

**WORCESTER COUNTY PLANNING COMMISSION  
AGENDA**

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

Although the Government Center remains closed to the public, this meeting will be held in-person. Masks will be required for all in attendance and social distancing regulations will be enforced.

**Thursday, July 2, 2020**

Est. Time

- |           |      |   |
|-----------|------|---|
| 1:00 P.M. | I.   | Call to Order   |
| 1:00 P.M. | II.  | Administrative Matters  |
|           | A.   | Review and approval of minutes –June 4, 2020  |
|           | B.   | Board of Zoning Appeals agendas –July 9, 2020   |
| 1:00 P.M. | III. | MALPF Application Review  |
|           | A.   | <u>Re-applications:</u>   |
|           |      | <ul style="list-style-type: none"><li>• Fair, Freddie and Fay; TM 93, Grid 16, P 41; W side Steel Pond Rd, Stockton; 102.0 acres</li><li>• Gross, Mark; TM 32, Grid 16, P 217; Harrison Road, Berlin; 210.13 acres</li><li>• Holland, Glenn and Jean; TM 100, Grid 1, P 6, 55, 84; Colona and New Bridge Roads; 53.81 acres</li><li>• Wilkins, Tom et al; TM 77, Grid 5, P 102; Route 364; 139.9713 acres</li></ul> |
|           | B.   | <u>New Applications:</u>  |
|           |      | <ul style="list-style-type: none"><li>• Aberdeen Farm, LLC; TM 92, Grid 3, Parcel 69; 2836 Sheephouse Road, Pocomoke City; 144.93 acres</li><li>• Lambertson, Jason and Kelly; TM 92, Grid 4, P 8; 3105 Sheephouse Road, Pocomoke City; 74.821 acres</li></ul>  |
| 1:15 P.M. | IV.  | §ZS 1-325 Site Plan Review  |
|           | A.   | Frontier Town Campground Expansion Phase II – Proposed addition of 112 campsites and associated amenities within the campground, located on the easterly side of Stephen Decatur Hwy. (MD Route 611), approximately 705 feet north of Assateague Road, Tax Map 33, Parcel 94, Tax District 10, A-2 Agricultural   |

District, Sun TRS Frontier, LLC., owner/ Hugh Cropper IV,  
Esquire, attorney/ Atwell Group, engineer;

- 1:25 P.M.      V.      Water and Waste Water Amendment
- A.      Amendment of the Worcester County Comprehensive Plan for Water and Sewerage Systems—Request to expand the Mystic Harbour Sanitary Service Area to include the properties known as Worcester County Tax Map 26, Parcels 168, 252, 295, in West Ocean City, MD. The proposed amendment seeks to expand the Mystic Harbour Sewer Planning Area to include the properties and change the planning area designation of the properties to an S-1 (immediate to 2 years) designation within the Mystic Harbour Sewer Planning Area. The applicant is planning a residential development. Steve Engel is the applicant on behalf of the owner, Steve Hoffman. Case No. SW-2020-04.
- 1:30 P.M.      VI.      Map Amendment
- A.      Rezoning Case No. 425 – Daniel Strickland Hope and Jana P. Hope, applicant/ Hugh Cropper, IV, attorney – southerly side of Nassawango Road to west of MD Route 12, northwest of Snow Hill – 54.7 Acres – RP Resource Protection District to A-1 Agricultural District;
- 1:40 P.M.      VII.      Election of Officers
- 1:40 P.M.      VIII.      Miscellaneous
- 1:40 P.M.      IX.      Adjourn

**Worcester County Planning Commission  
Meeting Minutes**

**Meeting Date:** June 4, 2020

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

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

**Attendance:**

**Planning Commission**

Mike Diffendal, Chair

Jay Knerr, Vice Chair

Marlene Ott

Rick Wells

Betty Smith

Jerry Barbierri

**Staff**

Roscoe Leslie, County Attorney

Ed Tudor, Director

Phyllis Wimbrow, Deputy Director

Jennifer Keener, Zoning Administrator

Jessica Edwards, Customer Service Representative

Robert Mitchell, Director of Environmental Programs

Weston Young, Asst. CAO

**I. Call to Order**

**II. Administrative Matters**

**A. Review and approval of minutes – May 7, 2020** — As the next item of business, the Planning Commission reviewed the minutes of the May 7, 2020 meeting. Following the discussion, it was moved by Ms. Ott, seconded by Mr. Knerr, and carried unanimously to approve the minutes as submitted.

**B. Board of Zoning Appeals agenda, June 11, 2020**— As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals hearing scheduled for June 11, 2020. Mrs. Keener was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

**III. §ZS 1-325 Site Plan Review – Mad Fish Restaurant Waiver request**

As the next item of business, the Planning Commission reviewed a loading space waiver request associated with the proposed redevelopment of the Mad Fish restaurant. The overall project consists of the construction of a 13,775 square foot restaurant with outdoor dining and an off-premise parking area, located on the north and south sides of Harbor Road, east of First Street, Tax Map 27, Parcel 376, 374 & 388, Lots 44, 2 & 3, Tax District 10, CM Commercial Marine and C-2 General Commercial Districts. Cole Taustin, owner, Eddie Johnson, manager, Hugh Cropper, IV, Esquire, Keith Iott, architect, and Mike Gershenfeld, Sysco Eastern Maryland, LLC, were present for the review. Mr. Cropper stated that in order to meet the 10% on-site parking requirements, they have to request a waiver to the 10' by 65' loading space requirement as required by the Zoning Code. If the Planning Commission were to do so, as a condition the applicant would replace it with an 11' by 46' 1.5" loading space/ dock, available during the morning hours.

Mr. Cropper provided the history of the previous restaurant prior to the fire and proposed redevelopment. He noted that the former Captains Galley restaurant had 495 seats, Mad Fish

restaurant upon renovations had 450 seats, and the new proposal when built out will provide 400 seats. In comparing the square footage of the original versus the proposed building, the former building contained 2,225 square feet more than what is currently proposed. Overall, Mr. Cropper requested that the Planning Commission waive the formal loading space and accept the modified plan.

Mr. Taustin stated that the parking spaces will have “No Parking” signage in front of them with the hours stipulated from close of business to 11:30 A.M. the next day. The manager would coordinate all deliveries. Mr. Cropper asked how long Mr. Taustin’s family had been in the restaurant business, and he stated 75 years. In addition, Mr. Taustin stated that the layout will be much better than what it was before, when deliveries were occurring in the parking lot or in the County road with hand carts. With respect to the design, Mr. Iott stated that the delivery vehicle will approach from the east and back into the loading space; once they do they will have the extra width to allow for maneuverability into the dock. A drop gate will be used to off-load the product, with a 6’ 9” wide dock for circulation. According to the testimony, this design will allow deliveries to take much less time.

Mr. Cropper reiterated that they are asking a waiver for the loading space, with the condition that they provide a modified loading space and signage at the two parking spaces. Mr. Gershenfeld stated that he is employed with Sysco as the President and COO. Has been with them for nearly 30 years, and provides product to the majority of the restaurants in the area (including the former Mad Fish). Relative to the hours of delivery, he noted that they can definitely provide service prior to 11:30 A.M. Mr. Gershenfeld stated that the plan will bring a significant level of safety for his personnel and vehicles by being able to load onto a dock. He said that it will reduce delivery time by 50%, increase the safety of the product by delivering it to the kitchen faster, and provide much more safety to his team. He agreed that even if the restaurant were to be sold in the future, that same level of service can be provided to any future owners. Mr. Gershenfeld stated that the dock itself increases productivity, so it will take precedence for deliveries.

Mr. Diffendal stated that Mr. Barbierri had recused himself from this review as he is currently employed by Sysco.

Mr. Knerr inquired about the building elevations and the fact that the architectural plans showed a gate in front of the loading dock, where the site plan did not. Mr. Iott stated that they will be removing the gate from the elevation sheet as a gate makes it difficult operationally.

Following the discussion, a motion was made by Mr. Knerr, seconded by Ms. Ott and carried unanimously to grant the waiver with the following condition:

1. The 11’ by 46’ 1.5” loading space/ dock as proffered by the applicant shall be provided; and
2. Signage shall be provided in front of the two parking spaces prohibiting parking between the hours of 3 A.M. to 11:30 A.M.

#### **IV. Text Amendment**

As the next item of business, the Planning Commission reviewed a proposed text amendment request to include the E-1 Estate District as one of the zoning districts in which a home occupation may be in an accessory building of up to 3,000 square feet in gross floor area. Currently, this is limited to the A-1 and A-2 Agricultural Districts on parcels of greater than 80,000 square feet in area.

Mr. Mark Cropper, Esquire was present for the review. He noted that he is seeking to amend the section of the code to allow the E-1 Estate District to have the same development ability as those currently allowed on an A-1 or A-2 zoned property. He agreed fully with staff that the E-1 Estate District was supposed to be eliminated, and that this amendment will mirror the existing language. Mr. Cropper stated that while a text amendment is not site specific, obviously his client has property in the E-1 District that happens to be surrounded by A-1 and A-2 zoned properties. He said that his client should not be treated any different because the property is zoned E-1 Estate District.

Mr. Diffendal allowed the public to comment. Kathy Phillips with Assateague Coastal Trust was present and stated that she wanted to note that while she is aware that the Comprehensive Plan suggested the elimination of the E-1 zoning district, there has never been another comprehensive discussion on the way that the E-1 district should be rezoned since 2009. She stated that text amendments while seemingly general in nature, have been proposed as a result of a particular situation. She said that there has been no discussion with respect to sea level rise, storm inundation, and climate change in text amendments. She noted that when the Comprehensive Plan was written, those items were identified as significant issues, and the E-1 zoned properties are typically found in those low-lying areas. Overall, she wanted more than a piecemeal discussion on the E-1 Estate District uses, and suggested that other zoning districts (even ones not currently in the code) may be better suited.

Mr. Cropper responded that he would welcome another comprehensive review of the zoning maps and the code with respect to the items of her concern, but feels that in this matter, they are not directly specific to the request at hand.

Following the discussion, a motion was made by Mr. Barbierri, seconded by Ms. Ott, and carried unanimously to forward a favorable recommendation to the Worcester County Commissioners.

#### **V. Water and Sewer Plan Amendment, No. SW 2020-02**

As the next item of business, the Planning Commission reviewed an application associated with the addition of certain informational items in the Master Water and Sewerage Plan (The Plan) for the Mystic Harbour Sanitary Service (SW 2020-02). Robert Mitchell, Director of Environmental Programs, appeared on behalf of the applicant, the Worcester County Commissioners, and presented the staff report to the Planning Commission.

Mr. Mitchell explained that the applicant is requesting a revision of the EDU sewer allocation table for new capacity in the Mystic Harbour Sewer Planning Area in The Plan. This revision is

to provide sewer sanitary capacity to serve a proposed 112 campsite expansion of the Frontiertown Campground. He explained that the Sewer EDU Allocation Table was included in the state's modified approval of a prior amendment to The Plan. Since the EDUs are coming from the North Area to the South Area, the EDU chart must be revised. Mr. Mitchell stated that the County Commissioners have tentatively allocated the EDUs for this expansion, pending the submittal of this amendment and the upcoming public hearing on the project. The amendment would modify the Allocation of Sewer EDUs (table) in the Mystic Harbour Sewer Planning Area to reassign twenty-nine (29) sewer EDU's from the "Infill and Intensification" category for properties in Area 1 (North of Airport) and nine (9) EDU's from the "vacant or Multi-lot properties" category properties in Area 1 (North of Airport) to the Frontier Town Campground category in Area 2 (South of Airport). The sanitary capacity for the Frontiertown property would be similarly increased by a total of thirty-eight (38) sewer EDUs.

Mr. Mitchell reviewed the staff report noting the consistencies found for such a development within the Comprehensive Plan and land use designations, and that the proposed improvements would be permitted in accordance with existing zoning within the property boundaries of the current campground.

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

## **VI. Water and Sewer Plan Amendment, No. SW 2020-03**

As the next item of business, the Planning Commission reviewed an application associated with an expansion of the Sewer Planning Area in the Master Water and Sewerage Plan (The Plan) for the Mystic Harbour Sanitary Service (SW 2020-03). Robert Mitchell, Director of Environmental Programs, presented the staff report to the Planning Commission. Hugh Cropper, attorney, was present on behalf of Mark Odachowski, who is the applicant for this amendment. Dane Bauer, from HB Solutions, also was present on behalf of the Applicant.

Mr. Cropper concurred with staff's findings on this report and offered that the owner already has part of the property within the Mystic Harbour sewer planning area and simply wants all of the property designated within the Mystic Area to acquire the capacity needed to complete his proposed development. The property already has a stem along its western edge to MD Route 707 designated as S-1 within the Mystic Harbour Sewer Planning Area. The remainder of the property is designated as S-1 within the West Ocean City Sewer Planning Area.

He also introduced Dane Bauer, a consultant, from H&B Solutions who testified on the project. Mr. Bauer testified that in his opinion the overlapping service areas sometimes cause problems. He also testified that the West Ocean City Sanitary Area had limited capacity as it was established to bring public sewer to an existing developed area to alleviate a public health matter

Mr. Mitchell explained the applicant requested the change in sewer service classification in order to serve a proposed residential development. The owner will need to seek an allocation of Mystic Harbour sewer EDUs from the County Commissioners to serve the proposed

development from available capacity in Area 1 (North of the Airport). He went on further to say that there was not enough capacity in the West Ocean City Sanitary area to serve this proposed project and this property was on the border of the Mystic-West OC overlay where the two areas co-exist.

Mr. Mitchell reviewed the staff report noting the consistencies found for such a development within the Comprehensive Plan and land use designations, and that the proposed improvements would be permitted in accordance with existing zoning classification for the properties.

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

**VII. Adjourn** – The Planning Commission adjourned at 1:51 P.M.

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Jerry Barbierrri, Secretary

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Jennifer Keener

**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE  
AGENDA**

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

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

**Wednesday, July 08, 2020**

Est. Time

- |           |     |   |
|-----------|-----|---|
| 1:00 P.M. | I.  | Call to Order   |
|           | II. | § ZS 1-325 Site Plan Review   |
| 1:00 P.M. | A.  | Shady Side Village RPC – Proposed 37 unit townhouse development, located on the South side of MD Route 707 (Old Bridge Road), West of Greenridge Lane, Tax Map 26, Parcel 157, District 10, R-4 General Residential District, Kathleen Clark, owner / Iott Architecture & Engineering, Inc. |
| 1:05 P.M. | IV. | Adjourn   |





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

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SHORELINE CONSTRUCTION  
AGRICULTURAL PRESERVATION  
ADVISORY BOARD

## Memorandum

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**To:** Worcester County Planning Commission

**From:** Katherine Munson, Planner V 

**Subject:** FY 21 MALPF Application Review

**Date:** June 22, 2020

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The following six (6) applications to sell an easement to the Maryland Agricultural Land Preservation Foundation (MALPF) in Worcester County have been received by the county for the FY 21 funding cycle:

### Re-applications

- Fair, Freddie and Fay; TM 93, Grid 16, P 41; W side Steel Pond Rd, Stockton; 102.0 acres
- Gross, Mark; TM 32, Grid 16, P 217; Harrison Road, Berlin; 210.13 acres
- Holland, Glenn and Jean; TM 100, Grid 1, P 6, 55, 84; Colona and New Bridge Roads; 53.81 acres
- Wilkins, Tom et al; TM 77, Grid 5, P 102; Route 364; 139.9713 acres

### New Applications

- Aberdeen Farm, LLC; TM 92, Grid 3, Parcel 69; 2836 Sheephouse Road, Pocomoke City; 144.93 acres
- Lambertson, Jason and Kelly; TM 92, Grid 4, P 8; 3105 Sheephouse Road, Pocomoke City; 74.821 acres

All applications meet the minimum requirements of the MALPF Program. All are zoned A-1, RP or a combination (see attached table).

The Planning Commission must determine whether an easement on each applicant property is compatible with existing county plans and policy and thus whether or not approval of the application is recommended to the Worcester County Commissioners.

The Worcester County Agricultural Land Preservation Advisory Board reviewed the applications on June 30, 2020.

Please note that each county uses a ranking system for MALPF easement applications, approved by both the county commissioners and the MALPF board. The application ranking prioritizes offers to landowners made by MALPF. Applicant ranking order is confidential, by state law, until after offers are made. Ranking can be discussed in closed session only.

Enclosed please find three maps showing the location of the applicant properties relative to protected lands, county zoning, and the 2006 land use plan. A table summarizing information for each application is also included.

I will attend the Planning Commission meeting on July 2, 2020 to answer any questions. Thank you for your attention to this matter.

