads Superintendent (FA)  
**DATE:** March 18, 2019  
**RE:** Rezoning Case No. 418

.....

Upon review of the above referenced rezoning case, I offer the following comments:

**Rezoning Case 418:** No comments at this time.

Should you have any questions, please do not hesitate to contact me.

cc: John H. Tustin, P.E., Director

FJA/ll  
\\wcfiler2\users\llawrence\Rezoning\Rezoning Case 418.doc

JOHN H. TUSTIN, P.E.  
DIRECTOR

JOHN S. ROSS, P.E.  
DEPUTY DIRECTOR

TEL: 410-632-5623  
FAX: 410-632-1753

**DIVISIONS**

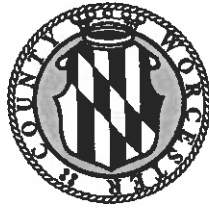
**MAINTENANCE**  
TEL: 410-632-3766  
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WASTEWATER**  
TEL: 410-641-5251  
FAX: 410-641-5185



Snow Hill (Main Office)  
410-632-1100  
Fax 410-632-0906

## Worcester County

HEALTH DEPARTMENT

P.O. Box 249 • Snow Hill, Maryland 21863-0249  
[www.worcesterhealth.org](http://www.worcesterhealth.org)

Rebecca L. Jones, RN, BSN, MSN  
Health Officer

### MEMORANDUM

To: Phyllis H. Wimbrow, Deputy Director

From: Edward Potetz, Director  
Environmental Health

Date: March 19, 2019

Re: Rezoning Case No. 418

-----  
This office has no objection to the proposed above-referenced rezoning case.

## Phyllis Wimbrow

---

**From:** April Mariner  
**Sent:** Tuesday, March 12, 2019 1:54 PM  
**To:** Phyllis Wimbrow  
**Subject:** FW: Request for Comment #418

*April L. Mariner*

Office Assistant IV  
Worcester County Development Review & Permitting  
[amariner@co.worcester.md.us](mailto:amariner@co.worcester.md.us)  
410-632-1200 x1172

---

**From:** Rob Clarke -DNR- [<mailto:rob.clarke@maryland.gov>]  
**Sent:** Tuesday, March 12, 2019 1:58 PM  
**To:** April Mariner  
**Subject:** Re: Request for Comment #418

Good Afternoon April,

I have no comments regarding this request.

Thanks,  
Rob Clarke

Sent from my iPad

On Mar 12, 2019, at 09:41, April Mariner <[amariner@co.worcester.md.us](mailto:amariner@co.worcester.md.us)> wrote:

Good Morning Mr. Clarke, this is a request for comment for Rezoning Case #418. It was previously submitted last year but placed on hold so we are re-requesting comments. Thank you in advance.

*April L. Mariner*

Office Assistant IV  
Worcester County Development Review & Permitting  
[amariner@co.worcester.md.us](mailto:amariner@co.worcester.md.us)  
410-632-1200 x1172

<Agency Memo for Rezoning Case #418.pdf>

**Phyllis Wimbrow**

---

**From:** Hugh Cropper [hcropper@bbcmlaw.com]  
**Sent:** Tuesday, March 05, 2019 4:06 PM  
**To:** Phyllis Wimbrow  
**Cc:** Jack Burbage; Leighton1@Seacrets.com; bob@rdhand.com; 'Chris McCabe'; frank lynch; Robert Mitchell  
**Subject:** Moore Boats, LLC

Mrs. Wimbrow:

On January 2, 2018, I filed an Application for Amendment of the Official Zoning Map with respect to Worcester County Tax Map 10, Parcels 4, 171, and 304, owned by Moore Boats, LLC. I requested a rezoning of the entire property (9.34 acres) to I-1, Light Industrial District. I believe that the application has been assigned Rezoning Case No. 418. I asked that the rezoning be placed on hold, as I pursued the Growth Allocation request.

The Growth Allocation will be the subject of a public hearing on April 2, 2019 before the Worcester County Commissioners.

At this time, on behalf of Moore Boats, LLC, I would like to proceed with Rezoning Case No. 418. If you require any additional information, please let me know.

Thank you, and have a great day.

