

AGENDA

WORCESTER COUNTY COMMISSIONERS

Worcester County Government Center, Room 1101, One West Market Street, Snow Hill, Maryland 21863

The public is invited to view this meeting live online at - <https://worcestercountymd.swagit.com/live>

August 6, 2024

- | | Item # |
|--|--------|
| 9:00 AM - Vote to Meet in Closed Session in Commissioners' Conference Room – Room 1103
Government Center, One West Market Street, Snow Hill, Maryland | |
| 9:01 - Closed Session
(Discussion regarding a personnel update, requests to promote to License Permit Clerk and Environmental Compliance Inspector, request to transfer to Custodial Monitor, requests to hire Transfer Station Attendant, Office Assistant, Information Technology Technician, Risk Manager, DRP Specialist, Correctional Officer Trainee, and Emergency Communications Specialist Trainees, and other personnel matters, receiving legal advice, and performing administrative functions) | |
| 10:00 - Call to Order, Prayer, Pledge of Allegiance | |
| 10:01 - Report on Closed Session; Review and Approval of Minutes from July 16, 2024 | |
| 10:02 - Commendations (13) | 1 |
| 10:05 - Consent Agenda
(Turnover Documents Refuge at Windmill Creek, Turnover Documents Salt Life Park, Ocean City Chamber Tax Credit Request, Request to Purchase Welcome Center Digital Kiosks, Request to Purchase Mini Excavator, Over Expenditure AEDs, Tourism Mini-Grant) | 2-8 |
| 10:06 - Chief Administrative Officer: Administrative Matters
(Introduction Director of Rural Economic Strategy, Broadband Update, Solid Waste Scrap Tire Day, Solid Waste Tare Weight Program, Street Light Policy, Generator Preventative Maintenance, Nuisance Abatement Request, Proposed Introduction Electrical Permit Exceptions, Proposed Introduction Accessory Buildings in Campground Subdivision, US Wind Update, Board Appointments) | 9-19 |
| 12:00 PM - Questions from the Press; County Commissioner's Remarks | |
| Lunch | |
| 1:00 PM - Chief Administrative Officer: Administrative Matters (if necessary) | |

AGENDAS ARE SUBJECT TO CHANGE UNTIL THE TIME OF CONVENING

Hearing Assistance Units Available – see County Administration Office
Please be thoughtful and considerate of others. ***Turn OFF all cell phones and notification during the meeting!***

Minutes of the County Commissioners of Worcester County, Maryland

July 16, 2024

Anthony W. Bertino, Jr., president
Madison J. Bunting, Jr., vice president
Caryn G. Abbott
Theodore J. Elder
Eric J. Fiori
Joseph M. Mitrecic
Diana Purnell

Following a motion by Commissioner Bunting, seconded by Commissioner Fiori, the commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions permitted under the provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Weston Young, Deputy Chief Administrative Officer Candace Savage, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton and Deputy Director Pat Walls. Topics discussed and actions taken included the following: a personnel update, hiring Keith Hall as a landfill operator I within the Solid Waste Division, Ryan Nellans as the special events and marketing manager within Recreation and Parks, and Teresa Fryer, Autumn Harris, Angela Leonard, and Brendon Scott as correctional officer trainees within the County Jail; promoting Intern Lily Wagner to environmental planner I within Environmental Programs and Parks Superintendent Jacob Stephens to deputy director of Recreation and Parks, and other personnel matters; receiving legal advice from counsel; and performing administrative functions, including discussing potential board appointments

Following a motion by Commissioner Mitrecic, seconded by Commissioner Fiori, the commissioners unanimously voted to adjourn their closed session at 10:02 a.m.

After the closed session, the commissioners reconvened in open session. Commissioner Bertino called the meeting to order, and following a morning prayer by Reverend Eugene Nichols of Elsey United Methodist Church and pledge of allegiance, announced the topics discussed during the morning closed session.

The commissioners reviewed and approved the open and closed session minutes of their July 2, 2024 meeting as presented.

The commissioners presented a proclamation to Tourism and Economic Development Director Melanie Pursel recognizing August 3-11, 2024 as Agriculture Week in Worcester County and inviting the public to visit <https://visitmarylandscoast.org> to learn about the lineup of farming events taking place that week. Agriculture Week begins with the Blessing of the Combines on August 3 and culminates with the Great Pocomoke Fair August 8-11 and the Worcester County Fair August 9-11.

Upon a motion by Commissioner Bunting, the commissioners unanimously approved by consent agenda item numbers 2-5 and 7-11 as follows: a letter supporting the grant application from American Legion Post 231 for a \$242,000 American Heritage Preservation Program grant; out-of-state travel for Emergency Management Specialist Maurice VanDemark, II to attend SERTC Training, Alternative Fuels, and Flammable Incident Response and Management in Pueblo, Colorado; the FY25 Maryland Community Criminal Justice Treatment Program contract between the County Jail and the Health Department; FY25 Community Partnership agreement awarding funds of \$964,587 from the Governor's Office of Children to the Local Management Board; scheduling Household Hazardous Waste Day at the Central Landfill on October 26, 2024; reallocating \$25,515 from Assigned Funds to Public Works Equipment for electric upgrades to the Roads Division shop in Snow Hill; bid specifications for the purchase of corrugated metal and plastic pipe for the Roads Division; purchasing a Toro Infield Pro 5040 mower from Turf Equipment and Supply Company for \$29,618.94; and a \$2.97 million settlement to the Maryland Department of the Environment to settle four sanitary sewer overflow violation fines that occurred between April 2022 through September 2023.

Pursuant to the request of Berlin Fire Department President David Fitzgerald and upon a motion by Commissioner Bunting, the commissioners unanimously accepted the donation of a Firehouse Innovations fire and rescue multi-force training door. In response to questions by Commissioner Bertino, Fire Marshal Matt Owens advised that this equipment is currently located at the Worcester County Fire Training Center in Newark and is used to train Worcester Technical High School students in the fire training program.

Pursuant to the request of Superintendent of Schools Louis H. Taylor and upon a motion by Commissioner Mitrecic, the commissioners unanimously authorized the reallocation of \$472,059 of funds from the Snow Hill Middle School/Cedar Chapel Special School roof replacement project and return said funds for use in completing the Pocomoke Elementary School rooftop HVAC project.

In follow up to concerns raised previously by the commissioners regarding the siting of utility scale solar systems on agricultural lands, Maryland Association of Counties (MACo) Director Michael Sanderson and Intergovernmental Relations Director Dominic Butchko provided a brief presentation covering the history of solar in Maryland, noting that in 2014 large companies looking at developing on prime agricultural spots close to highways and energy grids statewide. These companies do not want to work through local county zoning processes and are instead going through the State

He advised that MACo took up solar as a major initiative in 2016, introduced a bill to try to clarify that local governments should have primacy with local zoning for these types of facilities; however, the General Assembly was not interested and in 2019 the opinion of the State courts was that the same law governing big power plants apply to every utility scale solar facility. He then discussed the State's push for clean energy, which includes removing even the few existing local regulatory requirements for solar governing buffers and setbacks.

Mr. Butchko stated that MACo is very aggressively engaged with stakeholders to preserve local autonomy to the maximum extent possible while meeting the State's increasingly aggressive renewable energy goals. He advised that projects over two megawatts are approved

through State processes, while smaller projects are still within the local purview. In response to a question by Commissioner Bertino, Mr. Butchko advised that land roughly the size of three to five football fields is needed to produce one megawatt of energy from solar. He then reviewed the State's renewable energy goals are becoming more aggressive each year, and MACo will continue to lobby on behalf of the counties and keep them informed on the status of legislative initiatives pertaining to solar. Commissioner Mitrecic expressed concern regarding both the solar fields and the battery storage facilities needed to hold the power being generated. Commissioner Elder expressed great concern that industrial solar projects are going to take up huge tracts of farmland. He reiterated that farmlands are meant for growing food, and people need food to eat.

Following some discussion, the commissioners thanked Mr. Sanderson and Mr. Butchko for their efforts to advocate on behalf of the rural counties and for agreeing to keep them informed of solar legislation that could impact Worcester County going forward.

The commissioners conducted a public hearing on Bill 24-06 (Taxation and Revenue Article – Reinvestment and Repair Special Revenue Fund), which was introduced by Commissioners Abbott, Bertino, Bunting, Elder, Fiori, Mitrecic, and Purnell on May 21, 2024. Mr. Young reviewed the bill, which would establish a Reinvestment and Repair Special Revenue Fund for funds received from the State under Section 1-322 of the Alcoholic Beverages and Cannabis Article of the Maryland Code. The fund is intended to fund community-based initiatives intended to benefit low-income communities.

Commissioner Bertino opened the floor to receive public comment.

There being no public comment, Commissioner Bertino closed the hearing.

Upon a motion by Commissioner Purnell, the commissioners unanimously adopted Bill 24-06 as presented.

In response to a question by Commissioner Abbott, County Attorney Roscoe Leslie stated that County staff made the use of these funds as broad as possible to mirror the State language. He stated that this is just enabling legislation, with funding recommendations to be proposed during the annual budget process.

The commissioners conducted a public hearing to receive comments on the proposed disposal of surplus vehicles, equipment, and miscellaneous items on the GovDeals auction website.

Commissioner Bertino opened the floor to receive public comment.

There being no public comments, Commissioner Bertino closed the public hearing.

Upon a motion by Commissioner Abbott, the commissioners unanimously declared the vehicles, equipment, and miscellaneous items to be surplus and authorized staff to begin the process of arranging the online auction of the surplus property.

In follow up to the commissioners' March 19, 2024 meeting, Information Technology Director Brian Jones updated the commissioners on the status of projects to extend broadband to unserved areas, and noted that to date the County has only been required to invest \$96,000 in local revenues to these projects thanks to their success in obtaining state and federal broadband grants. He then explained that just a few years ago roughly 6,400 homes were without broadband; however, that number will be reduced to roughly 1,400 unserved homes upon completion of the projects currently under construction. Commissioner Bertino thanked staff for

their aggressive efforts to secure grant funds for this work, noting that just six years ago the commissioners had been willing to invest up to \$50 million in County funds into broadband projects.

In response to concerns raised by Commissioner Mitrecic, the commissioners directed staff to invite representatives from Talkie and Choptank to an upcoming commissioners' meeting to update them on broadband projects in the County.

Following some discussion and upon a motion by Commissioner Elder, the commissioners unanimously approved a 50/50 split of the \$1 million Difficult to Serve Properties Grant from the Office of Statewide Broadband between Talkie and Choptank to further expand broadband into hard to reach areas of the County.

Pursuant to the request of Procurement Officer Nicholas Rice and Public Works Director Dallas Baker and upon a motion by Commissioner Bunting, the commissioners unanimously approved the purchase of a 2025 Kenworth T880 Tractor Daycab from All Roads Trucks for \$195,567 for use within the Roads Division under the Sourcewell cooperative contract.

Pursuant to the request of Berlin Mayor Zack Tyndall and upon a motion by Commissioner Bunting, the commissioners unanimously agreed to reduce the speed limit on the County-owned portion of Flower Street from 30 mph to 25 mph. Mr. Baker stated that County staff support this change.

Pursuant to the request of Chief Administrative Officer Weston Young and Legislative Analyst Charlene Sharpe and upon a motion by Commissioner Elder, the commissioners unanimously authorized County staff to submit a request to the Maryland Department of Housing and Community Development to forgive the restaurant grant associated with the Dockside Restaurant in Pocomoke City after three different operators failed to meet the job creation goals tied to the awarding of these funds. Mr. Young explained that this grant was awarded to the County in 2008 and passed through to Pocomoke City. This has obligated the County to meet continued reporting requirements for well over a decade. In response to a question by Commissioner Bertino, Commissioner Abbott stated that seeking grant forgiveness is in the best interest of Pocomoke City.

The commissioners answered questions from the press, after which they adjourned to meet again on August 6, 2024.

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DIANA PURNELL

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CANDACE I. SAVAGE, CGFM
DEPUTY CHIEF ADMINISTRATIVE OFFICER
ROSCOE R. LESLIE
COUNTY ATTORNEY

COMMENDATION

WHEREAS, Sergeant Vincent Palmer has contributed 27 years of dedicated service to the Worcester County Jail where he began his career on July 14, 1997; and

WHEREAS, Sergeant Palmer's expertise and experience have been instrumental in supervising correctional officers under his command and implementing policies and procedures that provide for the security and welfare of the inmate population, as part of the overall management of the Worcester County Jail.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby commend **Sergeant Vincent Palmer** for his years of devoted service to Worcester County, and we wish him a happy and healthy retirement.

Executed under the Seal of the County of Worcester, State of Maryland, this 6th day of August, in the Year of Our Lord Two Thousand and Twenty-Four.

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COMMENDATION

WHEREAS, Cecilia Diehlman and Catrina Donmoyer of Worcester Technical High School won first place in the Mobile Robotics middle school category at the 2024 SkillsUSA Maryland State Championships and second place in the National Championships this summer; and

WHEREAS, the achievements of these students rank them among the top performing career and educational students in the nation for their creativity, innovation, teamwork, critical thinking, and decision-making skills.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby commend **Cecilia Diehlman and Catrina Donmoyer** for excellence in their academic and vocational pursuits.

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COUNTY ATTORNEY

COMMENDATION

WHEREAS, Asher Nichols and Nidhish Gupta of Worcester Technical High School won first place in the Robotics Urban S&R middle school category at the 2024 SkillsUSA Maryland State Championships and third place in the National Championships this summer; and

WHEREAS, the achievements of these students rank them among the top performing career and educational students in the nation for their creativity, innovation, teamwork, critical thinking, and decision-making skills.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby commend **Asher Nichols and Nidhish Gupta** for excellence in their academic and vocational pursuits.

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COMMENDATION

WHEREAS, Maddison French, Catherine Miller, and Julia Knerr of Worcester Technical High School won first place in the American Spirit category at the 2024 SkillsUSA Maryland State Championships and fourth place in the National Championships this summer; and

WHEREAS, the achievements of these students rank them among the top performing career and educational students in the nation for their creativity, innovation, teamwork, critical thinking, and decision-making skills.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby commend **Maddison French, Catherine Miller, and Julia Knerr** for excellence in their academic and vocational pursuits.

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COMMENDATION

WHEREAS, Keith Savage of Worcester Technical High School won first place in the Automotive Maintenance and Light Repair category at the 2024 SkillsUSA Maryland State Championships and fifth place in the National Championships this summer; and

WHEREAS, the achievements of Mr. Savage rank him among the top performing career and educational students in the State of Maryland for his creativity, innovation, teamwork, critical thinking, and decision-making skills.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby commend **Keith Savage** for excellence in his academic and vocational pursuits.

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COMMENDATION

WHEREAS, Lillian Jones, Kyleigh Powell, and Alayna Spagnola of Worcester Technical High School won first place in the Career Pathways category at the 2024 SkillsUSA Maryland State Championships and sixth place in the National Championships this summer; and

WHEREAS, the achievements of these students rank them among the top performing career and educational students in the State of Maryland for their creativity, innovation, teamwork, critical thinking, and decision-making skills.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby commend **Lillian Jones, Kyleigh Powell, and Alayna Spagnola** for excellence in their academic and vocational pursuits.

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COMMENDATION

WHEREAS, Skyler Nottingham of Worcester Technical High School won first place in the Advertising Design category at the 2024 SkillsUSA Maryland State Championships and sixth place in the National Championships this summer; and

WHEREAS, the achievements of Skyler Nottingham rank Skyler among the top performing career and educational students in the nation for Skyler's creativity, innovation, teamwork, critical thinking, and decision-making skills.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby commend **Skyler Nottingham** for excellence in his academic and vocational pursuits.

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COMMENDATION

WHEREAS, Mandy Chau of Worcester Technical High School won first place in the Medical Math category at the 2024 SkillsUSA Maryland State Championships and eighth place in the National Championships this summer; and

WHEREAS, the achievements of Miss Chau rank her among the top performing career and educational students in the nation for her creativity, innovation, teamwork, critical thinking, and decision-making skills.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby commend **Mandy Chau** for excellence in her academic and vocational pursuits.

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COMMENDATION

WHEREAS, Christofer Villarreal of Worcester Technical High School won first place in the Computer Programming category at the 2024 SkillsUSA Maryland State Championships and eighth place in the National Championships this summer; and

WHEREAS, the achievements of Mr. Villarreal rank him among the top performing career and educational students in the nation for his creativity, innovation, teamwork, critical thinking, and decision-making skills.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby commend **Christofer Villarreal** for excellence in his academic and vocational pursuits.

Executed under the Seal of the County of Worcester, State of Maryland, this 6th day of August, in the Year of Our Lord Two Thousand and Twenty-Four.



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COUNTY ATTORNEY

COMMENDATION

WHEREAS, Julianna Wooden of Worcester Technical High School won first place in the Job Interview category at the 2024 SkillsUSA Maryland State Championships in March; and

WHEREAS, the achievements of Miss Wooden rank her among the top performing career and educational students in the State of Maryland for her creativity, innovation, teamwork, critical thinking, and decision-making skills.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby commend **Julianna Wooden** for excellence in her academic and vocational pursuits.

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COUNTY ATTORNEY

COMMENDATION

WHEREAS, Annalee Holmes and Halle Lo of Worcester Technical High School won first place in the Web Design category at the 2024 SkillsUSA Maryland State Championships in March; and

WHEREAS, the achievements of these students rank them among the top performing career and educational students in the State of Maryland for their creativity, innovation, teamwork, critical thinking, and decision-making skills.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby commend **Annalee Holmes** and **Halle Lo** for excellence in their academic and vocational pursuits.