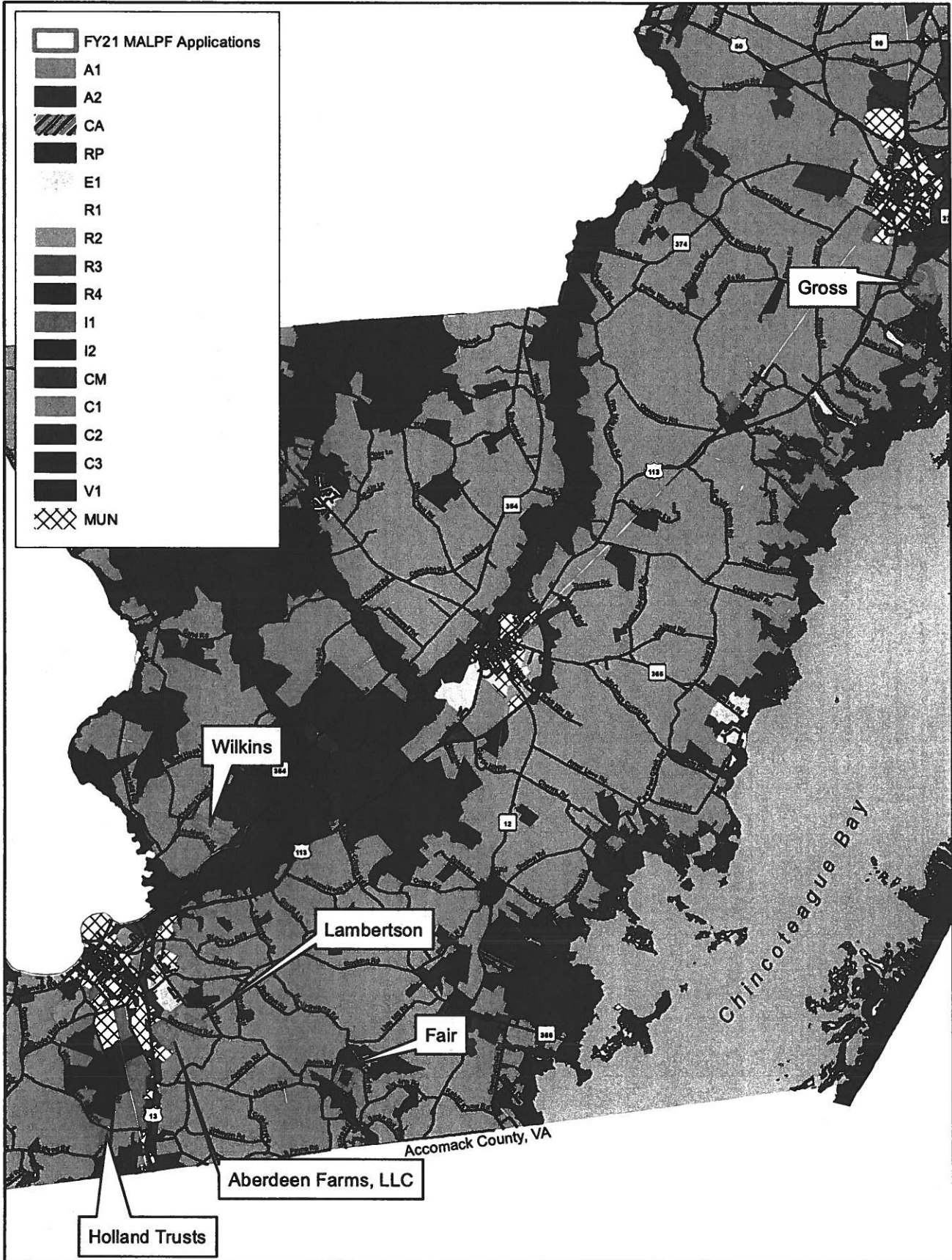
Attachments

cc: Bob Mitchell, Director

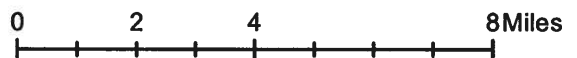
FY21 MALPF Application and Ranking

Landowner name	TM	P	Acres	Zoning	Development Rights	Lot option selected	Final Rank	% class I, II, III soils	Reapplication
Holland, Glenn and Jean (Trust)	100	6, 55, 84	53.8	A-1	11	waive all rights		100%	Y
Wilkins, Tom et al	77	102	140.0	A-1	2	waive all rights		99%	Y
Gross, Mark	32	217	190.5	A-1/RP	3	One Unrestricted		69%	Y
Lambertson, Jason	92	8	74.8	A-1	6	One Unrestricted		50%	N
Aberdeen Farms, LLC	92	69	144.9	A-1	4	waive all rights		90%	N
Fair, Freddie and Fay	93	41	102.0	RP	4	One Unrestricted		58%	Y
			<u>706.1</u>						

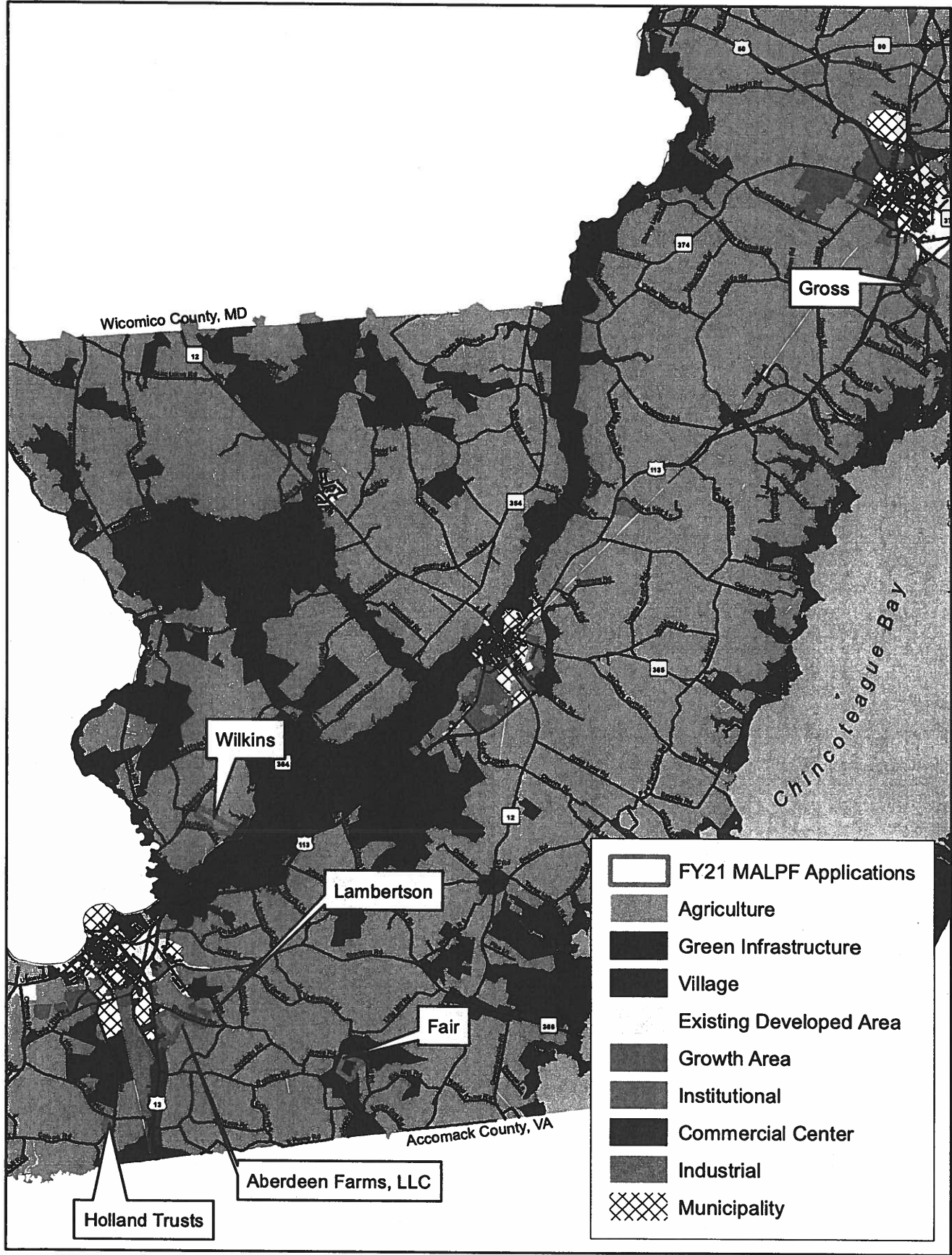
# FY21 MALPF Applications and Zoning



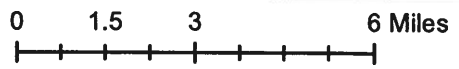
June 2020



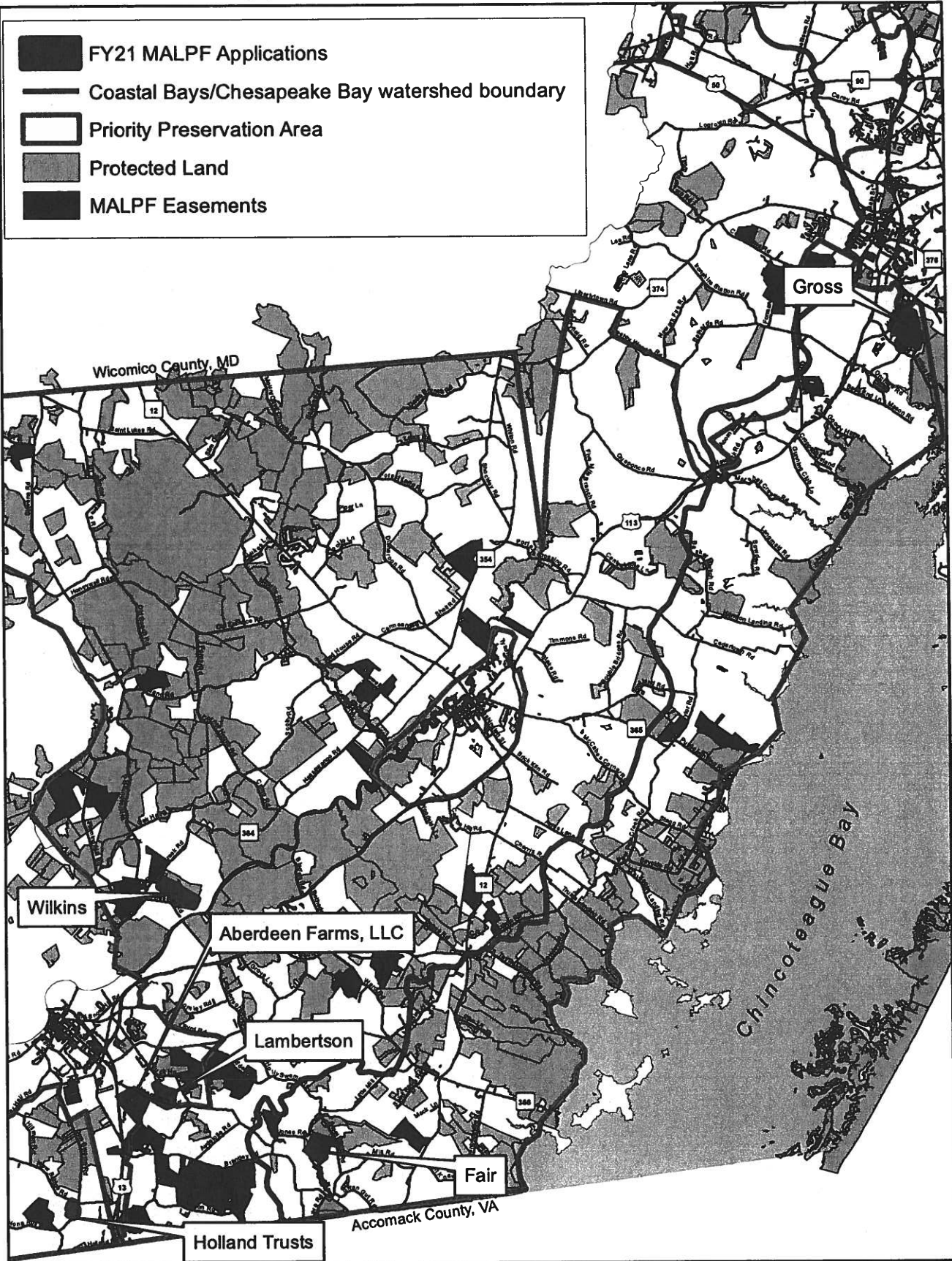
# FY20 MALPF Applications and Land Use Plan Map



June 2020



# FY21 MALPF Applications



June 2020



## WORCESTER COUNTY PLANNING COMMISSION

**MEETING DATE:** July 2, 2020

**PURPOSE:** §ZS 1-325 Site Plan Review

**DEVELOPMENT:** Frontier Town Campground Expansion Phase II

**PROJECT:** Proposed addition of 112 campsites and associated amenities within the campground

**LOCATION:** Located on the easterly side of Stephen Decatur Hwy. (MD Route 611), approximately 705 feet north of Assateague Road, Tax Map 33, Parcel 94, Tax District 10, A-2 Agricultural District

**SIGNS:** No new signage is proposed. Any modifications to the existing signage will require review and approval.

**PARKING:** Required parking for each campsite is two spaces minimum, with a maximum of 2.5 spaces. Extra parking as provided shall be within 600' of the respective campsite, and the additional parking at the bathhouse meets this requirement. There are two parking spaces shown on each site, along with two parking spaces at the bath house, one of which is handicap accessible. The entirety of the parking within the campsite must be on the site itself and has been designed as such. Typical parking spaces shall be a minimum of 10' wide and 20' in depth.

The proposed surface treatment for the travelways within the campground and individual campsite parking pad is pervious pavement per the notes and the road pavement detail on sheet 24 and sheet 28.

Parking spaces shall be demarcated with painted stripes and parking bumpers where shown. Handicap accessible parking spaces have been provided as required under the Maryland Accessibility Code. Also, all handicap accessible signs shall be posted a minimum of 84" from grade to the bottom of the reserved sign. All handicap spaces shall also be a minimum of 20' in depth, and where required, depressed curbing will need to be provided.

**LOADING SPACES:** No additional loading spaces have been provided in association with this expansion. Under §ZS 1-321, the Planning Commission reserves the right to require a loading space where they determine that such access by highway vehicles will be necessary.

**TRAFFIC CIRCULATION:** Written confirmation from State Highway Administration has been received, in the form of TRC comments, indicating the existing entrances are sufficient to accommodate the improvements is required prior to signature approval.

The proposed internal roads are required to be constructed to County Roads standards for Campground Subdivisions. Written confirmation shall be provided by the Department of Public Works, County Roads Division that the internal roads have been constructed to one of the standards per §ZS 1-318(c)(1)H.

**PEDESTRIAN AND BICYCLE CONNECTIVITY:** Bike racks have been provided at each amenity per the requirements of §ZS 1-320. A five foot wide bike path has also been provided into the proposed improvement area and a concrete walking path has been provided to the bathhouse and playground area.

**LIGHTING:** A lighting plan has been provided with this submittal. General lighting has been provided along the main travelways within the campsite area. The legend states that such lighting will be mounted on 20' poles, and will consist of 86 watts. No detail on the type of pole proposed (cut-off, non cut-off, decorative, etc.) has been provided.

**REFUSE REMOVAL:** No new refuse removal facilities are proposed with this development.

**LANDSCAPING:** A landscape plan has been provided in accordance with §ZS 1-322 and Section 17 of the *Design Guidelines and Standards for Commercial Uses*. The typical camp site detail shows that each site will have a 2.5" caliper deciduous tree planted within each site. The perimeter property lines are required to be screened in accordance with §ZS 1-318(c)(1)C. The plans have been revised to protect the majority of the existing landscaping within the side and rear 100' setbacks. There is a small area where the northerly stormwater management basin will encroach into the setback, however it is located approximately 60' from the property line, and the existing mature landscaping is to be retained.

In accordance with §ZS 1-322(g), a maintenance and replacement bond for required landscaping is mandatory for a period not to exceed two years in an amount not to exceed one hundred and twenty-five percent of the installation cost. A landscape estimate from a nursery will be required to be provided at permit stage to accurately determine the bond amount.

**FOREST CONSERVATION LAW:** This property is subject to the Forest Conservation Plan 17-01. Written confirmation will also be required from the Dept. of Environmental Programs Natural Resources Division relative to Forestry requirements prior to the Department granting signature approval

**CRITICAL AREA LAW:** This property is also subject to the Atlantic Coastal Bays Critical Area Law. Per the TRC comments, confirmation has been received from Joy Birch, Natural Resource Specialist III, that information relative to these regulations has been received.

**WETLANDS IMPACTS:** The site plan illustrates the location of the non-tidal wetlands and associated buffer. Any impact approvals shall be obtained by the applicant from



Maryland Department of the Environment (MDE).

**STORMWATER MANAGEMENT/ SEDIMENT EROSION CONTROL:** Written confirmation will also be required from the Dept. of Environmental Programs Natural Resources Division relative to Stormwater Management requirements prior to the Department granting signature approval

**WATER SUPPLY AND WASTEWATER SERVICES:** According to the EDU chart on the coversheet, the water capacity required for the proposed use is 38 EDU's. A total of 238 EDU's are already allocated to the property. The Department will require written confirmation from the Department of Environmental Programs that their requirements have been met prior to signature approval.

**ARCHITECTURAL JUSTIFICATION:** The building elevations have been designed and reviewed under the *Design Guidelines and Standards for Commercial Uses*. This development is located within the Seaside-Agricultural blend, but also holds its own unique character and history as part of the old western theme. Incorporation of many of these three distinct traditions has been provided for in the proposed architecture.

Please note that any outdoor mechanicals associated with the bathhouse are required to be screened with either landscaping or materials similar to the construction of the particular building. Mechanical areas and their proposed screening shall be identified on the plans per Section 10(b)(2)B.