Hugh Cropper IV  
Booth Booth Cropper & Marriner, P.C.  
9923 Stephen Decatur Highway, D-2  
Ocean City, Maryland 21842  
410-213-2681-Telephone  
[www.bbcmlaw.com](http://www.bbcmlaw.com)

This message may contain privileged or confidential information that is protected from disclosure. If you are not the intended recipient of this message, you may not disseminate, distribute or copy it. If you have received this message in error, please delete it and notify the sender immediately by reply email or by calling 410-213-2681. Thank you.

Worcester County Commissioners  
Worcester County Government Center  
One W. Market Street, Room 1103  
Snow Hill, Maryland 21863

PLEASE TYPE  
OR PRINT IN  
INK

**APPLICATION FOR AMENDMENT OF OFFICIAL ZONING MAP**

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

Rezoning Case No. 418

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

Date Received by Development, Review and Permitting: (Rec'd 12/4/17) 1/2/18

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

I. Application

Proposals for amendment of the Official Zoning Maps may be made only by a governmental agency or by the property owner, contract purchaser, option holder, leasee, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. \_\_\_\_\_ Governmental Agency  
B. \_\_\_\_\_ Property Owner  
C. \_\_\_\_\_ Contract Purchaser  
D. \_\_\_\_\_ Option Holder  
E. \_\_\_\_\_ Leasee  
F. XXX Attorney for B (Insert A, B, C, D, or E)  
G. \_\_\_\_\_ Agent of \_\_\_\_\_ (Insert A, B, C, D, or E)

II. Legal Description of Property

- A. Tax Map/Zoning Map Number(s): 10  
B. Parcel Number(s): 4, 171, and 304  
C. Lot Number(s), if applicable: \_\_\_\_\_  
D. Tax District Number: 5

III. Physical Description of Property

- A. Located on the East side of North Piney Point Road  
approximately \_\_\_\_\_ to the \_\_\_\_\_ of \_\_\_\_\_  
B. Consisting of a total of 9.4 acres of land.

P. 4 4.47 acs.  
P. 171 2.01 acs.  
P. 304 2.92 acs.



- C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area:
- 

- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and such other information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): E-1, Estate District  
(Name and Zoning District)
- B. Acreage of zoning classification(s) in "A" above: 9.4 acres
- C. Requested zoning classification(s): L-1, Light Industrial District  
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: 9.4 acres

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- A. Please list reasons or other information as to why the rezoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:

Please see attached


IV. Filing Information and Required Signatures

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


owner or the property owner's attorney.

2. If the applicant is a corporation, the names and mailing addresses of the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of all partners who own more than 20 percent of the interest of the partnership.
4. If the applicant is an individual, his/her name and mailing address.
5. If the applicant is a joint venture, unincorporated association, real estate investment trust or other business trust, the names and mailing addresses of all persons holding an interest of more than 20 percent in the joint venture, unincorporated association, real estate investment trust or other business trust.

B. Signature of Applicant in Accordance with VI.A. above.

Signature:   
Printed Name of Applicant: Hugh Cropper, IV, Attorney for Moore Boat, LLC  
Mailing Address: 9923 Stephen Decatur Hwy., D-2, Ocean City,  
MD 21842 Phone Number: 410-213-2681  
E-Mail: hcropper@bbcmllaw.com  
Date: November 30, 2017

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

Signature:   
Printed Name of Owner: Moore Boat, LLC, Leighton Moore, Managing Member  
Mailing Address: 12303 N. Piney Point Road, Bishopville, MD  
21813  
Phone Number: 410-524-4900  
E-Mail: Leighton1@Seacrets.com  
Date: November 30, 2017

(Please use additional pages and attach to application if more space is required.)

VII. General Information Relating to the Rezoning Process

- A. Applications shall only be accepted from January 1<sup>st</sup> to January 31<sup>st</sup>, May 1<sup>st</sup> to May 31<sup>st</sup>, and September 1<sup>st</sup> to September 30<sup>th</sup> of any calendar year.
- B. Applications for map amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- C. Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for the purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.

The Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within 90 days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners.

After receiving the recommendation of the Planning Commission concerning any such amendment, and before adopting or denying same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing.