Executed under the Seal of the County of Worcester, State of Maryland, this 6th day of August, in the Year of Our Lord Two Thousand and Twenty-Four.



Anthony W. Bertino, Jr., President

Madison J. Bunting, Jr., Vice President

Caryn G. Abbott

Eric J. Fiori

Theodore J. Elder

Joseph M. Mitrecic

Diana Purnell

TEL: 410-632-1194
 FAX: 410-632-3131
 WEB: www.co.worcester.md.us



COMMISSIONERS
 ANTHONY W. BERTINO, JR., PRESIDENT
 MADISON J. BUNTING, JR., VICE PRESIDENT
 CARYN G. ABBOTT
 THEODORE J. ELDER
 ERIC J. FIORI
 JOSEPH M. MITRECIC
 DIANA PURNELL

OFFICE OF THE
 COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
 ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

WESTON S. YOUNG, P.E.
 CHIEF ADMINISTRATIVE OFFICER
 CANDACE I. SAVAGE, CGFM
 DEPUTY CHIEF ADMINISTRATIVE OFFICER
 ROSCOE R. LESLIE
 COUNTY ATTORNEY

COMMENDATION

WHEREAS, Phillip Cropper, an instructor at Worcester Technical High School, earned the 2024 SkillsUSA Maryland Advisor of the Year Award during the 2024 SkillsUSA Maryland State Championships in March; and

WHEREAS, Mr. Cropper is a top educator, and his commitment to student success has helped countless Worcester County students develop into well-rounded, well-trained, well-educated individuals who are prepared for careers in a global society.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby commend **WTHS Instructor Phillip Cropper** for his investment in the lives of young people as a WTHS instructor and a SkillsUSA Maryland State Advisor.

Executed under the Seal of the County of Worcester, State of Maryland, this 6th day of August, in the Year of Our Lord Two Thousand and Twenty-Four.



 Anthony W. Bertino, Jr., President

 Madison J. Bunting, Jr., Vice President

 Caryn G. Abbott

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 CHIEF ADMINISTRATIVE OFFICER
 CANDACE I. SAVAGE, CGFM
 DEPUTY CHIEF ADMINISTRATIVE OFFICER
 ROSCOE R. LESLIE
 COUNTY ATTORNEY

COMMENDATION

WHEREAS, we commend the Worcester Technical High School (WTHS) instructors and students for representing Worcester County across the State of Maryland and the nation with such excellence that WTHS was honored with a Golden Chapter of Excellence award during the 2024 Skills USA Maryland State Championships and a Silver National Chapter of Excellence award during the National Championships; and

WHEREAS, due to the ongoing, exemplary performance of its instructors and students, WTHS is consistently recognized as a SkillsUSA Maryland Chapter of Excellence and a National Chapter of Distinction.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby commend **Worcester Technical High School instructors and students** for their outstanding representation of Worcester County at the state and national levels.

Executed under the Seal of the County of Worcester, State of Maryland, this 6th day of August, in the Year of Our Lord Two Thousand and Twenty-Four.



 Anthony W. Bertino, Jr., President

 Madison J. Bunting, Jr., Vice President

 Caryn G. Abbott

 Eric J. Fiori

 Theodore J. Elder

 Joseph M. Mitrecic

 Diana Purnell



DALLAS BAKER JR., P.E.
DIRECTOR

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

CHRISTOPHER CLASING, P.E.
DEPUTY DIRECTOR

TO: Weston S. Young, P.E., Chief Administrative Officer
Candace Savage, CGFM, Deputy Chief Administrative Officer
FROM: Christopher Clasing, P.E., Deputy Director *Cm C*
DATE: July 22, 2024
SUBJECT: Ocean Pines/River Run Service Area
Refuge at Windmill Creek Turnover Documents

Public Works is recommending approval of the Refuge at Windmill Creek Project, and accepting the facilities into the County's Ocean Pines Service Area water system and River Run Service Area wastewater system for operation.

Enclosed are the turnover documents including: Deed; Bill of Sale and Assignment form executed by the owner for turnover of the facilities; Release of Lien from the prime contractor; Release of Lien from the design engineer. These documents have been reviewed by the County Attorney and are found to be acceptable. Also included is a maintenance bond in the amount of \$416,388.01 to warrant the pump station mechanical equipment for the next 2 years. Record Drawings are on file in the Water and Wastewater Office.

Should you have any questions, please feel free to let me know.

cc: Roscoe Leslie, County Attorney
Dallas Baker Jr., P.E., Director
Quinn Dittrich, Enterprise Fund Controller

Enclosures

Deed, Bill of Sale, and Assignment

This Deed, Bill of Sale, and Assignment ("Deed") made this _____ day of _____, 2023, by and between The Refuge at Windmill Creek, LLC, "Developer" and County Commissioners of Worcester County, Maryland ("Commissioners").

WHEREAS, Developer, pursuant to all required permits, has constructed a certain Sanitary Facility, "Facility" pursuant to Section §5-307 of Public Works Article, the Code of Public Local Laws of Worcester County, Maryland on property generally described as Utility Outlot 1 and as shown on the plat attached as Exhibit A and recorded in Worcester County Land Records at Plat Book SRB 254 Folio 27.

WHEREAS, The Facility is now complete, free and clear of all mechanics' and materialman's liens and encumbrances and ready to be transferred to Commissioners in accordance with prior agreements and Section §5-307 as aforesaid, and.

WHEREAS, The Facility is fully operational in accordance with all required permits and;

WHEREAS, All real or personal property lien holders, have joined herein or executed separate documents for the purpose of releasing any and all right, title and interest they may have in and to any of the property herein described.

NOW THEREFORE THIS DEED, BILL OF SALE, AND ASSIGNMENT WITNESSETH:

That for good and valuable consideration, receipt and sufficiency which is hereby acknowledged, the parties do hereby agree as follows.

1. All of the following described components, rights, permits, licenses, personal property, real property, easements, and being all of the right title and interest of Developer associated with, in, and to Facility are hereby granted, convey and transferred unto Commissioners. The real property shown as a proposed utility easement show on the plat attached as Exhibit A and recorded at Plat Book SRB 254 Folio 27, the pump station and all fixtures contained within it.
2. Commissioners agree that the final inspection of Facility has been conducted and it is approved and accepted.
3. Commissioners hereby accept operational control and ownership of the Facility as herein set forth.
4. Developer warrants and agrees that construction of the Facility is in accordance with all permits and approvals.

5. Developer warrants for a period of two (2) years that the Facility is constructed in a workmanlike manner, in accordance with industry standards, is free and clear of all faulty materials, is properly designed for its intended use, is free of imperfections, and will operate in accordance with its design and further that it is free and clear of all liens and encumbrances and that written releases of all workers and suppliers have been delivered.
6. Lienholder hereby releases its lien upon any property hereby transferred.
7. Developer shall execute such other and further assurances hereof as Commissioners may require.

IN WITNESS WHEREOF, the hands and seals of the parties hereto, as of the date and year first above written.

Amber Hitchcock

DEVELOPER

By: [Signature] (SEAL)

ON BEHALF OF COUNTY COMMISSIONERS
OF WORCESTER COUNTY

By: _____ (SEAL)

Weston Young P E , Chief Administrative Officer

LIENHOLDER

By: [Signature] (SEAL)

STATE OF DELAWARE, SUSSEX COUNTY, TO WIT:

I HEREBY CERTIFY, that on this 8th day of July, 202~~7~~⁴, before the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Ryan MacPhee, known to me (or satisfactorily proven) to be the Developer, named in the foregoing instrument, and executed the same in the capacity stated and for the purposes herein contained.

[Signature]
Notary Public

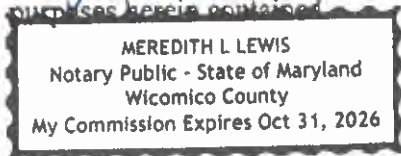
Commission Expires: 8/24/25

My Commission Expires 08-24-2025
STATE OF DELAWARE
NOTARY PUBLIC
SUSAN F BREWER



STATE OF MARYLAND, Wicomico ~~WORECESTER~~ COUNTY, TO WIT:

I HEREBY CERTIFY, that on this 8th day of July, 2022 before the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Carl L. Collingham, known to me (or satisfactorily proven) to be the Regional President, Lienholder, and executed the same in the capacity stated and for the purposes herein contained.



Meredith Lewis
Notary Public

Commission Expires: 10/31/26

STATE OF MARYLAND, WORECESTER COUNTY, TO WIT:

I HEREBY CERTIFY, that on this _____ day of _____, 2022 before the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____, known to me (or satisfactorily proven) to be the _____, Lienholder, and executed the same in the capacity stated and for the purposes herein contained.

Notary Public

Commission Expires:

Exhibit A

LEGAL DESCRIPTION

Carpenter Engineering, LLC
 The Refuge at Windmill Creek, Utility Outlot 1 Legal Description
 27 June 2024

Description of Utility Outlot 1 as shown on the Refuge at Windmill Creek Record Plat situated in the Third Tax District, Worcester County, Maryland, prepared by Frank G. Lynch, Jr. and Associates, Inc., dated October 10, 2023, and recorded in the Land Records of Worcester County on December 27, 2023 in Plat Book SRB 254 Folio 27. The said Lot being more particularly bounded and described as follows, to wit:

Beginning at a point on the northeasterly boundary of the Residential Planned Community known as the Refuge at Windmill Creek, said point being a common corner with lands of The Refuge at Windmill Creek, LLC, known as Outlot 2 of the same, and a point along the lands of River Run Development Associates, LLC, also known as Outlot B of the River Run Subdivision record on July 2, 1996 in Plat Book RHO 147 Folio 38, and said point being located North 36 degrees 53'28" West, 1,869.90' and passing over a found iron rod at a distance of 8.35' along the common line of Outlot 2 of the Refuge at Windmill Creek Subdivision with Outlot B of the River Run Subdivision from the westerly right-of-way line of Beauchamp Road, a 50-foot wide Worcester County Right-of-Way;

Thence from the point and place of Beginning, leaving the lands Outlot B of the River Run Subdivision and running with Outlot 2 of the Refuge at Windmill Creek Subdivision the following three (3) courses and distances:

1. South 30 degrees 41'38" West, 87.61' to a point;
2. South 08 degrees 20'05" West, 17.36' to a point; and
3. South 19 degrees 18'20" West, 87.89' to a point and common corner of Outlot 2 with Lot 17 of the Refuge at Windmill Creek Subdivision;

Thence leaving the lands of Outlot 2 and running with lands of the Refuge at Windmill Creek, LLC, also known as Lot 17 of the Refuge at Windmill Creek Subdivision, South 08 degrees 19'59" West, 130.05' to a point on the right-of-way line of Windmill Creek Lane, a 50-foot wide private right-of-way for the Refuge at Windmill Creek Subdivision, and a common corner of Lot 17 with Utility Outlot 1;

Thence leaving Lot 17 of the Refuge at Windmill Creek Subdivision and running along the private right-of-way of Windmill Creek Lane by a curve to the left having a radius of 295.00' and an arc length of 20.00' (chord of North 81 degrees 40'01" West, 20.00') to a point and common corner of Lot 18 of the Refuge at Windmill Creek Subdivision;



P.O. Box 3460 Ocean City, MD 21843
 (302) 438-6745 phone (888) 372-2844 fax
Ronnie@CarpenterEngineeringLLC.com

Thence leaving the 50-foot wide private right-of-way of Windmill Creek Lane and running with lands of the Refuge at Windmill Creek, LLC, also known as Lot 18 of the Refuge at Windmill Creek Subdivision, North 08°19'59" East 130.05' to a point and common corner with Lot 18 and Outlot 3 of the Refuge at Windmill Creek Subdivision;

Thence leaving Lot 18 and running with Outlot 3 of the Refuge at Windmill Creek Subdivision the following two (2) courses and distances:

1. North 06 degrees 45'37" West, 89.37' to a point; and
2. North 08 degrees 20'05" East, 65.64' to a point and common corner of Outlot 3 of the Refuge at Windmill Creek Subdivision and lands of River Run Development Corporation, LLC, also known as Open Space of the River Run Subdivision;

Thence leaving Outlot 3 of the Refuge at Windmill Creek Subdivision and running with Open Space of the River Run Subdivision, North 60 degrees 10'20" East, 89.65' to a found concrete monument and common corner of Open Space and Outlot B of the River Run Subdivision;

Thence leaving Open Space of the River Run Subdivision and running with Outlot B of the River Run Subdivision, South 36 degrees 53'28" East 32.17' to the point and place of beginning.

CONTAINING 13,207 square feet of land, being the same more or less.

Subject to all covenants, conditions, restrictions, plans and easements of record with respect to the property described above, this reference to which shall not be construed to reimpose and such covenants, conditions, restrictions, plans and easements which have otherwise lapsed, expired or have otherwise been terminated in accordance with their terms of otherwise, as applicable.

PROFESSIONAL CERTIFICATION

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 32667, Expiration Date: January 17, 2026.



P.O. Box 3460 Ocean City, MD 21843
(302) 438-6745 phone (888) 372-2844 fax
Ronnie@CarpenterEngineeringLLC.com

RELEASE OF MECHANIC'S LIENS

The undersigned, general or sub-contractor, has provided services and/or materials for construction and improvements at the property owned by Natelli Communities: Affiliates and described as follows: Resident, property and improvements located at The Refuge at Windmill Creek Phase I, 11285 Beauchamp Road, Berlin, MD 20814
Lot #s 1-18 and 77-90.

2987808.30

In consideration of the sum of \$1.00 in hand paid, receipt whereof is acknowledged, and other benefits accruing to me, I do hereby waive, release and quit-claim a right that I now have or may hereafter have to lien upon the land and improvements above-described, by virtue of the laws of the State wherein said land is situate, or any amendments of said law; and I do further warrant that I have not and will not assign my claim for payment, nor my right to perfect a lien against said property, and that I have the right to exercise this waiver and release thereof.

The subscriber of this instrument respectively warrants that all laborers employed by me have been fully paid and that none of such laborers have any claim, demand, or lien against said premises; and further, that no chattel, mortgage, conditional bill of sale or retention of title agreement has been given or executed by the said owner or any general contractor or other party or any of us, for in or in connection with any material, appliances, machinery, fixtures or furnishings placed on or installed in the aforesaid premises.

It is understood and agreed that the signature(s) affixed hereto are for all services rendered, work done and materials furnished heretofore and hereafter by the signer in any and all capacities, and is not only for a particular item against which the signature is affixed.

WITNESS the following signatures and seals this 28th day of June, 2024
~~2025~~

WITNESS:

Candace B. [Signature]

Jay C. Murray Pres (SEAL)

(SEAL)

(SEAL)

Holly Jo Wingate
 Notary:

HOLLY JO WINGATE
 NOTARY PUBLIC
 STATE OF DELAWARE
 My Commission Expires 10/08/2026

RELEASE OF MECHANIC'S LIENS

The undersigned, general or sub-contractor, has provided services and/or materials for construction and improvements at the property owned by The Refuge at Windmill Creek, LLC, and described as follows: Residential property and improvements located at 10700 Block Beauchamp Road, Berlin, MD 21811 and known as "The Refuge at Windmill Creek Phase 1", shown on the residential subdivision plan entitled "The Refuge at Windmill Creek", which is recorded among the Plat Records of Worcester County, Maryland in Liber SRB No. 254, folio 27 et seq. on December 27, 2023. Said improvements include sewer and water infrastructure for 44 lots established for single family detached dwelling units and a sanitary sewer pump station within The Refuge at Windmill Creek community.

In consideration of the sum of \$1.00 in hand paid, receipt whereof is acknowledged, and other benefits accruing to me, I do hereby waive, release and quit-claim a right that I now have or may hereafter have to lien upon the land and improvements above-described, by virtue of the laws of the State wherein said land is situate, or any amendments of said law; and I do further warrant that I have not and will not assign my claim for payment, not my right to perfect a lien against said property, and that I have the right to exercise this waiver and release thereof.

The subscriber of this instrument respectively warrants that all laborers employed by me have been fully paid and that none of such laborers have any claim, demand, or lien against said premises; and further, that no chattel, mortgage, conditional bill of sale or retention of title agreement has been given or executed by the said owner or any general contractor or other party or any of us, for in or in connection with any material, appliances, machinery, fixtures or furnishings placed on or installed in the aforesaid premises.

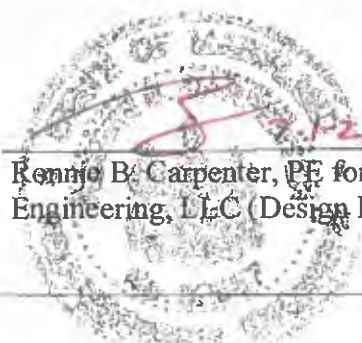
It is understood and agreed that the signature(s) affixed hereto are for all services rendered, work done and materials furnished heretofore and hereafter by the signer in any and all capacities, and is not only for a particular item against which the signature is affixed.

WITNESS the following signatures and seals this 1st day of July, 2024.