The Planning Commission is the approving authority on the colors; therefore it is recommended that the applicants be prepared to elaborate on the color choices at the meeting.

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

**DEVLEOPER:** Sun TRS Frontier, LLC, 27777 Franklin Road, Southfield, MI 48034

**ENGINEER:** Atwell, LLC, c/o Bob Hufnagel, 311 North Main Street, Ann Arbor, MI 48104

**CONSULTANT:** Coastal Compliance Solutions, LLC, c/o Chris McCabe, Post Office Box 66, Fruitland, MD 21826

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

**ATTORNEY :** Hugh Cropper, Esquire, 9923 Stephen Decatur Hwy, Suite D-2, Ocean City, MD 21842

**PREPARED BY:** Jessica Edwards, Customer Service Representative

## **PLANNING COMMISSION CONSIDERATIONS:**

1. The Planning Commission can require that the existing campground comply with some or all of the regulations as desirable and economically feasible per §ZS 1-318(c)(1)J. Given the age of the original development, compliance would be extremely difficult to achieve, and may be impracticable given the other regulations that affect this development (such as the Forest Conservation Law and Critical Area Law).
2. The Planning Commission is the approving authority on the colors; therefore it is recommended that the applicants be prepared to elaborate on the color choices at the meeting.
3. Relative to the building elevations, the bath houses do not comply with many aspects of the *Design Guidelines and Standards* due to the nature of the proposed use of the structure. Many of the typical design requirements that you would see on standard buildings are not generally featured on bath houses. In addition, they are not visible from the public roadway, only to the internal camp sites, therefore a waiver is recommended to the following provisions:
  - a. Section 10(b)(1)B. & C., no uninterrupted façade shall be greater than 60' without providing for recesses or projections;
  - b. Section 10(b)(1)H., which calls for a minimum of 25% transparency; and
  - c. Section 10(b)(1)J. requires that the bath house buildings be provided with a clearly identifiable base.



DEPARTMENT OF  
ENVIRONMENTAL PROGRAMS

## Worcester County

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

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COMMUNITY HYGIENE

June 24, 2020

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

RE: Transmittal-Comprehensive Water and Sewerage  
Plan Amendment –Mystic Harbour Sanitary Area –  
Expansion of Sewer Planning Area  
TM 26 Parcels 168, 252, 295  
(SW-2020-04)

Dear Commissioners:

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

The owner of the property, Mr. Steve Hoffman, is the applicant. The owner is represented by Stave Engle of Vista Design and Hugh Cropper, attorney. This amendment seeks to expand the Mystic Harbour Sewer Planning Area for the subject properties. The total area of the subject properties together are approximately 23.69 acres. The properties are currently within the West Ocean City Sewer Planning Area with a designation of S-1 (immediate to two years). The owner is applying to also include the properties within the Mystic Harbour Sewer Planning Area with a designation of S-1 (immediate to two years), and include in the Mystic Harbour sewer service information in *The Plan* to include a revised Mystic Harbour sewer planning area map that will reflect all of the properties as a planned S-1 designation. This amendment would not change that planning designation for the West Ocean City sewer planning area, it would only include the properties within the Mystic Harbour Sewer Planning Area with an S-1 designation in the same.

The applicant requested the change in sewer service classification in order to serve future proposed residential and commercial development on the properties. The subject properties are located on Old Bridge Road (MD Route 707), in West Ocean City, Maryland. They are more specifically identified

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**Chapter Three, "TMDLs" states:**

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

**Chapter Six, "Public Infrastructure" states:**

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

**Zoning**

The *Planning Area* is has already been approved under various amendments and is appropriate zoned for the current and proposed uses planned for the existing sanitary area properties, including the subject property. These properties, carry two zoning designations, C-2 (General Commercial District) and R-4 (General Residential District).

**Staff's Comments**

Staff comments are submitted below for your consideration.

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

# Attachment 1

# Application

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Mystic Harbour Sewer Planning Area Expansion  
TM 26 Parcels 168, 252, 295  
Case No. SW 2020-04  
June 24, 2020

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

Date: 05/27/2020

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

**S.D. Hoffman Family, LLC  
10208 Thoroughfare Farm Rd.  
Ocean City, Maryland 21842**

Contact Person: **Steve Hoffman**  
Telephone: **443-497-3199**

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

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

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

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

Property Identification:

Tax Map: **26** Parcel Number(s): **168, 252 & 295**  
Town/Community Name: **West Ocean City**

Location Description:

**Intersection of MD. Route 50 and MD Route 707**

Property Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

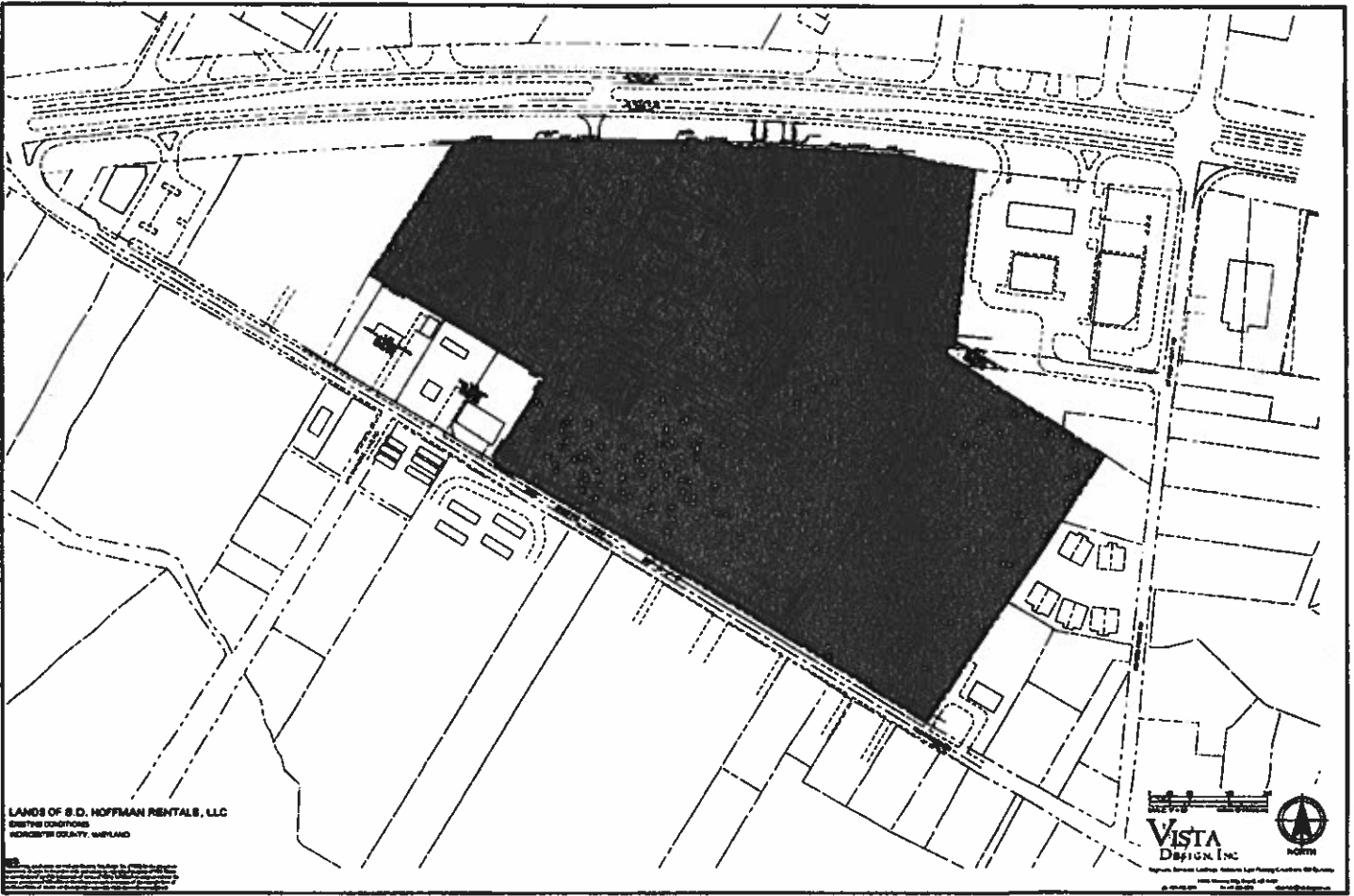
(If other than property owner)

Date: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

05/1/2020



LANDS OF S.D. HOFFMAN RENTALS, LLC  
EXISTING CONDITIONS  
WICACOUNTY COUNTY, MARYLAND

VISTA  
DESIGN, INC.  
10000 Greenleaf Lane, Suite 100, Potomac, MD 20854  
Tel: 301-948-1100  
www.vistadesign.com



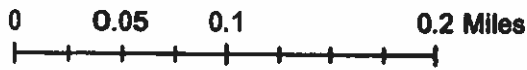
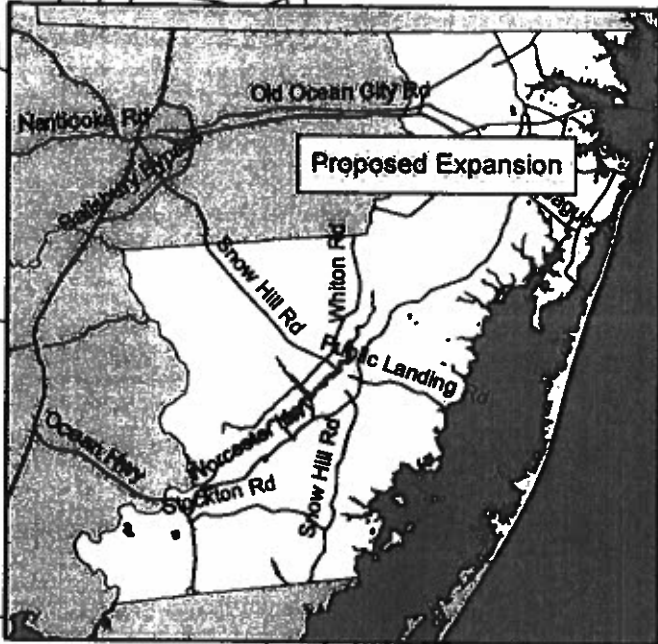
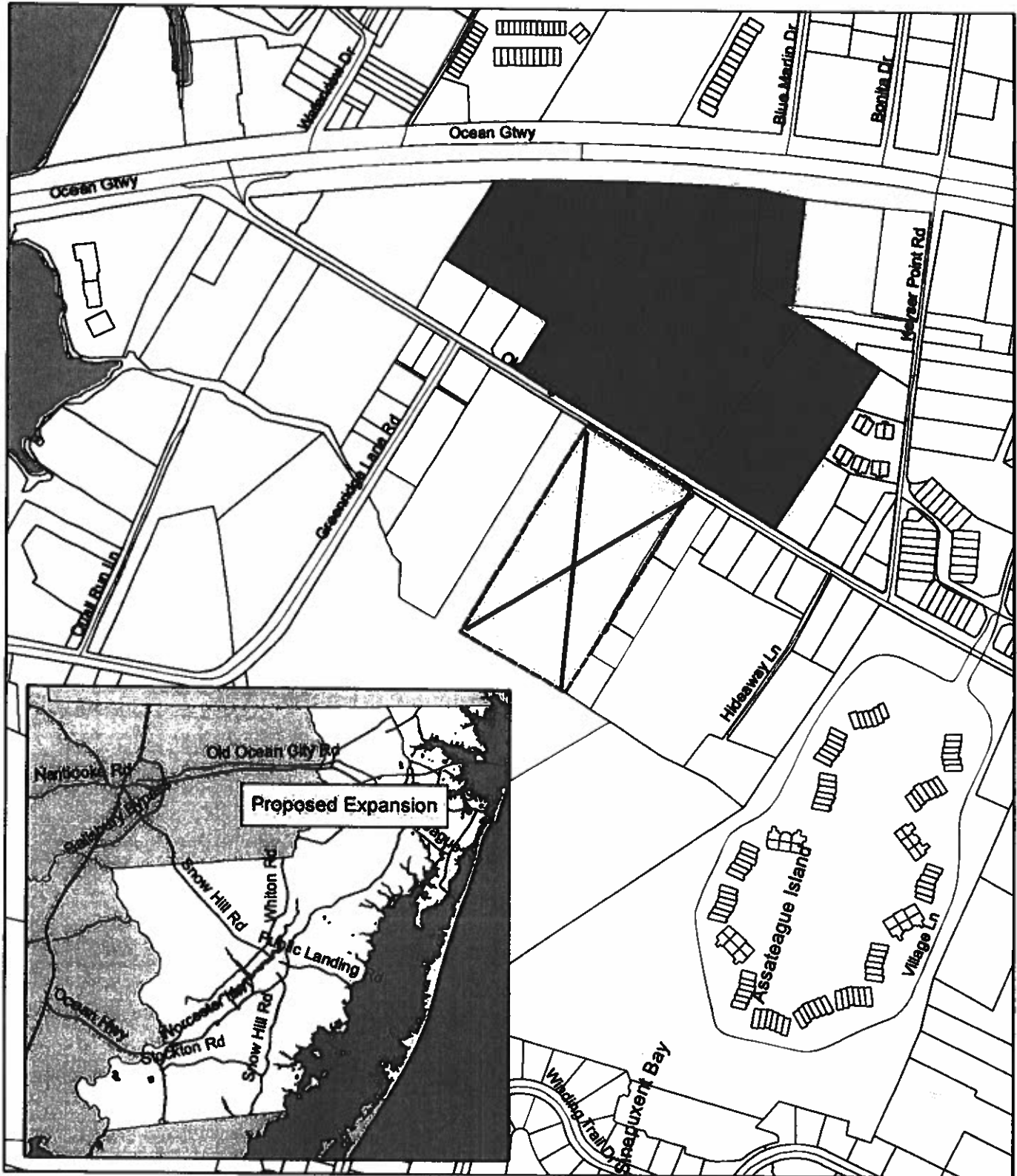


# Attachment 2

# Maps

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Mystic Harbour Sewer Planning Area Expansion  
TM 26 Parcels 168, 252, 298  
Case No. SW 2020-04  
June 24, 2020

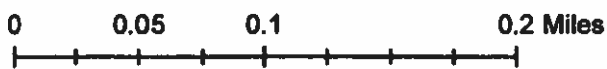
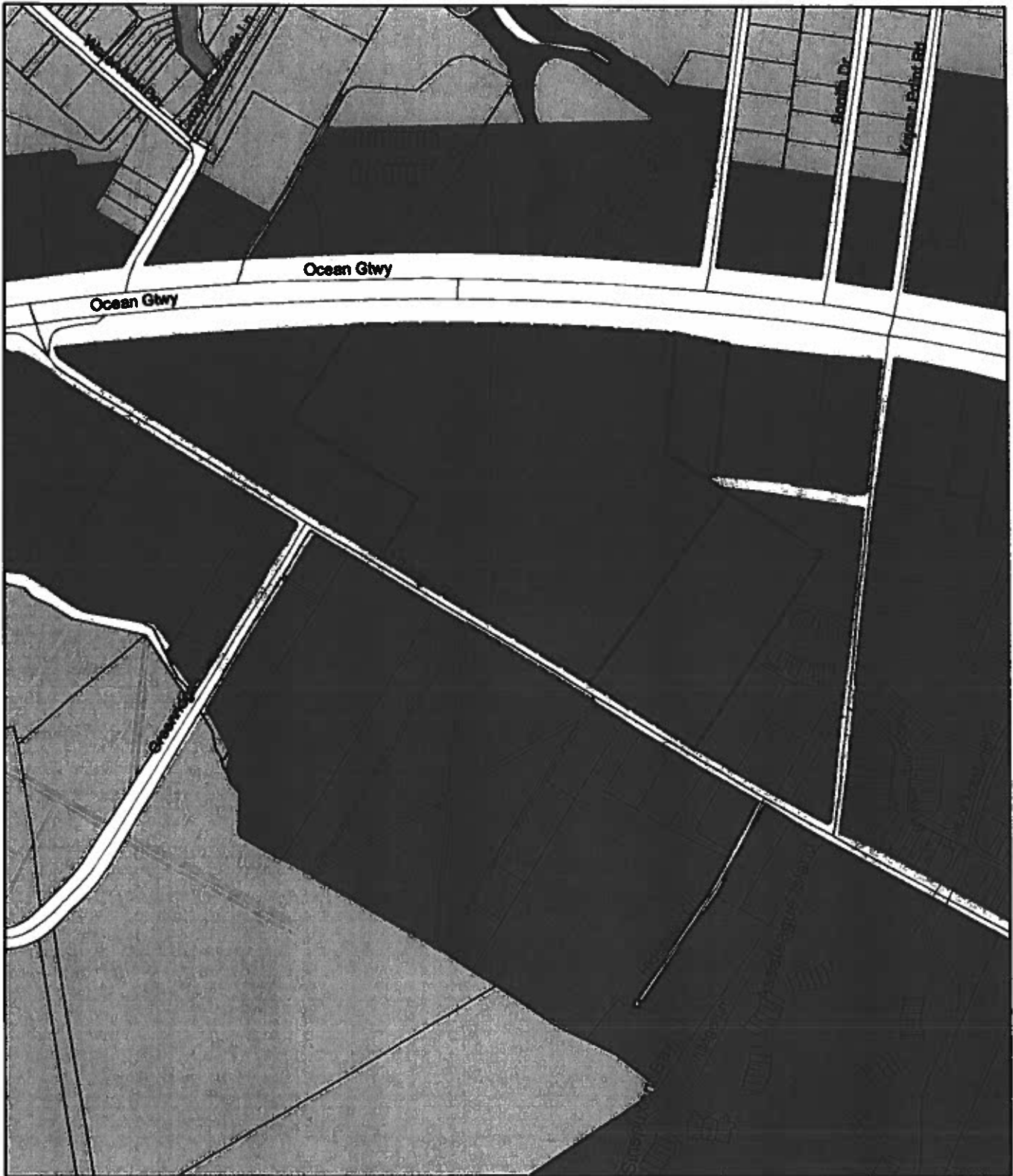