- D. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Commissioners shall make findings of fact in each specific case including but not limited to the following matters:

population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development and existing environmental conditions for the area, including no adverse impact on waters included on the State's Impaired Waters List or having an established total maximum daily load requirement, the recommendation of the Planning Commission, and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that (a) there a substantial change in the character of the neighborhood where the property is located since

the last zoning of the property, or (b) there is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth above shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.

- E. No application for map amendment shall be accepted for filing by the office of the County Commissioners if the application is for the reclassification of the whole or any part of the land for which the County Commissioners have denied reclassification within the previous 12 months as measured from the date of the County Commissioners' vote of denial. However, the County Commissioners may grant reasonable continuance for good cause or may allow the applicant to withdraw an application for map amendment at any time, provided that if the request for withdrawal is made after publication of the notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of such withdrawal, unless the County Commissioners specify by formal resolution that the time limitation shall not apply.

**ATTACHMENT IN SUPPORT OF REZONING APPLICATION,**  
**MOORE BOAT, LLC**

**INTRODUCTION**

Moore Boat, LLC, a Maryland Limited Liability Company, by its attorney, Hugh Cropper IV, respectfully submits the following in support of its Application for Amendment of Official Zoning Map:

**REASONS WHY REZONING IS REQUESTED**

This Application for Amendment of Official Zoning Map is based upon a mistake in the November 3, 2009 Comprehensive Rezoning.

The subject property is three (3) separate parcels, consisting of a total of 9.4 acres of land, located at the east end of North Piney Point Road, in Bishopville, Maryland.

Walter J. Hudson acquired the original waterfront parcel, over one hundred (100) years ago, on January 5, 1894. After Mr. Hudson's death, his wife, Eva Hudson, conveyed the property to their son, also Walter Hudson, on June 26, 1940. Subsequently, 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 parcels, for a total of 9.4 acres.

The property remained in the Hudson family from 1894 until September 30, 2005, when it was sold.

Walter J. Hudson, Jr. was in the boat repair/maintenance/construction business. Mr. Hudson operated Hudson's Marine Railway for many, many years.

Back in the 1960's, 70's, and 80's, the business was very active. Large

boats were pulled from the St. Martins River by a frame on an actual railway, which backed down into the water. Large boats travelled to this location to be pulled out for many, many years.

Virtually the entire property was covered with the storage of boats. These boats were maintained, the bottoms were painted, engines repaired, etc.

Mr. Hudson was also in the boat building business. Mr. Hudson built numerous boats on the property. These boats ranged in size from Chincoteague scows, to sportfishing vessels.

Mr. Hudson provided heavy repairs for vessels. Mr. Hudson and his son repaired all types of boat damage, specifically fiberglass work. They replaced propellers, shafts, rudders, etc.

Mr. Hudson also had a retail business on the property. He sold bottom paint, zincs, boat parts, etc.

Boats were frequently moored at the property.

The use of the marine railway became antiquated, and Mr. Hudson purchased a travel lift. The travel lift is a large structure on tires, which lifts boats from the water with large straps. It was not unusual for Mr. Hudson to lift 50 or 60 foot vessels out of the water for maintenance and repair.

Mr. Hudson's business of pulling boats from the water, and storing them for the winter, began to suffer when Sunset Marina and Ocean City Fishing Center opened in West Ocean City, and both businesses installed travel lifts. It simply wasn't practical for large boats to travel up the St. Martin's River, when they could be pulled in West Ocean City. However, Mr. Hudson's repair and

maintenance business remained vibrant. He also continued to build boats, typically wooden vessels reinforced with fiberglass cloth and resin.

Mr. Hudson discontinued the operation in 2005 when he sold the property.

Moore Boat, LLC acquired the property on September 12, 2008, and took over the fabrication and maintenance of boats. Moore Boat, LLC constructed and repaired boats at the property. This was an active business as of November 3, 2009, the date of the Comprehensive Rezoning.

Back in 2008 – 2009, it was contemplated that the property would be developed as residential. This was the growing trend during the real estate boom, at that time. As a result, the Worcester County Commissioners mistakenly (albeit in good faith) designated the property as E-1, Estate District, which provided for two (2) acre lots.

The E-1, Estate District zoning was a mistake for several reasons. Most importantly, it created a non-conforming use. The property was being utilized for boat fabrication, repair, maintenance, and storage. This is not permitted in the E-1, Estate District.