WITNESS:



Alisha A. Carpenter for Carpenter Engineering, LLC

 (SEAL)
 Ronnie B. Carpenter, PE for Carpenter Engineering, LLC (Design Engineer)
 (SEAL)
 (SEAL)

CAPITOL INDEMNITY CORPORATION POWER OF ATTORNEY

CIC1926775

Bond Number

KNOW ALL MEN BY THESE PRESENTS, That the CAPITOL INDEMNITY CORPORATION, a corporation of the State of Wisconsin, having its principal offices in the City of Middleton, Wisconsin, does make, constitute and appoint

Jessica Wright
Name of Individual

its true and lawful Attorney(s)-in-fact, to make, execute, seal and deliver for and on its behalf, as surety, and as its act and deed, any and all bonds, undertakings and contracts of suretyship, provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of

\$ See Bond Form for CIC1926775 on behalf of The Refuge At Windmill Creek, LLC
Bond Amount Bond Number Principal

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of CAPITOL INDEMNITY CORPORATION at a meeting duly called and held on the 15th day of May, 2002.

"RESOLVED, that the President, Executive Vice President, Vice President, Secretary or Treasurer, acting individually or otherwise, be and they hereby are granted the power and authorization to appoint by a Power of Attorney for the purposes only of executing and attesting bonds and undertakings, and other writings obligatory in the nature thereof, one or more resident vice-presidents, assistant secretaries and attorney(s)-in-fact, each appointee to have the powers and duties usual to such offices to the business of this company; the signature of such officers and seal of the Company may be affixed to any such power of attorney or to any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company, and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking or other writing obligatory in the nature thereof to which it is attached. Any such appointment may be revoked, for cause, or without cause, by any of said officers, at any time."

In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond

In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner - Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

IN WITNESS WHEREOF, the CAPITOL INDEMNITY CORPORATION has caused these presents to be signed by its officer undersigned and its corporate seal to be hereto affixed duly attested, this 1st day of September, 2022.

Attest:

Ryan J. Byrnes
Ryan J. Byrnes
Senior Vice President,
Chief Financial Officer and Treasurer

Todd Burrick
Todd Burrick
Chief Underwriting Officer



CAPITOL INDEMNITY CORPORATION

Adam L. Sills
Adam L. Sills
Chief Executive Officer and President

STATE OF WISCONSIN }
COUNTY OF DANE } S.S.:

On the 1st day of September, 2022 before me personally came Adam L. Sills, to me known, who being by me duly sworn, did depose and say: that he resides in the County of New York, State of New York; that he is Chief Executive Officer and President of CAPITOL INDEMNITY CORPORATION, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.



David J. Regele
David J. Regele
Notary Public, Dane Co., WI
My Commission Is Permanent

STATE OF WISCONSIN }
COUNTY OF DANE } S.S.:

I, the undersigned, duly elected to the office stated below, now the incumbent in CAPITOL INDEMNITY CORPORATION, a Wisconsin Corporation, authorized to make this certificate, DO HEREBY CERTIFY that the foregoing attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolution of the Board of Directors, set forth in the Power of Attorney is now in force.

Signed and sealed at the City of Middleton, State of Wisconsin this _____ day of _____, 20____.



Suzanne M. Broadbent
Suzanne M. Broadbent
Secretary

Bunting & Murray

Construction Corporation

Site Work • Utility Construction

To:	The Refuge At Windmill Creek, LLC	Contact:	Tom Natelli JR.
Address:	506 Main Street, 3rd Floor Gaithersburg, MD 20878 UNITED STATES	Phone:	
		Fax:	
Project Name:	The Refuge At Windmill Creek Warranty Bond Material Cost	Bid Number:	
Project Location:		Bid Date:	

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
Sewer					
300231	48" Sewer Manhole	19.00	EACH	\$3,510.88	\$66,706.72
300262	8" PVC Sewer Main	476.00	LF	\$34.71	\$16,521.96
300263	10" PVC Sewer Main	2,940.00	LF	\$49.70	\$146,118.00
300461	6" Sewer Laterals	1,050.00	LF	\$19.76	\$20,748.00
300471	6" Sewer Cleanouts	42.00	EACH	\$367.00	\$15,414.00
300491	Lift Station	1.00	LS	\$334,611.19	\$334,611.19
Total Price for above Sewer Items:					\$600,119.87

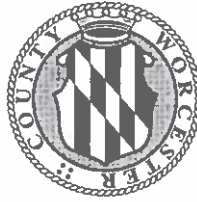
Water					
400362	8" C900 Water Mains	3,040.00	LF	\$36.96	\$112,358.40
400362a	8" C900 Water Mains Offsite	1,100.00	LF	\$31.31	\$34,441.00
400430	Blowoffs (temporary)	3.00	EACH	\$931.55	\$2,794.65
400431	Blowoffs (permanent)	1.00	EACH	\$1,164.20	\$1,164.20
400451	1" Water Services	42.00	EACH	\$394.13	\$16,553.46
400455	Water Meter Pit Only 1"	42.00	EACH	\$979.82	\$41,152.44
400500	Fire Hydrant	4.00	EACH	\$6,048.00	\$24,192.00
Total Price for above Water Items:					\$232,656.15

Total Bid Price: \$832,776.02

Notes:

- Payment to be made as follows: Monthly requisitions for work completed and materials stored on site. 100% upon completion.
- All material is guaranteed to be as specified. All work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delay beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.
- Acceptance of Proposal-The above prices, specifications and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.
- Exclusions: Permits/Fees, Bonds, Stakeout, Soil Testing, Landscaping, Removal/Replacement of unsuitable material below subgrade, relocation of utilities.

TEL: 410-632-5623
FAX: 410-632-1753
WEB: co.worcester.md.us



DALLAS BAKER JR., P.E.
DIRECTOR

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

CHRISTOPHER CLASING, P.E.
DEPUTY DIRECTOR

TO: Weston S. Young, P.E., Chief Administrative Officer
Candace Savage, CGFM, Deputy Chief Administrative Officer
FROM: Christopher Clasing, P.E., Deputy Director *Chs g*
DATE: July 30, 2024
SUBJECT: Mystic Harbour/ West Ocean City Service Areas
Salt Life Park Turnover Documents

Public Works is recommending approval of the Salt Life Park Project and accepting the utilities into the County's Mystic Harbour Service Area water system and West Ocean City Service Area wastewater system for operations.

Enclosed are the turnover documents including: Deed; Bill of Sale and Assignment form executed by the owner for turnover of the facilities; Release of Lien from the prime contractor; Release of Lien from the design engineer. These documents have been reviewed by the County Attorney and are found to be acceptable. Also included is a maintenance bond in the amount of \$518,922.50 to warrant the mains for the next 2 years. Record drawings are on file in the Water and Wastewater Office.

Should you have any questions, please feel free to let me know.

Attachments

cc: Dallas Baker Jr., P.E., Director
Tony Fascelli, W/WW Superintendent
Quinn M. Dittrich, Enterprise Fund Controller

Deed, Bill of Sale, and Assignment

This Deed, Bill of Sale, and Assignment ("Deed") made this 13th day of June, 2024, by and between Mark R. Odachowski and Salt Life Park, LLC, "Developer" and County Commissioners of Worcester County, Maryland ("Commissioners").

WHEREAS, Developer, pursuant to all required permits, has constructed a certain Sanitary Facility, "Facility" pursuant to Section §5-307 of Public Works Article, the Code of Public Local Laws of Worcester County, Maryland on property generally described as 12414 Old Bridge Road West Ocean City, MD 21842 and as shown on the plat attached as Exhibit A and recorded in Worcester County Land Records at Plat Book SRB 253, p. 022.

WHEREAS, The Facility is now complete, free and clear of all mechanics' and materialman's liens and encumbrances and ready to be transferred to Commissioners in accordance with prior agreements and Section §5-307 as aforesaid, and.

WHEREAS, The Facility is fully operational in accordance with all required permits and;

WHEREAS, All real or personal property lien holders, have joined herein or executed separate documents for the purpose of releasing any and all right, title and interest they may have in and to any of the property herein described.

NOW THEREFORE THIS DEED, BILL OF SALE, AND ASSIGNMENT WITNESSETH:

That for good and valuable consideration, receipt and sufficiency which is hereby acknowledged, the parties do hereby agree as follows.

1. All of the following described components, rights, permits, licenses, personal property, real property, easements, and being all of the right title and interest of Developer associated with, in, and to Facility are hereby granted, convey and transferred unto Commissioners.
2. Commissioners agree that the final inspection of Facility has been conducted and it is approved and accepted.
3. Commissioners hereby accept operational control and ownership of the Facility as herein set forth.
4. Developer warrants and agrees that construction of the Facility is in accordance with all permits and approvals.
5. Developer warrants for a period of two (2) years that the Facility is constructed in a workmanlike manner, in accordance with industry standards, is free and clear of all faulty

materials, is properly designed for its intended use, is free of imperfections, and will operate in accordance with its design and further that it is free and clear of all liens and encumbrances and that written releases of all workers and suppliers have been delivered.

6. Lienholder hereby releases its lien upon any property hereby transferred.
7. Developer shall execute such other and further assurances hereof as Commissioners may require.

IN WITNESS WHEREOF, the hands and seals of the parties hereto, as of the date and year first above written.

DEVELOPER

By: [Signature] (SEAL)
PRESIDENT

SALT LIFE PARK, LLC

By: [Signature] (SEAL)
PRESIDENT

ON BEHALF OF COUNTY COMMISSIONERS
OF WORCESTER COUNTY

By: _____ (SEAL)

Weston Young, P.E., Chief Administrative Officer

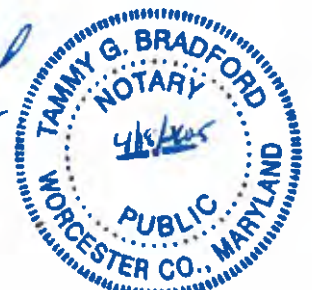
LIENHOLDER

By: [Signature] (SEAL)
CEO

STATE OF DELAWARE, SUSSEX COUNTY, TO WIT:

I HEREBY CERTIFY, that on this 13th day of June, 2014, before the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Mark Rodachouda, known to me (or satisfactorily proven) to be the President, named in the foregoing instrument, and executed the same in the capacity stated and for the purposes herein contained.

Tammy G. Bradford
Notary Public
My Comm Exp 4/18/2025



Commission Expires: _____

STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

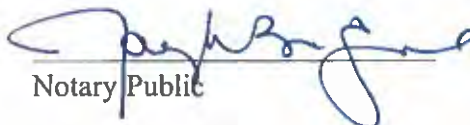
I HEREBY CERTIFY, that on this _____ day of _____, 2024 before the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____, known to me (or satisfactorily proven) to be the _____, Lienholder, and executed the same in the capacity stated and for the purposes herein contained.

Notary Public

Commission Expires: _____

STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY, that on this 13 day of June, 2024 before the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Reid Tingle, known to me (or satisfactorily proven) to be the President Bank of, Lienholder, and executed the same in the capacity stated and for the purposes herein contained.


Notary Public

Commission Expires: 10/29/2027

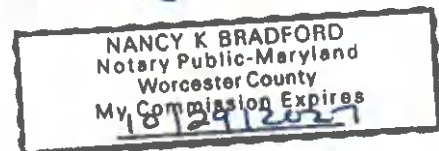


Exhibit A

LEGAL DESCRIPTION

RELEASE OF MECHANIC'S LIENS

The undersigned, general or sub-contractor, has provided services and/or materials for construction and improvements at the property owned by Salt Life Park, LLC, and described as follows: Residential property and improvements located at 12414 Old Bridge Road, West Ocean City, MD 21842 and known as "Salt Life Park", shown on the minor subdivision plan entitled "Lands of Mark R. Odachowski", which is recorded among the Plat Records of Worcester County, Maryland in Liber SRB No. 253, folio 22 et seq. and by separate deed dated November 27, 2023 and recorded among the Land Records of Worcester County, Maryland in Book 8685, Page 469. Said improvements include sewer and water infrastructure for 34 mobile home sites within the Salt Life Park community.


In consideration of the sum of \$1.00 in hand paid, receipt whereof is acknowledged, and other benefits accruing to me, I do hereby waive, release and quit-claim a right that I now have or may hereafter have to lien upon the land and improvements above-described, by virtue of the laws of the State wherein said land is situate, or any amendments of said law; and I do further warrant that I have not and will not assign my claim for payment, not my right to perfect a lien against said property, and that I have the right to exercise this waiver and release thereof.

The subscriber of this instrument respectively warrants that all laborers employed by me have been fully paid and that none of such laborers have any claim, demand, or lien against said premises; and further, that no chattel, mortgage, conditional bill of sale or retention of title agreement has been given or executed by the said owner or any general contractor or other party or any of us, for in or in connection with any material, appliances, machinery, fixtures or furnishings placed on or installed in the aforesaid premises.

It is understood and agreed that the signature(s) affixed hereto are for all services rendered, work done and materials furnished heretofore and hereafter by the signer in any and all capacities, and is not only for a particular item against which the signature is affixed.

WITNESS the following signatures and seals this 16 day of May, 2024.

WITNESS:


Alisha A. Carpenter for Carpenter
Engineering, LLC



 5-16-2024 (SEAL)

 Ronnie B. Carpenter, PE for Carpenter

 Engineering, LLC (Design Engineer)

(SEAL)

(SEAL)

CONTRACTOR'S PARTIAL RELEASE, WAIVER OF LIEN AND AFFIDAVIT

TO: Salt Life Park, LLC

12507 Sunset Ave, Unit 14D

West Ocean City, MD 21842

RE: CONTRACT NO.: 43P0007

OWNER: Salt Life LLC

PROJECT: Salt Life Park,

CURRENT INVOICE NO.: 5

FOR THE PERIOD ENDING: 04/30/2024

The undersigned Contractor, in consideration of the payments previously made and payment for the period covered by the current invoice set forth above, hereby waives and releases all mechanic's, materialman's or other liens and, to the fullest extent permitted by law, all rights to file any such liens in the future, and all claims and demands against Construction Manager, Owner and their sureties, and the real property on which the project is located, in any manner arising out of work, labor, services, equipment or materials, performed or furnished by Contractor, its subcontractors and suppliers, in connection with the Project and trade contract, through the period covered by the current invoice and all previous invoices. The release does not apply to retention, nor to extra work which Contractor has been authorized to proceed with by the Construction Manager, but for which payment has not yet been approved.

Except as noted below, Contractor acknowledges and represents that for the period and work covered by all previous invoices for which Contractor has received payment:

1. Contractor has paid in full all amounts for subcontracts, labor, materials and rented equipment.
2. Contractor has properly applied previous payments to pay all outstanding invoices related to the Project.
3. Contractor is aware of no claims nor any circumstances that could give rise to any future claims against Construction Manager, Owner, Architect or other Trade Contractor on the Project.
4. All payroll, withholding, sales and other taxes, union benefits, insurance premiums and any other amount required by law, regulation or agreement to be paid in connection with labor, materials, and equipment for the Project have been paid in full.

List exceptions, if any:

Contractor represents that the amounts set forth below are correct and that the amount of the current payment due will be applied promptly to full payment of all outstanding amounts due from Contractor to others in connection with the Project.

Contract Sum to Date	\$ 1,621,850.00
Total Completed and Stored to Date	\$ 1,319,750.00
Total Retention to Date	\$ 65,987.50
Total Earned Less Retention	\$ 1,253,762.50
Less Previous Payments	\$ 1,017,377.80
Current Payment Due	\$ 236,384.70

BY: A-Del Construction Co. Inc

(Name of Contractor)

BY: C. Scott Whitt, P.M.

(Signature, Printed Name and Title)

STATE OF)
(CITY)(COUNTY)OF)

)to wit:

On this 20th day of May, 2024, appeared before me Scott Whitt and he/she made oath in due form of law that the facts, information and representations set forth in the foregoing Trade Contractor's Partial Release, Waiver of lien and Affidavit, are true and accurate to the best of his/her knowledge, information and belief.

Vanessa Nunez
Notary Public

My commission expires: April 27, 2028

IRREVOCABLE LETTER OF CREDIT

Borrower: SALT LIFE PARK LLC
12507 SUNSET AVENUE UNIT 16D
OCEAN CITY, MD 21842

Lender: Bank of Ocean City
314 Franklin Ave., Suite 600
Berlin, MD 21811
(410) 213-0190

Beneficiary: WORCESTER COUNTY ENVIRONMENTAL PROGRAMS
ONE WEST MARKET STREET ROOM 1306
SNOW HILL, MD 21863

NO.: SLP-01-2024

EXPIRATION DATE. This letter of credit shall expire upon the close of business on 01-19-2026 and all drafts and accompanying statements or documents must be presented to Lender on or before that time (the "Expiration Date").

AMOUNT OF CREDIT. Lender hereby establishes at the request and for the account of Borrower, an Irrevocable Letter of Credit in favor of Beneficiary for a sum of Five Hundred Eighteen Thousand Nine Hundred Twenty-two & 50/100 Dollars (\$518,922.50) (the "Letter of Credit"). These funds shall be made available to Beneficiary upon Lender's receipt from Beneficiary of sight drafts drawn on Lender at Lender's address indicated above (or other such address that Lender may provide Beneficiary in writing) during regular business hours and accompanied by the signed written statements or documents indicated below.

WARNING TO BENEFICIARY: PLEASE EXAMINE THIS LETTER OF CREDIT AT ONCE. IF YOU FEEL UNABLE TO MEET ANY OF ITS REQUIREMENTS, EITHER SINGLY OR TOGETHER, YOU SHOULD CONTACT BORROWER IMMEDIATELY TO SEE IF THE LETTER OF CREDIT CAN BE AMENDED. OTHERWISE, YOU WILL RISK LOSING PAYMENT UNDER THIS LETTER OF CREDIT FOR FAILURE TO COMPLY STRICTLY WITH ITS TERMS AS WRITTEN.