**General Location Map**  
 Case SW-2020-04  
 Mystic Harbour Sewer Planning Area



Prepared by the Worcester County  
 Department of Environmental Programs  
 June 19, 2020

	S1
	Prior Case



	S1		E1
	Prior Case		R1
	A1		R2
	A2		R4
	RP		C2

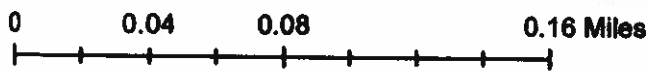
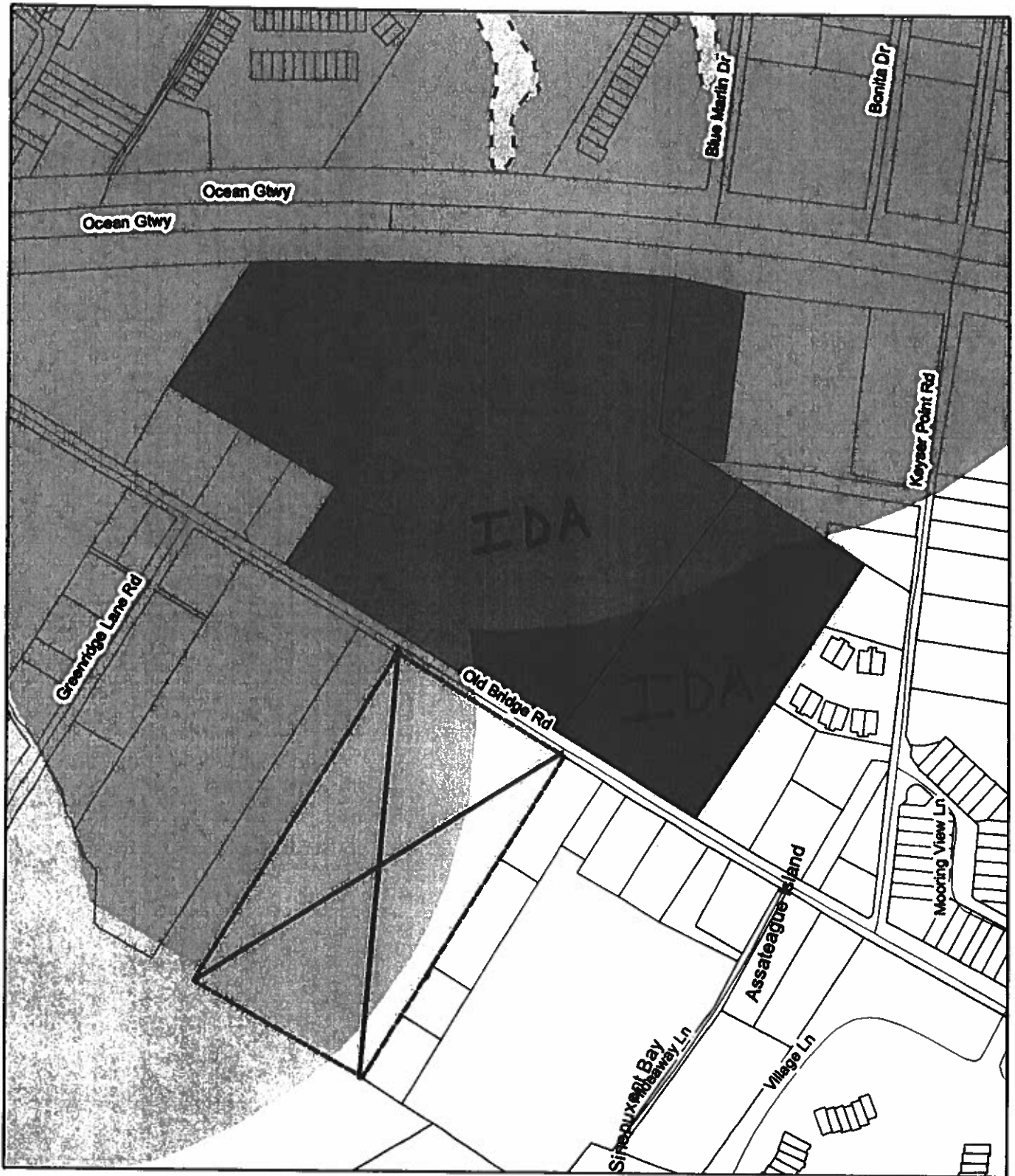
### Zoning

Case SW-2020-04

Mystic Harbour Sewer Planning Area



Prepared by the Worcester County  
Department of Environmental Programs  
June 19, 2020

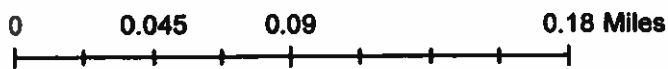
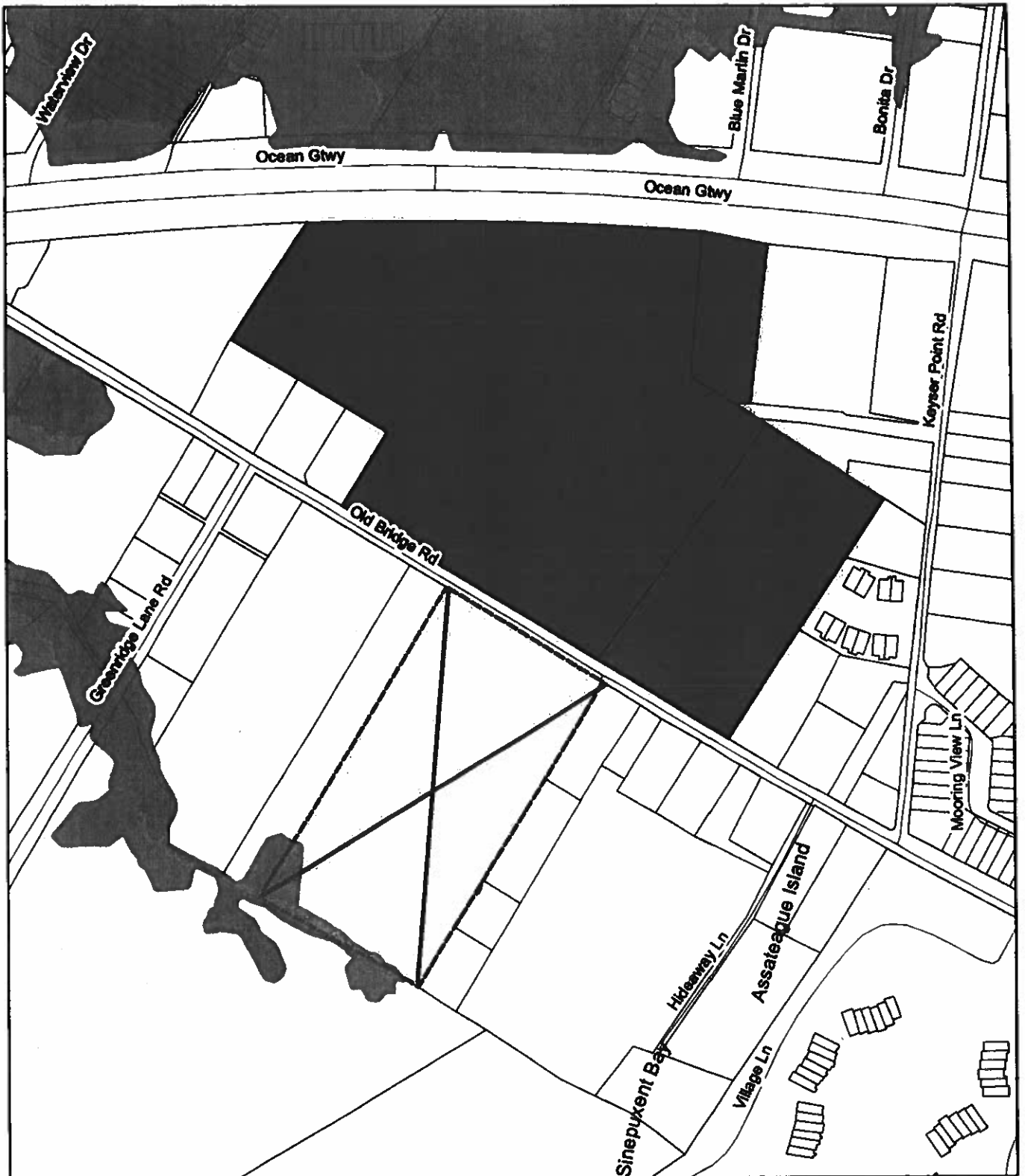






**Critical Area**  
 Case SW-2020-04  
 Mystic Harbour Sewer Planning Area

- S1
- Prior Case
- IDA - Intensely Development Areas
- LDA - Limited Development Area
- RCA - Resource Conservation Areas
- Out of Program
- Tidally Influenced Areas



Prepared by the Worcester County  
 Department of Environmental Programs  
 June 19, 2020



-  S1
-  Prior Case
-  500 Year Floodplain
-  100 Year Floodplain

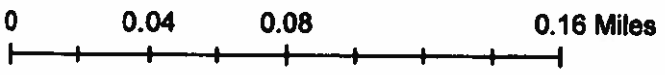
**Floodplain**






Case SW-2020-04

Mystic Harbour Sewer Planning Area



Prepared by the Worcester County  
 Department of Environmental Programs  
 June 19, 2020



-  S1
-  Prior Case
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if irrigated

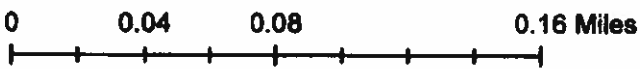
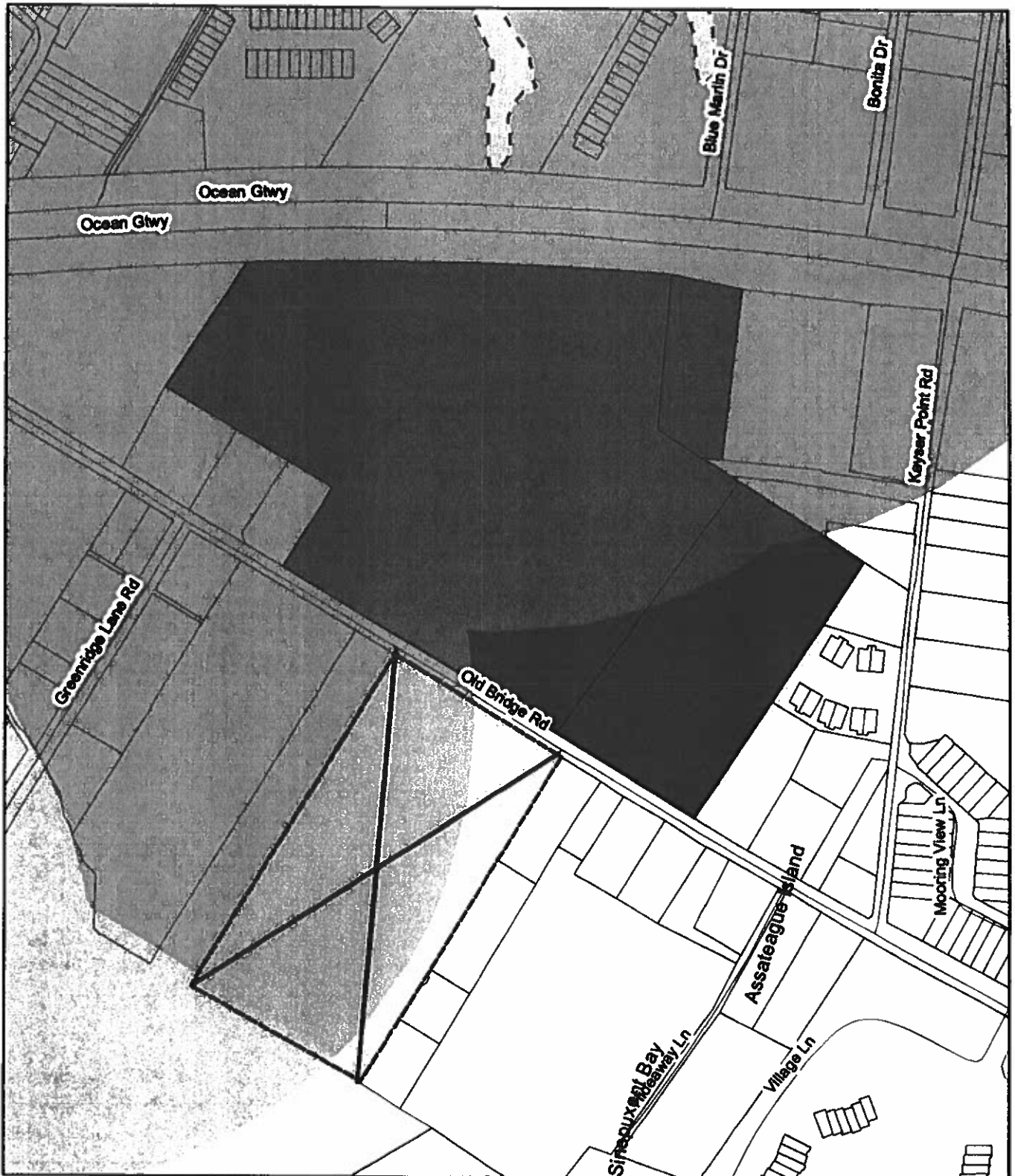
### Ag Suitability








Case SW-2020-04

Mystic Harbour Sewer Planning Area



Prepared by the Worcester County  
 Department of Environmental Programs  
 June 19, 2020

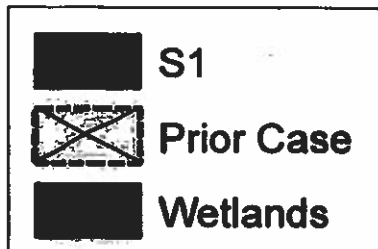
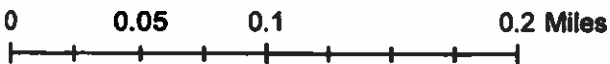


-  S1
-  Prior Case
-  IDA - Intensely Development Areas
-  LDA - Limited Development Areas
-  RCA - Resource Conservation Areas
-  Out of Program
-  Tidally Influenced Areas

**Critical Area**  
 Case SW-2020-04  
 Mystic Harbour Sewer Planning Area



Prepared by the Worcester County  
 Department of Environmental Programs  
 June 19, 2020