The property is in the Critical Area, which has a one (1) per twenty (20) acre residential density. The E-1 Estate District zoning was inapplicable and inconsistent, because it provided for one (1) per two (2) acre density.

At the time (and today), there was a strong need for boat fabrication and repair facilities.

Therefore, the applicant asserts a mistake in the November 3, 2009 Comprehensive Rezoning. The property should have been zoned consistent

with the use of many, many years.

The L-1, Light Industrial zone, provides for commercial marinas and marine yards, including fueling, boat launching and recovery, dry storage of seaworthy boats and operable condition, maintenance facilities for all types of hull, deck, and interior repairs and painting and boat construction. This is precisely the use of the property for many, many years.

With respect to the Comprehensive Plan, the property is designated as Existing Developed Area ("EDA"). The EDA designation provides for in-fill development. The continuation and expansion of the existing marine yard would be consistent with the in-fill development.

The property is appropriate for all of the uses in the L-1, Light Industrial District, including storage. Historically, paint, fuel, fiberglass resin, and other chemicals have been stored at the property for probably fifty (50) years.

Under the terms of the Comprehensive Plan, the L-1, Light Industrial District zoning is more appropriate.

Respectfully submitted,



---

Hugh Cropper IV  
Attorney for Moore Boat, LLC





# Worcester County

Department of Environmental Programs

## Memorandum

---

**To:** Phyllis Wimbrow, Deputy Director, DDRP

**From:** Robert J. Mitchell, LEHS  
Director, Environmental Programs

**Subject:** EP Staff Comments on Rezoning Case No. 418  
Worcester County Tax Map 10, Parcels 4, 171, and 304  
9.4 Acres E-1 Estate to I-2 Light Industrial District

**Date:** 2/28/18

---

This response to your request for comments is prepared for the map amendment application associated with the above referenced property. The Worcester County *Zoning and Subdivision Control Article*, Section ZS1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning of the property or that a mistake has been made in the existing zoning classification. The application argues that there was a mistake in the Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009. The Code requires that the Commissioners find that the proposed "change in zoning" would be more desirable in terms of the objectives of the *Comprehensive Plan*.

The Department of Environmental Programs has the following comments:

1. The properties have both an Agricultural land use designation and a Existing Developed land use designation in the Land Use Map in the *Comprehensive Plan*. The existing developed portion of the three parcels is really confined to the southernmost portion along the waterfront areas where the existing structures are located on Parcels 171 and 304. The agricultural designation covers Parcel 4 in its entirety and extends through most of Parcel 304 and into the upper part of 171.
2. The subject properties have a designation of Sewer Service Category S-6 (no Planned Service) in the *Master Water and Sewerage Plan*.
3. Our well and septic records show the properties improved with existing individual well and septic for Parcels 304 and 171. Parcel 4 has an approved sewage reserve area.
4. This proposed rezoning is located within the Atlantic Coastal Bays Critical Area (ACBCA). The property is designated as both Limited Development Area (LDA) and

**Citizens and Government Working Together**

Resource Conservation Area (RCA). The RCA designated area of the parcel does not allow for new commercial activities to be established. Any proposed industrial development must be located outside the RCA. According to NR 3-108(4), *existing* commercial, industrial, or institutional uses shall be allowed in the RCA. Under NR 3-108(5), new commercial, industrial, or institutional uses shall not be permitted in the RCA and additional land may not be zoned for those uses, unless said use falls under allowances made in NR 3-108(d) or a growth allocation is awarded.