DRAFT TERMS AND CONDITIONS. Lender shall honor drafts submitted by Beneficiary under the following terms and conditions:

Upon Lender's honor of such drafts, Lender shall be fully discharged of Lender's obligations under this Letter of Credit and shall not be obligated to make any further payments under this Letter of Credit once the full amount of credit available under this Letter of Credit has been drawn.

Beneficiary shall have no recourse against Lender for any amount paid under this Letter of Credit once Lender has honored any draft or other document which complies strictly with this Letter of Credit, and which on its face appears otherwise in order but which is signed, issued, or presented by a party or under the name of a party purporting to act for Beneficiary, purporting to claim through Beneficiary, or posing as Beneficiary without Beneficiary's authorization. By paying an amount demanded in accordance with this Letter of Credit, Lender makes no representation as to the correctness of the amount demanded and Lender shall not be liable to Beneficiary, or any other person, for any amount paid or disbursed for any reason whatsoever, including, without limitation, any nonapplication or misapplication by Beneficiary of the proceeds of such payment. By presenting upon Lender or a confirming bank, Beneficiary certifies that Beneficiary has not and will not present upon the other, unless and until Beneficiary meets with dishonor. Beneficiary promises to return to Lender any funds received by Beneficiary in excess of the Letter of Credit's maximum drawing amount.

USE RESTRICTIONS. All drafts must be marked "DRAWN UNDER Bank of Ocean City IRREVOCABLE LETTER OF CREDIT NO. SLP-01-2024 DATED 01-19-2024," and the amount of each draft shall be marked on the draft. Only Beneficiary may complete a draft and accompanying statements or documents required by this Letter of Credit and make a draw under this Letter of Credit. This original Letter of Credit must accompany any draft drawn hereunder.

Partial draws are permitted under this Letter of Credit. Lender's honor of a partial draw shall correspondingly reduce the amount of credit available under this Letter of Credit. Following a partial draw, Lender shall return this original Letter of Credit to Beneficiary with the partial draw noted hereon; in the alternative, and in its sole discretion, Lender may issue a substitute Letter of Credit to Beneficiary in the amount shown above, less any partial draw(s).

PERMITTED TRANSFEREES. The right to draw under this Letter of Credit shall be nontransferable, except for:

- A. A transfer (in its entirety, but not in part) by direct operation of law to the administrator, executor, bankruptcy trustee, receiver, liquidator, successor, or other representative at law of the original Beneficiary; and
- B. The first immediate transfer (in its entirety, but not in part) by such legal representative to a third party after express approval of a governmental body (judicial, administrative, or executive).

TRANSFEREES REQUIRED DOCUMENTS. When the presenter is a permitted transferee (i) by operation of law or (ii) a third party receiving transfer from a legal representative, as described above, the documents required for a draw shall include a certified copy of the one or more documents which show the presenter's authority to claim through or to act with authority for the original Beneficiary.

COMPLIANCE BURDEN. Lender is not responsible for any impossibility or other difficulty in achieving strict compliance with the requirements of this Letter of Credit precisely as written. Beneficiary understands and acknowledges: (i) that unless and until the present wording of this Letter of Credit is amended with Lender's prior written consent, the burden of complying strictly with such wording remains solely upon Beneficiary, and (ii) that Lender is relying upon the lack of such amendment as constituting Beneficiary's initial and continued approval of such wording.

NON-SEVERABILITY. If any aspect of this Letter of Credit is ever declared unenforceable for any reason by any court or governmental body having jurisdiction, Lender's entire engagement under this Letter of Credit shall be deemed null and void ab initio, and both Lender and Beneficiary shall be restored to the position each would have occupied with all rights available as though this Letter of Credit had never occurred. This non-severability provision shall override all other provisions in this Letter of Credit, no matter where such provision appears within this Letter of Credit.

GOVERNING LAW. This Agreement will be governed by federal law applicable to Lender and, to the extent not preempted by federal law, the laws of the State of Maryland without regard to its conflicts of law provisions, and except to the extent such laws are inconsistent with the 2007 Revision of the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce, ICC Publication No. 600. This Agreement has been accepted by Lender in the State of Maryland.

EXPIRATION. Lender hereby agrees with Beneficiary that drafts drawn under and in compliance with the terms of this Letter of Credit will be duly honored if presented to Lender on or before the Expiration Date unless otherwise provided for above.

IRREVOCABLE LETTER OF CREDIT
(Continued)

Loan No: 51250020

Page 2

Dated: January 19, 2024

LENDER:

BANK OF OCEAN CITY

By:

Reid B. Tingle, President

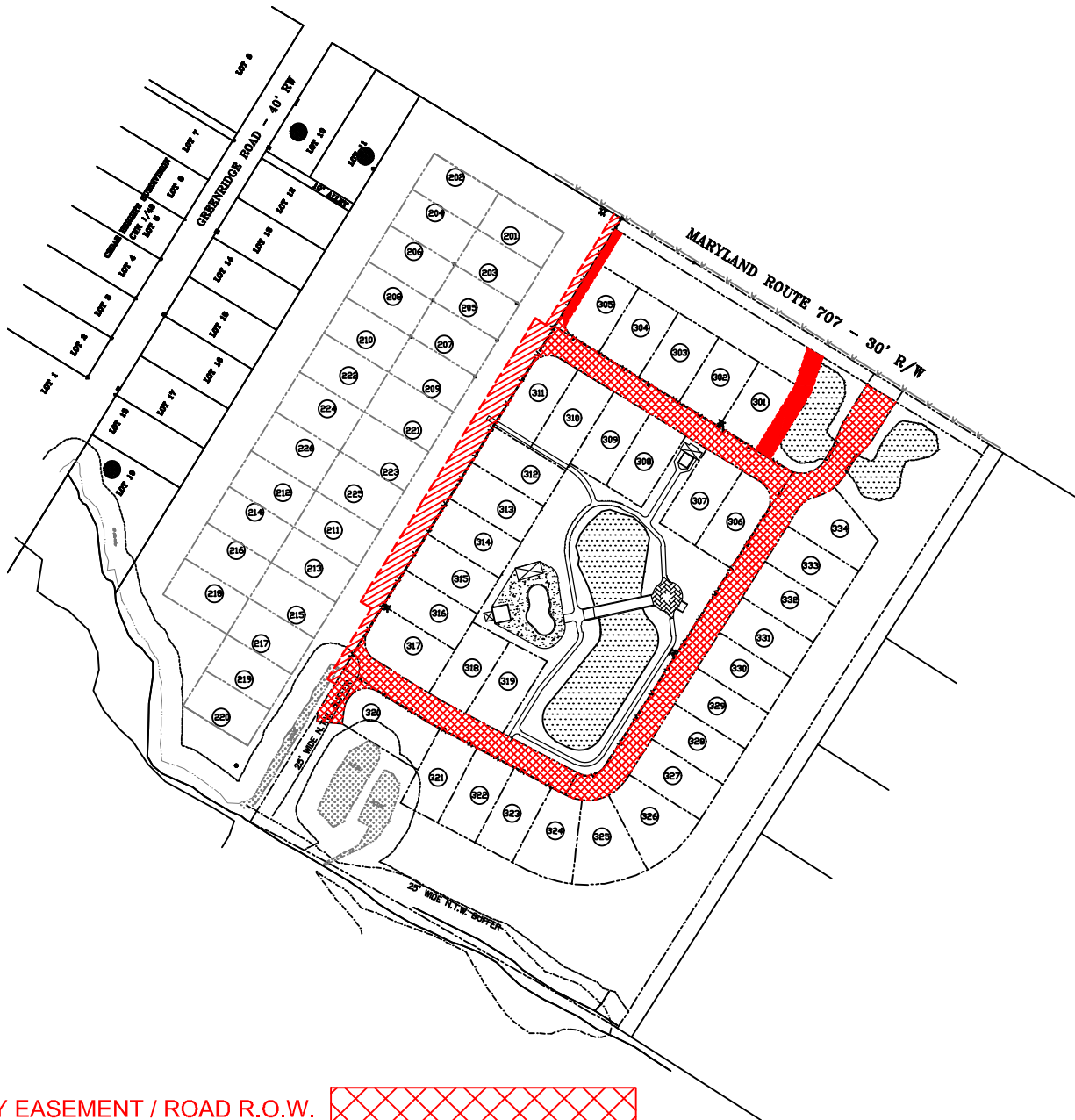
(Seal)

ENDORSEMENT OF DRAFTS DRAWN:

Date

Negotiated By

Amount
In WordsAmount
In FiguresLetterPro, Vol. 23, 1, 18, 018 Copy, Printed USA Corporation 1997, 2021. All Rights Reserved. - MD CUC/PLPUC/LOC/FO TR-0051 PB-2



UTILITY EASEMENT / ROAD R.O.W.



ONSITE UTILITY EASEMENT



OFFSITE UTILITY EASEMENT



ALL WATER AND SEWER MAINS WITHIN THE SPECIFIED EASEMENT AREAS ARE BEING TRANSFERRED TO WORCESTER COUNTY COMMISSIONERS.

PLAN OF SPECIAL PURPOSE TO
DEPICT UTILITY EASEMENTS
OF

SALT LIFE PARK

ALSO KNOWN AS

MAP 26, P. O. PARCEL 191C

OCEAN CITY, WORCESTER COUNTY, MARYLAND



CARPENTER
ENGINEERING, LLC

Professional Civil Engineering Services

P.O. Box 3460

Ocean City, Maryland 21843

Tel: (302) 438-6745 Fax: (888) 372-2844

Ronnie@CarpenterEngineeringLLC.com

DATE 07-23-2024

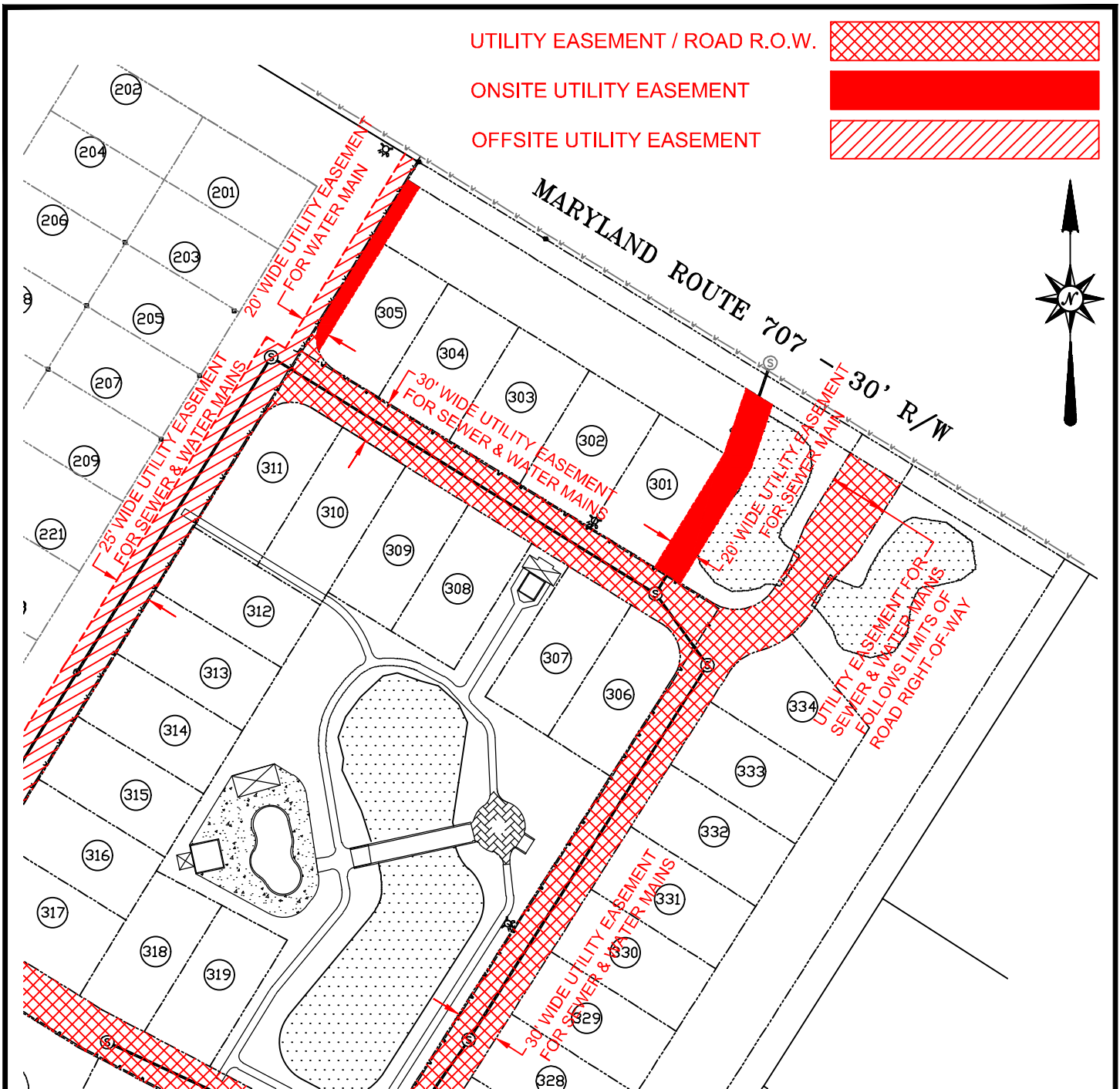
SCALE 1" = 200'

DRAWN BY R. CARPENTER

DRAWING NO. 5883-SP1

CHECKED BY R. CARPENTER

SHEET NO. SP1 OF SP3



PLAN OF SPECIAL PURPOSE TO
DEPICT UTILITY EASEMENTS
OF

SALT LIFE PARK

ALSO KNOWN AS

MAP 26, P. O. PARCEL 191C

OCEAN CITY, WORCESTER COUNTY, MARYLAND



CARPENTER
ENGINEERING, LLC

Professional Civil Engineering Services

P.O. Box 3460

Ocean City, Maryland 21843

Tel: (302) 438-6745 Fax: (888) 372-2844

Ronnie@CarpenterEngineeringLLC.com

DATE 07-23-2024

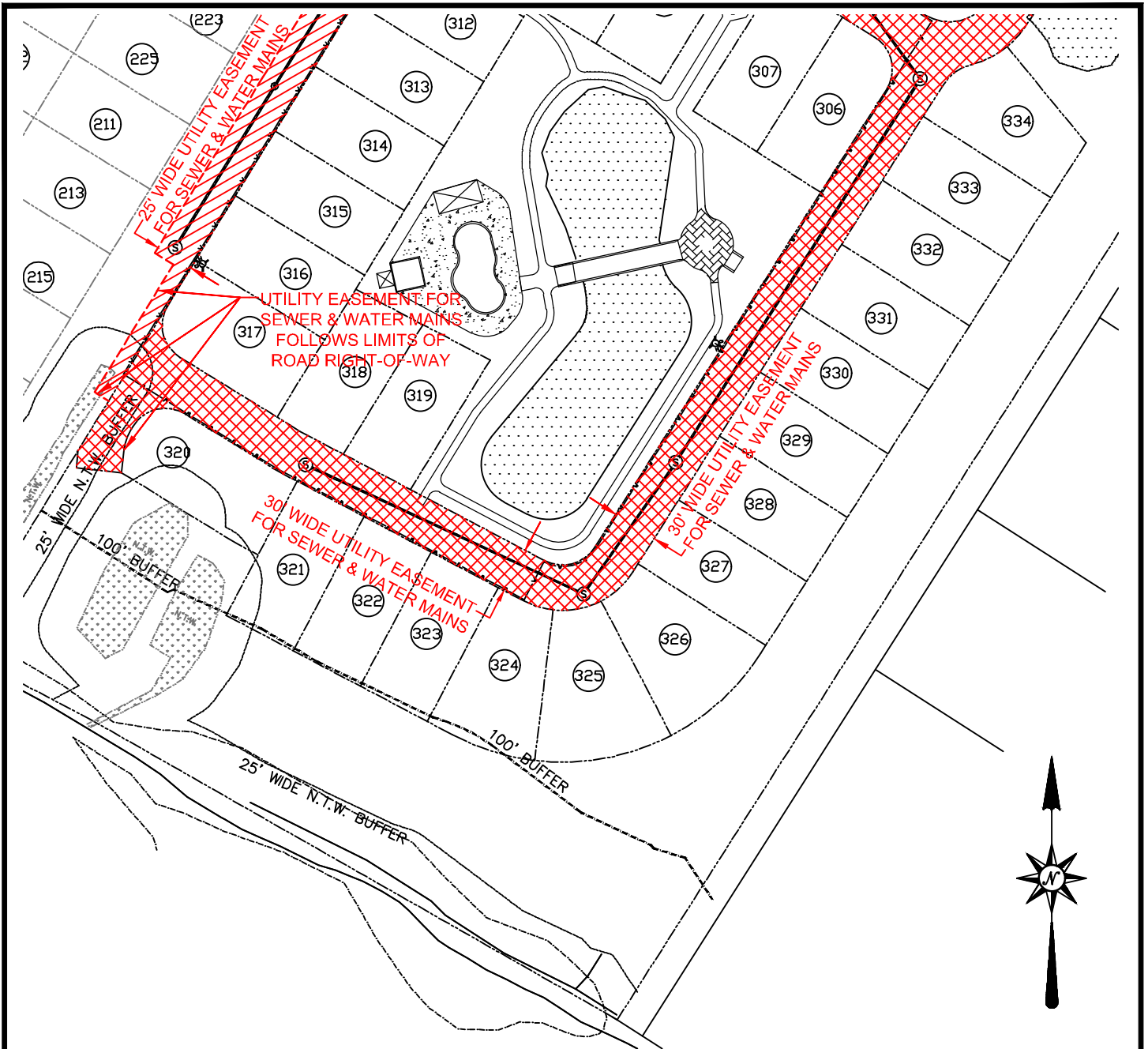
SCALE 1" = 100'

DRAWN BY R. CARPENTER

DRAWING NO. 5883-SP2

CHECKED BY R. CARPENTER

SHEET NO. SP2 OF SP3



UTILITY EASEMENT / ROAD R.O.W.



