



DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

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

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

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

October 30, 2019

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 – Reclassification of Water/Sewer Planning Area Designations– Assateague Farms, LLC
Tax Map 33 Parcel 29
(SW-2019-1)

Dear Commissioners:

We are writing to forward the proposed *Worcester County Comprehensive Water and Sewerage Plan (The Plan)* amendment to revise the Mystic Harbour sewer planning classification for an existing roadside stand and proposed restaurant and on-farm brewery in *The Plan*, for your review and comment to the County Commissioners. According to Chapter One, Section 1.4.2 of *The Plan* (“Application for Amendments”), the applicant submitted a complete application and we have attached it.

Mr. Paul Carlotta, the property owner, is the applicant for this amendment. This amendment seeks to reclassify the sewer planning area for a portion of the subject property (proposed Lot 4) from an existing S-3 (6 -10 years planned service) designation to an S-1 (immediate to two years) designation and include this change within the appropriate sewer planning area information in *The Plan*. The reclassification of the sewer and water planning areas will be for the Mystic Harbour Sanitary Area.

The property is already included within the Mystic sewer planning area and was allocated six (6) sewer equivalent dwelling units by the County Commissioners at their meeting on January 22, 2019. The allocation was subject to certain conditions, including subdividing the property and separating the public sewer from the non-public sewer portions of the property and amending the *The Plan* to reflect an S-1 planning designation for the public portion of the property. The property was also given a special exception by the Board of Zoning Appeals on November 9, 2017, to allow a farm brewery operation alongside the existing roadside stand in the A-2 Agricultural District. Six (6) EDUs would be

Citizens and Government Working Together

October 30, 2019

required for the existing fruit stand and organic store with seating and the proposed on-farm brewery and restaurant, which have limits on size imposed by the BZA. If the owner is able to utilize this EDU allocation, the existing septic system would be abandoned and properly filled which would further the County's goal of removing private septic systems where more environmentally-sensitive public sewer facilities are available. This sewer service will be just for the public portion of the property that is the subject of this requested amendment. The sewer will serve the existing roadside stand and the proposed on-farm brewery with attached restaurant.

The owners have indicated they will utilize wastewater from the brewing process for agricultural irrigation. Public sewage to serve wastewater needs for brewing beer coupled with any form of public water to serve agricultural irrigation are currently not provided to any customer within the Mystic Harbour or any Sanitary Service Area within the county. To prevent introduction of high-strength processing wastewater to the Mystic Harbour sewer system, only domestic-strength sanitary wastes from the public portion of the property would be permitted to be discharged from this property.

Regarding the proposed use of agricultural wastes on the farm by this owner, The Maryland Department of the Environment (MDE) and the Maryland Department of Agriculture (MDA) have worked cooperatively to formulate state policy that addresses processing waste generated on farms if used in a proper and agriculturally-beneficial manner. The state chemist at MDA issues approval for material like this brewery waste to be land applied as a soil amendment under an approved nutrient management plan. MDE issues an exemption from the requirement for a groundwater discharge permit for the land application of food processing wastewater after review of analysis of the process waste and decision by the State Chemist that the materials meet the requirements of a soil conditioner.

That is what will be done on the agricultural portion of this property that will remain with an S-3 sewer planning area designation. The owner will install a holding tank for the brewery wastes, which will be applied under the MDE exemption to their fields in accordance with an approved Nutrient Management Plan.

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

Comprehensive Plan Policies

The Comprehensive Plan assigns a single land use designation for this property within the Mystic planning area. That designation is:

1. Agriculture

Agricultural Areas are defined (p.18) as follows:

- "Reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted."
- Where "residential and other conflicting land uses although permitted are discouraged."

The comprehensive plan goes on to state:

Chapter One, "Introduction" includes the following objectives:

- "Provide adequate public health, safety, social, recreation, and waste disposal services" (p. 8).
- "Protect drinking water supplies" (p. 8).

Chapter Two, "Land Use" objectives (p.12) include:

- Provide for appropriate residential, commercial, institutional, and industrial uses
- Limit rural development to uses compatible with agriculture and forestry

Chapter Three, "Natural Resources", under Total Maximum Daily Loads (TMDLs) states:

- Provides a goal that Worcester County recognizes the value of and is committed to conservation and protection of the following natural resources (...) clean surface and ground water (p.33).

Chapter Six, "Public Infrastructure" includes as a Goal:

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

Chapter Six, "Public Infrastructure", under Water and Sewer:

- Require new development "pay its way" by providing adequate public facilities to meet the infrastructure demand it creates (p.70).

Zoning

The current Mystic Harbour Sanitary Area has already been approved under various amendments and is appropriately zoned for the current and proposed uses planned for the existing sanitary area. The subject property has a single zoning designation. They carry an A-2 (Agricultural District) zoning classification. This district is intended to foster the County's agricultural heritage and uses while also accommodating compatible uses of a more commercial nature that require large tracts of land. The specific uses and density proposed by this applicant are consistent with those intentions and are also authorized by the special exception granted by the Board of Zoning Appeals.

Staff's Comments

Staff comments are submitted below for your consideration.

1. The Mystic Harbour sewer system has adequately available sewer to handle this proposed development and have allocated a limited amount (6 EDUs) to serve the public portion of the property that is the subject of this amendment.
2. The *Planning Area's* zoning classification permits the proposed uses. Any construction in the *Planning Area* would be required to meet the provisions of the storm water program and other local and state regulatory requirements.
3. The *Planning Area's* land use designation of agriculture does present a conflicting position relative to the *Comprehensive Plan's* perspective with regard to provision of public services. . We believe that the limits and scale of the proposed use counter this inconsistency with respect to the land use designation. The agricultural portion of the property used for cropping and irrigation will continue in that regard with a continuing S-3 designation. The only portion of the property that will be upgraded to an S-1 designation will be the public portion that will utilize the sewer connection for disposal of sanitary wastes. The special exception for the use of an on-farm brewery will be in conformance with land use objectives to "limit rural development to uses compatible with agriculture and forestry." This is a limited and appropriate use of public sewer to showcase an agricultural product grown and produced on the

WS Amendment Case No. 2019-1

October 30, 2019

same property. That was a part of the reasoning in both the BZA approval and the allocation of limited capacity to the property with conditions by the County Commissioners.

4. *The Plan* states that proposed amendments must be consistent with *The Comprehensive Plan* and existing zoning classifications. We believe we have addressed any land use inconsistencies, so the project appears to be consistent with *The Comprehensive Plan* and existing zoning.

If you need any additional information or have any questions, please do not hesitate to contact me at (410) 632-1220.

Sincerely,



Robert J. Mitchell, LEHS
Director

Attachments

cc: WS Amendment File (SW 2019-2)

Attachment 1

Application

Assateague Farms, LLC
Case No. SW 2019-1
October 30, 2019

Water and Sewerage Plan Amendment Application

Worcester County, Maryland

Planned Sewer System

Date: 6-13-19

*Some information may be repeated from the "existing sewer system" form

System Name:

TAX MAP 33 PARCEL 29

Area served [tax map(s) & parcel(s)]:

Owner:

ASSATEAGUE ISLAND FARM LLC

Operator:

Proposed priority category (circle one):

S-1 S-2 S-3

Population and Capacity

Population served (EDU):

2019	2020	2025	2030
<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>
<u>0</u>	<u>0</u>	<u>0</u>	<u>6</u>
<u>300</u>	<u>300</u>	<u>300</u>	<u>300</u>

Population unserved (EDU):

GPD per EDU:

System capacity demand (MGD)

System capacity planned (MGD):

Permitted capacity (MGD):

Collection System

Type (circle one):

Combined* Separate

*Combined systems collect both stormwater and wastewater

Description:

GRAVITY, PUMP TO RT 611 FORCE MAIN

Condition of transmission facilities (circle):

Good Need repairs/replacement (describe in comments)

Treatment Facility

Location- N/E (NAD83, meters):

MYSTIC HARBOUR WWTP

Level & type of treatment:

Condition of treatment facilities (circle one):

Good Need repairs/replacement (describe in comments)

Total site size (acres):

Acres occupied by facility: _____

Design flow (MGD)

Existing flow (MGD): Average:

Peak: _____

Sludge disposal method:

Discharge

Type:

Location - N/E (NAD83, meters):

NPDES permit # and expiration date:

State discharge permit # and expiration date:

Annual Operation & Maintenance Costs:

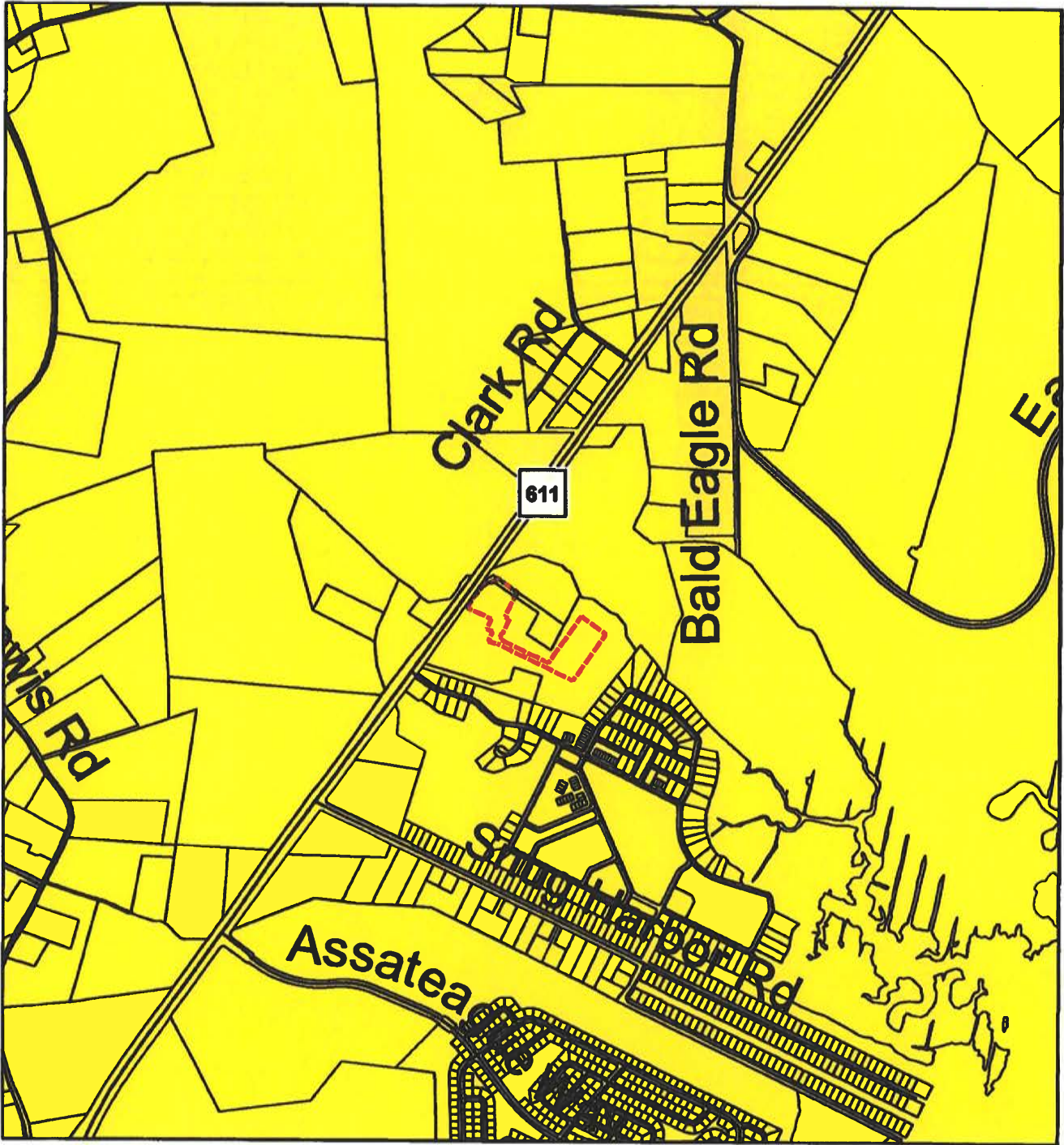
Funding source:

Comments (include pending permit applications, planned improvements/expansions; describe needed repairs):

CHANGE PUBLIC SERVICE LOT FROM CATEGORY S-3 TO S-1 TO PERMIT PUBLIC SERVICE FOR PROPOSED

Attachment 2

Maps



Legend

- Assateague Island Farm LLC, Lot 4
- Parcel Boundaries

General Location

Assateague Island Farm LLC
 S-1 Proposed
 Case SW2019-1

Prepared by the Worcester County Department of Environmental Programs, October 28, 2019
 Data: Worcester County
 Parcel boundaries are approximate.
 This map is for planning purposes only.