5. Areas within the LDA portion of the two parcels (304 and 171) could allow for industrial uses if all development standards are able to be met.
6. For all three parcels including the proposed rezoning, a 100 foot Critical Area Buffer will be established from the mean high water line of tidal waters, the edge of the bank of tributary streams, and the landward extent of tidal wetlands. Expansion of the Buffer beyond 100 feet will occur if contiguous sensitive areas, as noted in NR 3-104(c)(2), are present. Any areas within the Buffer shall be maintained in natural vegetation and established if natural vegetation is not present throughout the Buffer. The only lot coverage that can occur in the 100 foot buffer, without a variance, is lot coverage that was permitted pre-Critical Area.
7. We have attached the comments from the Critical Area Commission (CAC) on this case. They have recommended denial of the application because the requested zoning change does not meet the requirements of the Critical Area law, including consistency with the existing Critical Area land classification (RCA). Their main points include:
  - a. While the proposed I-1 zoning could possibly be changed for portions of the parcels with LDA designation, the lot coverage limitation of 15% would most likely preclude any expansion of the existing use on these parcels.
  - b. They are of the opinion that the mapping mistake for this zoning change is prohibited based on Critical Area law and regulations.
  - c. The only option they see to increase the intensity of the development on these parcels is through the use of a growth allocation.
  - d. If the growth allocation is pursued, an amendment to our Critical Area program would also have to be made to allow alternative adjacency standards.

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

Attachment

**Citizens and Government Working Together**

WORCESTER COUNTY GOVERNMENT CENTER    1 WEST MARKET STREET, ROOM 1306    SNOW HILL, MARYLAND 21863-1249  
TEL: 410-632-1220    FAX: 410-632-2012

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**  
1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338  
[dnr.maryland.gov/criticalarea/](http://dnr.maryland.gov/criticalarea/)

February 14, 2018

Ms. Joy Birch  
Dept. of Environmental Programs  
Worcester County Government  
Room 1306  
1 West Market St. Snow Hill, MD 21863

Re: Moore Boat, LLC  
Rezoning Application #418

Dear Ms. Birch:

Thank you for providing information on the proposed rezoning of 8.2 acres within the Resource Conservation Area (RCA) and Limited Development Area (LDA) from Estate District (E-1) to Light Industrial (I-1). The petitioned area is located on North Piney Point Road in Bishopville on Tax Map 10, Parcels 4, 171 and 304. A portion of Parcels 148 and 219 are located within the Critical Area and mapped RCA. Parcel 4 is 5.5 acres entirely in the RCA; Parcels 304 and 171 are comprised of both RCA and LDA. The requested zoning change does not meet the requirements of the Critical Area law, including consistency with the existing Critical Area land classification; therefore we recommend denial of the application.

**Applicant's Petition**

The applicant is arguing that a mapping mistake was made in the 2009 Comprehensive Rezoning. In order to approve a zoning map amendment on the basis of mistake in the existing zoning, a local jurisdiction must determine that the change is wholly consistent with the Critical Area land classification (Natural Resources Article 8-1809(h)(2)). New commercial and industrial uses are prohibited in the RCA, unless the use is explicitly authorized under a local program amendment approved by the Critical Area Commission. The Light Industrial zone is clearly not consistent with the RCA classification as evidenced by the description of this zone in the County's zoning code as being intended to provide for business and industry, characterized by light manufacturing, warehousing and wholesale distribution and which allows commercial marinas and marine yards. COMAR 27.01.02.05 (6) states that "*additional industrial or commercial facilities may not be located in the resource conservation area unless the use is authorized by a local program.*" Therefore, the proposed rezoning may not be approved within any area of RCA.

Ms. Joy Birch  
Moore Boat, LLC  
February 14, 2018  
Page Two

The existing use of boat fabrication, repair, and maintenance is located predominately, though not entirely, on the LDA portion of the petitioned area. While the I-1 zoning could possibly be changed for portions of the parcels with LDA designation, the lot coverage limitation of 15% would most likely preclude any expansion of this business on these parcels.

#### **Mapping Change Through Growth Allocation**

This office is of the opinion that a mapping mistake to change the petitioned parcel from Estate District to Light Industrial District in the RCA is prohibited based on the Critical Area Law and Critical Area regulations referenced above. It appears that the only option to increase the intensity of development on this property is through the use of growth allocation. If the property owner and the County want to pursue this avenue, all growth allocation standards would have to be met. An amendment to the County's Critical Area program would also have to be made to allow alternative adjacency standards.

Please submit this letter to the Planning Commission as part of their record and notify the Commission in writing of the decision made in this case. You may contact me at 410-260-3482 with any questions or concerns.