ONSITE UTILITY EASEMENT



OFFSITE UTILITY EASEMENT



PLAN OF SPECIAL PURPOSE TO
DEPICT UTILITY EASEMENTS
OF

SALT LIFE PARK

ALSO KNOWN AS

MAP 26, P. O. PARCEL 191C

OCEAN CITY, WORCESTER COUNTY, MARYLAND



CARPENTER
ENGINEERING, LLC

Professional Civil Engineering Services

P.O. Box 3460

Ocean City, Maryland 21843

Tel: (302) 438-6745 Fax: (888) 372-2844

Ronnie@CarpenterEngineeringLLC.com

DATE 07-23-2024

SCALE 1" = 100'

DRAWN BY R. CARPENTER

DRAWING NO. 5883-SP3

CHECKED BY R. CARPENTER

SHEET NO. SP3 OF SP3



TEL: 410-632-0686
FAX: 410-632-3003

OFFICE OF THE TREASURER

Worcester County

GOVERNMENT CENTER

ONE WEST MARKET STREET, ROOM 1105


P.O. Box 248

SNOW HILL, MARYLAND

21863

PHILLIP G. THOMPSON, CPA
FINANCE OFFICER

JESSICA R. WILSON, CPA
DEPUTY FINANCE OFFICER

TO: Weston Young, P.E. - Chief Administrative Officer
FROM: Phillip G. Thompson, Finance Officer 
RE: Tax Credit
DATE: July 25, 2024

I would like to request the County Commissioners authorize 100% County tax credits totaling \$12,272.79 for the three Ocean City Chamber of Commerce properties attached pursuant to Section 9-325 of the Tax Property Code. Included with this request is a copy of the letter from the Chamber requesting the credit.

If you have any questions or require any other follow-up, please do not hesitate to contact me.



Ocean City, Maryland Chamber of Commerce

☎ 410-213-0144 ✉ info@oceancity.org

🌐 oceancity.org 📍 12320 Ocean Gateway, Ocean City, MD 21842

July 3, 2024

Worcester County Board of County Commissioners
Anthony Bertino, Jr., President
Room 1103 – Government Center
One West Market Street
Snow Hill, Maryland 21863

Dear President Bertino:

We are in receipt of our property tax bills for 2024-2025, copies of which are enclosed for your convenience. I would like to request that the Board of County Commissioners grant property tax credits for the Greater Ocean City Chamber of Commerce for account numbers 10-012139, 10-011108, and 10-012147 pursuant to Tax-Property Article §9-325(a)(5) and reissue adjusted bills if necessary.

If you have any questions or require any additional information, please feel free to contact me at 410-213-0144 x102. Thank you for your assistance in this matter.

Sincerely,

Amy R. Thompson
Executive Director
Greater Ocean City, MD Chamber of Commerce

DETACH AND KEEP THIS PORTION

ITEM 4

Worcester County
Office of the Treasurer

Principal Residence or Commercial

(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID		BILL YEAR	LEVY PERIOD		LIBER/FOLIO	CHARGES	ASSESSMENT	RATE	AMOUNT
10011108		2024	07/01/24 – 06/30/25		6234 / 329	State Real Property	283,500	.112000	317.52
MAP	GRID	PARCEL	BILL #	BILL DATE	IF CHECKED CALL (410) 632-0686 EXT. 3	County Real Property	283,500	.845000	2,395.58
0026	0006	0392	27722	07/01/24		PRIOR YEAR TAXES DUE			
CONSTANT YIELD RATE INFORMATION		COUNTY RATE - CONSTANT YIELD = DIFFERENCE \$.8450 - \$.7707 = \$.0743				TAX SALE			
							TOTAL TAXES		2,713.10
						PROPERTY DESCRIPTION			
OCEAN CITY MARYLAND CHAMBER OF COM						LOTS 1 37 38 39 40 S SIDE R-50 PL C LEWIS FARM			
12320 OCEAN GATEWAY OCEAN CITY, MD 21842									

OCEAN CITY MARYLAND CHAMBER OF COM

12320 OCEAN GATEWAY
OCEAN CITY, MD 21842

MAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 64390
BALTIMORE, MD 21264-4390

ENCLOSE THIS PORTION WITH
ANNUAL PAYMENT

(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID	BILL YEAR	BILL #	BILL DATE	IF PAID IN	DISC/INT	PAY THIS AMOUNT
10011108	2024	27722	07/01/2024	Jul	-11.98	2,701.12
LOTS 1 37 38 39 40 S SIDE R-50 PL C LEWIS FARM		LEVY PERIOD	IF CHECKED CALL (410) 632-0686 EXT. 3	Aug	0.00	2,713.10
		07/01/24 - 06/30/25	PRIOR YEAR TAXES DUE	Sep	0.00	2,713.10
				Oct	13.57	2,726.67
				Nov	27.14	2,740.24
				Dec	40.69	2,753.79
				Jan	67.83	2,780.93
				Feb	94.97	2,808.07
MAIL WITH FULL ANNUAL PAYMENT						

Payment Enclosed

OCEAN CITY MARYLAND CHAMBER OF COM

12320 OCEAN GATEWAY
OCEAN CITY, MD 21842

02402082024800027722800002701126

MAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 64390
BALTIMORE, MD 21264-4390

ENCLOSE THIS PORTION WITH SECOND
SEMI-ANNUAL PAYMENT

(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID	BILL YEAR	BILL #	BILL DATE	IF PAID IN	DISC/INT	PAY THIS AMOUNT
10011108	2024	27722	07/01/2024	Jul	-5.99	1,350.56
LOTS 1 37 38 39 40 S SIDE R-50 PL C LEWIS FARM		LEVY PERIOD	IF CHECKED CALL (410) 632-0686 EXT. 3	Aug	0.00	1,356.55
		07/01/24 - 06/30/25	PRIOR YEAR TAXES DUE	Sep	0.00	1,356.55
				Oct	0.00	1,356.55
				Nov	0.00	1,356.55
				Dec	0.00	1,356.55
MAIL WITH SECOND SEMI-ANNUAL PAYMENT						

Payment Enclosed

OCEAN CITY MARYLAND CHAMBER OF COM

12320 OCEAN GATEWAY
OCEAN CITY, MD 21842

02402082024800027722800001350560

MAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 64390

ENCLOSE THIS PORTION WITH FIRST SEMI-
ANNUAL PAYMENT

4 - 3

DETACH AND KEEP THIS PORTION

ITEM 4

Worcester County
Office of the Treasurer

Principal Residence or Commercial

(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID	BILL YEAR	LEVY PERIOD	LIBER/FOLIO	CHARGES	ASSESSMENT	RATE	AMOUNT
10012139	2024	07/01/24 - 06/30/25	3471 / 564	State Real Property	1,155,600	.112000	1,294.27
MAP	GRID	PARCEL	BILL #	BILL DATE	IF CHECKED CALL (410) 632-0686 EXT. 3	County Real Property	1,155,600
0026	0006	0392	27804	07/01/24	PRIOR YEAR TAXES DUE		9,764.82
CONSTANT YIELD RATE INFORMATION	COUNTY RATE - CONSTANT YIELD = DIFFERENCE \$.8450 - \$.7707 = \$.0743			TAX SALE			
TOTAL TAXES							11,059.09
PROPERTY DESCRIPTION							
PARCEL A 15965 SQ FT LANDS OF OCEAN CITY CHAM OF COMMERCE PR SUR							

OCEAN CITY MARYLAND CHAMBER OF
COMMERCE INC
12320 OCEAN GATEWAY
OCEAN CITY, MD 21842

MAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 64390
BALTIMORE, MD 21264-4390ENCLOSE THIS PORTION WITH
ANNUAL PAYMENT(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID	BILL YEAR	BILL #	BILL DATE	IF PAID IN	DISC/INT	PAY THIS AMOUNT
10012139	2024	27804	07/01/2024	Jul	-48.82	11,010.27
PARCEL A 15965 SQ FT LANDS OF OCEAN CITY CHAM OF COMMERCE PR SUR			LEVY PERIOD 07/01/24 - 06/30/25	Aug	0.00	11,059.09
			IF CHECKED CALL (410) 632-0686 EXT. 3	Sep	0.00	11,059.09
			PRIOR YEAR TAXES DUE	Oct	55.29	11,114.38
			TAX SALE	Nov	110.59	11,169.68
				Dec	165.88	11,224.97
				Jan	276.48	11,335.57
				Feb	387.07	11,446.16
MAIL WITH FULL ANNUAL PAYMENT						

Payment Enclosed

OCEAN CITY MARYLAND CHAMBER OF
COMMERCE INC
12320 OCEAN GATEWAY
OCEAN CITY, MD 21842

02402082024800027804400011010279

MAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 64390
BALTIMORE, MD 21264-4390ENCLOSE THIS PORTION WITH SECOND
SEMI-ANNUAL PAYMENT(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID	BILL YEAR	BILL #	BILL DATE	IF PAID IN	DISC/INT	PAY THIS AMOUNT
10012139	2024	27804	07/01/2024	Jul	-24.41	5,505.13
PARCEL A 15965 SQ FT LANDS OF OCEAN CITY CHAM OF COMMERCE PR SUR			LEVY PERIOD 07/01/24 - 06/30/25	Aug	0.00	5,529.54
			IF CHECKED CALL (410) 632-0686 EXT. 3	Sep	0.00	5,529.54
			PRIOR YEAR TAXES DUE	Oct	0.00	5,529.54
			TAX SALE	Nov	0.00	5,529.54
				Dec	0.00	5,529.54
MAIL WITH SECOND SEMI-ANNUAL PAYMENT						

Payment Enclosed

OCEAN CITY MARYLAND CHAMBER OF
COMMERCE INC
12320 OCEAN GATEWAY
OCEAN CITY, MD 21842

02402082024800027804400005505136

MAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 64390ENCLOSE THIS PORTION WITH FIRST SEMI-
ANNUAL PAYMENT

4 - 4

DETACH AND KEEP THIS PORTION

ITEM 4

Worcester County
Office of the Treasurer

Principal Residence or Commercial

(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID	BILL YEAR	LEVY PERIOD	LIBER/FOLIO	CHARGES	ASSESSMENT	RATE	AMOUNT
10012147	2024	07/01/24 - 06/30/25	546 / 40	State Real Property	13,300	.112000	14.90
MAP	GRID	PARCEL	BILL #	BILL DATE	IF CHECKED CALL (410) 632-0686 EXT. 3	County Real Property	13,300 .845000 112.39
0026	0006	0392	27805	07/01/24		PRIOR YEAR TAXES DUE	
CONSTANT YIELD RATE INFORMATION	COUNTY RATE - CONSTANT YIELD = DIFFERENCE \$.8450 - \$.7707 = \$.0743					TAX SALE	
TOTAL TAXES							127.29
PROPERTY DESCRIPTION							
PARCEL B 833 SQ FT LANDS OF OCEAN CITY CHAM OF COMMERCE PR SUR							

OCEAN CITY MD CHAMBER OF
COMMERCE INC THE
12320 OCEAN GATEWAY
OCEAN CITY, MD 21842

MAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 64390
BALTIMORE, MD 21264-4390ENCLOSE THIS PORTION WITH
ANNUAL PAYMENT(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID	BILL YEAR	BILL #	BILL DATE	IF PAID IN	DISC/INT	PAY THIS AMOUNT
10012147	2024	27805	07/01/2024	Jul	-0.56	126.73
PARCEL B 833 SQ FT LANDS OF OCEAN CITY CHAM OF COMMERCE PR SUR			LEVY PERIOD	IF CHECKED CALL (410) 632-0686 EXT. 3	Aug	0.00 127.29
			07/01/24 - 06/30/25		Sep	0.00 127.29
				PRIOR YEAR TAXES DUE	Oct	0.63 127.92
				TAX SALE	Nov	1.27 128.56
					Dec	1.91 129.20
					Jan	3.18 130.47
					Feb	4.45 131.74
MAIL WITH FULL ANNUAL PAYMENT						

Payment Enclosed

OCEAN CITY MD CHAMBER OF
COMMERCE INC THE
12320 OCEAN GATEWAY
OCEAN CITY, MD 21842

02402082024800027805100000126730

MAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 64390
BALTIMORE, MD 21264-4390ENCLOSE THIS PORTION WITH SECOND
SEMI-ANNUAL PAYMENT(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID	BILL YEAR	BILL #	BILL DATE	IF PAID IN	DISC/INT	PAY THIS AMOUNT
10012147	2024	27805	07/01/2024	Jul	-0.28	63.36
PARCEL B 833 SQ FT LANDS OF OCEAN CITY CHAM OF COMMERCE PR SUR			LEVY PERIOD	IF CHECKED CALL (410) 632-0686 EXT. 3	Aug	0.00 63.64
			07/01/24 - 06/30/25		Sep	0.00 63.64
				PRIOR YEAR TAXES DUE	Oct	0.00 63.64
				TAX SALE	Nov	0.00 63.64
					Dec	0.00 63.64
MAIL WITH SECOND SEMI-ANNUAL PAYMENT						

Payment Enclosed

OCEAN CITY MD CHAMBER OF
COMMERCE INC THE
12320 OCEAN GATEWAY
OCEAN CITY, MD 21842

02402082024800027805100000063362

MAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 64390ENCLOSE THIS PORTION WITH FIRST SEMI-
ANNUAL PAYMENT

4 - 5



Worcester County Government

One West Market Street | Room 1103 | Snow Hill MD 21863-1195

(410) 632-1194 | (410) 632-3131 (fax) | admin@co.worcester.md.us | www.co.worcester.md.us

MEMORANDUM

TO: Worcester County Commissioners
FROM: Nicholas W. Rice, Procurement Officer
DATE: August 6, 2024
RE: Request to Purchase – Welcome Center Digital Kiosks

The Office of Tourism and Economic Development is requesting approval to purchase digital kiosks for the Welcome Center in Pocomoke and downtown Snow Hill. These kiosks will allow visitors to digitally access information about the county, including things to do, places to see, eateries, etc. Total project cost is \$36,500.

A grant in the amount of \$42,865 was recently awarded to refresh the signage, display racks, photography, and overall layout, aiming to enhance the space and warmly welcome visitors to explore Maryland's Coast and beyond. Three demos were completed. TrueOmni is already compatible with Tourism's website and their proposal offered the best value to the county.

Should you have any questions, please feel free to contact me.

PROJECT PROPOSAL

Interactive Kiosk + Itinerary Builder + Guestbook & Survey + Map Platform (CMS)

PREPARED BY:

Sean O'Brien
sobrien@trueomni.com
1 (833) 300 6664

PREPARED FOR:

Worcester County Tourism and Economic Development
visitmarylandscost.org



www.trueomni.com

7014 East Camelback Road
Suite B100A, Scottsdale, AZ
1 (833) 300-6664

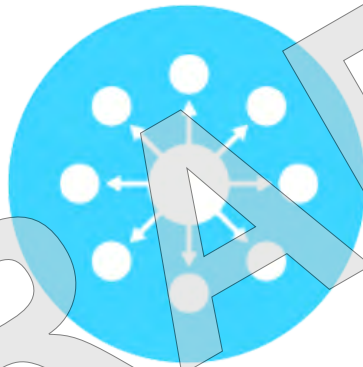


ABOUT US



PASSION

We are an interactive software and hardware solution provider that focuses on creating unique cloud based products that connect and engage customers. Our success has been built on our platform, robust/stable products, easy integration features, creative strategy and innovative architecture. With a clear focus on new customer experiences.



TALENT

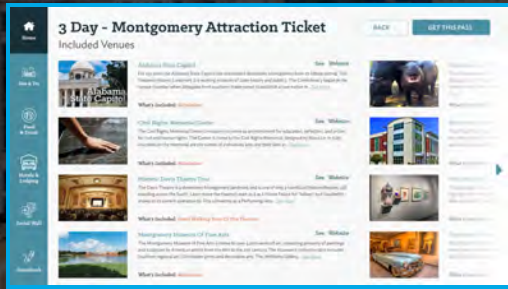
We're experts in digital integration. Leveraging API and Micro-service development frameworks to ensure best practices, automated updates and deeper ways to control content and brand engagement. We work with many technologies from HTML, Cloud, Open Source, to Android and iOS we ensure our solutions can work across any OS and platform.