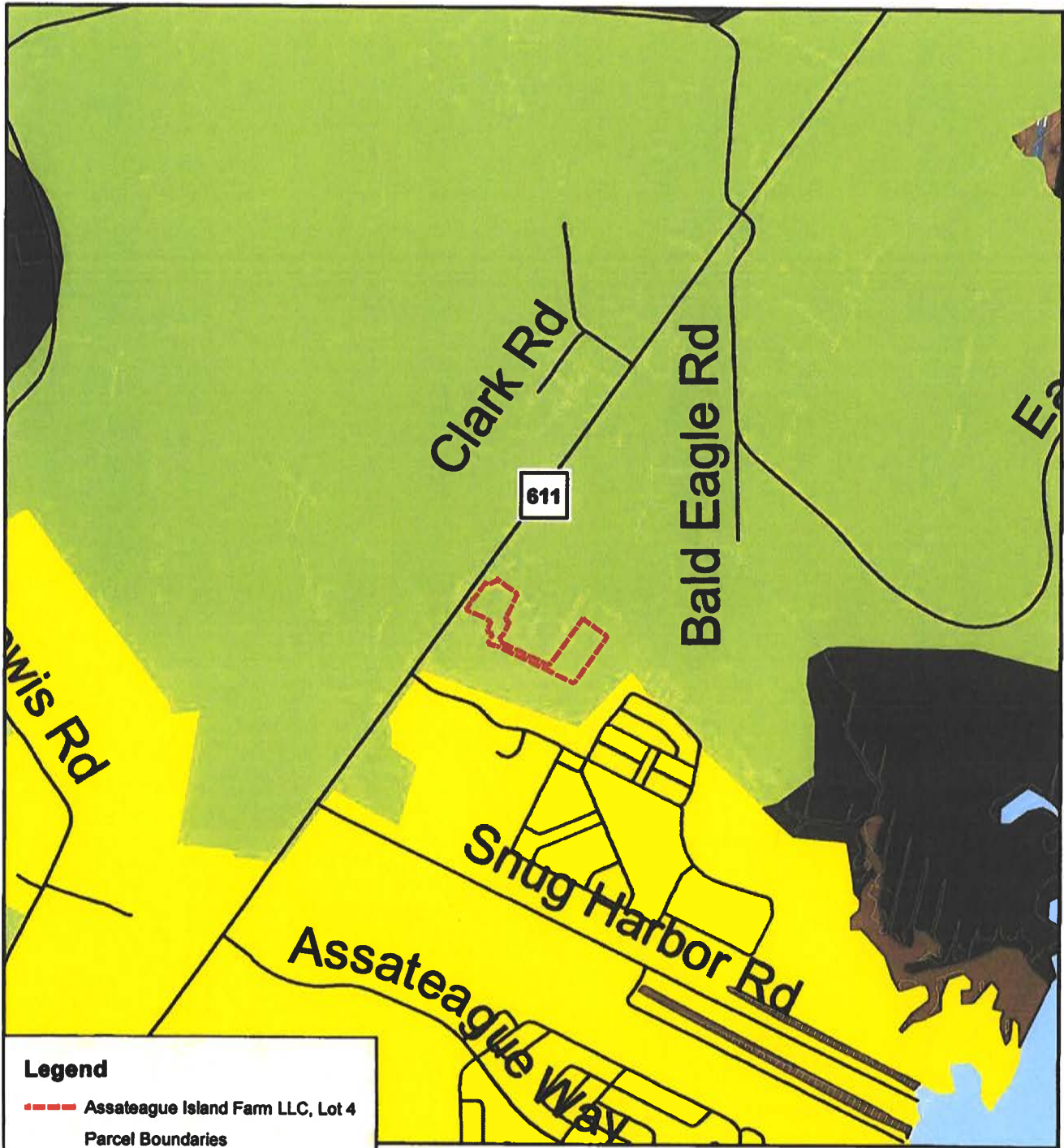
0.2 0.1 0 0.2 Miles

Legend
--- Assateague Island Farm LLC, Lot 4

Aerial Image (2016)

Assateague Island Farm LLC
S-1 Proposed
Case SW2019-1

Prepared by the Worcester County Department of Environmental Programs, October 28, 2019
Parcel boundaries are approximate.
This map is for planning purposes only.



Legend

--- Assateague Island Farm LLC, Lot 4
Parcel Boundaries

Land Use Plan

LEGEND

- Agriculture
- Existing Developed Centers
- Green Infrastructure
- Waterbody (bays, ponds)
- Waterway (rivers, streams, creeks)

0.2 0.1 0 0.2 Miles

2006 Land Use Plan

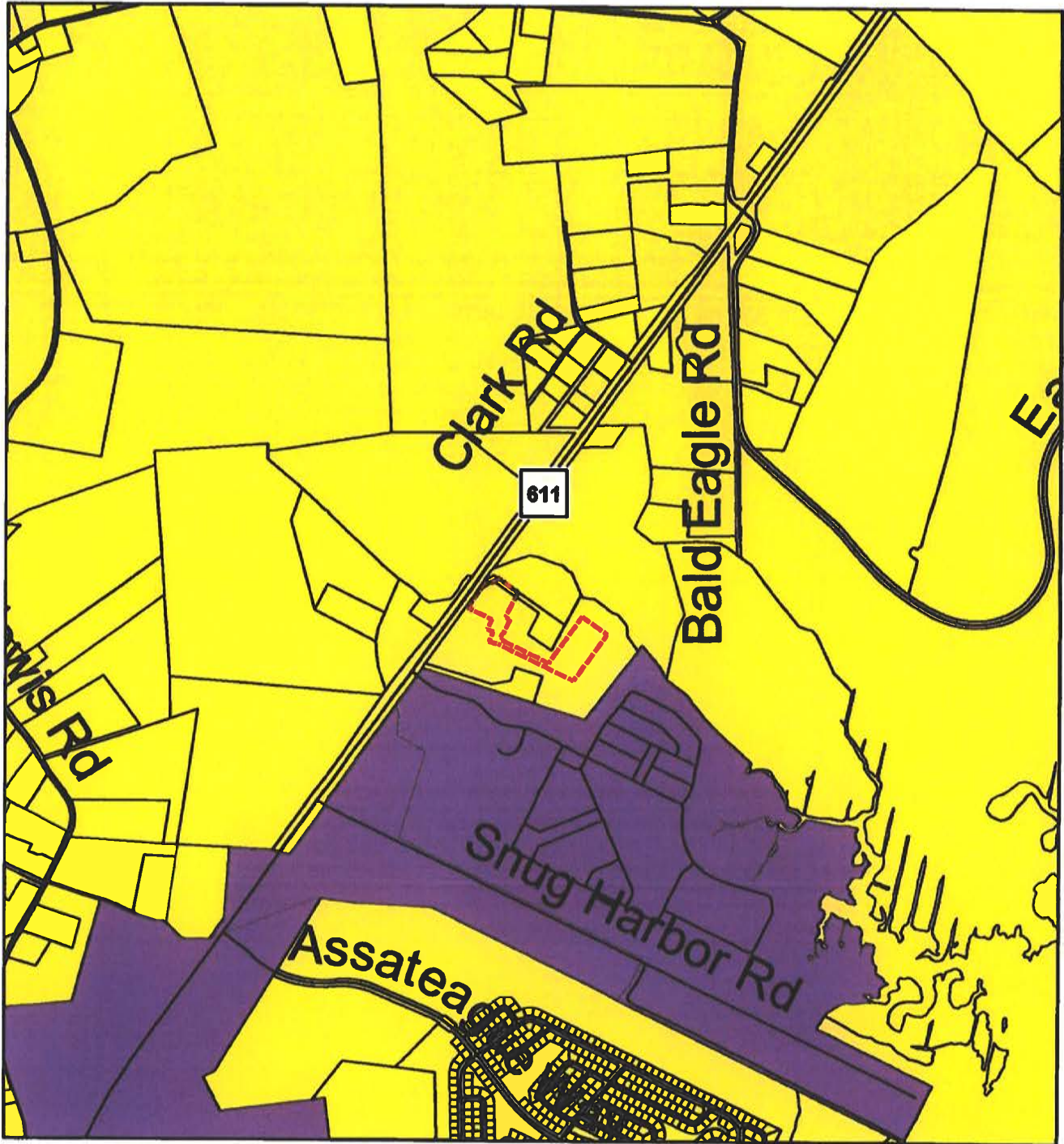
Assateague Island Farm LLC
S-1 Proposed
Case SW2019-1

Prepared by the Worcester County Department of Environmental Programs, October 28, 2019