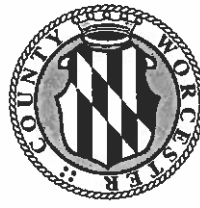
Sincerely,



M. Claudia Jones  
Science Advisor  
WC 50-18

---

<sup>1</sup>The character of the land surrounding the petitioned parcel was considered at the time of the original mapping for the Atlantic Coastal Bays Critical Area Program. Worcester County was required to designate all lands as either Intensely Developed Area (IDA), Limited Development Area (LDA) or RCA based on existing land uses and development. The IDA mapping designation applied to developed areas where residential, commercial, institutional, and/or industrial uses predominated had a density of at least four dwellings per acres, or, public sewer with a lower density, relatively little natural habitat, and were at least 20 acres in size. A Limited Development designation applied to those areas that were developed in low or moderate intensity uses and were not dominated by agriculture wetlands, forests, etc. Resource Conservation Areas were specifically defined as those areas characterized by nature-dominated environments and resource utilization activities with a density of less than one dwelling unit per 5 acres. The RCA and LDA portions of the petitioned area were correctly mapped based on the mapping criteria.



**Worcester County**  
**DEPARTMENT OF PUBLIC WORKS**  
6113 TIMMONS ROAD  
SNOW HILL, MARYLAND 21863

**JOHN H. TUSTIN, P.E.**  
DIRECTOR

**JOHN S. ROSS, P.E.**  
DEPUTY DIRECTOR

TEL: 410-632-5623  
FAX: 410-632-1753

**MEMORANDUM**

**DIVISIONS**

**MAINTENANCE**  
TEL: 410-632-3766  
FAX: 410-632-1753

**ROADS**  
TEL: 410-632-2244  
FAX: 410-632-0020

**SOLID WASTE**  
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FAX: 410-632-3000

**FLEET  
MANAGEMENT**  
TEL: 410-632-5675  
FAX: 410-632-1753

**WATER AND  
WASTEWATER**  
TEL: 410-641-5251  
FAX: 410-641-5185

**TO: Phyllis H. Wimbrow, Deputy Director, DRP**  
**FROM: John H. Tustin, P.E., Director**  
**DATE: January 12, 2018**  
**SUBJECT: Rezoning Case No. 418 – N. Piney Point Road**

.....  
As requested, I have had the opportunity to review the attached document from your office, dated January 8, 2018, and offer no comments on the rezoning proposal.

Should you have any questions/concerns please feel free to contact me.

Attachment



**Worcester County**  
**DEPARTMENT OF PUBLIC WORKS**  
6113 TIMMONS ROAD  
SNOW HILL, MARYLAND 21863

**MEMORANDUM**

**TO:** Phyllis H. Wimbrow, Deputy Director  
**FROM:** Frank J. Adkins, Roads Superintendent (FA)  
**DATE:** January 30, 2018  
**RE:** Rezoning Case No. 418

.....

Upon review of the above referenced rezoning case, I offer the following comments:

**Rezoning Case 418:** No comments at this time.

Should you have any questions, please do not hesitate to contact me.

cc: John H. Tustin, P.E., Director

FJA/l  
\\wfile2\users\llawrence\Rezoning\Rezoning Case 418.doc

JOHN H. TUSTIN, P.E.  
DIRECTOR

JOHN S. ROSS, P.E.  
DEPUTY DIRECTOR

TEL: 410-632-5623  
FAX: 410-632-1753

**DIVISIONS**

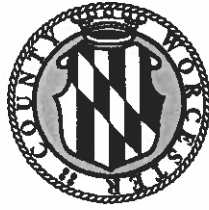
**MAINTENANCE**  
TEL: 410-632-3766  
FAX: 410-632-1753

**ROADS**  
TEL: 410-632-2244  
FAX: 410-632-0020

**SOLID WASTE**  
TEL: 410-632-3177  
FAX: 410-632-3000

**FLEET  
MANAGEMENT**  
TEL: 410-632-5675  
FAX: 410-632-1753

**WATER AND  
WASTEWATER**  
TEL: 410-641-5251  
FAX: 410-641-5185



## Worcester County

HEALTH DEPARTMENT


P.O. Box 249 • Snow Hill, Maryland 21863-0249  
www.worcesterhealth.org

Snow Hill (Main Office)  
410-632-1100  
Fax 410-632-0906

Rebecca L. Jones, RN, BSN, MSN  
Health Officer

### MEMORANDUM

To: Phyllis H. Wimbrow, Deputy Director

From: Edward Potetz, Director   
Environmental Health

Date: January 19, 2018

Re: Rezoning Case No. 418

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This office has no objection to the proposed above-referenced rezoning case.