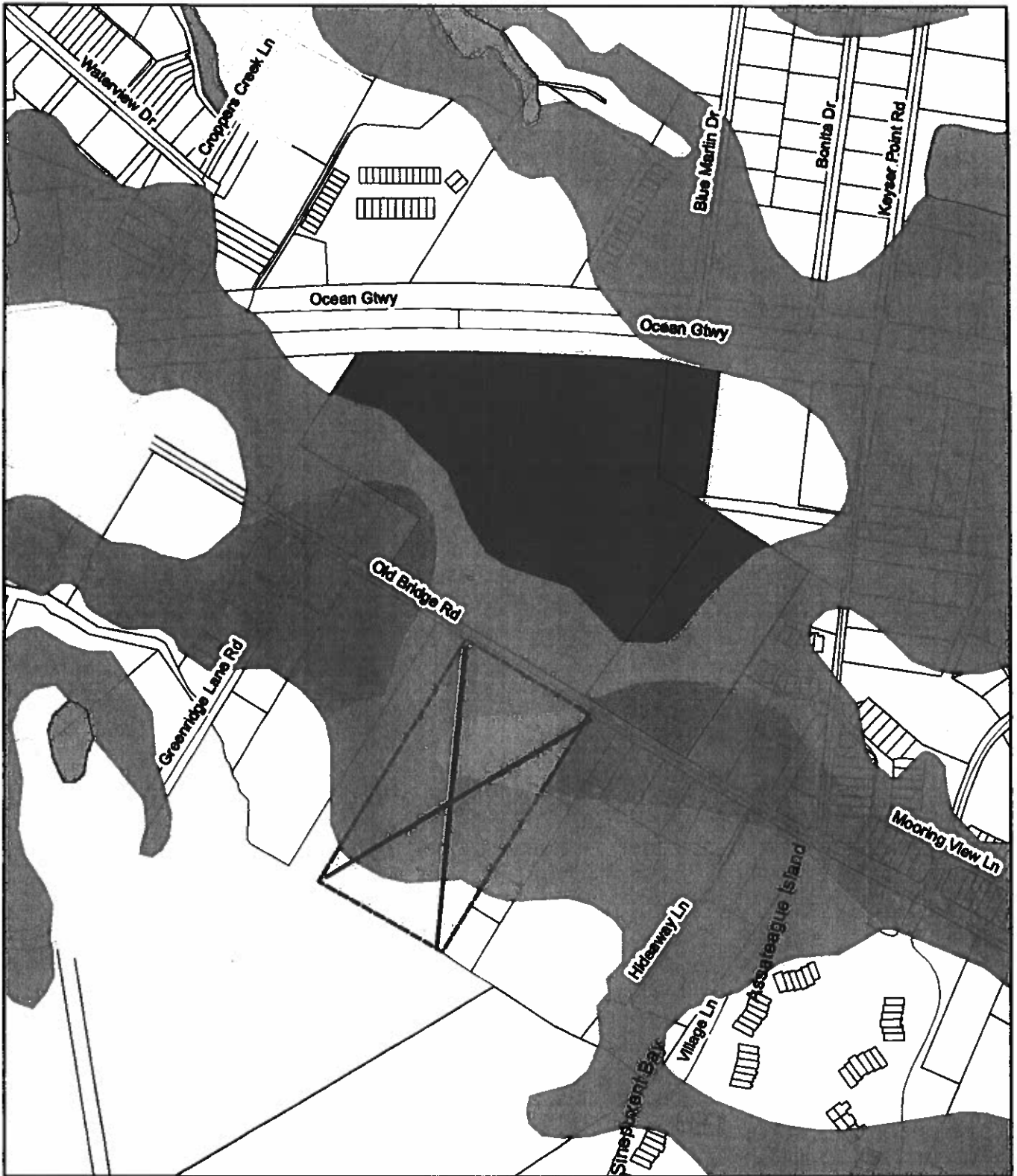
**Wetlands**

Case SW-2020-04








Mystic Harbour Sewer Planning Area







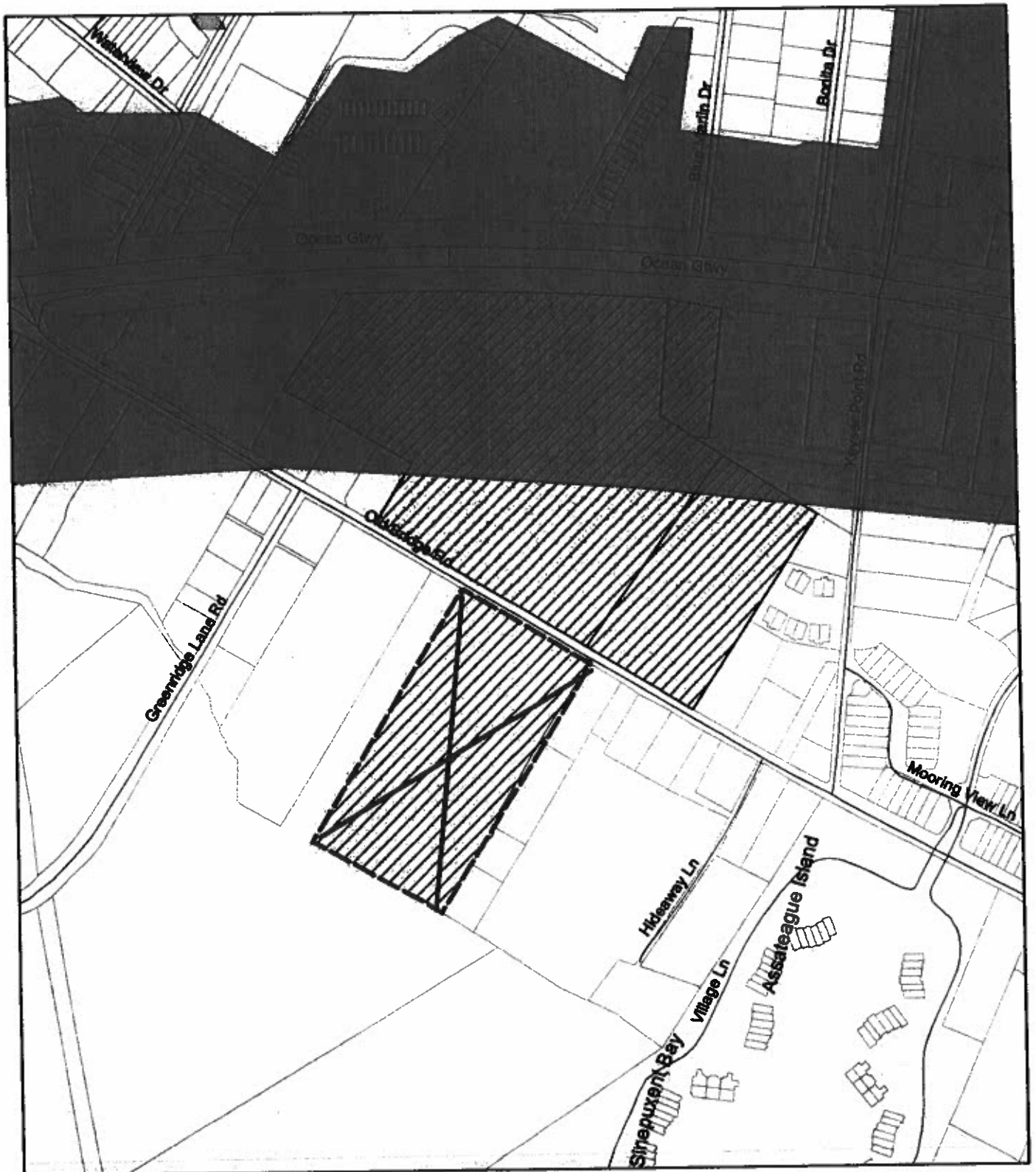
0 0.05 0.1 0.2 Miles

-  S1
-  Prior Case
-  Water
-  Excessively drained
-  Somewhat excessively drained
-  Moderately well drained
-  Well drained

**Soil Drainage Types**  
 Case SW-2020-04  
 Mystic Harbour Sewer Planning Area



Prepared by the Worcester County  
 Department of Environmental Programs  
 June 19, 2020

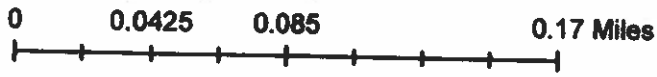
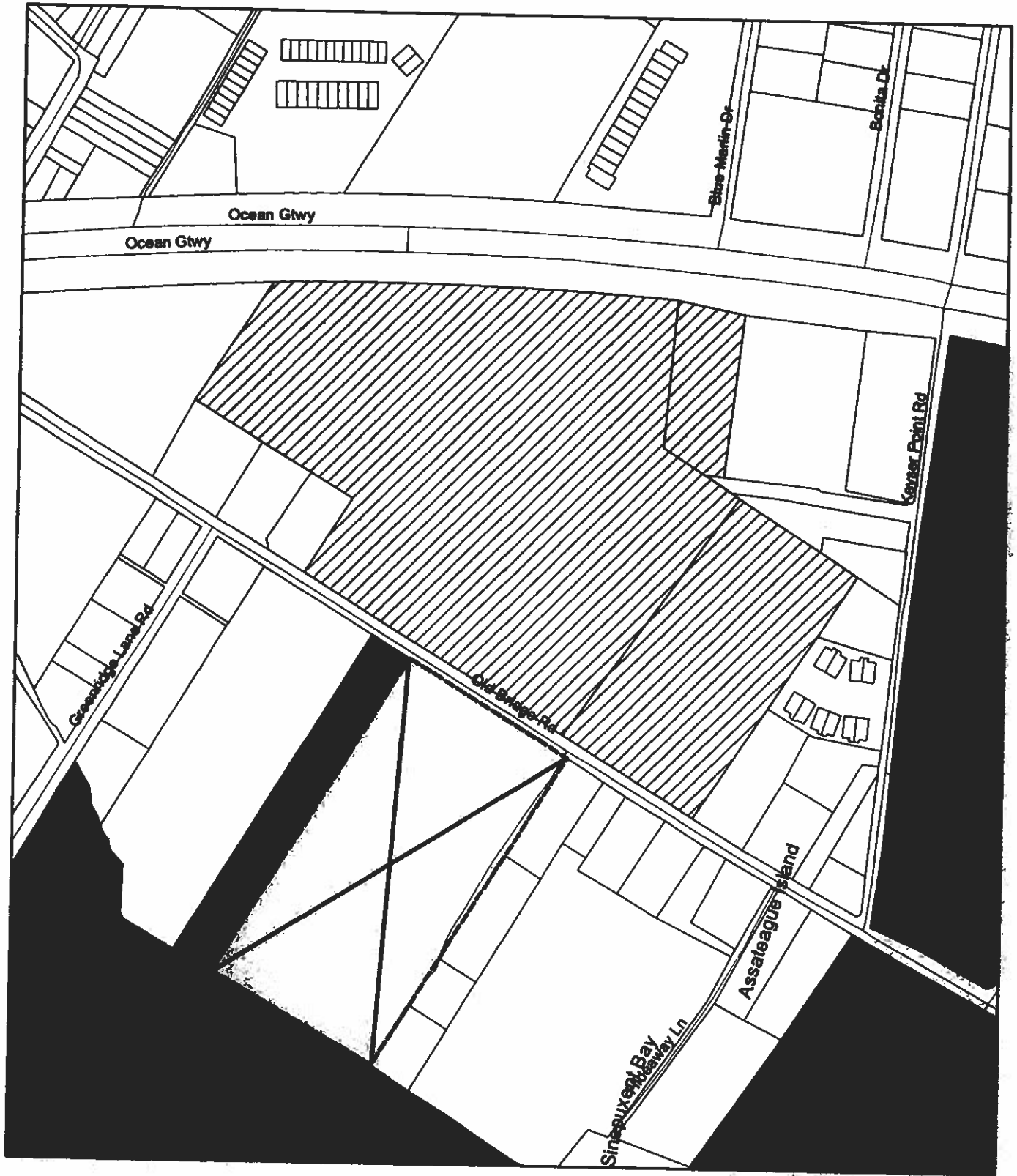



**Land Use Plan**  
 Case SW-2020-04  
 Mystic Harbour Sewer Planning Area



Prepared by the Worcester County  
 Department of Environmental Programs  
 June 19, 2020

S1	Industrial
Prior Case	Institutional
Agriculture	Major rivers
Atlantic Ocean	Municipality
Commercial Center	Village
Existing Developed Centers	Waterbody (bays, ponds)
Green Infrastructure	Waterway (rivers, streams, creeks)
Growth Area	



-  S1
-  S1 Proposed
-  Prior Case

**Proposed Amendment**  
 Case SW-2020-04  
 Mystic Harbour Sewer Planning Area



Prepared by the Worcester County  
 Department of Environmental Programs  
 June 19, 2020

**STAFF REPORT**

**REZONING CASE NO. 425**

**PROPERTY OWNER:** Daniel Strickland Hope and Jana P. Hope  
4224 Nassawango Road  
Snow Hill, Maryland 21863

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

**TAX MAP/PARCEL INFO:** Tax Map 70 - Parcel 18 -Parcel B - Tax District 7

**SIZE:** The petitioned area is 54.7 acres in size. It is part of a larger parcel which totals 153.56 acres in size. The petitioned area is the existing agricultural field and wooded areas adjacent to the Pocomoke River.

**LOCATION:** The petitioned area is located on the southerly side of Nassawango Road, to the west of MD Route 12, northwest of Snow Hill. It is on the easterly side of the former Nassawango Country Club and golf course.

**CURRENT USE OF PETITIONED AREA:** Tilled land and forest.

**CURRENT ZONING CLASSIFICATION:** RP Resource Protection District

**REQUESTED ZONING CLASSIFICATION:** A-1 Agricultural 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 primarily given an A-1 Agricultural District classification, with a portion of the forested waterfront area placed in the C-1 Conservation District. That designation was been retained by the 1992 comprehensive rezoning. During the 2009 comprehensive rezoning the entire property was placed in the RP Resource Protection District.

**SURROUNDING ZONING:** All adjoining and nearby properties are also zoned RP Resource Protection District, with the exception of the adjacent Nassawango Country Club property which is zoned A-2 Agricultural District because of the golf course.

**COMPREHENSIVE PLAN:**

According to Chapter 2 - Land Use of the Comprehensive Plan and associated land use plan

map, the petitioned area lies within the Agricultural and Green Infrastructure Land Use Categories. 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)**

With regard to the Green Infrastructure Land Use Category, the Comprehensive Plan states that this category addresses state and locally designated natural and open spaces and that these areas are designated to preserve environmentally significant areas and to maintain the environmental functionality of the County’s landscape. It states that greenways improve water quality, provide flood control and maintain the County’s rural and coastal character. The Comprehensive Plan further states that this category includes conservation zones, which are highly restricted due to their special sensitivity and that conservation areas are defined by their soils (muck), state owned natural areas, existing conservation zoning, tidal wetlands, and selected riparian corridors. It also states that greenway and conservation areas have distinct physical characteristics which make them special habitat areas or place extreme limitations on development and that such areas are “place dependent”, that is, they only occur at specific locations. Their identification and preservation must be proactively addressed and after-the-fact mitigation and restoration is expensive and often of limited effect. The Comprehensive Plan also states that the green infrastructure system is designed to maintain existing resource areas and, where absent, create sufficient natural “corridors” linking larger green “hubs.”

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.
7. Work with municipalities to develop annexation guidance policies that encourage infill within a municipality and then provide for logical community extensions.
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.
  11. Set high environmental standards for new development, especially in designated growth areas.
  12. Develop green infrastructure system.
  13. Expand the protection of the Coastal Bays and the Pocomoke River drainage basins through watershed plans and their implementation.
  - .....
  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.
  17. Discourage highway strip development to maintain roadway capacity, safety and character.
  - .....
  19. Limit rural development to uses compatible with agriculture and forestry.
  20. Direct new development in growth areas to planned communities.
  21. Promote mixed use development.
  - .....
- (Pages 12, 13)

In Chapter 3, Natural Resources, pertinent objectives include the following:

- “1. Use a systems approach to environmental planning addressing pollution at or close to its source and use sustainable development techniques.
  2. Instill environmental stewardship as a universal ethic.
  3. Identify and protect environmentally sensitive areas.
  4. Restore and/or enhance natural resource functions where possible.
  5. Reduce imperviousness of existing and new development.
  - .....
  8. Conserve resources by reducing unnecessary consumption.
  - .....
  10. Establish sufficient buffers for sensitive areas.
- (Page 33)

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)

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 March 20, 2020 from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the subject properties have designations of Sewer and Water Service Categories S-6 and W-6 (No Planned Service ) in the Master Water and Sewerage Plan. He states that this department does not have any well and septic records, as this property is unimproved at the present, and septic can only be realized with a successful seasonal soil evaluation. Neither John H. Tustin, P. E., Director of Public Works, or John Ross, Deputy Director of Public Works, submitted any comments.

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

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

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

SaB - Sassafras sandy loam - severe limitations to on-site wastewater disposal

Zk - Zekiah silt loam - severe limitations to on-site wastewater disposal

MC - Mannington and Nanticoke soils - severe limitations to on-site wastewater disposal

GaB - Galestown loamy sand - severe limitations to on-site wastewater disposal

In - Indiantown silt loam - severe limitations to on-site wastewater disposal

**EMERGENCY SERVICES:** Fire and ambulance service will be available from the Snow Hill Volunteer Fire Company's facility, approximately ten 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 thirty minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately ten minutes away. No comments were received from the Maryland State Police Barracks or from the Sheriff's Department.

**ROADWAYS AND TRANSPORTATION:** The property of which the petitioned area is a part fronts on and currently has access to Nassawango Road, a County-owned and -maintained roadway. The Comprehensive Plan classifies Nassawango Road as a two lane secondary

highway/minor collector highway. It should be noted that other portions of this roadway are named Dividing Creek Road and/or MD Route 364 and are State-owned and -maintained. This minor collector begins at US Route 13 in Pocomoke City and links to MD Routes 12 and 354 to the north of Snow Hill. James W. Meredith, District Engineer for the State Highway Administration District 1 commented by letter (copy attached) that if development of the property is proposed in the future, the SHA may require a traffic impact study to determine potential impacts to the surrounding state roadway network and that future development may also require an access permit to be issued from his office. He also stated that with exception of the aforementioned comments, SHA has no objection to a rezoning determination by Worcester County. 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: Snow Hill Elementary School, Snow Hill Middle School, and Snow Hill 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, the petitioned area is located within the Chesapeake Bay Critical Area (CBCA). He states that the parcel is presented designated as a Resource Conservation Area (RCA) and has an associated 100 foot buffer from the mean high water line of tidal waters, the edge of the back of tributary streams, and the landward extent of tidal wetlands. He further states that RCAs are areas characterized by nature-dominated environments (i.e., wetlands, forests, abandoned fields and resource-utilization activities (i.e., agriculture, forestry, fisheries, aquaculture). He states that allowed uses within the A-1 Agricultural District support the purpose and intent of that district, specifically, to preserve, encourage and protect the County's farms and forestry operations. He states that therefore there does not seem to be any outstanding issues with the proposed rezoning and the Critical Area. Mr. Mitchell goes on to state that it should be noted that if the proposed rezoning is approved, lands within the RCA boundaries must abide by allowances under § NR 3-206 of the Natural Resources Article of the Code of Public Local Laws of Worcester County and that this includes, but is not limited to, lot coverage, clearing and density limitations. He also states that no new commercial, industrial or instructional uses can be permitted without the approval of a growth allocation. Mr. Mitchell states that all rezonings located wholly or partially within the Critical Area require that a notification be sent to the Critical Area Commission (CAC) and he attached the CAC's comments.

Kathryn Durant, Natural Resources Planner with the CAC, states in the attached comments that a zoning map amendment can only be made in the Critical Area on the basis of mistake in the existing zoning *and* a local jurisdiction must determine that the change is wholly consistent with the Critical Area land classification. Ms. Durant states that the A-1 zone is mostly consistent with the RCA classification as evidenced by the description of the A-1 Agricultural District in the County's zoning code as being *intended to preserve, encourage and protect the County's farms and forestry operations*. She further states that the A-1 zone however allows certain uses that are not permitted in the RCA per Worcester County Code NR 3-206 and NR 3-



217. These uses include, but are not limited to, landing strips, spray irrigation fields and storage lagoons for Class II effluent, and large solar energy systems and the County must therefore ensure that the site complies with the RCA use limits outlined in the Code. Ms. Durant further notes that any future development of this site, including construction of a dwelling and accessory structures, or any future subdivision of this property must be governed by the County and State Critical Area regulations, including rules and regulations regarding lot coverage, forest and developed woodland clearing, buffer establishment, and RCA density.

**FLOOD ZONE:** The FIRM map indicates that the petitioned area is primarily within Zones A and AE (100 year flood).

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

**INCORPORATED TOWNS:** The site is not within one mile of any incorporated town.

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

Kathryn Gordon, Deputy Director, Economic Development: Doesn't see anything that would affect her department's initiatives.

Rob Clarke, DNR Forester: Finds the proposal compatible with current land uses in the area.

!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!! **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**  
Department of Environmental Programs

**Memorandum**

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

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

**Subject:** EP Staff Comments on Rezoning Case No. 425  
Worcester County Tax Map 70, Parcel 18, Lot B  
54.7 Acres  
RP Resource Protection to A-1 Agricultural District

**Date:** 3/20/20

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This response to your request for comments is prepared for the map amendment application associated with the above referenced properties. 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 and argues a substantial change in the character of the neighborhood has occurred as well. 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 application for zoning reclassification is for 54.7 acres of a property totaling 153.56 acres. Referring to the land use designations in the *Comprehensive Plan*, approximately 34.4 acres of the request are located in the Agricultural land use district, while the remaining 20.3 acres are located in the Green Infrastructure District. The Green Infrastructure land use designation addresses state and locally designated natural and open spaces. These areas are designated to preserve environmentally significant areas and to maintain the environmental functionality of the county's landscape. Greenways improve water quality, provide flood control and maintain the county's rural and coastal character. The Agricultural land use designation is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. It is expected that residential and other conflicting land uses although permitted, are discouraged within this district. The areas adjacent to this property are all in the Agricultural

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land use district save the portions directly fronting the Pocomoke River, where a Green Infrastructure designation is found.

This property is surrounded by properties carrying either a Resource Protection or agricultural zoning designation. The agricultural zoning designation is on the property directly southwest of the subject property and is the only agricultural zoning designation in the surrounding area. That property was a former golf course and has since been acquired by the Maryland Department of Natural Resources. The current uses are compatible with their corresponding land use designations in the *Comprehensive Plan*.

The Department of Environmental Programs has the following comments:

1. The subject property has a designation of Sewer Service Category S-6 (*no Planned Service*). We do not have any well and septic records as this property is unimproved at the present. Septic can only be realized with a successful seasonal soil evaluation.
2. This proposed rezoning is located inside of the Chesapeake Bay Critical Area (CBCA). The parcel is presently designated as a Resource Conservation Area (RCA) and has an associated 100ft buffer from the mean high water lone of tidal waters, the edge of the back of tributary streams, and the landward extent of tidal wetlands. RCAs are areas characterized nature-dominated environments (i.e. wetlands, forests, abandoned fields) and resource-utilization activities (i.e. agriculture, forestry, fisheries, aquaculture). Allowed uses within the A-1 Zoning District support the purpose and intent of that district, specifically, to preserve, encourage, and protect the County's farms and forestry operations; therefore there does not seem to be any outstanding issues with the proposed rezoning and the Critical Area.
3. It should be noted that if the proposed rezoning is approved, lands within the RCA boundaries must abide by allowances under the Code of Public Local Laws of Worcester County, Maryland, Natural Resources Article, §NR 3-206. This includes, but is not limited to, lot coverage, clearing, and density limitations. Also, no new commercial, industrial, on instructional uses can be permitted without the approval of a growth allocation. Any existing industrial, commercial facilities may not exceed density specified in §NR 3-206(c)(3).
4. All rezonings located wholly or partially within the Critical Area require a notification to be sent to the Critical Area Commission for comment. Those comments are attached.
5. Regarding the acreage and portion of the farm included within this zoning reclassification request, the portion of the property in the Green Infrastructure land use designation should have the existing zoning classification remain so. While the existing cleared portion of the request is currently farmed and utilized for agricultural purposes, the Green Infrastructure designated portion of the request is wholly forested from the edge of the farm field to the shoreline of the Pocomoke River. To provide water quality benefits and secure the essential wildlife food, shelter, and cover within the undisturbed portion of the property along the Pocomoke River, that portion that carries the Green Infrastructure designation should not have the zoning designation reclassified to A-1.

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

Attachments

**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

March 11, 2020

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

Re: Rezoning Case No. 425: Hope, Daniel & Jana  
4224 Nassawango Road (Tax Map 70, Parcel 18, Lot B)

Dear Ms. Gerthoffer:

Thank you for providing information on the proposed rezoning of revised Parcel B<sup>1</sup> within the Resource Conservation Area (RCA) from Resource Protection (RP) to Agricultural District (A-1). The petitioned area is located at 4224 Nassawango Road in Snow Hill on Tax Map 70, Parcel 18, Lot B. The parcel is located partially in the Critical Area, with the requested rezoning area located entirely in the Critical Area.

The applicant is arguing that a mapping mistake was made in the Comprehensive Rezoning in 2009. A zoning map amendment in the Critical Area can only be made in the Critical Area on the basis of mistake in the existing zoning *and* a local jurisdiction must determine that the change is wholly consistent with the Critical Area land classification (Natural Resources Article 8-1809(h)(2)). The A-1 zone is mostly consistent with the RCA classification as evidenced by the description of the A-1 Agricultural District in the County's zoning code as being *intended to preserve, encourage and protect the County's farms and forestry operations*. However, the A-1 zone allows certain uses that are not permitted in the RCA per Worcester County Code NR 3-206 and NR 3-217. These uses include, but are not limited to, landing strips, spray irrigation fields and storage lagoons for Class II effluent, and large solar energy systems. Therefore, the County must ensure that the site complies with the RCA use limits outlined in the Code.

Additionally, any future development of this site, including construction of a dwelling and accessory structures, or any future subdivision of this property, must be governed by Worcester County Code NR3:II Chesapeake Bay Critical Area and COMAR Title 27, including, but not limited to, rules and regulations regarding lot coverage, forest and developed woodland clearing, Buffer establishment, and RCA density. Where Worcester County Code NR3:II and COMAR Title 27 differ, the stricter rule or regulation shall prevail.

---

<sup>1</sup> The proposed rezoning area of revised Parcel B is either 48.2 or 54.7 acres within the RCA; the application materials are inconsistent.

Ms. Jenelle Gerthoffer  
March 11, 2020  
Page 2 of 2

**Please include this letter in the file and submit it as part of the record. In addition, please notify the Commission in writing of the decision made in this case. Thank you for the opportunity to comment. If you have any questions, please contact me at (410)260-3477.**

Sincerely,

A handwritten signature in black ink that reads "Kathryn Durant". The signature is written in a cursive style with a large, prominent "K" and "D".

**Kathryn Durant  
Natural Resources Planner**

**File: WC 136-20**

**MDOT**  
MARYLAND DEPARTMENT  
OF TRANSPORTATION  
STATE HIGHWAY  
ADMINISTRATION

Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor  
Gregory Slater  
Acting Secretary  
Tim Smith, P.E.  
Acting Administrator

February 14, 2020

Ms. Phyllis H. Wimbrow  
Deputy Director  
Department of Development Review and Permitting  
Worcester County Government Center  
One West Market Street, Room 1201  
Snow Hill MD 21863

Dear Ms. Wimbrow:

Thank you for the opportunity to review the Rezoning Application from Hugh Cropper for Rezoning Case No. 425 – Daniel S. and Janna P. Hope, in Worcester County. The property is described as Tax Map: 70, Parcel number: 18, Lot Number: Parcel B, Tax District Number: 7<sup>th</sup>. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the application and associated documents. We are pleased to respond.

Rezoning is a land use issue, which is not under the jurisdiction of the MDOT SHA. If development of the property is proposed in the future, the SHA may require a Traffic Impact Study to determine potential impacts to the surrounding state roadway network. Future development may also require an access permit to be issued from this office.

With exception of our aforementioned comments, SHA has no objection to a rezoning determination by Worcester County. Thank you for the opportunity to provide a response. If you have any questions regarding our response, please feel free to contact Mr. Daniel Wilson, District 1 Access Management Regional Engineer, via email at [dwilson12@mdot.maryland.gov](mailto:dwilson12@mdot.maryland.gov) or by calling him directly at 410-677-4048.

Sincerely,

  
James W. Meredith,  
District Engineer

cc: Ms. Jennifer Keener, Zoning Administrator, Worcester County  
Mr. Rodney Hubble, Resident Maintenance Engineer, Snow Hill Shop, MDOT SHA  
Mr. Shannon Smith, Transportation Engineer, Project Development, MDOT SHA  
Mr. Tony Turner, Asst. Resident Maintenance Engineer, Snow Hill Shop, MDOT SHA  
Mr. Daniel Wilson, Access Management Regional Engineer, MDOT SHA



**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:** February 10, 2020  
**RE:** Rezoning Case No. 425

.....

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

**Rezoning Case 425:** 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 425.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



## **Phyllis Wimbrow**

---

**From:** Kathryn Gordon  
**Sent:** Monday, February 24, 2020 12:18 PM  
**To:** Phyllis Wimbrow  
**Subject:** Rezoning Case No. 425 -

Good Afternoon Phyllis,

I looked over the application for the rezoning case no. 425 and did not see anything that would affect my department's initiatives.

Thank you,  
Kathryn



Kathryn Gordon  
Director  
Worcester County Economic Development  
100 Pearl Street, Suite B  
Snow Hill, Maryland 21863  
P: [410.632.3112](tel:410.632.3112)  
F: [410.632.5631](tel:410.632.5631)  
C: [410.430.8776](tel:410.430.8776)

## Phyllis Wimbrow

---

**From:** April Mariner  
**Sent:** Friday, February 7, 2020 3:45 PM  
**To:** Phyllis Wimbrow  
**Subject:** FW: Rezoning Case #425 Agency Memo.pdf

*April L. Mariner*

Office Assistant IV  
Worcester County Development Review & Permitting  
amariner@co.worcester.md.us  
410-632-1200 x1172

**From:** Rob Clarke -DNR- <rob.clarke@maryland.gov>  
**Sent:** Friday, February 7, 2020 3:44 PM  
**To:** April Mariner <amariner@co.worcester.md.us>  
**Subject:** Re: Rezoning Case #425 Agency Memo.pdf

Hi April,

I have reviewed the proposed changes and on behalf of the Forest Service I find the proposal to be compatible with current land uses in the area.

 <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> Forester</p> <p>Lower Shore Project</p> <p>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>
---	---

[Click here](#) to complete a three question customer experience survey.



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

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  
Tom Perlozzo, Director of Recreation and Parks, Tourism & Economic Development  
Kathryn Gordon, Director, Economic Development  
Louis H. Taylor, Superintendent, Worcester County Board of Education  
James Meredith, District Engineer, Maryland State Highway Administration  
Lt. Earl W. Starner, 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  
Trey Heiser, Fire Chief, Snow Hill Volunteer Fire Department

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

**DATE:** February 7, 2020

**RE:** Rezoning Case No. 425- Daniel S. and Janna P. Hope, Property Owners, and Hugh Cropper, IV, Attorney- South of Nassawango Road at Pocomoke River, Southwest of Snow Hill

\*\*\*\*\*

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application at a forthcoming meeting. This application seeks to rezone approximately 54.7 acres of land shown on Tax Map 70 as Parcel 18, Parcel B, from RP Resource Protection District to A-1 Agricultural District. Uses allowed in the District include, but are not

*Citizens and Government Working Together*

limited to, single family dwellings, agriculture, grain dryers, feed mills, agricultural processing plants, aquaculture or seafood processing facilities and landing sites, sawmills, and commercial hosting of non-agricultural functions and events.

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 23, 2020, 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 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. 425

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

Date Received by Development, Review and Permitting: 1/31/2020

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): 70
- B. Parcel Number(s): 18
- C. Lot Number(s), if applicable: Parcel B
- D. Tax District Number: 7<sup>th</sup>

III. Physical Description of Property

- A. Located on the South Side side of Nassawango River Road.
- B. Consisting of a total of 153.56 acres of land.
- C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area:

- 
- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and such other information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): RP, Resource Protection  
(Name and Zoning District)
- B. Acreage of zoning classification(s) in "A" above: 30.547
- C. Requested zoning classification(s): A-1, Agricultural District  
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: 30.547

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- A. Please list reasons or other information as to why the rezoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:

This rezoning is based upon a mistake. A more detailed summary will be submitted.

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 Property Owner

Mailing Address: 9923 Stephen Decatur Hwy., D-2, Ocean City, MD 21842

Phone Number: 410-213-2681

E-Mail: hcropper@bbcmlaw.com

Date: January 31, 2020

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

Signature: \_\_\_\_\_

Printed Name of Owner:

Daniel Strickland Hope and Janna P. Hope

Mailing Address: 4224 Nassawango Road, Snow Hill, MD 21863

Phone Number: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Date: January 31, 2020

(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 is 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



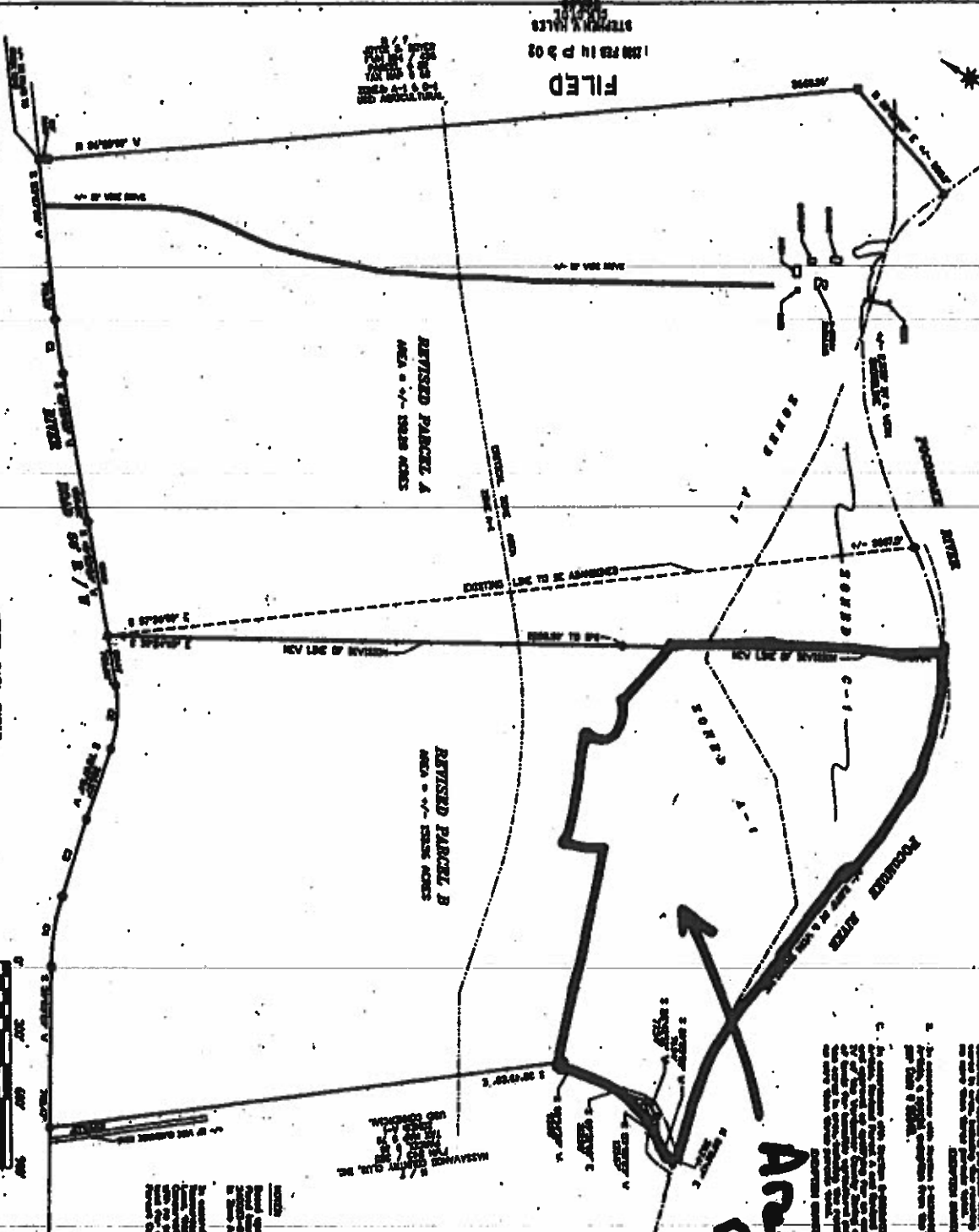
**Plan.**

**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.**



FILED  
 12M FEB 14 P 2 03  
 STEPHEN S. HALLS



**L. L. BOUTWELL SURVEYS, INC.**  
 100 WEST 10TH STREET  
 SUITE 200  
 WASHINGTON, DC 20004  
 TEL: (202) 638-1100  
 FAX: (202) 638-1101

**LAND SURVEYING**  
 BOUNDARY SURVEYING  
 CONVEYANCE DOCUMENTS  
 PLATTING  
 ASSESSMENT APPEALS  
 EASEMENTS  
 EMBLEMATIC SURVEYS  
 PRELIMINARY SURVEYS  
 PROPERTY LINES  
 RIGHT-OF-WAY SURVEYS  
 UTILITY SURVEYS

1	2	3	4	5	6	7	8	9	10	11	12
100	200	300	400	500	600	700	800	900	1000	1100	1200

- LEGEND:**
- 1. BOUNDARY LINE
  - 2. RIGHT-OF-WAY LINE
  - 3. EASEMENT LINE
  - 4. UTILITY LINE
  - 5. PROPERTY LINE
  - 6. ADJACENT PROPERTY
  - 7. WATER COURSE
  - 8. ROAD
  - 9. FENCE
  - 10. SURVEY POINT
  - 11. BEARING
  - 12. DISTANCE

**BOUNDARY LINE ADJUSTMENT**  
 OF LANDS OF  
**DAVID STRICKLAND HOPE**

SECOND TAX DISTRICT  
 WORCESTER COUNTY, MASSACHUSETTS  
 SCALE 1" = 300'  
 DATE: 10/08/07  
 JOB NO.: 0151814/07  
 REV. 02/13/08

**TOTAL AREA OF SURVEY -**  
 +/- SQUARE ACRES

In accordance with Section 24, Chapter 184A of the General Laws of the Commonwealth of Massachusetts, the undersigned, a duly licensed Professional Land Surveyor, has surveyed the above described lands and has found that the same are subject to the following adjustments:

**ADJACENT LANDS:**  
 TO THE NORTH  
 TO THE SOUTH  
 TO THE WEST  
 TO THE EAST



**Area to be Reasonably**

1. The boundaries of the parcels of land shown on this plan are as shown on the plan.
2. The boundaries of the parcels of land shown on this plan are as shown on the plan.
3. The boundaries of the parcels of land shown on this plan are as shown on the plan.

SYH. 025/13

Open 9  
 MA SA 257 785

LAW OFFICES

# BOOTH CROPPER & MARRINER

A PROFESSIONAL CORPORATION

9923 STEPHEN DECATUR HIGHWAY, D-2

OCEAN CITY, MARYLAND 21842

(410) 213-2681

FAX (410) 213-2685

EMAIL: [hcropper@bbcmlaw.com](mailto:hcropper@bbcmlaw.com)

EASTON OFFICE

130 N. WASHINGTON ST.

EASTON, MD 21601

(410) 822-2929

FAX (410) 820-6586

WEBSITE

[www.bbcmlaw.com](http://www.bbcmlaw.com)

CURTIS H. BOOTH  
HUGH CROPPER IV  
THOMAS C. MARRINER\*  
ELIZABETH ANN EVINS  
LYNDSY J. RYAN

\* ADMITTED IN MD & DC

---

January 31, 2020

Mrs. Phyllis H. Wimbrow, Deputy Director  
Worcester County Department of  
Development, Review and Permitting  
One West Market Street  
Snow Hill, Maryland 21863

Dear Mrs. Wimbrow:

Please find enclosed a Rezoning Application for Worcester County Tax Map 70, Parcel 18, Parcel B, 153.56 acres, more or less.

I am sending a copy of this application to Mr. Frank G. Lynch, Jr. He will provide us with a scaled plat, showing a more accurate acreage. It was my intent to follow the northwesterly property line of the existing field.

We may also make some adjustments along the Pocomoke River, once the delineation is performed.

I have estimated the acreage at 30 acres, and therefore attached is the fee in the amount of \$1,100.00. We can adjust this amount (either way) once we have a more accurate acreage.

I will also be submitting a more detailed summary of our arguments. I just want to get in today, in conformance with the deadline.

January 31, 2020  
Page Two

**Thank you and have a great day.**

---

Very truly yours,



**Hugh Cropper IV**

---

HC/tgb

Enclosures

CC: **B. Randall Coates, Esquire**  
**J. Richard Phillips, IV**  
**Christopher McCabe**  
**Frank G. Lynch, Jr.**

---

LAW OFFICES

# BOOTH CROPPER & MARRINER

A PROFESSIONAL CORPORATION

9923 STEPHEN DECATUR HIGHWAY, D-2

OCEAN CITY, MARYLAND 21842

(410) 213-2681

FAX (410) 213-2685

EMAIL: [heropper@bbcmlaw.com](mailto:heropper@bbcmlaw.com)

**EASTON OFFICE**

130 N. WASHINGTON ST.

EASTON, MD 21601

(410) 822-2929

FAX (410) 820-6586

**WEBSITE**

[www.bbcmlaw.com](http://www.bbcmlaw.com)

CURTIS H. BOOTH  
HUGH CROPPER IV  
THOMAS C. MARRINER\*  
ELIZABETH ANN EVINS  
LYNDSBY J. RYAN

\*ADMITTED IN MD & DC

January 31, 2020

Mr. Daniel Strickland Hope  
Mrs. Janna P. Hope  
4224 Nassawango Road  
Snow Hill, Maryland 21863

Dear Mr. and Mrs. Hope:

As you know, I represent Mr. Richard D. Smithson, the contract purchaser of your property. Prior to the closing, Mr. Smithson is desirous of obtaining certain zoning approvals, such as a possible rezoning, special exception to construct a single-family dwelling, etc.

Inasmuch as you still own the property, I will be representing you in these applications.

I am not involved in the contractual negotiations between you and Mr. Smithson. Still, there is a possibility of a conflict of interest.

I would like your authorization to represent you with respect to these applications. Of course, I will provide you copies of everything, and keep you in the loop. It may be necessary for you to testify at the rezoning hearing.

I would also like you to waive any potential conflict of interest. Again, I am not going to be involved in your contractual negotiations.

Mr. Smithson will pay the entirety of my bill, as well as any application fees.

January 31, 2020  
Page Two

If this is acceptable, please sign the bottom of this letter, where indicated, and return it to me at your earliest convenience.

Very truly yours,



Hugh Cropper IV

HC/tgb

CC: J. Richard Phillips, IV  
B. Randall Coates, Esquire

AGREED TO THIS 31 DAY OF JAN, 2020.



DANIEL STRICKLAND HOPE



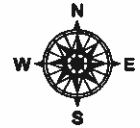
JANNA P. HOPE

Telephone Number: 410 430 4095

Email Address: DPINEWOOD@GMAIL.COM

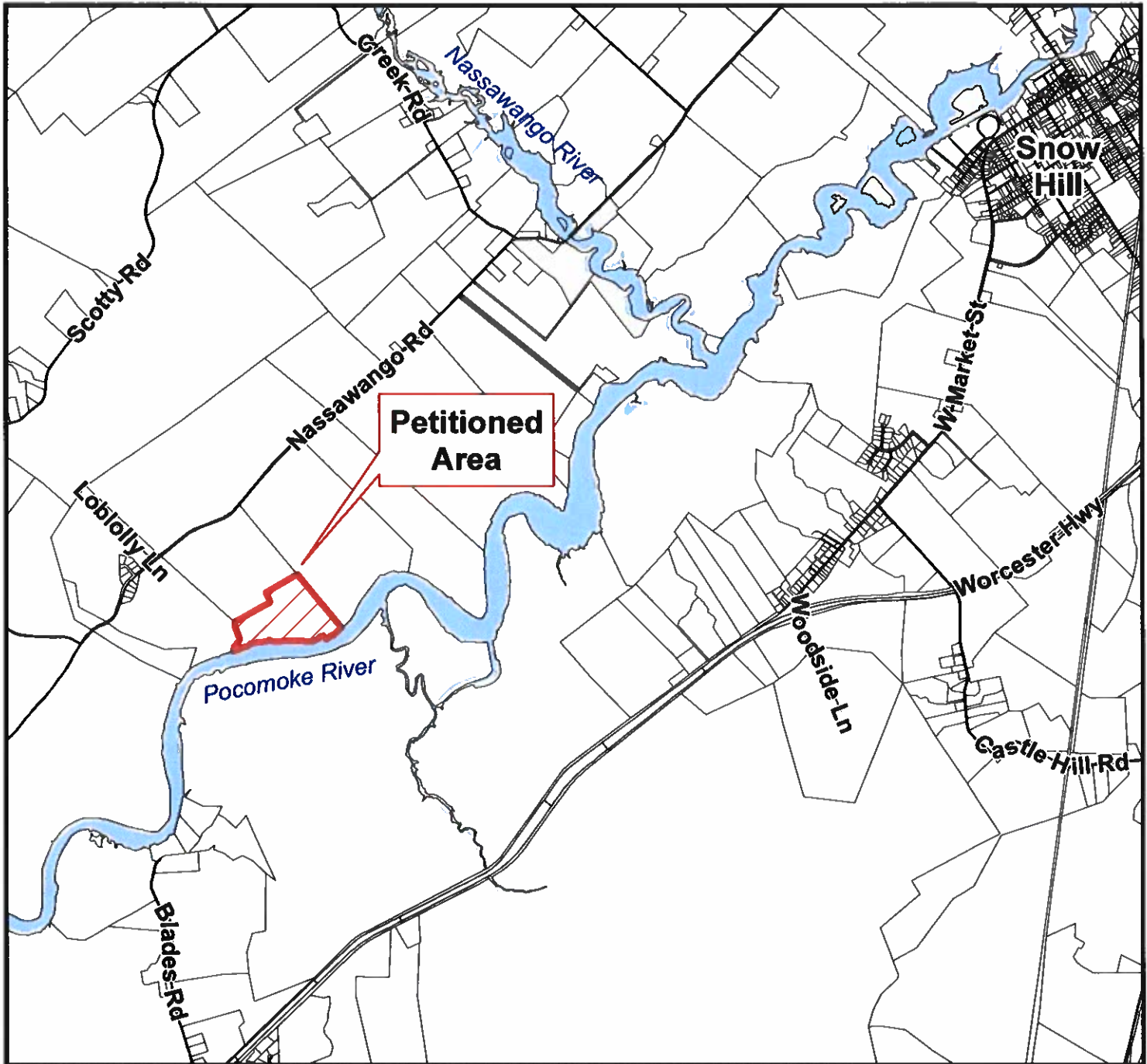


# WORCESTER COUNTY, MARYLAND

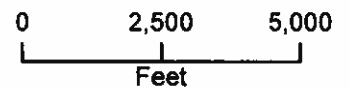


**REZONING CASE NO. 425**  
 RP Resource Protection District to A-1 Agricultural District  
 Tax Map: 70, Parcel 18, Parcel B (portion = 54.7 acres)

## LOCATION MAP



**DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING**  
**Technical Services Division - Prepared February 2020**

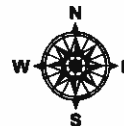


Source: Worcester County GIS Data Layers

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action. Drawn By: KLH Reviewed By: PHW



# WORCESTER COUNTY, MARYLAND



**REZONING CASE NO. 425**  
**RP Resource Protection District to A-1 Agricultural District**  
**Tax Map: 70, Parcel 18, Parcel B (portion = 54.7 acres)**

## AERIAL MAP



**DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING**  
**Technical Services Division - Prepared February 2020**

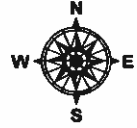
Source: Worcester County GIS Data Layers - 2019 Aerial Imagery

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action. Drawn By: KLH Reviewed By: PHW



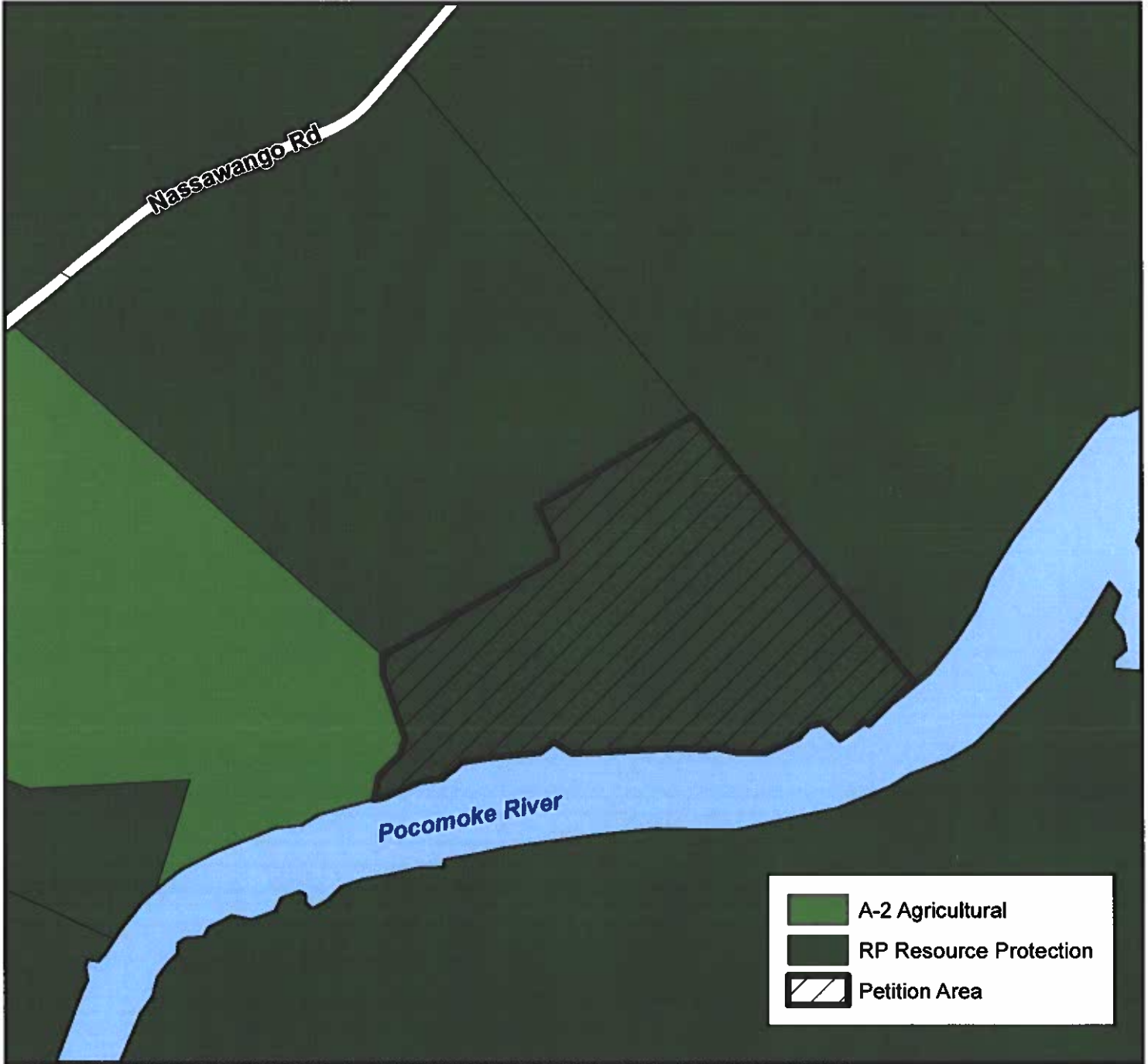


# WORCESTER COUNTY, MARYLAND

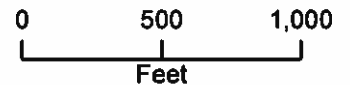


**REZONING CASE NO. 425**  
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## ZONING MAP



**DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING**  
**Technical Services Division - Prepared February 2020**

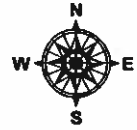


Source: Worcester County GIS Data Layers - 2009 Zoning Map

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action. Drawn By: KLH Reviewed By: PHW

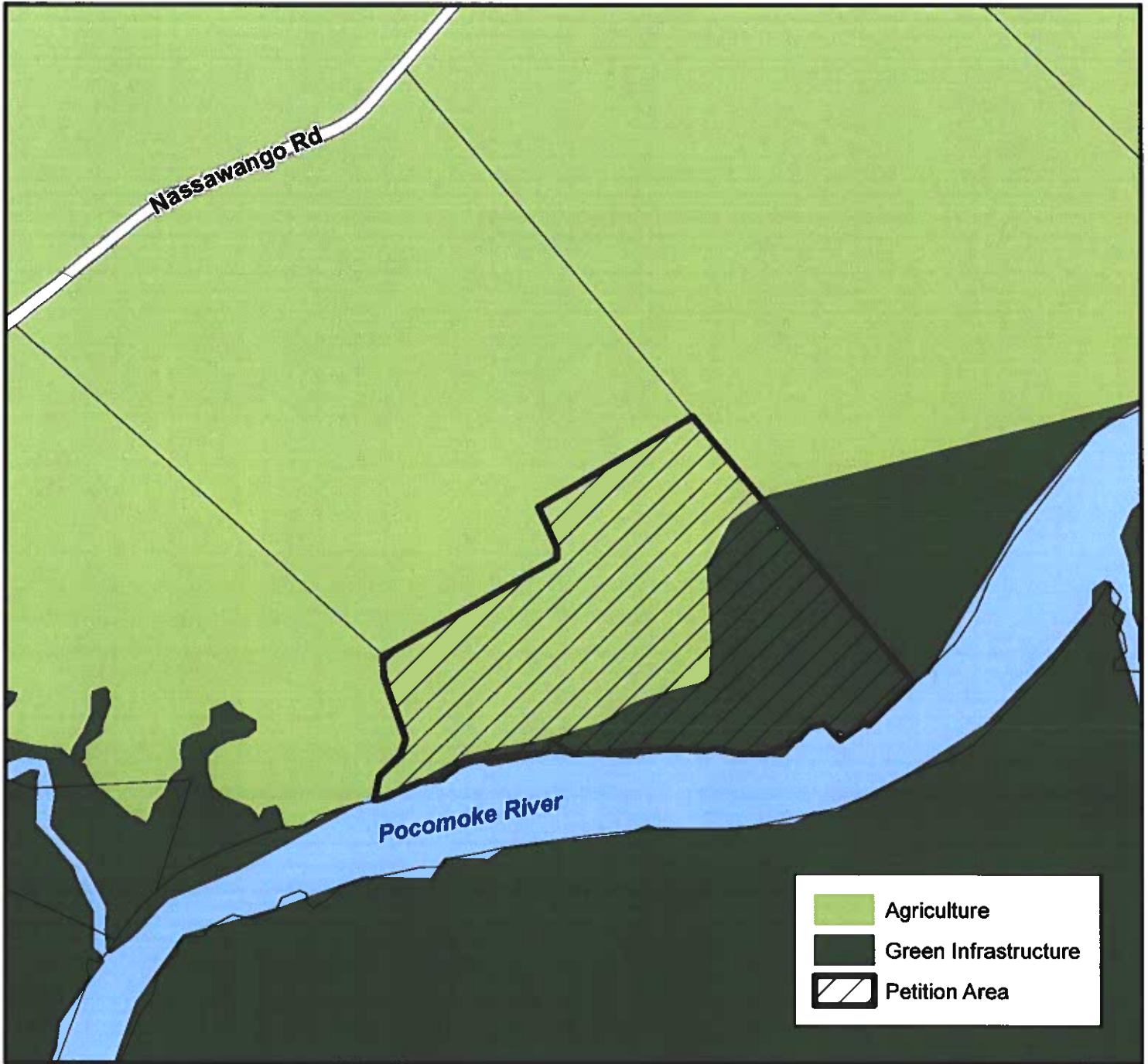


# WORCESTER COUNTY, MARYLAND

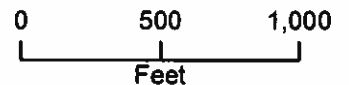


**REZONING CASE NO. 425**  
RP Resource Protection District to A-1 Agricultural District  
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## LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared February 2020

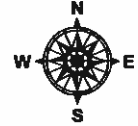


Source: Worcester County GIS Data Layers - 2006 Land Use Plan Map

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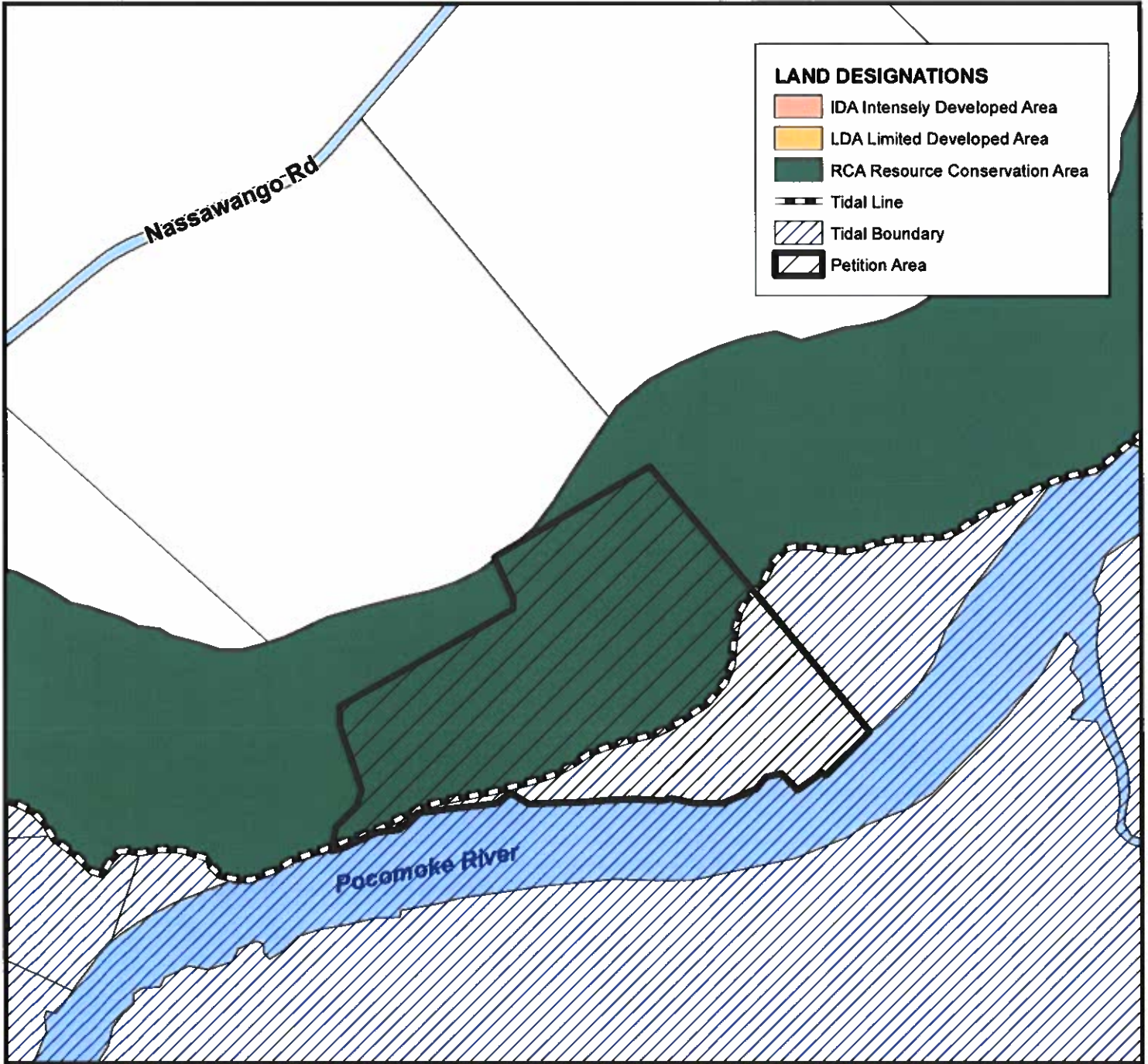


# WORCESTER COUNTY, MARYLAND

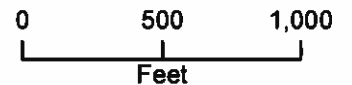


**REZONING CASE NO. 425**  
RP Resource Protection District to A-1 Agricultural District  
Tax Map: 70, Parcel 18, Parcel B (portion = 54.7 acres)

## CRITICAL AREA MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared February 2020

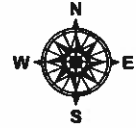


Source: Worcester County GIS Data Layers - Chesapeake Bay Critical Area Map

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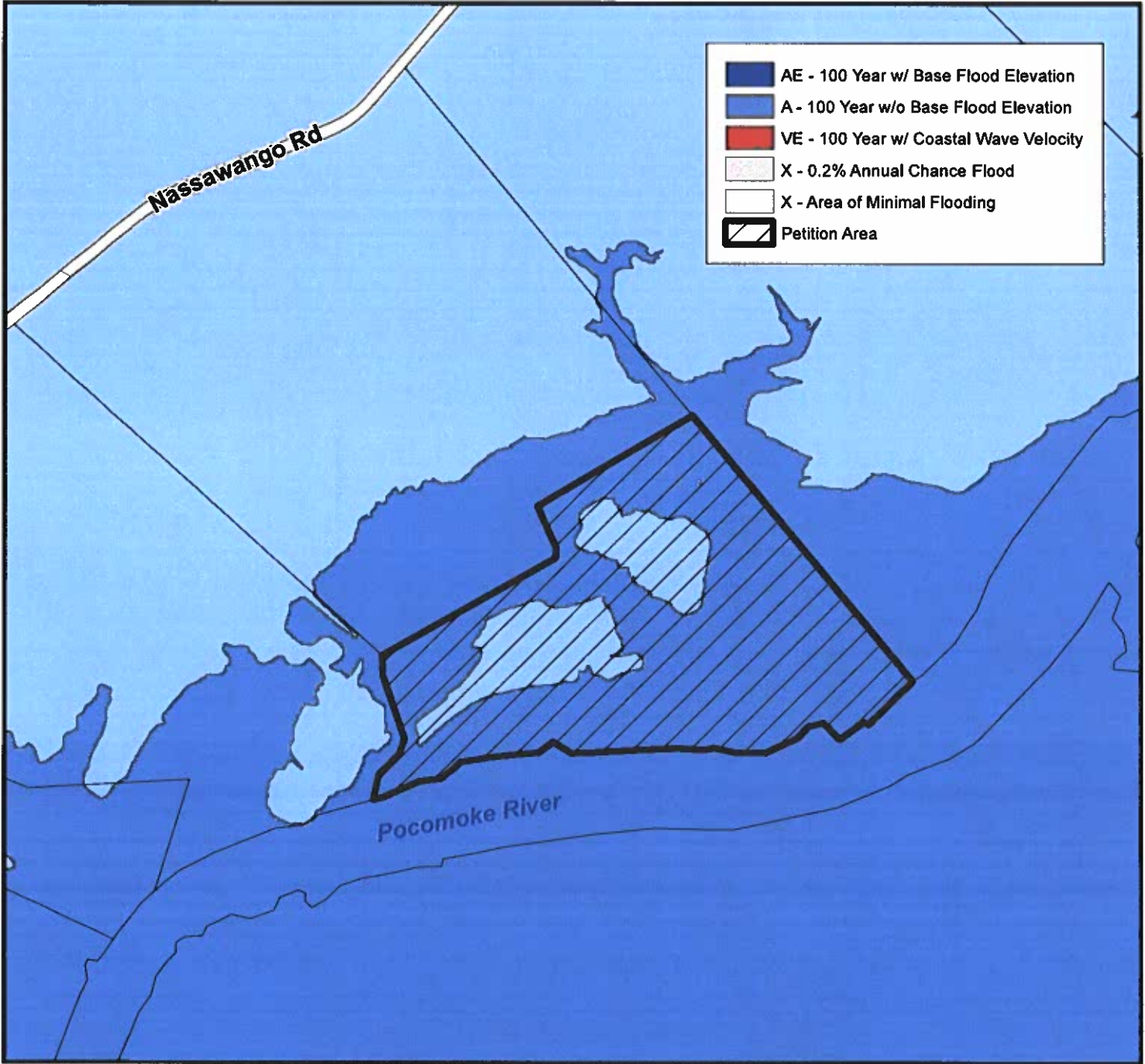


# WORCESTER COUNTY, MARYLAND

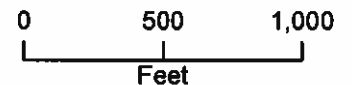


**REZONING CASE NO. 425**  
**RP Resource Protection District to A-1 Agricultural District**  
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## FLOODPLAIN MAP



**DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING**  
**Technical Services Division - Prepared February 2020**

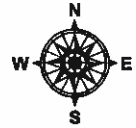


Source: Worcester County GIS Data Layers - 2015 FEMA Map

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# WORCESTER COUNTY, MARYLAND

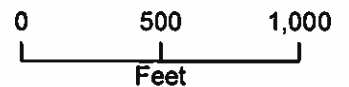


**REZONING CASE NO. 425**  
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## SOILS MAP



**DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING**  
**Technical Services Division - Prepared February 2020**

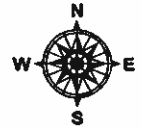


Source: Worcester County GIS Data Layers - 2007 Soil Survey

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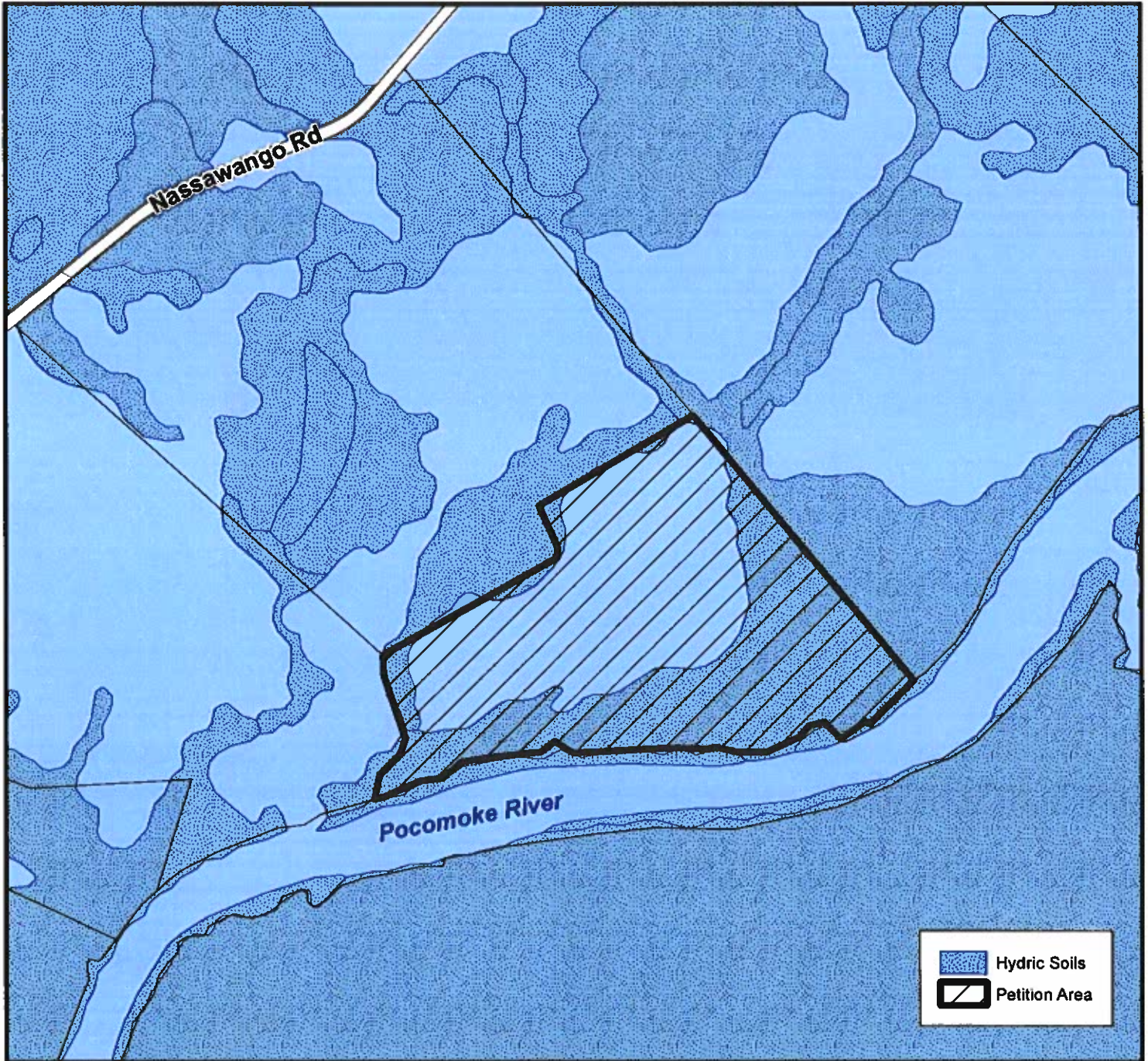


# WORCESTER COUNTY, MARYLAND



**REZONING CASE NO. 425**  
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**Tax Map: 70, Parcel 18, Parcel B (portion = 54.7 acres)**

## HYDRIC SOILS MAP



**DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING**  
**Technical Services Division - Prepared February 2020**

Source: Worcester County GIS Data Layers - 2007 Soil Survey

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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  
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICES DIVISION

### MEMORANDUM

To: Worcester County Planning Commission  
From: Jennifer K. Keener, AICP, Zoning Administrator  
Date: June 26, 2020  
Re: Election of Officers

\*\*\*\*\*

Based upon the Rules of Procedure for the Worcester County Planning Commission, the board is required to elect a chair, vice-chair and secretary annually. No officer may serve more than four (4) consecutive terms in any one office. At this time, the current executive committee has served as follows:

Chair - Mike Diffendal, four terms  
Vice Chair – Jay Knerr, four terms  
Secretary – Jerry Barbierrri, one term

In addition, the Planning Commission representative to the Technical Review Committee is currently Brooks Clayville.