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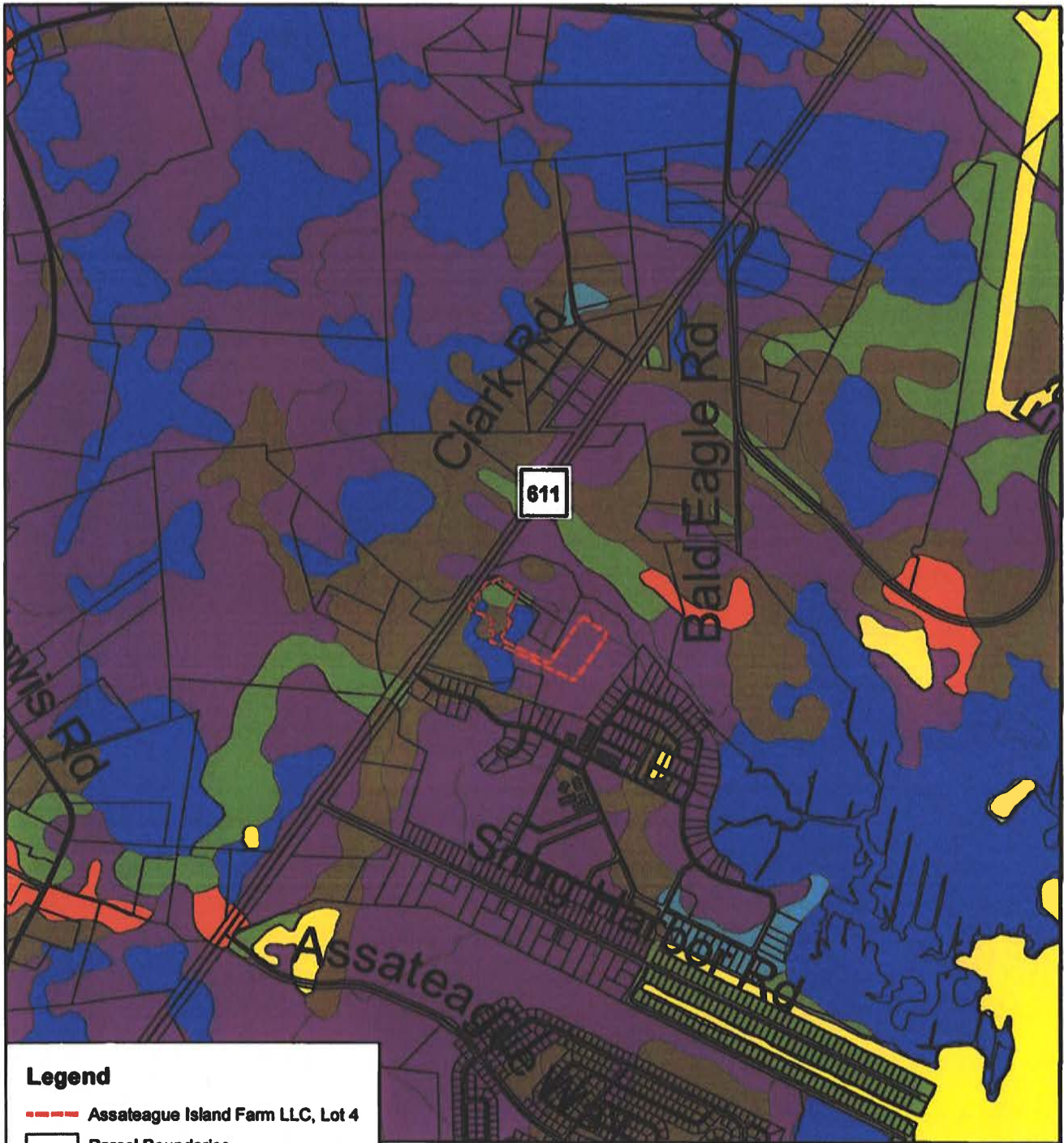
Legend

- Priority Funding Area
- Assateague Island Farm LLC, Lot 4
- Parcel Boundaries



Priority Funding Area
 Assateague Island Farm LLC
 S-1 Proposed
 Case SW2018-1

Prepared by the Worcester County Department of Environmental Programs, October 28, 2019
 Data: Worcester County
 Parcel boundaries are approximate.
 This map is for planning purposes only.



Legend

--- Assateague Island Farm LLC, Lot 4

▭ Parcel Boundaries

Soils

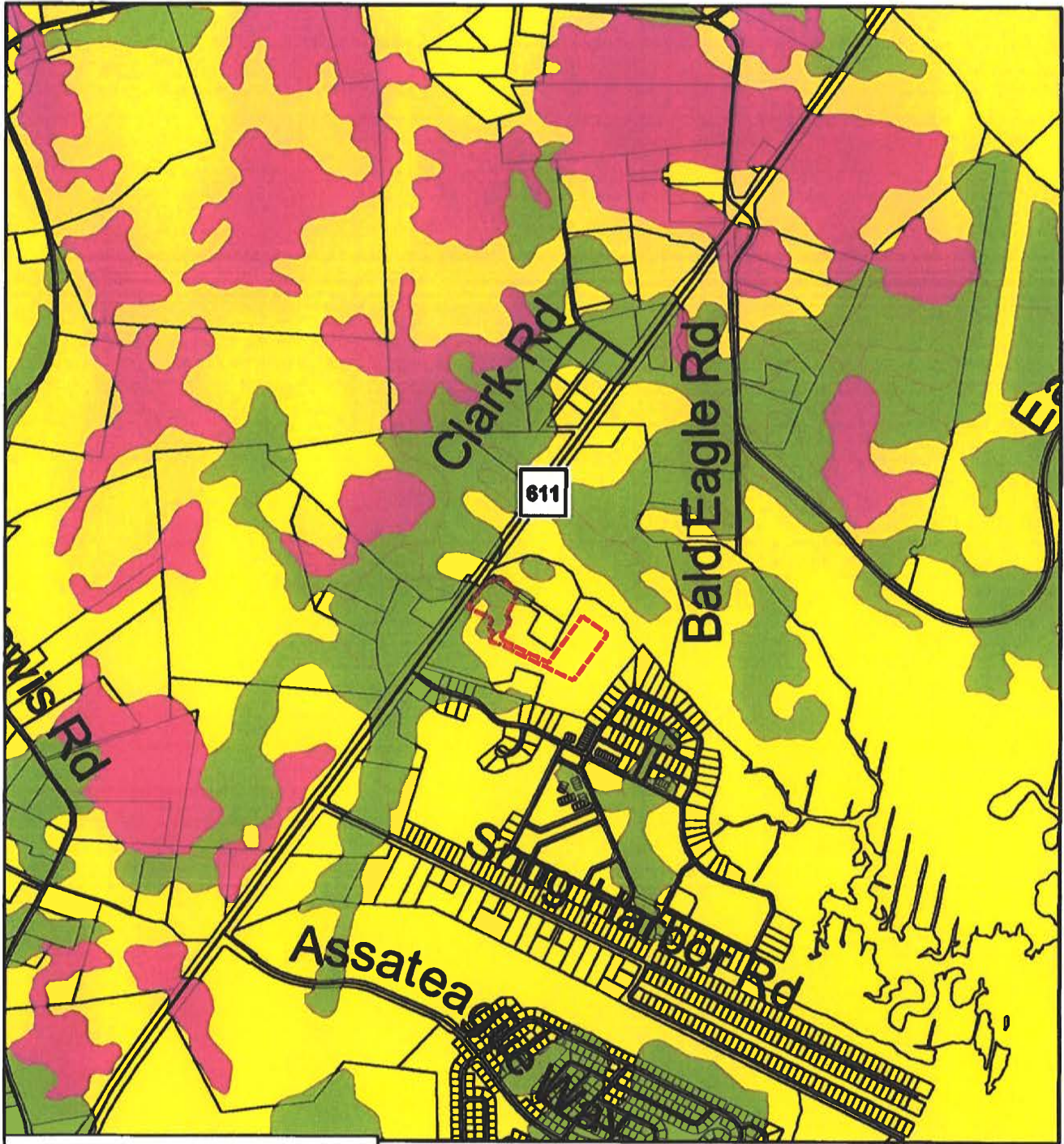
- Excessively drained
- Moderately well drained
- Poorly drained
- Somewhat excessively drained
- Very poorly drained
- Well drained



Soils: Drainage

Assateague Island Farm LLC
 S-1 Proposed
 Case SW2019-1

Prepared by the Worcester County Department of Environmental Programs, October 28, 2019
 Data: MDA/NRCS
 Parcel boundaries are approximate.
 This map is for planning purposes only.



Legend

- - - Assateague Island Farm LLC, Lot 4
- All areas are prime farmland
- Prime farmland if drained
- Prime farmland if irrigated
- Parcel Boundaries



Soils: Prime Farmland

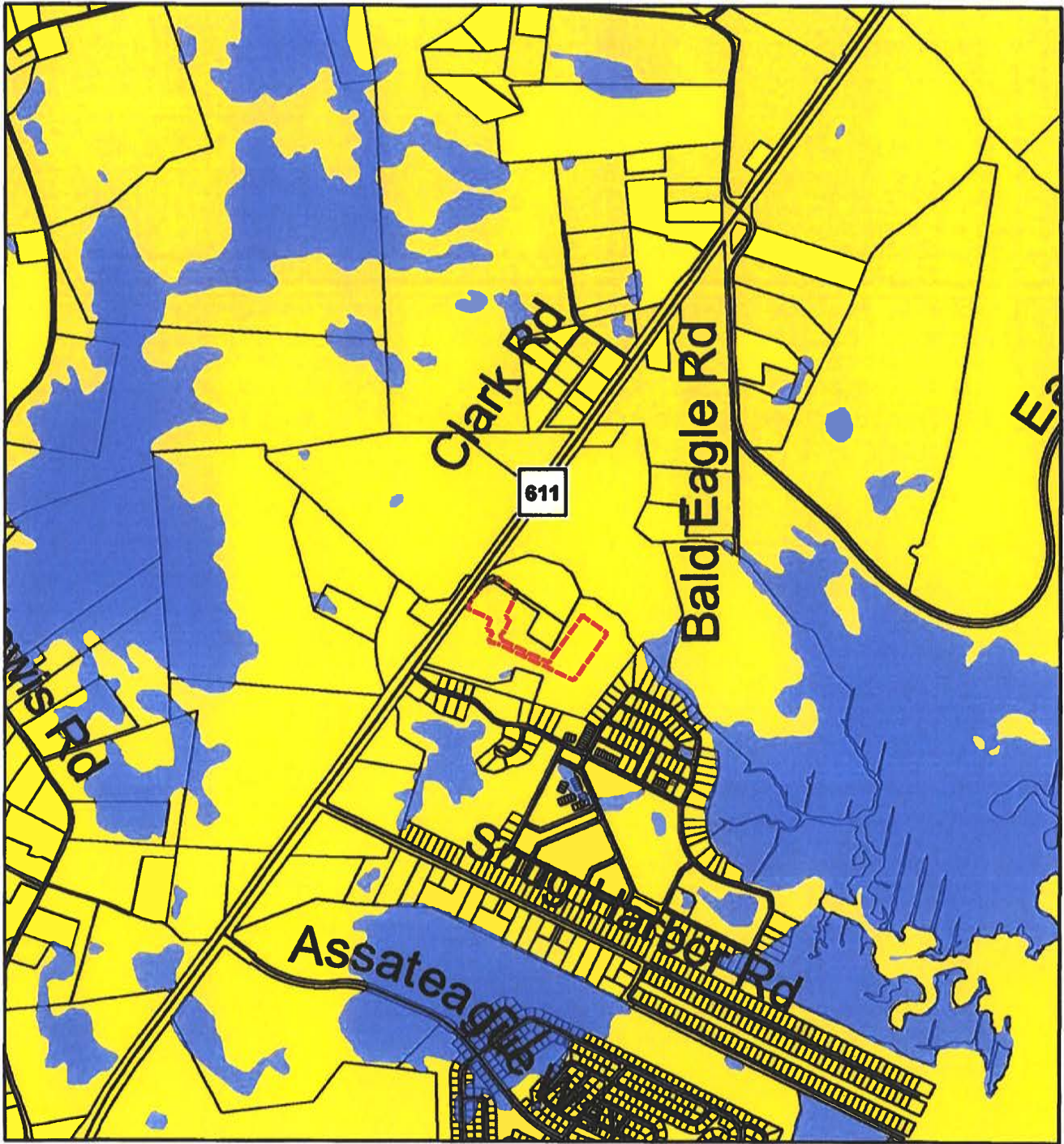
Assateague Island Farm LLC
 S-1 Proposed
 Case SW2019-1

Prepared by the Worcester County Department of Environmental Programs, October 28, 2019

Data: MDA/NRCS

Parcel boundaries are approximate.

This map is for planning purposes only.



0.2 0.1 0 0.2 Miles



Legend

- - - Assateague Island Farm LLC, Lot 4
- Wetlands
- Parcel Boundaries

Wetlands Guidance Map

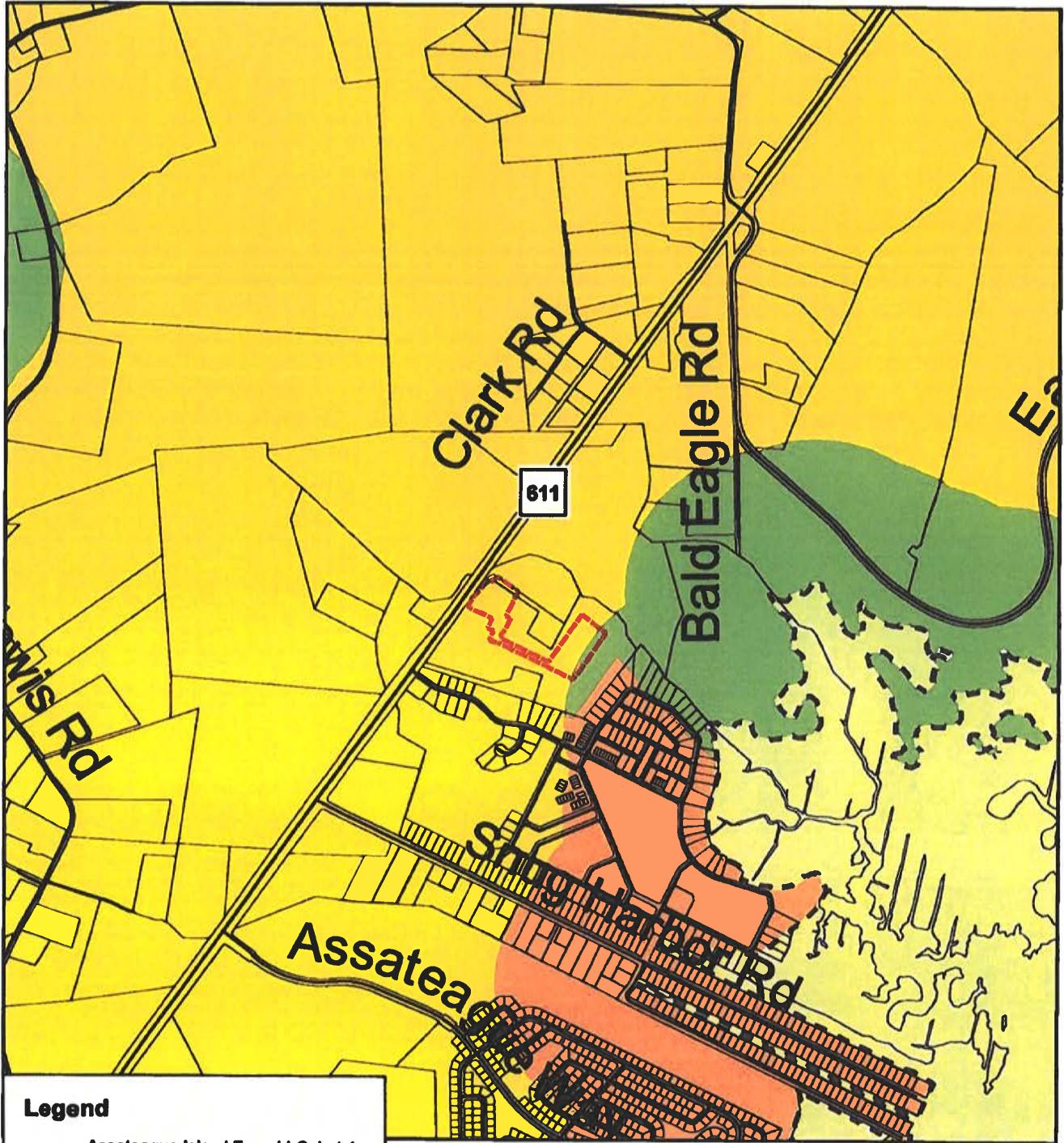
Assateague Island Farm LLC
 S-1 Proposed
 Case SW2019-1

Prepared by the Worcester County Department of Environmental Programs, October 28, 2019

Data: MD DNR

Parcel boundaries are approximate.

This map is for planning purposes only.



Legend

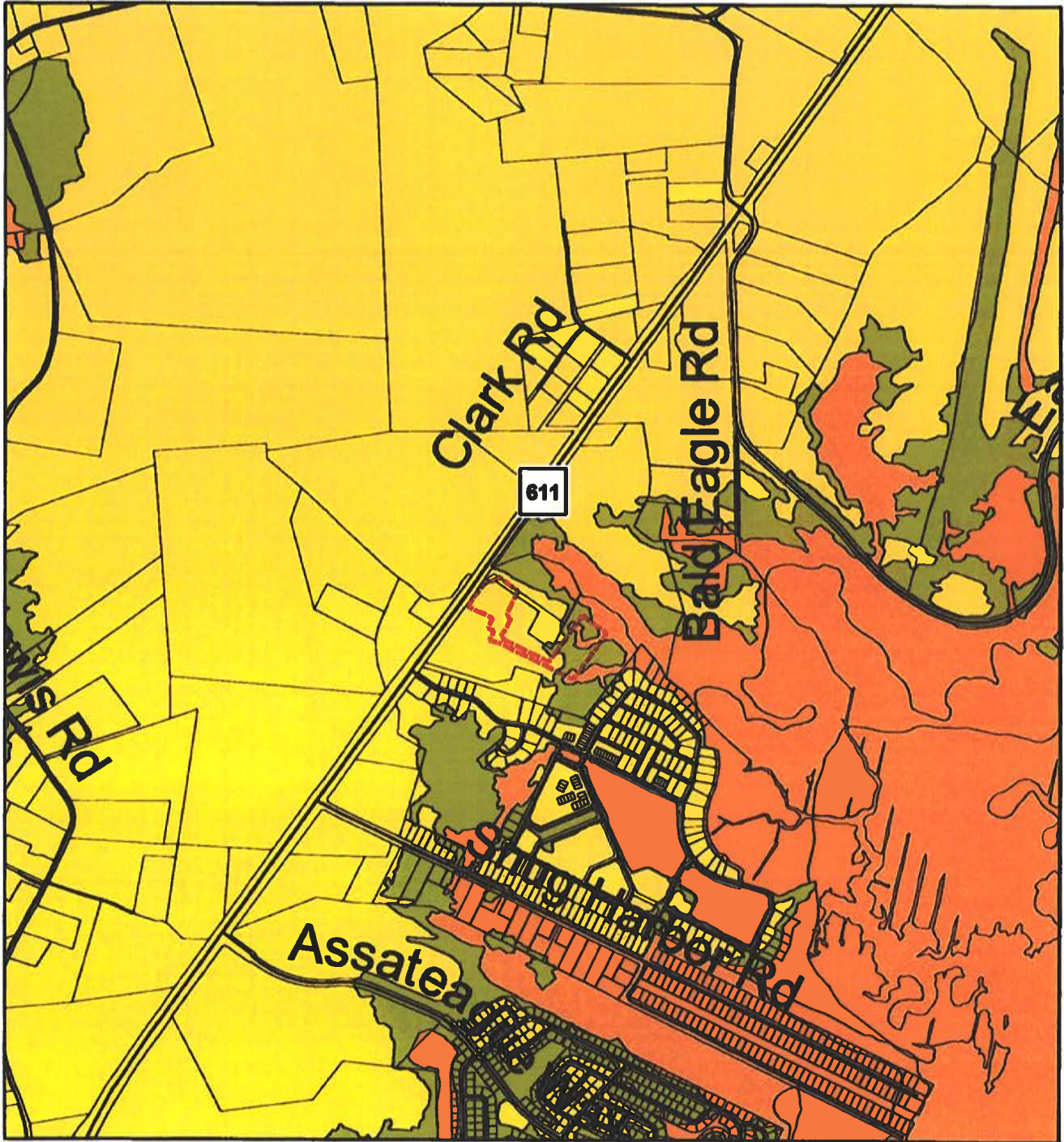
- Assateague Island Farm LLC, Lot 4
- Parcel Boundaries
- IDA - Intensely Development Areas
- LDA - Limited Development Areas
- RCA - Resource Conservation Areas
- Out of Program
- Tidally Influenced Areas



Critical Area

Assateague Island Farm LLC
 S-1 Proposed
 Case SW2019-1

Prepared by the Worcester County Department of Environmental Programs, October 28, 2019
 Data: MD DNR/Worcester County
 Parcel boundaries are approximate.
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Legend

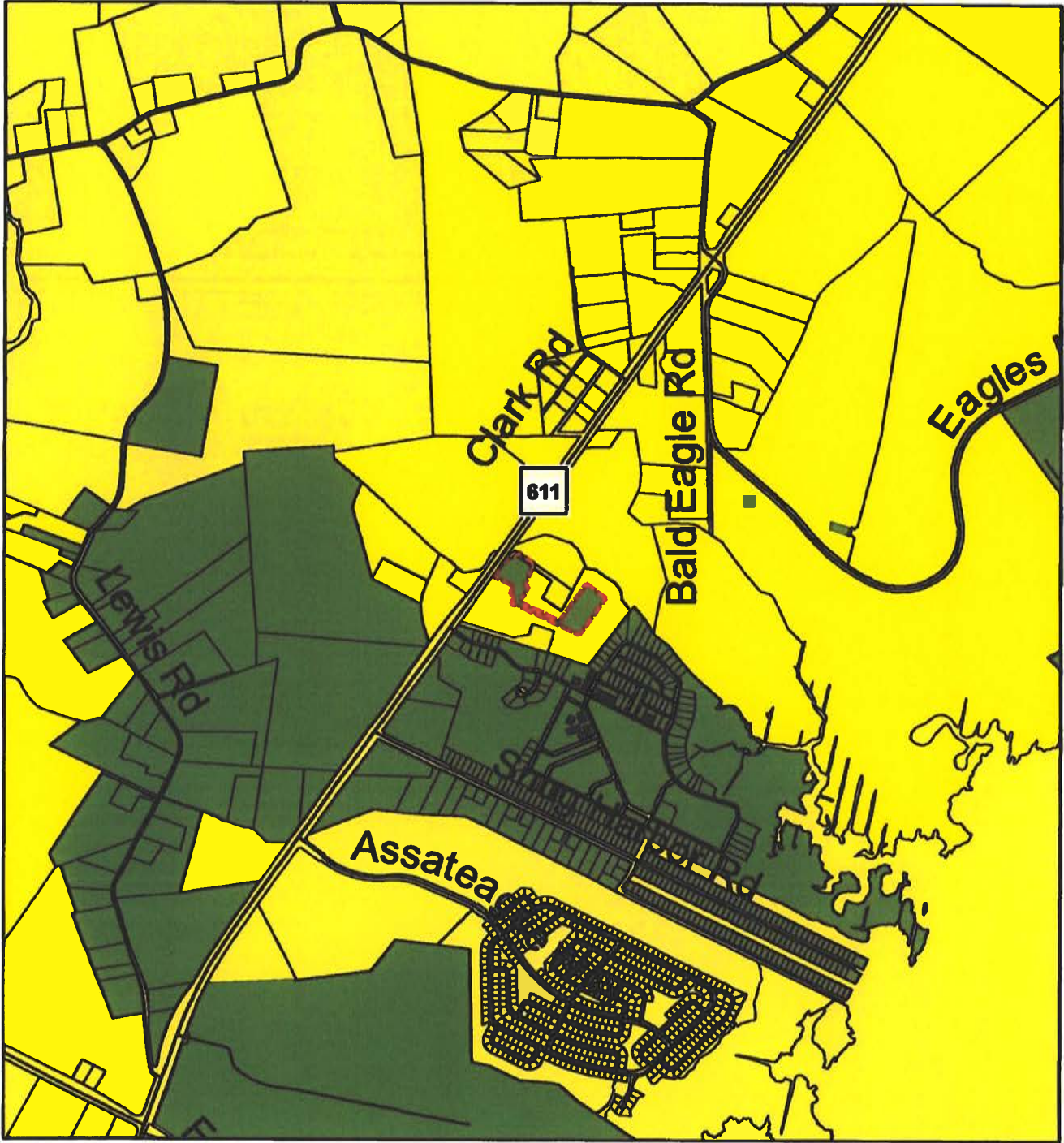
- - - Assateague Island Farm LLC, Lot 4
- Parcel Boundaries
- 500-Year Floodplain
- 100-Year Floodplain



Floodplain

Assateague Island Farm LLC
 S-1 Proposed
 Case SW2019-1

Prepared by the Worcester County Department of Environmental Programs, October 28, 2019
 Data: FEMA
 Parcel boundaries are approximate.
 This map is for planning purposes only.



Legend

- - - Assateague Island Farm LLC, Lot 4
- Parcel Boundaries
- Mystic Harbour Service Area S1
- Mystic Harbour Service Area S3

0.25 0.125 0 0.25 Miles



Sewer Service Planning Areas

Assateague Island Farm LLC
 S-1 Proposed
 Case SW2019-1

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10/31/19

TO: Worcester County Planning Commission

Regrettably, we need to postpone the *Water and Sewerage Plan* amendment for the Town of Snow Hill to resolve mapping and property description matters with respect to the de-annexation resolution.

We apologize for any inconvenience.



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October 30, 2019

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 – Reclassification of Water/Sewer Planning Area Designations– Assateague Farms, LLC Tax Map 33 Parcel 29 (SW-2019-1)

Dear Commissioners:

We are writing to forward the proposed *Worcester County Comprehensive Water and Sewerage Plan (The Plan)* amendment to revise the Mystic Harbour sewer planning classification for an existing roadside stand and proposed restaurant and on-farm brewery 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.

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October 30, 2019

required for the existing fruit stand and organic store with seating and the proposed on-farm brewery and restaurant, which have limits on size imposed by the BZA. If the owner is able to utilize this EDU allocation, the existing septic system would be abandoned and properly filled which would further the County's goal of removing private septic systems where more environmentally-sensitive public sewer facilities are available. This sewer service will be just for the public portion of the property that is the subject of this requested amendment. The sewer will serve the existing roadside stand and the proposed on-farm brewery with attached restaurant.

The owners have indicated they will utilize wastewater from the brewing process for agricultural irrigation. Public sewage to serve wastewater needs for brewing beer coupled with any form of public water to serve agricultural irrigation are currently not provided to any customer within the Mystic Harbour or any Sanitary Service Area within the county. To prevent introduction of high-strength processing wastewater to the Mystic Harbour sewer system, only domestic-strength sanitary wastes from the public portion of the property would be permitted to be discharged from this property.

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

Comprehensive Plan Policies

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Agricultural Areas are defined (p.18) as follows:

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Zoning

The current Mystic Harbour Sanitary Area has already been approved under various amendments and is appropriately zoned for the current and proposed uses planned for the existing sanitary area. The subject property has a single zoning designation. They carry an A-2 (Agricultural District) zoning classification. This district is intended to foster the County's agricultural heritage and uses while also accommodating compatible uses of a more commercial nature that require large tracts of land. The specific uses and density proposed by this applicant are consistent with those intentions and are also authorized by the special exception granted by the Board of Zoning Appeals.

Staff's Comments

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2. The *Planning Area's* zoning classification permits the proposed uses. Any construction in the *Planning Area* would be required to meet the provisions of the storm water program and other local and state regulatory requirements.
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WS Amendment Case No. 2019-1

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same property. That was a part of the reasoning in both the BZA approval and the allocation of limited capacity to the property with conditions by the County Commissioners.

4. *The Plan* states that proposed amendments must be consistent with *The Comprehensive Plan* and existing zoning classifications. We believe we have addressed any land use inconsistencies, so the project appears to be consistent with *The Comprehensive Plan* and existing zoning.

If you need any additional information or have any questions, please do not hesitate to contact me at (410) 632-1220.

Sincerely,



Robert J. Mitchell, LEHS
Director

Attachments

cc: WS Amendment File (SW 2019-2)

Attachment 1

Application

Assateague Farms, LLC
Case No. SW 2019-1
October 30, 2019

Water and Sewerage Plan Amendment Application

Worcester County, Maryland

Planned Sewer System

Date: 6-13-19

*Some information may be repeated from the "existing sewer system" form

System Name:

TAX MAP 33 PARCEL 29

Area served [tax map(s) & parcel(s)]:

Owner:

ASSATEAGUE ISLAND FARM LLC

Operator:

Proposed priority category (circle one):

S-1 S-2 S-3

Population and Capacity

Population served (EDU):

2019	2020	2025	2030
<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>
<u>0</u>	<u>0</u>	<u>0</u>	<u>6</u>
<u>300</u>	<u>300</u>	<u>300</u>	<u>300</u>

Population unserved (EDU):

GPD per EDU:

System capacity demand (MGD)

System capacity planned (MGD):

Permitted capacity (MGD):

Collection System

Type (circle one):

Combined* Separate

*Combined systems collect both stormwater and wastewater

Description:

GRAVITY, PUMP TO RT 611 FORCE MAIN

Condition of transmission facilities (circle):

Good Need repairs/replacement (describe in comments)

Treatment Facility

Location- N/E (NAD83, meters):

MYSTIC HARBOUR WWTP

Level & type of treatment:

Condition of treatment facilities (circle one):

Good Need repairs/replacement (describe in comments)

Total site size (acres):

Acres occupied by facility: _____

Design flow (MGD)

Existing flow (MGD): Average:

Peak: _____

Sludge disposal method:

Discharge

Type:

Location - N/E (NAD83, meters):

NPDES permit # and expiration date:

State discharge permit # and expiration date:

Annual Operation & Maintenance Costs:

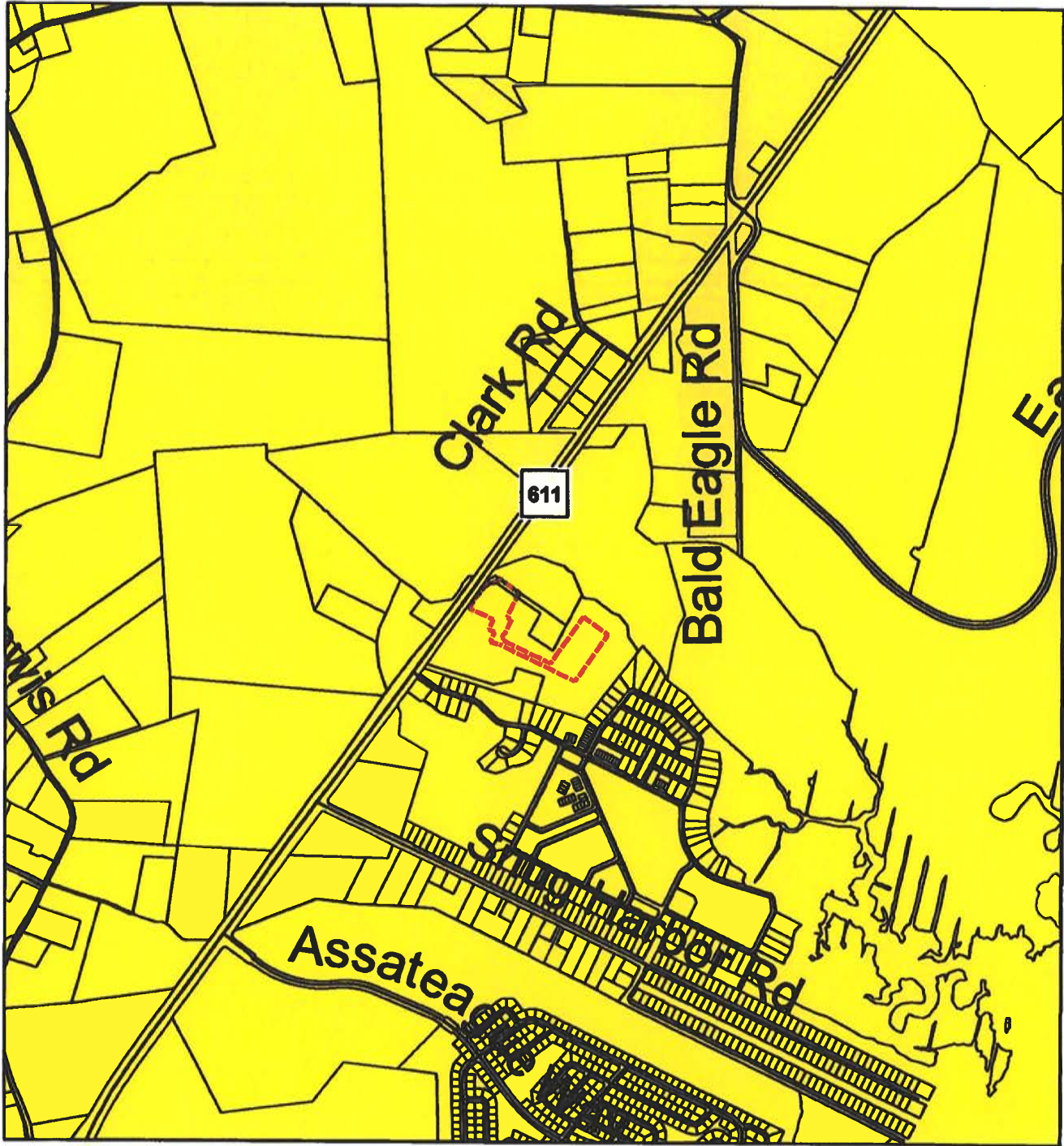
Funding source:

Comments (include pending permit applications, planned improvements/expansions; describe needed repairs):

CHANGE PUBLIC SERVICE LOT FROM CATEGORY S-3 TO S-1 TO PERMIT PUBLIC SERVICE FOR PROPOSED

Attachment 2

Maps



Legend

- - - Assateague Island Farm LLC, Lot 4
- Parcel Boundaries

General Location

Assateague Island Farm LLC
 S-1 Proposed
 Case SW2019-1

Prepared by the Worcester County Department of Environmental Programs, October 28, 2019
 Data: Worcester County
 Parcel boundaries are approximate.
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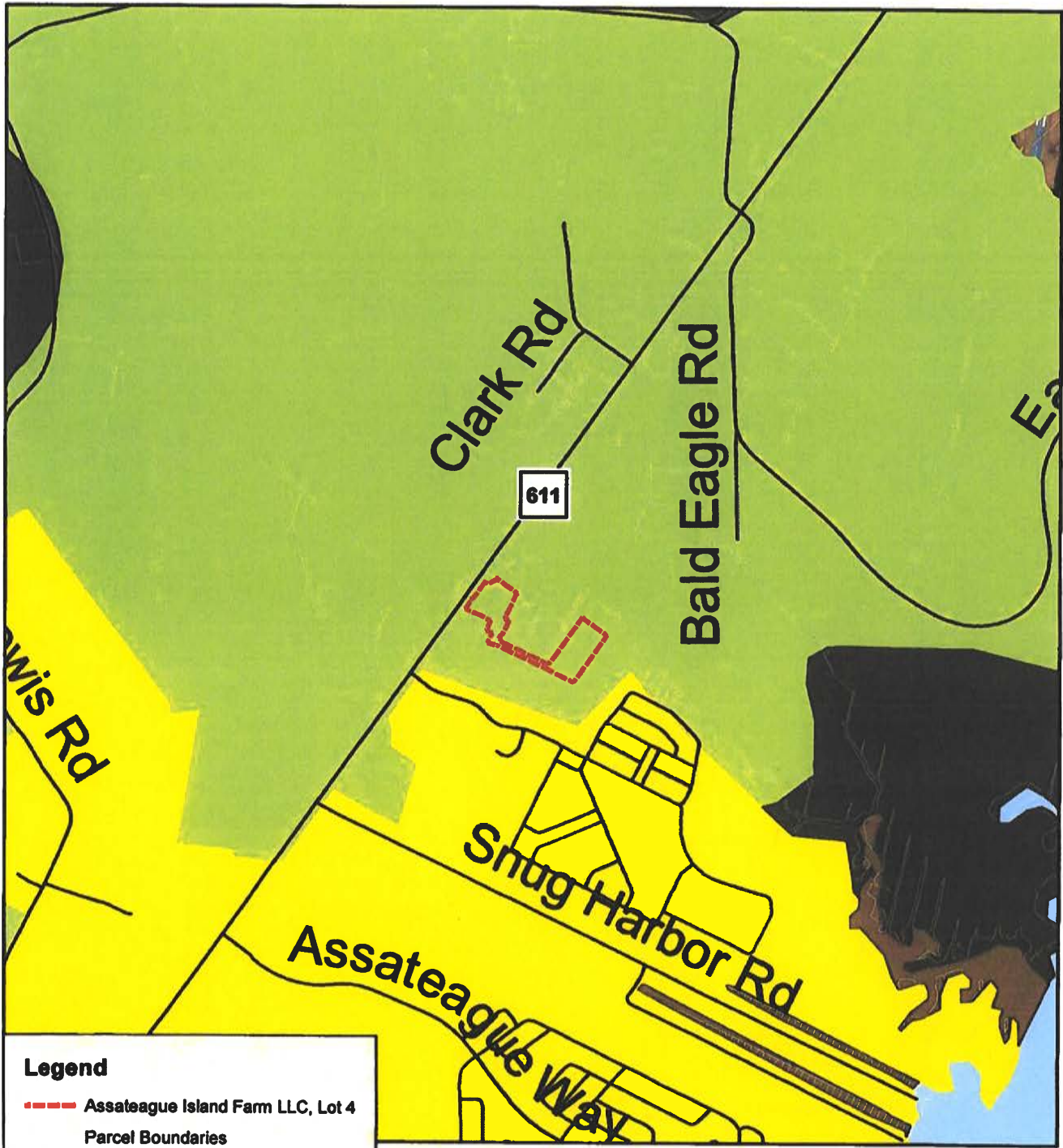
0.2 0.1 0 0.2 Miles

Legend
--- Assateague Island Farm LLC, Lot 4

Aerial Image (2016)

Assateague Island Farm LLC
S-1 Proposed
Case SW2019-1

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Legend

- - - Assateague Island Farm LLC, Lot 4 Parcel Boundaries

Land Use Plan

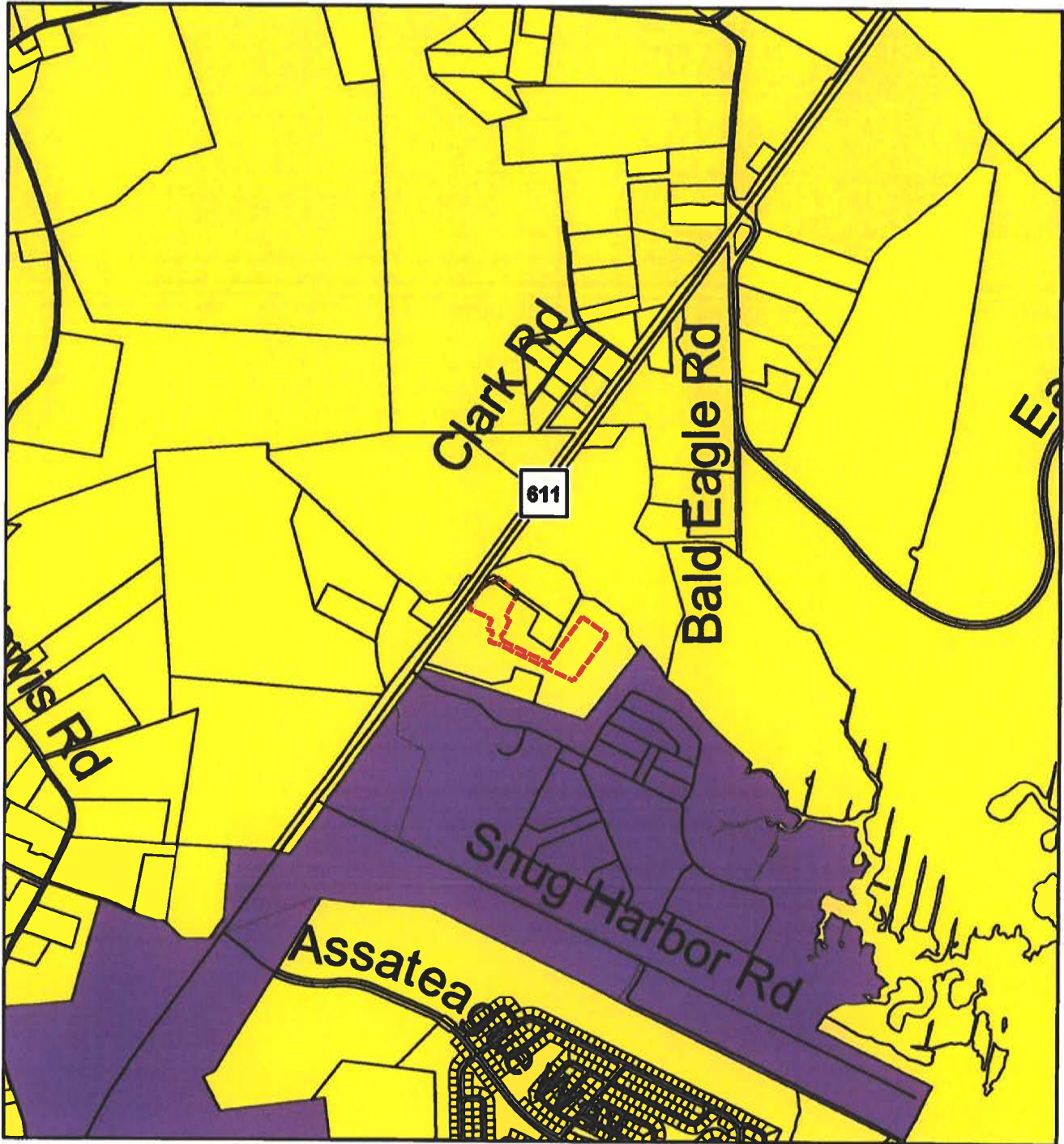
LEGEND

- Agriculture
- Existing Developed Centers
- Green Infrastructure
- Waterbody (bays, ponds)
- Waterway (rivers, streams, creeks)



2006 Land Use Plan
 Assateague Island Farm LLC
 S-1 Proposed
 Case SW2019-1

Prepared by the Worcester County Department of Environmental Programs, October 28, 2019
 Data: Worcester County
 Parcel boundaries are approximate.
 This map is for planning purposes only.



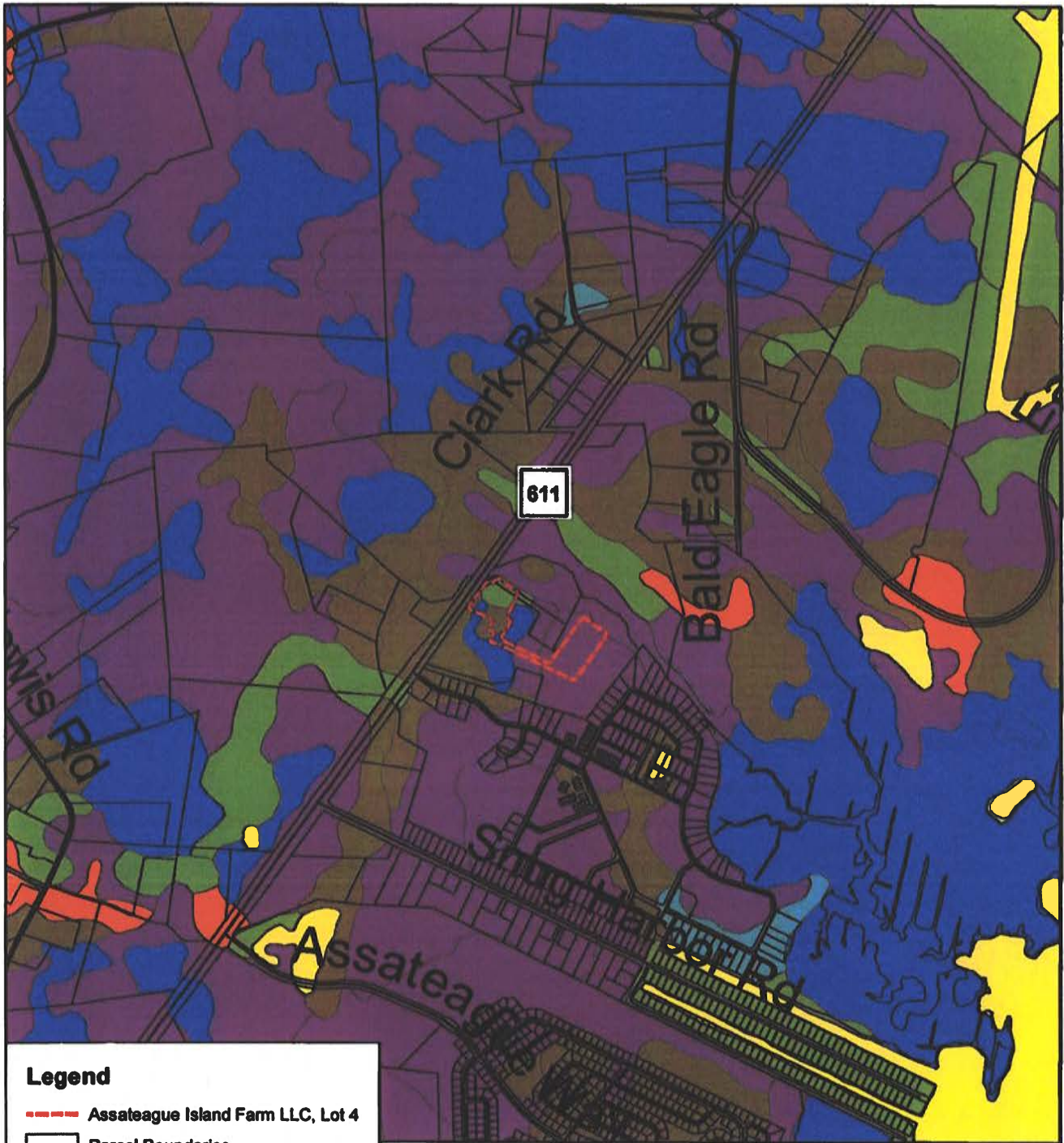
Legend

- Priority Funding Area
- Assateague Island Farm LLC, Lot 4
- Parcel Boundaries



Priority Funding Area
 Assateague Island Farm LLC
 S-1 Proposed
 Case SW2018-1

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Legend

- - - Assateague Island Farm LLC, Lot 4
- Parcel Boundaries

Soils

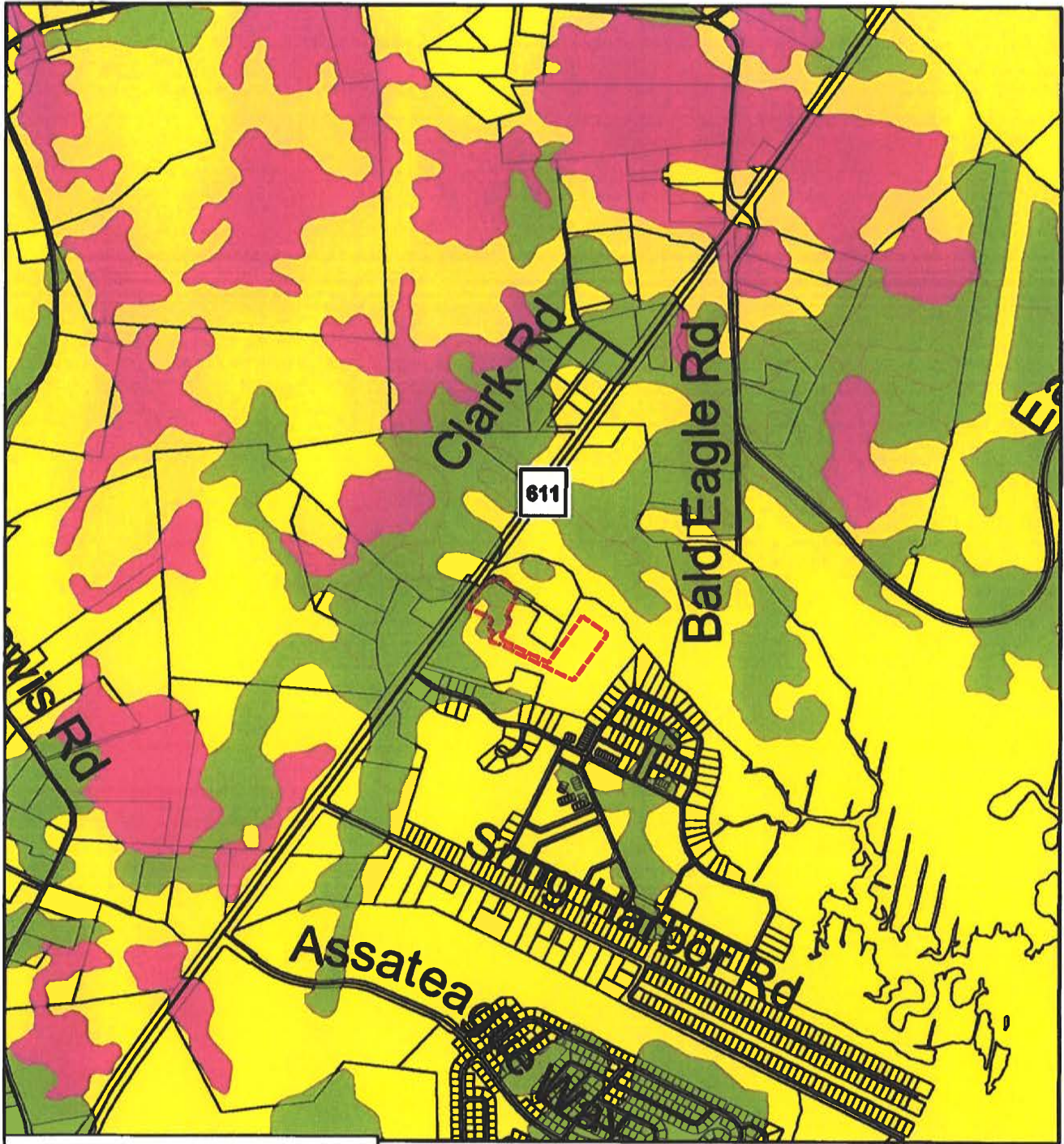
- Excessively drained
- Moderately well drained
- Poorly drained
- Somewhat excessively drained
- Very poorly drained
- Well drained



Soils: Drainage

Assateague Island Farm LLC
 S-1 Proposed
 Case SW2019-1

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 Data: MDA/NRCS
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Legend

- - - Assateague Island Farm LLC, Lot 4
- All areas are prime farmland
- Prime farmland if drained
- Prime farmland if irrigated
- Parcel Boundaries

0.2 0.1 0 0.2 Miles



Soils: Prime Farmland

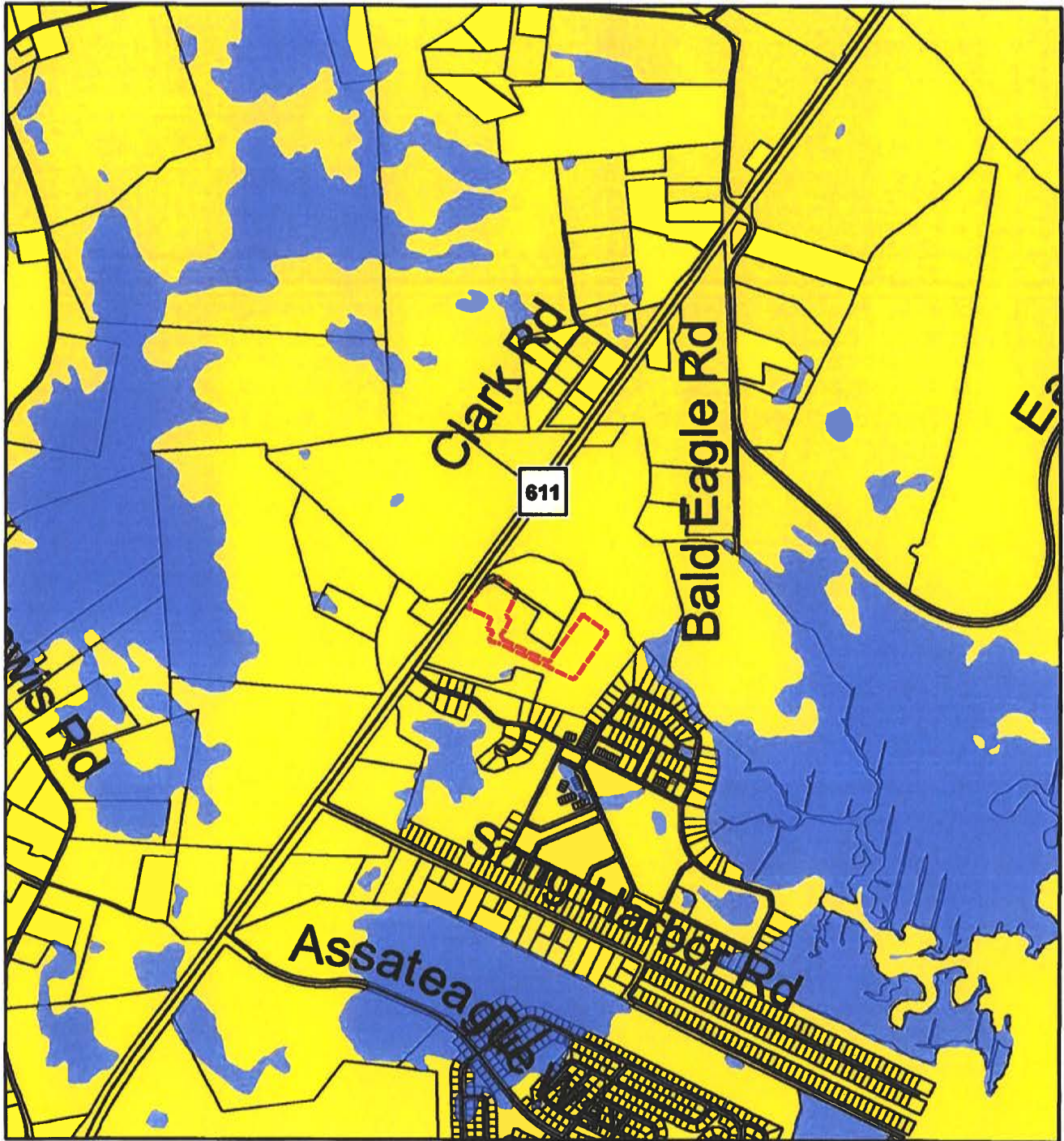
Assateague Island Farm LLC
 S-1 Proposed
 Case SW2019-1

Prepared by the Worcester County Department of Environmental Programs, October 28, 2019

Data: MDA/NRCS

Parcel boundaries are approximate.

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0.2 0.1 0 0.2 Miles



Legend

- - - Assateague Island Farm LLC, Lot 4
- Wetlands
- Parcel Boundaries

Wetlands Guidance Map

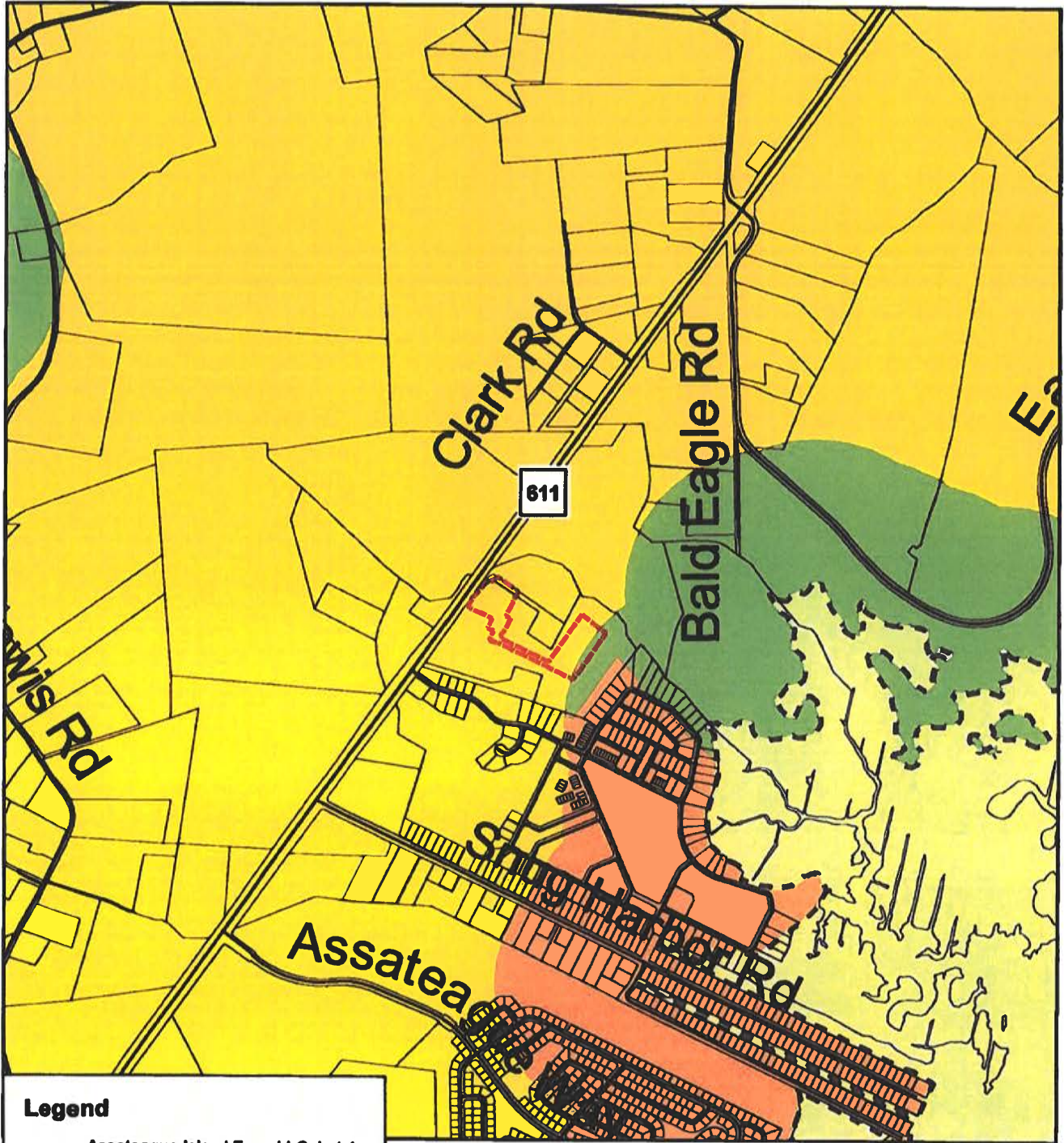
Assateague Island Farm LLC
 S-1 Proposed
 Case SW2019-1

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Data: MD DNR

Parcel boundaries are approximate.

This map is for planning purposes only.



Legend

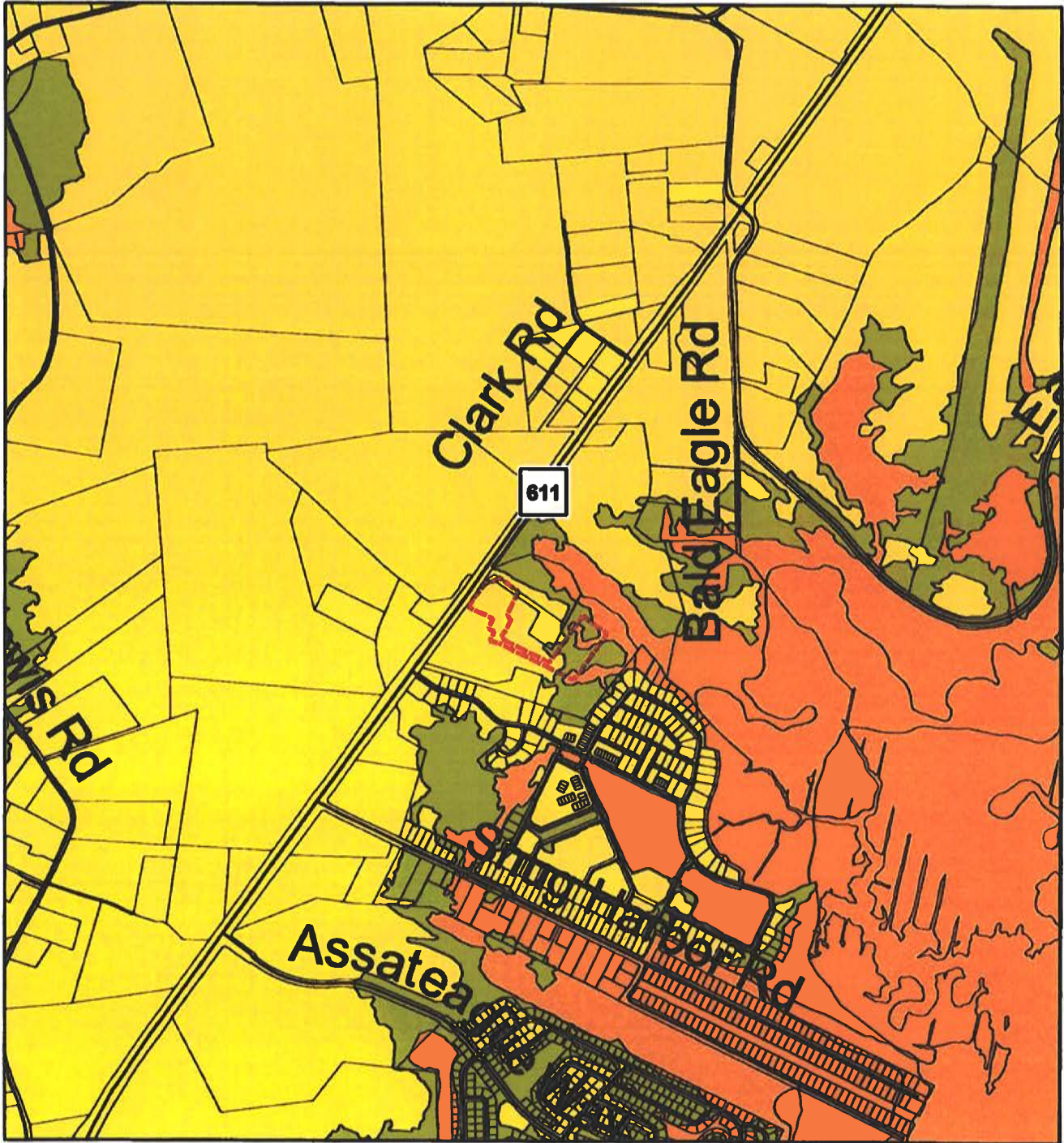
- Assateague Island Farm LLC, Lot 4
- Parcel Boundaries
- IDA - Intensely Development Areas
- LDA - Limited Development Areas
- RCA - Resource Conservation Areas
- Out of Program
- Tidally Influenced Areas



Critical Area

Assateague Island Farm LLC
 S-1 Proposed
 Case SW2019-1

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Legend

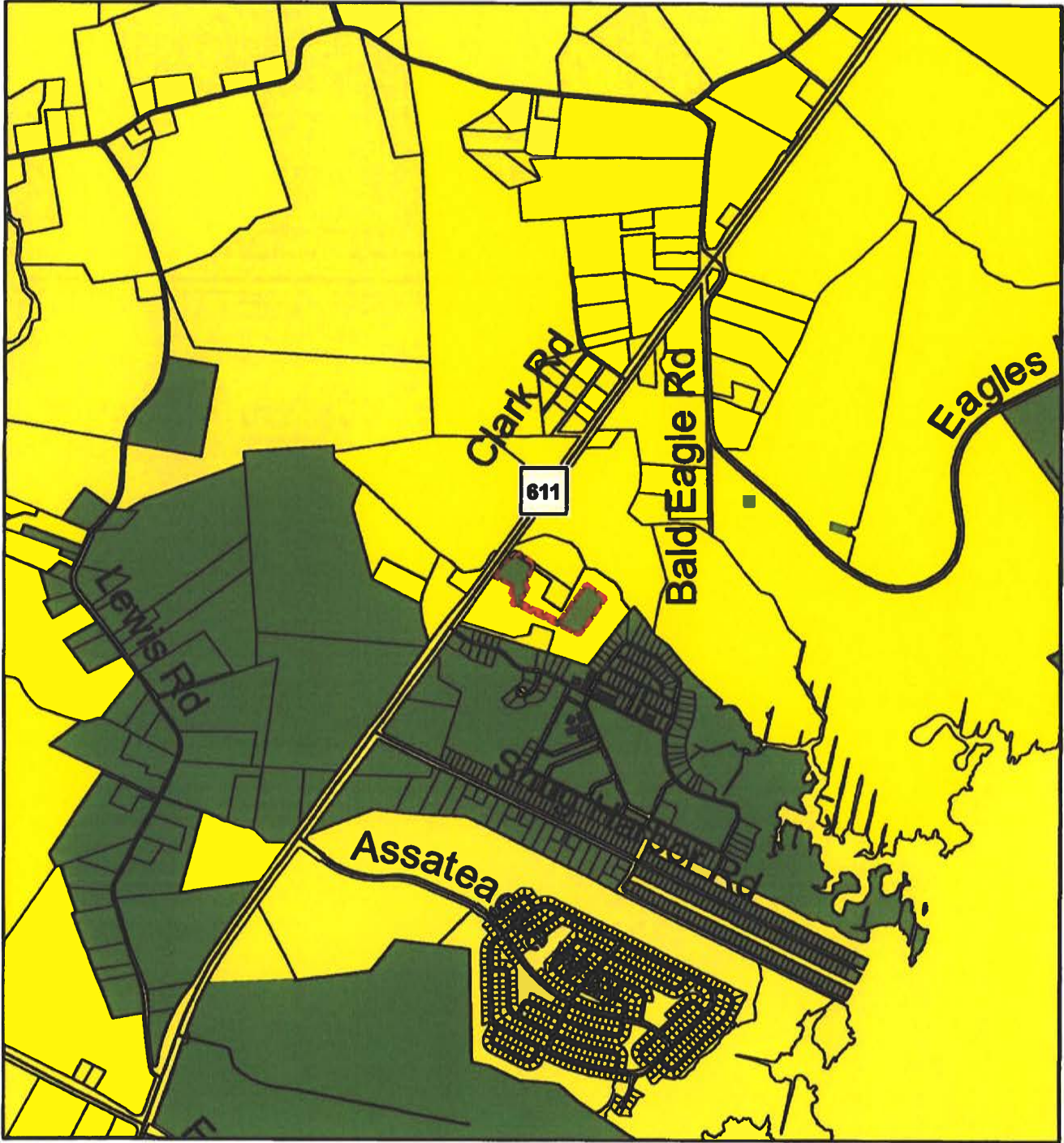
- - - Assateague Island Farm LLC, Lot 4
- Parcel Boundaries
- 500-Year Floodplain
- 100-Year Floodplain



Floodplain

Assateague Island Farm LLC
 S-1 Proposed
 Case SW2019-1

Prepared by the Worcester County Department of Environmental Programs, October 28, 2019
 Data: FEMA
 Parcel boundaries are approximate.
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Legend

- - - Assateague Island Farm LLC, Lot 4
- Parcel Boundaries
- Mystic Harbour Service Area S1
- Mystic Harbour Service Area S3

0.25 0.125 0 0.25 Miles



Sewer Service Planning Areas

Assateague Island Farm LLC
 S-1 Proposed
 Case SW2019-1

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DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

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

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CRITICAL AREAS
FOREST CONSERVATION
COMMUNITY HYGIENE

10/31/19

TO: Worcester County Planning Commission

Regrettably, we need to postpone the *Water and Sewerage Plan* amendment for the Town of Snow Hill to resolve mapping and property description matters with respect to the de-annexation resolution.

We apologize for any inconvenience.