## Phyllis Wimbrow

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**From:** April Mariner  
**Sent:** Monday, January 08, 2018 12:13 PM  
**To:** Phyllis Wimbrow  
**Subject:** FW: Rezoning Case #418

*April L. Mariner*

Office Assistant III  
Worcester County Development Review & Permitting  
[amariner@co.worcester.md.us](mailto:amariner@co.worcester.md.us)  
410-632-1200 x1172

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**From:** Rob Clarke -DNR- [<mailto:rob.clarke@maryland.gov>]  
**Sent:** Monday, January 08, 2018 12:03 PM  
**To:** April Mariner  
**Subject:** Re: Rezoning Case #418

April,

Happy New Year!

I have no comments on this rezoning request.

 <p>CHANGING Maryland <i>for the Better</i></p>  <p><a href="http://dnr.maryland.gov">dnr.maryland.gov</a></p>	<p><b>Rob Clarke</b></p> <p>Acting Project Manager Maryland Forest Service Department of Natural Resources 10990 Market Lane Princess Anne, MD 21853-2910 Office: 410-651-2004 Mobile: 443-235-1636 <a href="mailto:Rob.Clarke@Maryland.gov">Rob.Clarke@Maryland.gov</a></p>
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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  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICE DIVISION

MEMO

TO: Robert Mitchell, Director, Worcester County Environmental Programs  
Fred Webster, Director, Worcester County Emergency Services  
Reggie Mason, Sheriff, Worcester County Sheriff's Office  
John H. Tustin, P.E., Director, Worcester County Public Works Department  
John Ross, P.E., Deputy Director, Worcester County Public Works Department  
Frank Adkins, Roads Superintendent, Worcester County Public Works Department  
Jeff McMahon, Fire Marshal, Worcester County Fire Marshal's Office  
Merry Mears, Director, Economic Development  
Louis H. Taylor, Superintendent, Worcester County Board of Education  
James Meredith, District Engineer, Maryland State Highway Administration  
Lt. Earl W. Starnes, Commander, Barracks V, Maryland State Police  
Rebecca L. Jones, Health Officer, Worcester County Health Department  
Rob Clarke, State Forester, Maryland Forest Services  
Nelson D. Brice, District Conservationist, Worcester County Natural Resources Conservation Service  
David Collins, Fire Chief, Bishopville Volunteer Fire Department

FROM: Phyllis H. Wimbrow, Deputy Director *PHW*

DATE: January 8, 2018

RE: Rezoning Case No. 418- Moore Boat, LLC/ Hugh Cropper, IV- Approximately 9.4 acres located on the east end of North Piney Point Road

\*\*\*\*\*

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application at a meeting in Mid- 2018. This application seeks to rezone approximately 9.4 acres of land from E-1 Estate District to I-1 Light Industrial District. Uses allowed in the district include, but are not limited to, wholesale & service establishments, light

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manufacturing and repair establishments, commercial marina and marine yards, industrial parks, bulk storage or wholesaling of fuels and other flammable liquids, and other similar uses.

For your reference I have attached a copy of the rezoning application and location and zoning maps showing the property petitioned for rezoning.

The Planning Commission would appreciate any comments you or your designee might offer with regard to the effect that this application and potential subsequent development of the site may have on plans, facilities, or services for which **your** agency is responsible. ***If no response is received by MARCH 1, 2018, the Planning Commission will have to assume that the proposed rezoning, in your opinion, will have no effect on your agency, that the application is compatible with your agency's plans, that your agency has or will have adequate facilities and resources to serve the proposed rezoning and its subsequent land uses and that you have no objection to the Planning Commission stating this information in its report to the Worcester County Commissioners. If I have not received your response by that date I will note same in the staff report I prepare for the Planning Commission's review.***

If you have any questions or require further information, please do not hesitate to call this office or email me at [pwimbrow@co.worcester.md.us](mailto:pwimbrow@co.worcester.md.us). On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments