

**Worcester County Planning Commission
Meeting Minutes**

Meeting Date: November 7, 2019

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Mike Diffendal, Chair

Jay Knerr, Vice Chair

Marlene Ott

Brooks Clayville

Betty Smith

Staff

Maureen Howarth, County Attorney

Phyllis Wimbrow, Deputy Director

Jennifer Keener, Zoning Administrator

Jessica Edwards, Customer Service Representative

Bob Mitchell, Director, Environmental Programs

I. Call to Order

II. Administrative Matters

- A. Review and approval of minutes, October 3, 2019—** As the first item of business, the Planning Commission briefly discussed the previous meeting's minutes, however there being there no quorum of members present at that meeting, the review and approval of the October 3, 2019 minutes was postponed until the December 5th meeting.
- B. Board of Zoning Appeals agenda, November 14, 2019 —** As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for November 14, 2019. Mrs. Keener was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

III. Text Amendment

As the next item of business, the Planning Commission reviewed a proposed text amendment to allow Private, Commercial and Noncommercial Recreational Areas and Centers in the I-1 Light Industrial District as a special exception use. Mark Cropper, Esquire, was present for the request along with Shawn Heisman and Jim Terrell, the hopeful tenants of a proposed sports training facility in located within the I-1 Light Industrial District. Mr. Cropper agreed with the staff comments that there was a conflict of use – to an extent. He stated that this use is being proposed as a special exception, and therefore gives the Board of Zoning Appeals the ability to evaluate the whether the use is appropriate on the specific property on a case by case basis. He noted that there may be some instances where recreational areas or centers would be an inappropriate use with an existing industrial use. The advantage of the proposed use on the location proposed by Mr. Heisman and Mr. Terrell's facility is that the industrial uses occur during normal business hours, whereas the recreational uses would to be on weekends and after normal business hours. He noted the facility would be used primarily for the training of young athletes with approximately twenty to thirty individuals at the site at a time. He said that the Board of Zoning

Appeals may find that situation to be a reason for deeming it compatible and granting the special exception.

Mr. Diffendal reminded the board that this particular request is for a text amendment that would affect the county as a whole and not simply this specific property. Mr. Knerr noted that he agrees with the staff comments and asked how replacing a potential industrial use with a recreational use would be beneficial to the county when there is already a very small amount of I-1 Light Industrial zoned properties in existence. Mr. Cropper replied by indicating the Board of Zoning Appeals would have the authority to deny the special exception request. Mr. Diffendall questioned if OSHA or MOSHA concerns have been researched as having individuals on an industrial site may require certain safety measures. Ms. Smith and Mr. Knerr clarified that this amendment request also allows recreational outdoor uses next to industrial uses that may impose dangerous conditions. Mr. Cropper again acknowledged that certain industrially zoned areas would be incompatible with the recreational uses however the Board of Zoning Appeals would have continuing jurisdiction to make the determination.

Following the discussion, a motion was made by Mr. Knerr, seconded by Ms. Smith, and carried unanimously to forward an unfavorable recommendation to the Worcester County Commissioners finding the request inconsistent with the zoning district regulations.

III. §ZS 1-315 Residential Planned Communities – The Refuge at Windmill Creek (previously known as Evergreen Village) Step II

As the next item of business, the Planning Commission reviewed a Step II Residential Planned Community application for The Refuge at Windmill Creek, (previously known as Evergreen Village), associated with a proposed 90 single-family lot subdivision, northwest side of Beauchamp Road, north of Racetrack Road (MD Route 589), Tax Map 15, Parcels 127 and 259, Tax District 3, R-1 Rural residential and RP Resource Protection Districts. Present for the review were Hugh Cropper, IV, Esquire, Bob Hand, landscape architect, Chris McCabe, environmental consultant and Chris Larmore, owner. Mr. Cropper provided the background on this project and the steps that have been taken to date. He requested that the Planning Commission adopt the Technical Review Committee's findings, that the requested lot requirements be adopted and noted Staff's comments two through four will be addressed on the next set of plans. Mr. Knerr inquired as to why the sidewalk along Beauchamp Road only extended from the proposed entrance to the south towards MD Route 589 (Racetrack Road), and not towards the north. Mr. Hand stated that they are providing a substantial amount of sidewalk throughout this project. Mr. Cropper also said that it is unlikely that River Run or the other subdivisions would be required to install a sidewalk for connectivity at this point; however, Mrs. Wimbrow reminded the Board that if the land to the north is redeveloped in the future connectivity would be a requirement. Mr. Diffendal questioned the financial reasons for not constructing the north directing sidewalk and Mr. Larmore expressed that it would be a burden to the development of the project noting as well that the Homeowner's Association would be required to maintain the additional amount of sidewalk on top of what they already have planned.

Following the discussion, a motion was made by Mr. Knerr, seconded by Ms. Smith, and carried unanimously to approve the Step II Master Plan subject to the code requirements and the following conditions:

1. The Planning Commission adopted the Technical Review Committee Report as their justification of the seven findings as defined therein;
2. The Planning Commission approved the lot requirements as shown in the table below as part of the Step II approval:

Lot Requirement	Proposed
Lot Area	.03 Acres
Lot Width	100 feet
Lot Depth	130 feet
Minimum Buildable Area	5,000 square feet
Front Yard Setback	30 feet
Side Yard Setback	10 feet
Rear Yard Setback	30 feet
Road Frontage	90 feet

3. The applicant will also comply with Items 2 through 4 per the TRC Report; and
4. Sidewalks shall be added along the entirety of the property bordering Beauchamp Road.

IV. Water and Sewage Plan Amendments

- A. As the next item of business, Robert Mitchell explained the request to remove properties from the Town of Snow Hill’s water and sewer planning areas due to the de-annexation of the former Summerfield development properties had been postponed and will be rescheduled at a later date, likely the December 5, 2019 meeting.
- B. As the next item of business, the Planning Commission reviewed an application associated with the Reclassification of Sewer Planning Area Designation in the *Master Water and Sewerage Plan (The Plan)* for the Mystic Harbour Sanitary Service Area (SW 2019-1). Robert Mitchell, Director of Environmental Programs, presented the staff report to the Planning Commission. Both Mark Cropper, attorney, and Paul Carlotta, owner, were present on behalf of the applicant, Assateague Farms, LLC for this amendment.

Mr. Mitchell explained that the applicant is requesting this amendment 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 planning area will be for the Mystic Harbour Sanitary Service Area and service to the property will be from the Mystic Harbour WWTP. This revision is to provide public sewer to serve an existing roadside farm stand with seating and a proposed restaurant on the property.

Mr. Mitchell reviewed the staff report noting the consistencies found for such a development within the *Comprehensive Plan* and land use designations, and that the proposed improvements would be permitted in accordance with existing zoning classification for the properties. He explained the land use inconsistency for this property and noted the conflicting position relative to the *Comprehensive Plan's* perspective with regard to provision of public services to properties carrying an agricultural land use designation in *The Plan*. He further noted that staff believed that the limits and scale of the proposed use counter this inconsistency with respect to the land use designation. Also disclosed was the special exception the owner received from the Board of Zoning Appeals (BZA) for the use of an on-farm brewery to co-exist with the existing roadside stand and proposed restaurant, and that staff feels this will be in conformance with land use objectives to "limit rural development to uses compatible with agriculture and forestry." Mr. Mitchell explained staff's assertion that this is a limited and appropriate use of public sewer to showcase an agricultural product grown and produced on the same property, and confirmed that these arguments put forth on this matter were 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.

Also discussed by Mr. Mitchell was the planned utilization of 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. This was followed with the statement that to prevent introduction of high-strength processing wastewater to the Mystic Harbour sewer system, only domestic-strength sanitary wastes from the roadside stand and proposed restaurant would be permitted to be discharged from this property.

Answering a question from Mr. Knerr, Mr. Mitchell responded concerning the proposed use of agricultural wastes on the farm by this owner. He explained that 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. They would seek approval from the State chemist at MDA for material like this brewery waste to be land applied as a soil amendment under an approved nutrient management plan. MDE would then issue 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. He finished that any solids would be composed onsite or transported offsite and fed to hogs at a farm on another property.

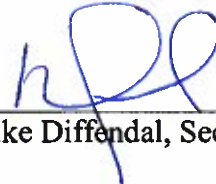
Mr. Mitchell concluded that this is what will be done on the agricultural portion of this property that will remain with an S-3 sewer planning area designation. The owner will install a holding tank for the brewery wastes, which will be applied under

the MDE exemption to their fields in accordance with an approved Nutrient Management Plan.

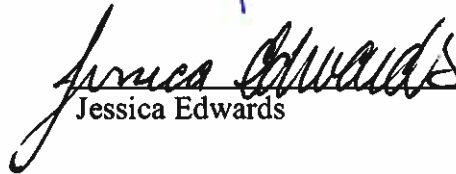
In response to a question from Ms. Ott, Mr. Mitchell clarified that the sewer would only serve the existing roadside stand with seating and the proposed restaurant. Waterwater involved with the brewing operation would be part of the holding tank system to be land applied by spray irrigation under the MDE exemption on farmland within the portion of the property remaining with the S-3 sewer planning designation.

Following the discussion, a motion was made by Ms. Ott that included the clarification concerning sewer only serving the existing roadside stand and proposed restaurant, the motion was seconded by Mr. Knerr and carried unanimously to find this application consistent with the *Comprehensive Plan* and recommended that they forward a favorable recommendation to the County Commissioners.

VIII. Adjourn – The Planning Commission adjourned at 1:45 P.M.



Mike Diffendal, Secretary pro tem



Jessica Edwards