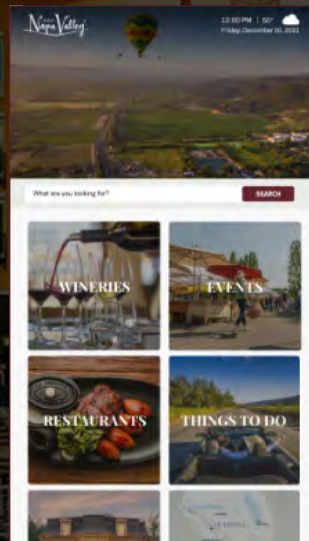
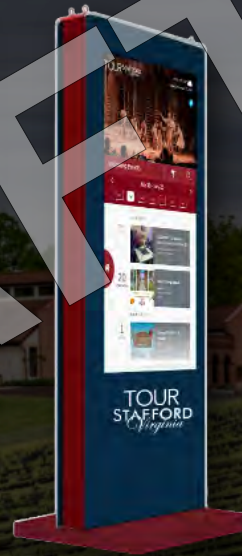
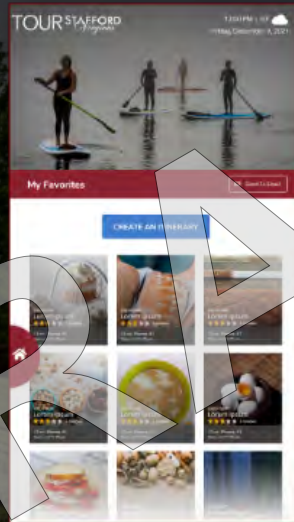
HISTORY

TrueOmni has evolved to be a leader in customer experience technology. Providing kiosk/ touch, digital signage and mobile solutions, integrated to a centralized Omnichannel platform, With company employed full-time developers, designers and project managers. Our diverse history and years of experience is what makes us unique.

ITEM 5 Sweet Home Alabama



TOUR STAFFORD Virginia



VISIT Napa Valley®

OUR PLATFORM



OmniChannel Platform & Content Management System

At the core of True Omni is our cloud-based OmniPlatform connecting content, API's and integrated modules to enable true omnichannel experiences. Our platform helps organizations centralize and manage all points of engagement, content, and revenue through multi-device control. Including; web, social networks, mobile, digital signage, kiosks, and tablets.

Our Products

- **OmniPlatform** The 3 core products that make up the foundation and main focus of our business; CMS, Data Tools, Analytics
- **OmniChannels** The 6 core marketing channels that our platform supports; Kiosk, Display, Mobile, Social, Notify, and Web
- **OmniExtensions** Internally built and third-party applications that extend the functionality of the platform and its channel products
- **OmniIntegration** Seamless integration with customer systems and a growing number of cloud-based and third-party applications and partners

PROJECT TIMELINE

STRATEGY

WEEK 1 - 2

The first stage in the project Includes discovery, strategy and planning calls. Here, we finalize the timeline, scope of work, expected content, specific functionality and technical requirements. We also conduct additional planning discussions related to development, testing, deployment, maintenance and launch.

DESIGN

WEEK 3 - 8

During this stage you work with our creative and user-experience team to design your custom solution. We start with a single mock up and then go through three rounds of revisions to ensure your project is built exactly as planned. Wire-frames and storyboards are created to help you visualize the end results of the project.

DEVELOPMENT

WEEK 9 - 16

This stage covers all development, selected products, and devices. All development customizations and hardware configurations are completed in this stage. Your project team will continue with testing as it becomes available to ensure the solution is near finished before client-side testing begins.

LAUNCH

WEEK 17 - 18

This is the final testing and launch phase. During this time our testing team will work with you to conduct thorough testing within a staged environment. All preparations for going live will also be completed at this time. Client will train with project team so they are comfortable with each solution and any changes they need to make.

PROJECT MANAGEMENT TOOLS:



Basecamp®



SCOPE OF WORK

Standard Products & Platform

OMNI Interactive Kiosk - Design & Development

- A turnkey suite of custom interactive Kiosk and Digital Signage solutions, which include design services, software development, hardware configuration, and content management.

OMNI CMS - Omnichannel Content Management System

- Core framework and content management system providing tools to centrally manage all digital marketing channels including social networks, digital signage, and touch screen kiosks.

OMNI Data Tools - Marketing Content & Data Administration Tools

- Set of data administration tools that provide an easy way to integrate, aggregate, and syndicate marketing content and data to multiple marketing channels.

OMNI Data Integration - Data Integration or Migration Service - Simpleview

- Initial integration or migration of data/content into OMNI CMS
- CRM or CMS Data Feed integration

OMNI Kiosk Analytics

- 1st Party Data - Full suite of interactive kiosks and touch screen analytics.

OMNI Support

- Standard technical support for interactive kiosks and Displays.

OMNI Advertising - Omnichannel Ad Manager

- Ad management platform that enables the organization to manage the distribution of advertising through our platform or connected to 3rd party and Agency services

OMNI Maps

- Integration with Google Maps API for custom mapping on interactive kiosks

OMNI Photobooth (Optional)

- Includes Custom backgrounds, frames, and emojis for interactive kiosks and touchscreens.
- Photo Booth for Interactive Kiosks & Touch Screens

OMNI Itinerary (Optional)

- Integration of itinerary into kiosk and mobile
- Preset itineraries, easy interactions, Share/Send itinerary

OMNI Interactive Trails

- Integration of itinerary into kiosk
- Trails, Passes, Coupons

Setup & Installation

- Configuration and setup of your signage and touch application onto each piece of hardware
- Includes on-site installation of hardware
 - does not include cabling, electrical, or internet

Optional Extensions

• OMNI Maps

- OMNI Advertising
- OMNI Digital Brochure
- OMNI Forms

• OMNI Guestbooks & Surveys

- OMNI Menus
- OMNI Photo booth
- OMNI Interactive Trails
- OMNI Deals / Coupons

• OMNI Faces

- OMNI Events
- OMNI Surveys

• OMNI Notify

• OMNI Social Wall

• OMNI Connect

• OMNI Itinerary

• OMNI Weather

• OMNI Traffic

• OMNI Smart Content

• OMNI Sweeps

• Google Translate

• Ratings & Reviews

• Table Reservations

• Ticketing Systems

• Wayfinding & Navigation

• eCommerce Platforms

PROJECT COSTS

PRODUCT / SERVICE	PRICE	QTY	TOTAL
Platform & Channel Product			
<input checked="" type="checkbox"/> OMNI Interactive Kiosk - Initial Unit	\$3,500	1	\$3,500
<input checked="" type="checkbox"/> OMNI Interactive Kiosk - Additional Units	\$2,500	1	\$2,500
<input checked="" type="checkbox"/> OMNI CMS	\$0	1	\$0
<input checked="" type="checkbox"/> OMNI Data Tools	\$0	1	\$0
<input checked="" type="checkbox"/> OMNI Data - HubSpot/Google	\$1,500	1	\$1,500
<input checked="" type="checkbox"/> OMNI Kiosk Analytics	\$1,000	1	\$1,000
<input type="checkbox"/> OMNI APP Progressive Web Applications	\$8,500	0	\$0
Product Extensions			
<input checked="" type="checkbox"/> OMNI Guestbook & Survey	\$1,500	1	\$1,500
<input checked="" type="checkbox"/> OMNI Itinerary	\$1,500	1	\$1,500
<input checked="" type="checkbox"/> OMNI Maps	\$1,000	1	\$1,000
<input checked="" type="checkbox"/> OMNI Advertising	\$1,500	1	\$1,500
Product Extensions (Optional)			
<input type="checkbox"/> OMNI Photo Booth	\$1,500	1	\$1,500
<input type="checkbox"/> OMNI Social Wall	\$1,500	0	\$0
<input type="checkbox"/> OMNI Digital Brochure	\$1,500	0	\$0
<input type="checkbox"/> OMNI Forms	\$1,500	0	\$0
<input type="checkbox"/> OMNI Faces	\$1,500	0	\$0
<input type="checkbox"/> OMNI Coupon/Passes	\$1,500	0	\$0
<input type="checkbox"/> OMNI People Count	\$2,500	0	\$0
<input type="checkbox"/> Google Translate - up to 5 languages	\$1,500	0	\$0
TOTAL			\$14,000

KIOSKS

Portrait Standing Kiosks



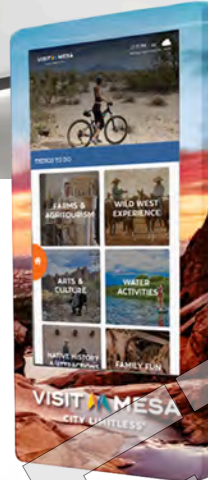
Without Casters



With Casters

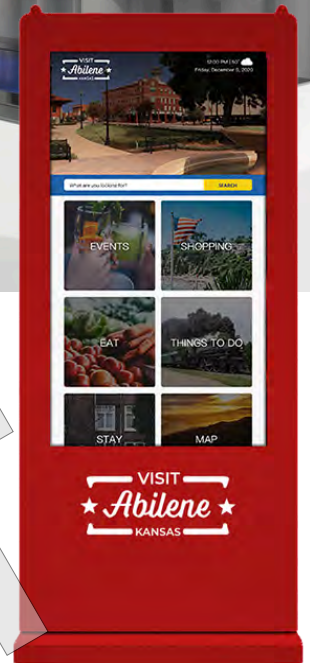
Cosmic

32" 42" & 55"



Spectrum

42" Wall Mounted



Cosmic Retro

49" Outdoor

Landscape Standing Kiosks



Quantum

42" Kiosk

Tabletop & Standing Kiosks



Gemini

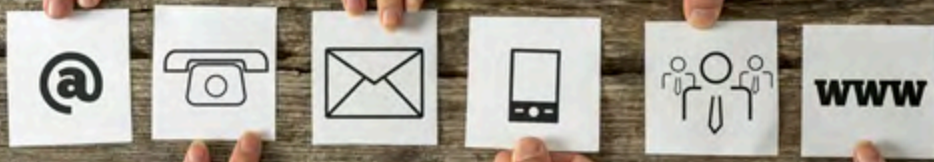
22" Kiosk Can be landscape or portrait;

Can be tabletop or standing

KIOSK COSTS

DESCRIPTION	PRICE	QTY	TOTAL
Interactive Kiosks			
<input checked="" type="checkbox"/> 43" Cosmic Kiosk - Indoor (Standing with Wheels)	\$7,000	1	\$7,000
<input type="checkbox"/> 49" Cosmic Kiosk - Outdoor	\$10,000	0	\$0
<input type="checkbox"/> 49" Outdoor Fan Cooled Single Side Kiosk (Climate Controlled Kiosk)	\$12,000	0	\$0
<input checked="" type="checkbox"/> 22" Gemini Portrait Kiosk (Stand included - Countertop)	\$4,000	1	\$4,000
<input type="checkbox"/> 22" Gemini Landscape Kiosk (Countertop)	\$4,000	0	\$0
<input type="checkbox"/> 55" Magnetic II Kiosk	\$9,500	0	\$0
<input type="checkbox"/> 32" Quantum II Kiosk (Omega, Ares)	\$7,500	0	\$0
<input type="checkbox"/> 42" Quantum II Kiosk (Omega, Ares)	\$8,500	0	\$0
Accessories			
<input checked="" type="checkbox"/> Kiosk Full Body Graphic Wrap	\$1,200	1	\$1,200
<input checked="" type="checkbox"/> Kiosk Logo Graphic Wrap	\$800	1	\$800
<input checked="" type="checkbox"/> Kiosk Webcam	\$225	2	\$450
<input type="checkbox"/> Kiosk Speakers	\$225	0	\$0
<input type="checkbox"/> External Camera - Wall Mount	\$350	0	\$0
<input type="checkbox"/> Kiosk Credit Card Reader	\$150	0	\$0
<input type="checkbox"/> Travel Case for 22" Portable Kiosk Countertop	\$1,200	0	\$0
<input type="checkbox"/> Travel Case for 22" Portable Kiosk Standing	\$2,100	0	\$0
<input checked="" type="checkbox"/> Micro Media Player	\$850	1	\$850
<input checked="" type="checkbox"/> Shipping - Small (Estimate)	\$500	1	\$500
<input checked="" type="checkbox"/> Shipping - Large (Estimate)	\$1,500	1	\$1,500
<input checked="" type="checkbox"/> Kiosk Installation & Training (Estimate)	\$1,000	2	\$2,000
Does not include power or internet			
TOTAL			\$18,300

SUPPORT



Support When You Need It

We've got your back with several tiers of administrative, creative, and technical support to suit your needs and budget. The following services are included in our monthly support fees:

- Licensing to our OmniPlatform and content management system.
- 24-7 remote monitoring + phone and email ticketing system.
- Comprehensive customer training and knowledge base.
- 3-year hardware support and replacement

Helpful Support Staff

If you experience any issues with our products we're always happy to help and come to your rescue!

- Open a support ticket at support.trueomni.com
- Most tickets receive a response within 24-hours, and often within a few hours.
- Ability to call the project team or account manager for emergencies and immediate assistance.

Software & Hardware Support

Our hardware and software solutions are fully supported by the following included services:

- Software installation, configuration, and updates provided as an ongoing service.
- Hardware warranties as provided by the manufacturer.

SUPPORT COSTS

PRODUCT / SERVICE	FEE	QTY	MONTHLY TOTAL
Monthly Support Items			
<input checked="" type="checkbox"/> OMNI Interactive Kiosk - Initial Unit	\$100	1	\$100
<input checked="" type="checkbox"/> OMNI Interactive Kiosk - Additional Unit	\$100	1	\$100
<input checked="" type="checkbox"/> OMNI Kiosk Analytics	\$25	1	\$25
<input checked="" type="checkbox"/> OMNI Guestbook & Survey	\$50	1	\$50
<input checked="" type="checkbox"/> OMNI Itinerary	\$25	1	\$25
<input checked="" type="checkbox"/> OMNI Advertising	\$50	1	\$50
<input type="checkbox"/> OMNI Photo Booth	\$50	1	\$50
<input type="checkbox"/> OMNI Social Wall	\$50	0	\$0
<input type="checkbox"/> OMNI Digital Brochure	\$50	0	\$0
<input type="checkbox"/> Google Translate	\$0	0	\$0
<input type="checkbox"/> OMNI App	\$200	0	\$0
<input type="checkbox"/> OMNI Wayfinding	\$50	0	\$0
<input type="checkbox"/> OMNI Coupons/Passes	\$50	0	\$0
TOTAL MONTHLY FEE			\$350

*All support agreements are for 36 months

TOTAL PROJECT COST

PRODUCT / SERVICE	PRICE	QTY	TOTAL
<input checked="" type="checkbox"/> Project Software Cost	\$14,000	1	\$14,000
<input checked="" type="checkbox"/> Kiosk Hardware Cost	\$18,300	1	\$18,300
<input checked="" type="checkbox"/> Monthly Licensing and Support Cost(Note: Hosting is 3 years; Billed yearly)	\$350	12	\$4,200
TOTAL			\$36,500

DRAFT

TERMS & BILLING

Projects require 100% down on software and services, include design and wire-frame approval. Hardware is billed 100% upfront on project initiation. Billing can be done via MasterCard, Visa, American Express, or ACH transfer for orders under \$5,000 USD. TrueOmni can extend accredited customers NET30 terms based on credit application. Invoices are due 30 days from receipt. Any additional work will require a change service order. Any customer approvals or data taking longer the 30 days, will require payment in full for the project. Invoicing for change orders will be billed upfront, additional out-of-scope work will occur twice per month, on the 15th and the first business day of the month, and payable upon receipt unless net terms have been established. Management fees are billed quarterly or yearly on a rotating assigned credit card unless otherwise agreed. Management program terms and fees start at project software approval. The customer may be prorated on first billing, the term of the agreement starts on the first full month billing. At the point of hardware schedule installation final invoice is due within 30days. No refunds or cancellations. Funds may be reallocated to an agreed-upon future project based on management approval.

Both TrueOmni and Client agree not to solicit, hire, or otherwise employ or engage in any manner whatsoever, directly or indirectly, during the term of this Agreement and for a period of one year thereafter. (ii) any person employed by TrueOmni as a sub-contractor and who is assigned by TrueOmni to perform services for Client under this agreement.

Contracts are for three years and will be renewed automatically unless TrueOmni is notified thirty (30) days prior to the renewal date. Any and all TrueOmni development data is TrueOmni's property. TrueOmni is offering a non-exclusive license for customers based on the length of the contract every customer guarantees all information and content is owned by the customer. TrueOmni is not responsible for any content hosted that is considered pornography or illicit material. TrueOmni reserves the right to discontinue service based on ICANN and other internet-based regulations.

Customer retains all rights, title, and interest in any proprietary customer provided content, photos, renderings, as well as registered and unregistered trademarks, copyrights, and service marks and that it may not be used by TrueOmni for any reason other than in connection with this Agreement without your prior written permission.

The relationship created by this Agreement is that of an independent contractor and TrueOmni shall not be deemed, for any purpose, an agent, legal representative, joint venture, partner, or employee of the customer. TrueOmni shall not be authorized, on behalf of the customer, to make any contract, agreement, warranty, statement, or representation or take any other action that could establish any apparent relationship or agency, joint venture, partnership, or employment with the customer.

LEGAL AGREEMENT

Terms & Conditions

Client is responsible for ensuring the Client has read and understands the TrueOmni Terms and Conditions. The TrueOmni Terms and Conditions include important legal terms, including the exclusions of certain warranties and remedies. By signing this Service Agreement, the Client agrees that Client has read and agrees to the TrueOmni [Terms and Conditions](#).

Acceptance Provision

The parties read this Statement of Work, Agreement, and all attachments (collectively, the "Agreement"), and agree to its contents. The Agreement sets forth the entire agreement and understanding of the parties with respect to the Project. The invalidity or unenforceability of any term, provision, clause, or any portion thereof, of this Agreement, shall in no way impair or affect the validity or enforceability of any other provision of this Agreement, which remains in full force and effect. TrueOmni assumes no responsibility for data, recordings, or information lost.

The parties must agree to and acknowledge, in writing, all changes requested during the course of the implementation of this project plan. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. The parties may evidence execution of this Agreement by faxing a signed counterpart to the other party, which shall be deemed an original.

Worcester County Tourism & Economic Development

Print Name



SIGNATURE

Brianna Dix

Signature

Title

Date

True Omni

Douglas Ralston

Print Name



SIGNATURE

True Omni LLC

Signature

President & CEO

Title

July 19, 2024

Date



Worcester County Government
One West Market Street | Room 1103 | Snow Hill MD 21863-1195
(410) 632-1194 | (410) 632-3131 (fax) | admin@co.worcester.md.us | www.co.worcester.md.us

MEMORANDUM

TO: Worcester County Commissioners
FROM: Nicholas W. Rice, Procurement Officer
DATE: August 6, 2024
RE: Request to Purchase – Mini Excavator

The Public Works Maintenance Division is requesting approval to purchase a mini excavator to complement their machinery and tooling. The mini-excavator and 3 attachments were approved in Maintenance Division's FY25 budget for a total of \$43,750.00.

This equipment was quoted by Burke Equipment and Kubota through their cooperative contract with Sourcewell for a total of \$43,179.46. Since formulating the FY25 budget, pricing of the excavator increased, and we are requesting to only purchase the excavator without the additional attachments. The excavator will be beneficial on its own and we would request attachments for the excavator in our FY26 budget. Please see the attached quote for additional information. The Sourcewell contract provides the County with a discount of \$13,259.04.

Funding has been approved in the FY25 Maintenance Division budget under account 100.1201.9010.070 - Capital Equipment Heavy Equipment in the amount of \$43,750.

Sourcewell is a cooperative purchasing organization that competitively awards purchasing contracts on behalf of itself and its participating agencies. Sourcewell follows the competitive contracting law process to solicit, evaluate, and award cooperative purchasing contracts for goods and services.

Should you have any questions, please feel free to contact me.

Quote Provided By
Burke Equipment - Seaford, Inc.
RICHARD MALONE
11196 East Snake Rd.
Delmar, DE 19940
email: rmalone@burkeequipment.com
phone: 3026328507

-- Standard Features --

-- Custom Options --



K Series

KX030-4R2

*** EQUIPMENT IN STANDARD MACHINE ***

FEATURES

Half Pitched Rubber Tracks or (Steel Tracks)
ROPS/OPG (Top Guard, Level 1)
4 Post Canopy or Heated Cab Suspension Seat
Kubota 3 Hydraulic Pump Design
1 Gear; 2 Variable Displacement Pumps
Hydraulic Joystick Controls with Wrist Rests
Two Operating Pattern Selection System
Standard Front Dozer Blade w/ Float
360 Degree Full Rotation
76° Left and 57° Right Boom Swing Angle
13.1 GPM Adjustable Auxiliary Hydraulics Port
Five Second Quick Preheat System
Key Switch Stop System
Self Bleed Fuel System
Two Speed Travel with Auto-Down Shift
Thumb Bracket and Relief Valves
Swivel Negative Brake

ENGINE

V1505 Kubota E4-BH-#USA Tier 4 Final Diesel
4 Cylinder, 4 Cycle
24.7 Gross HP (SAE J1995) @ 2250 RPM

OPERATIONAL

DIMENSIONS

Max Digging Depth 9' 7"
Max Digging Radius @ Ground Level 15' 9"
Max Vertical Digging Depth 6' 7"
Max Dumping Height 10' 4"

DOZER BLADE

DIMENSIONS

Width 59"
Height 11.8"
Lift Above Ground 13.8"
Drop Below Ground 13.5"

PERFORMANCE

Digging Force @ Bucket 6924 lbs
Digging Force @ Dipper Arm 3484 lbs
Travel Speed (Low/High) 1.7/2.7 mph
Climbing Ability 36% / 20°
Ground Pressure (Rubber/Canopy) 3.9 psi
Lift Capacity 2340 lbs
• Over Front
• Blade Grounded
• 2 Ft. Load Point Height
• 8 Ft. Load Radius

DIMENSIONS AND OPERATING WEIGHT

KX030-4R1, Rubber Tracks, 4-Post ROPS/OPG (Top Guard, Level 1) Canopy
Overall Length 15' 11"
Overall Width 4' 11"
Overall Height 7' 11"
Operating Weight* 6426 lbs.
Ground Clearance 11.0"

* Includes operator's weight, 175 lbs.

KX030-4R2 Base Price: \$51,973.00

(1) 16" QA TRENCHING BUCKET \$1,500.00
K7873A-16" QA TRENCHING BUCKET

(1) QUICK COUPLER \$1,400.00
K7870A-QUICK COUPLER

(1) KX030-4 TRAVEL ALARM KIT \$373.00
K8263-KX030-4 TRAVEL ALARM KIT

Configured Price: \$55,246.00

Sourcewell Discount: (\$13,259.04)

SUBTOTAL: \$41,986.96

Dealer Assembly: \$55.00

Freight Cost: \$737.50

PDI: \$400.00

Total Unit Price: \$43,179.46

Quantity Ordered: 1

Final Sales Price: \$43,179.46

Purchase Order Must Reflect Final Sales Price.

To order, place your Purchase Order directly with the quoting dealer

*Some series of products are sold out for 2022. All equipment specifications are as complete as possible as of the date on the quote. Additional attachments, options, or accessories may be added (or deleted) at the discounted price. All specifications and prices are subject to change. Taxes are not included. The PDI fees and freight for attachments and accessories quoted may have additional charges added by the delivering dealer. These charges will be billed separately. Prices for product quoted are good for 60 days from the date shown on the quote. All equipment as quoted is subject to availability.

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198.143.37.67



EMERGENCY SERVICES

Worcester County

GOVERNMENT CENTER

ONE WEST MARKET STREET, ROOM 1002

SNOW HILL, MARYLAND 21863-1193

TEL: 410.632.1311 FAX: 410.632.4686

MEMORANDUM

TO: Weston Young, P.E. Chief Administrative Officer
 Candace Savage, CGFM Deputy Chief Administrative Officer
 FROM: Matt Owens, Fire Marshal, Director of Emergency Services
 DATE: July 15, 2024
 RE: Encumbrance Expenses

Emergency Services is requesting an over-expenditure in the amount of \$70,120.15 in the encumbrance G/L Account 100.1102.044.7180. An invoice in the amount of \$108,492.15 was paid on October 9, 2023, for AED's purchased from Stryker Sales Corporation. The department of Emergency Services only encumbered \$38,372.00 when they needed a total of \$108,492 for the purchase. In the future, purchase orders will allow the department to ensure the proper amount of funding is encumbered.

-Encumbered funds	\$ 38,372.00
-AED Purchases in FY24	<u>(\$108,492.15)</u>
-Over Expenditure	(\$ 70,120.15)

Please let me know if you have any questions.

Thanks,

Matt

MEMORANDUM

TO: Worcester County Commissioners
CC: Weston Young, CAO; Candace Savage, Deputy CAO
FROM: Melanie Pursel, Director, Office of Tourism and Economic Development
DATE: July 15, 2024
RE: Award of \$2,500 Mini-Grant / Pocomoke River Guide

The Beach to Bay Heritage Area (BBHA) has awarded Worcester County Tourism and Economic Development a \$2,500 Mini-Grant for the creation of a Pocomoke River Guide.

Attached for your review and approval is the Agreement.

Once the Agreement is accepted and returned to BBHA, 50% of the Grant will be disbursed and the remainder of the Grant will be reimbursed after the completion of the project. We have budgeted the matching funds in our FY 25 promotion budget.

Should you have any questions, please feel free to contact me.



Beach to Bay Heritage Area
14 South Main Street
Berlin, MD 21811
410-251-3163

info@beachesbayswaterways.org
www.beachesbayswaterways.org

MINI GRANT AGREEMENT

The mini grant awarded to your organization by the Beach to Bay Heritage Area (BBHA) is for the explicit purpose(s) described below and is subject to your acceptance of the conditions sited in this agreement. To acknowledge this agreement, to accept the grant and to be eligible to receive the funds when needed (and as per the schedule listed below), please return a signed copy of this grant to the BBHA at the above listed address or scan and return via email.

- 1. Grantee: Worcester County Economic Development and Tourism**
- 2. Amount of Grant: \$2,500**
- 3. Date of Grant Approval: July 12, 2024**
- 4. Title of Grant Project: Pocomoke River Guide**
5. Grant Payment Schedule: Approved applicants will be forwarded a maximum of 50% of the grant award after the return of this signed agreement. The remainder of the grant award will be reimbursed after the completion of the project and final report with any financial receipts and/or substantiation of expenses have been received. Disbursement of all funds is contingent upon Maryland Heritage Areas Authority (MHAA) funding.

SPECIAL PROVISIONS

1. All grants are made in accordance with current and applicable laws pursuant to the Internal Revenue Code, as amended, and regulations issued hereunder. The BBHA is a nonprofit corporation organized under the laws of the State of Maryland and has received "seed grant" funding for the mini-grant project from the MHAA.

A. Requirements for Grant Announcements

Grants approved by the BBHA are reported to the community through various media releases.

1. All Grantees are responsible to make public announcements and promotions on their own, especially when such notices might stimulate additional support or increases in heritage area site visitation and interest.
_____ initial
2. Copies of all press releases, announcements, photos, etc. and of published references to the grant may be included with final report.
_____ initial

3. The BBHA requests invitations for its attendance and review of any project related events and acknowledgement during related events.
4. _____initial
5. Provide collateral from your project. If your project consists of brochures, rackcards and books or any printed product, please provide the BBHA with at least 20 copies.
_____initial

B. Requirements for Acknowledgement of Support from BBHA

Grantee agrees to make an acknowledgement of support in connection with the application of any materials, products, based on or developed under the grant.

1. **The following acknowledgement shall be used and reads as follows:**

“This publication (film, production, exhibit, website) has been financed (financed in part) through the Beach to Bay Heritage Area, a nonprofit 501c3 organization and a certified Maryland Heritage Area through the Maryland Heritage Areas Authority, whose purpose is to preserve, protect and promote the historical, cultural and natural heritage of Maryland’s Somerset, Wicomico and Worcester Counties.”

2. Additionally, the grantee agrees to list the address, telephone, email and website of the BBHA on all publications under the above listed acknowledgement quote. Use of the BBHA logo and MHAA logo must appear on all collateral materials. Logos available from the BBHA office.
_____initial
3. If project is an event or exhibit, awardee must provide an 8 x 10 acknowledgement sign and must be visible to the public at the project site. If it is an exhibit, it is encouraged acknowledgement sign be of a more permanent nature.
_____initial

C. Expenditure of Funds and Return of Funds

This grant is to be used only for the purpose described above (and in the grantees application) in accordance with the approved budget. The accepted mini grant project (including budget) may only be changed, modified or extended with the BBHA’s written approval.

The grantee shall return to the BBHA any unused funds, including accrued interest:

- a. at the end of the grant period, or
- b. If BBHA determines that the grantee has not performed in accordance with this agreement and approved program/budget, if awardee cannot complete project at any time, BBHA must be notified immediately

- c. If the grantee loses its exemption from federal income taxes under section 501c3
- d. No funds provided by the BBHA may be used for any political campaign or to support attempts to influence legislation by any government body, other than through making available the results of nonpartisan analysis, study, and research
- e. Expenses charged against this grant may not be incurred prior to the approval date of the grant or subsequent to the termination date, and may be used only as necessary to carry out the purposes and activities of the approved program or project
- f. The grantee organization is responsible for the expenditure of all funds and for maintaining adequate supporting records consistent with generally accepted accounting practices
_____initial

D. Reports to BBHA

A mid-year report will be due January 17, 2025. A written final report using provided form is due June 13, 2025. Completion of the final report form provided AND a financial report is required. Include line item details of project budget and total amount of matching funds, both cash and in-kind expenditure of this money is required as a condition of this grant, including copies of invoices. Include press releases, collateral as per above (A).
_____initial

Limit of Commitment

Unless otherwise stipulated in writing, this grant is made with the understanding that the BBHA has no obligation to provide additional support for the grantee.

For the Grantee:

Date:_____

Person Authorized to Sign (Signature)

Title (printed)

Person Authorized to Sign (Printed)

MEMORANDUM

TO: Worcester County Commissioners
FROM: Candace Savage, Deputy Chief Administrative Officer
DATE: July 31, 2024
SUBJECT: Introduction – Director of Rural Economic Strategy Carl Anderton

The newly appointed Maryland Director of Rural Economic Strategy Carl Anderton would like to introduce himself.

Attachment:
Page 2 – Maryland Department of Commerce Press Release

[Maryland Commerce](#) > [News, Events & Documents](#) > Delegate Carl Anderton Joins Department of Commerce as Director of Rural Economic Strategy

News, Events & Documents

[Press Room](#)

[Calendar](#)

[Document Library](#)

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Delegate Carl Anderton Joins Department of Commerce as Director of Rural Economic Strategy

BALTIMORE, MD (July 10, 2024) — Maryland Department of Commerce Secretary Kevin Anderson today announced the appointment of Maryland State Del. Carl L. Anderton, Jr. as the agency's new director of rural economic strategy effective July 24, 2024.

"We are excited to welcome Delegate Anderton to the Department of Commerce," said Secretary Anderson. "We look forward to leveraging Carl's wealth of experience and relationships across our state to direct our efforts and support economic development, job creation, and growth in our rural communities."

Anderton, who is serving his third term in the Maryland House of Delegates representing Legislative District 38B, is a member of the Appropriations Committee and its Education and Economic Development Subcommittee, as well as the Tri-County Council for the Lower Eastern Shore of Maryland and the Apprenticeship 2030 Commission. He previously served as mayor of Delmar, Maryland and president of the Maryland Municipal League.

"I'm grateful for this opportunity to join the Moore-Miller Administration and continue my public service career in this crucially important role," said Del. Anderton. "The creation of this new position within the Department of Commerce underscores Gov. Moore's commitment to Leave No One Behind, and I look forward to working with our partners in local government, the private sector, and our policymakers to ensure that the State is being a strong and productive partner to stimulate economic growth in our rural communities."

As director of rural economic strategy, Anderton will serve as the Department's principal adviser on rural economic development and spearhead the Administration's strategies and policies on expanding economic opportunities and business growth in rural communities, with priority focus on Western Maryland, Southern Maryland, and the Eastern Shore.



DEPARTMENT OF
INFORMATION TECHNOLOGY

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1003
SNOW HILL, MARYLAND 21863
TEL: 410.632.5610
www.co.worcester.md.us/departments/it

To: Weston Young, Chief Administrative Officer

From: Brian Jones, Director of IT

Re: Broadband Update

Date: July 23, 2024

During the commissioners' meeting on July 16th, they requested a broadband update from our county ISPs. After the meeting, I promptly contacted Choptank and Talkie regarding their availability. Choptank is not available until September, but Talkie is available to attend the meeting on August 6th.

I have asked both ISPs to come prepared to answer any questions from the commissioners. Additionally, they will provide information on the number of miles covered in Worcester, the number of homes passed, and their past, current, and future progress plans in the county.

Talkie has confirmed their attendance at the August 6th meeting. Choptank has confirmed their attendance for the September 3rd meeting. Each ISP has agreed to update the commissioners on their progress in the county and available to answer any questions they may have.

TEL: 410-632-5623
 FAX: 410-632-1753
 WEB: co.worcester.md.us



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

DALLAS BAKER JR., P.E.
 DIRECTOR

CHRISTOPHER CLASING, P.E.
 DEPUTY DIRECTOR

MEMORANDUM

TO: Weston Young P.E., Chief Administrative Officer
 Candace Savage, CGFM, Deputy Chief Administrative Officer
FROM: Dallas Baker Jr., P.E., Director *Dallas Baker Jr*
DATE: July 18, 2024
SUBJECT: Solid Waste Scrap Tire Day 2024

Public Works wants to share with the Commissioners that the Maryland Department of the Environment (MDE) is not providing funding for a Scrap Tire Day in 2024. Historically, MDE has reimbursed the County for this free-to-citizens event in which scrap tires are collected and recycled. In 2023, the cost of the event was \$4,693 and 12.3 tons of tires were collected.

Alternatively, the event could be funded using County dollars. There is \$30,000 in the FY 25 Recycling budget for Tire Recycling (account 100.1206.6700.620), however, in FY 24, \$31,267 was spent. If the Commissioners wish to fund this event locally, it is anticipated the Tire Recycling account would be overspent by approximately \$6,000. Prior to MDE removing funding, the event was being planned to take place on Saturday, October 5, 2024.

Please let me know if there are any questions.

CC: Chris Clasing
 David Candy
 Bob Keenan
 Phil Thompson
 Jessica Wilson
 Quinn Dittrich

TEL: 410-632-5623
 FAX: 410-632-1753
 WEB: co.worcester.md.us



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

DALLAS BAKER JR., P.E.
 DIRECTOR

CHRISTOPHER CLASING, P.E.
 DEPUTY DIRECTOR

MEMORANDUM

TO: Weston Young P.E., Chief Administrative Officer
 Candace Savage, CGFM, Deputy Chief Administrative Officer
FROM: Dallas Baker Jr., P.E., Director *Dallas Baker Jr*
DATE: July 18, 2024
SUBJECT: Solid Waste Outgoing Tare Weight Program Request to Make Permanent

Public Works is requesting Commissioner approval to permanently implement the tare weight program, which recently completed its 3-month trial program at Solid Waste. The program used the prerecorded, empty weight of outgoing vehicles, which allowed them to bypass the scales when leaving the landfill. The recorded empty weight was compared to the measured, full, incoming weight and used for billing & tracking purposes. Vehicles participating in the program were spot checked throughout the day to verify the recorded weights were within acceptable tolerances (+/- 5%). The pilot program was voluntary and open to companies and municipalities who wished to participate, two companies responded. Upon completion of the 3-month program, revenues and tonnage for the same companies, over the same 3 months, were compared (April thru June, 2023 vs 2024). The results are below:

		<u>Company A</u>	<u>Company B</u>
4/1/23 – 6/30/23	Revenue	\$86,120.60	\$44,861.20
	Tons	1,090.69 tons	559.95 tons
4/1/24 – 6/30/24	Revenue	\$109,925.5	\$70,695.20
	Tons	1,408.87 tons	885.87 tons

Revenue and tonnage were up for both companies and they both provided positive feedback to the program and would continue participating if it is available. Public Works would like to make this a permanent, voluntary, program as a way to provide better customer service to local businesses. There is an application process to participate, and any discrepancies discovered may result in a participant's suspension from the program.

Please let me know if there are any questions.

CC: Chris Clasing
 David Candy
 Phil Thompson
 Jessica Wilson
 Quinn Dittrich

TEL: 410-632-5623
 FAX: 410-632-1753
 WEB: co.worcester.md.us



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

DALLAS BAKER JR., P.E.
 DIRECTOR

CHRISTOPHER CLASING, P.E.
 DEPUTY DIRECTOR

MEMORANDUM

TO: Weston Young P.E., Chief Administrative Officer
 Candace Savage, CGFM, Deputy Chief Administrative Officer
FROM: Dallas Baker Jr., P.E., Director *Dallas Baker Jr*
DATE: July 29th, 2024
SUBJECT: Streetlights on County Roads

Public Works is requesting Commissioner approval of a proposed Street Light Policy. Currently there is no policy and requests have been handled on a case by case trying to balance the need for the lights with the cost. Street lights on County roads are paid for by the County. As of FY 25, the budget for street lights is \$130,000. There have been several recent requests ranging from single lights to lighting an entire street. For consistency in evaluating these requests, a policy is needed.

Public Works reached out to neighboring Counties to see what their policies are and found that most Counties don't add or maintain streetlights and the Counties that do, only do so at intersections and high crash areas. In discussions with Delmarva Power, if power and a pole is already present, the cost to add a streetlight is \$17 a month, with a 3-year contract. If no pole or power is present, then the cost is increased to several thousand dollars depending on the distance to the nearest power source. Delmarva Power's process is to conduct a site visit to determine the feasibility of adding lighting, then providing the County with a cost estimate for approval before conducting the work.

Public Works recommends only adding streetlights at intersections or corridors that have crash data to support installing a streetlight. We also recommend any request for street lights be submitted to the Commissioners for approval with the cost. If the request does not meet the County's criteria, then residents and HOA's can contract directly with Delmarva Power to have street lights added. The costs for these lights are added directly to the resident's electric bills. Delmarva Power informs us that there are several locations in the County where this is already done

Please let me know if there are any questions.

CC: Chris Clasing
 Kevin Lynch



Worcester County Government

One West Market Street | Room 1103 | Snow Hill MD 21863-1195

(410) 632-1194 | (410) 632-3131 (fax) | admin@co.worcester.md.us | www.co.worcester.md.us

MEMORANDUM

TO: Worcester County Commissioners
 FROM: Nicholas W. Rice, Procurement Officer
 DATE: August 6, 2024
 RE: Recommendation to Award – Generator Preventative Maintenance

Public Works along with the County's Procurement Officer is recommending the County award the County-Wide Generator Preventative Maintenance contract to Fidelity Power Systems. Proposals were due and opened on Friday, July 19, 2024 at 2:30pm. Five proposals were received. I have attached the proposal tabulation and contract to this memo. An evaluation team consisting of three members reviewed each proposal individually prior to an overall group average being established. All three members of the committee agree that the highest scoring proposal, which was received from Fidelity Power Systems, represents the best value to Worcester County. The total contract award amount is \$36,450 per year.

Funding for these services is budgeted in various enterprise accounts.

Should you have any questions, please feel free to contact me.

Countywide Generator Preventative Maintenance	
Friday, July 19, 2024 at 2:30pm	
Request for Proposals Tabulation Sheet	
<u>Respondent's Name(s):</u>	
Carter Machinery	
Universal Utilities Inc.	
Fidelity Power Systems	
Premium Power Services, LLC	
Constantine & Co. Repairs & Renovations, LLC	



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410.632.1200 / FAX: 410.632.3008

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

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

TO: Weston S. Young, Chief Administrative Officer
FROM: Jennifer K. Keener, AICP, Director
DATE: July 29, 2024
RE: Request for Determination of Nuisance – 842 Colona Road

The purpose of this memo is to request the County Commissioners assistance in the abatement of nuisance conditions on the above referenced property. DRP in conjunction with the Health Department has received and investigated complaints relative to the amount of household trash located around the dwelling. Staff has found the complaint to be valid.

Positive progress was documented in spring 2024 when a dumpster was placed on site and some trash was removed, however progress has stalled, and there is now tall grass and weeds within the debris area. Therefore, it is my recommendation that the County Commissioners declare the conditions to be a nuisance that must be abated per § PH 1-102 under the following regulations:

Section PH 1-101(a)(5). *“The deposit or accumulation of any foul, decaying or putrescent substance or garbage, trash, rubbish or other offensive matter upon the ground surface or in or upon any groundwater, abandoned well, sewage system, bathing area, lake, pond, watercourse, ditch, drain, gutter or tidewater, hold or pit.”*

Section PH 1-101(a)(1). *“The uncontrolled growth of grass, weeds or other rank vegetation, including but not limited to ragweed, poison ivy, poison oak, poison sumac, and all other noxious weeds which are generally known to be either allergenic, a skin irritant, or toxic when ingested, to a height exceeding one foot.”*

Attached you will find documentation prepared by Mr. Paul Renshaw, Zoning Inspector, a report prepared by the Worcester County Health Department, along with an aerial photograph of the subject property (2022 imagery), photographs of the property conditions, and copies of the code sections referenced above.

Should the County Commissioners concur with my recommendation, I have prepared a draft of the Abatement Order to be sent to the property owners of record per the deed, as the property owner documented on the Real Property Sheet is deceased.

As always, I will be available to discuss this matter with the Commissioners at their convenience.

cc: Kristen Tremblay, AICP, Zoning Administrator
Becky Jones, Health Officer



WORCESTER COUNTY HEALTH DEPARTMENT

ITEM 15

COMPLAINT INVESTIGATION

Date Received: 07/13/2023
Sanitarian: Dorsch, Bart
Date Assigned: 7/13/2023
Complaint Type: Nuisance - Putrescent substances, garbage on ground surface
Status: Under Investigation

Complainant Phone:
Complainant Name: DRP

☒ Critical

Property ID:
Address: 842 Colona Road, Pocomoke MD 21851

Facility Name:

Date Investigated: 7/13/2023
Last Investigated: 7/22/2024
Resolution Date:

☒ Valid Complaint
☐ Illness Resulted
☐ Citation Issued

Description Of Complaint:

Abundance of trash bags behind the house.

Investigation Activities

7/2/2024 BWD (151) Nuisance Complaint Investigation

11:00 am Site visit, the posted nuisance sign was laying on the ground upon arrival. No trash has been removed from the site and some new trash has been added. The trash pile is now hidden by overgrowth. The posted nuisance sign was removed from the property as the date of abatement was 7/1/24. This complaint will be forwarded to the Health Officer so it may be brought in front of the commissioners to be deemed a nuisance condition. To date the owner has never picked up a certified letter, returned a phone call or called the Worcester County Health Department.

6/18/2024 BWD Certified Letter Returned

Certified letter returned

6/7/2024 BWD (151) Nuisance Complaint Investigation

10:22 am Site Visit, the nuisance sign was still present. No trash has been removed from the site since the previous on site inspection.

5/23/2024 BWD (151) Nuisance Complaint Investigation

9: 37 am Site visit, replaced DRP's posted nuisance sign with a Health Department posted nuisance sign that indicated a full compliance date of 7/1/24. There was also a letter placed on the vehicle window of the car in the driveway, this same letter was sent via certified mail (this letter was returned on 6/18/24). Knocked on the door but no one answered. There has been no trash removed from the previous site visit.

5/23/2024 BWD Certified Letter Sent

Sent certified letter

5/20/2024 BWD (151) Nuisance Complaint Investigation

10:47 Site visit, the posted nuisance sign was on the ground face down and the original metal pole it was on has been removed and it is now on a wooden stake. There does not appear to be any trash removed from the previous visit in early May, will need to verify with the pictures. Knocked on the door but there was no answer. Still no contact from the owner to date.

5/6/2024 BWD Phone Call

10:05 am, Phone call, left a message for the owner to call me and provide me a time-line to remove the trash from the property.

5/2/2024 BWD Phone Call

Phone call, no answer, left a message

5/2/2024 BWD (151) Nuisance Complaint Investigation



WORCESTER COUNTY HEALTH DEPARTMENT

ITEM 15

COMPLAINT INVESTIGATION

10:23 am, Site visit. Trash is still being removed however, it is a very slow process. I will call the owner and try to get a time line for the trash to be fully removed.

4/15/2024 BWD Certified Letter Returned

Certified letter returned from 1/24/24

4/8/2024 BWD Phone Call

Phone call, left a message.

4/8/2024 BWD (151) Nuisance Complaint Investigation

10:30 am, Site visit, some trash has been removed and a trash can is now on-site. Will give owner more time.

3/27/2024 BWD Phone Call

2:08 pm PC, left message. Informed the owner that if I do not see more trash removed by April 8, 2024 then I will be forwarding the complaint to the county commissioners to deem a health nuisance.

3/22/2024 BWD Phone Call

12:37 pm PC to owner Leonard Brittingham 443-754-4840. Left a message for him to call me back.

3/22/2024 BWD (151) Nuisance Complaint Investigation

10:16 am Site Visit, very little trash has been removed since the previous site visit. Also the posted nuisance sign was taken down and had to be reinstalled. Will contact owner via phone.

3/4/2024 BWD (151) Nuisance Complaint Investigation

11:08 am Site visit, the dumpster has been removed from the site and a trash can is now on-site. A bit of trash has been removed. Will check back in a couple weeks.

2/26/2024 BWD (151) Nuisance Complaint Investigation

10:15 am, Site Visit. The house has a dumpster on site and a bunch of the trash has been removed. I spoke with the owner, Leonard Brittingham (443-754-4840) and explained to him the nuisance process. I informed him that I will need to talk to DRP in order to allow him more time to abate the nuisance. In my opinion as long as trash is being removed and none added we can keep the complaint open until they are able to remove all the trash.

1/30/2024 BWD (151) Nuisance Complaint Investigation

Site visit with a Development Review and Permitting (DRP) zoning inspector, Paul Renshaw. There is still trash all over the property and more being added. DRP posted the property giving the owner 30 days to begin to clean up the property, if they do not it will be brought in front of the County Commissioners. I left a letter (1-30-24 w/DRP in Google drive) on the car and gave the owner 30 days to abate. Will revisit the property in the middle of Feb. The posted notice will end on 2/29/24.

1/24/2024 BWD (151) Nuisance Complaint Investigation

10:37 am Site visit, trash is still all over the property and more is being added. Waiting on Director to provide further guidance.

1/24/2024 BWD Certified Letter Sent

Certified letter sent, as of 2/7/24 it had not been picked up. The certified letter was returned to this office on 4/15/24.

12/21/2023 BWD (151) Nuisance Complaint Investigation

10:30 am Site visit, trash has not been removed and more trash has been added. Waiting on Director to provide further guidance.

10/31/2023 BWD (151) Nuisance Complaint Investigation

11:15 am Site visit, no trash has been removed and more trash has been added. Waiting on Director to provide further guidance.

8/30/2023 BWD (151) Nuisance Complaint Investigation

10:17 am Site visit, No trash has been removed. There was a car in the driveway and I knocked on the door but no one answered. Will continue to monitor. Waiting on Director to provide further guidance.

8/15/2023 BWD (151) Nuisance Complaint Investigation

10:15am Site visit, found an abundance of household trash located in the back of the house. There is so much trash it looks like a dump site, (approx. 5 feet high and over a 100sqft area) however it is very hard to take pictures of the condition due to vegetative overgrowth. Left a nuisance letter on letterhead in the side door. Waiting on Director to provide guidance. Requested from the Director to talk to the county attorney to learn how to properly post a property and when to bring in front of the commissioners.

8/13/2023 BWD Certified Letter Returned



WORCESTER COUNTY HEALTH DEPARTMENT **ITEM 15**

COMPLAINT INVESTIGATION

7/20/23 Letter returned, never picked up by property owner.

7/20/2023 **BWD** **Certified Letter Sent**

Certified Letter Sent

7/18/2023 **BWD** **(151) Nuisance Complaint Investigation**

Site visit, took pictures and found an abundance of trash behind the house in tall grass. No one home at time of visit.

Action Taken

Nuisance Complaint - Case # 025-2023	
842 Colona Road - Tax Map 99, Parcel 12	
Request for Nuisance Abatement - Report of Actions Taken	
4/25/2023	Complaint Received.
4/26/2023	Visual confirmation of noncompliance
4/28/2023	First letter sent (certified and first class); Certified Returned
5/11/2023	Visit
6/1/2023	Visit
6/5/2023	Second letter sent (certified and first class); Certified Returned
6/22/2023	Visit
7/6/2023	Visit
7/27/2023	Visit
9/21/2023	Visit
10/20/2023	Visit
12/6/2023	Visit
12/12/2023	Third letter sent (certified and first class); Certified Returned
1/30/2024	Posting of Property
2/8/2024	Visited property - Dumpster observed and partially cleaned up.
3/4/2024	Visited property; dumpster has been removed. Observed blue trash can indicating trash service has started.
3/7/2024	Visited property; no significant progress continued
4/9/2024	Visited property; no significant progress continued
5/28/2024	Visited property; no significant progress continued
6/13/2024	Visited property; no significant progress continued
7/10/2024	Visited property; no significant progress continued

842 Colona Road

4/26/23



6/22/23



842 Colona Road

4/26/23



6/22/23



842 Colona Road

7/27/23



9/21/23



842 Colona Road

10/20/23



12/6/23



842 Colona Road

1/30/24

DRP Nuisance Notice Posted



842 Colona Road

2/8/24



842 Colona Road

3/4/24



3/7/24



842 Colona Road



5/28/24

Health Department
Notice Issued

842 Colona Road

4/9/24



6/13/24



842 Colona Road

7/10/24



7/25/24





7/29/2024, 2:06:21 PM

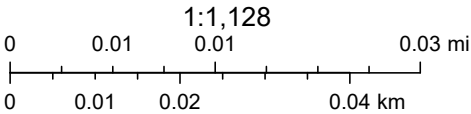
Centerlines

Orthos 2022

Green: Band_2

Red: Band_1

Blue: Band_3



Worcester County, MD
Tuesday, July 23, 2024

Title PH1. Health-Related Nuisances

SUBTITLE I. Environmental Health Hazards

§ PH 1-101. Nuisances.

[Amended 11-10-1987 by Bill No. 87-5; 4-25-1989 by Bill No. 89-2]

- (a) Certain conditions to be declared nuisances. The existence of any of the following conditions in the County which are found to be dangerous or prejudicial to the maintenance of property values, health, safety or general welfare of the people of the County by the duly designated County department or official are hereby declared to constitute a public nuisance:

[Amended 11-16-2004 by Bill No. 04-11]

- (1) The uncontrolled growth of grass, weeds or other rank vegetation, including but not limited to ragweed, poison ivy, poison oak, poison sumac, and all other noxious weeds which are generally known to be either allergenic, a skin irritant, or toxic when ingested, to a height exceeding one foot.

[Amended 5-18-2010 by Bill No. 10-4]

A. The above requirement shall not apply where the Department has determined, after an investigation which considers the physical characteristics or actual use of the property or other relevant factors, that the property qualifies as one of the following: properties utilized for a bona fide agricultural purpose, natural wooded areas, stream protection areas, habitat protection areas, steep slope and erodible soil protection areas, stormwater management facilities areas, unimproved areas of more than three acres in size, areas publicly owned and maintained as natural areas, and private open space areas covenanted with the County as recreational areas to be maintained in their natural state. In no case shall noxious weeds as described above be allowed to grow within sixty feet of any property line adjoining an occupied property zoned for residential, commercial or industrial purposes. In addition, the above requirement shall not apply to wetlands, stream protection areas, habitat protection areas, steep slope and erodible soils protection areas, stormwater management facilities areas and nature study areas. Any uncontrolled growth as described in and subject to the provisions of this section shall be cut to a height not exceeding four inches.

B. Where it is ascertained that the owner, occupant or person in control of any lot or lands within the County has allowed or maintained on such lot or lands any growth of weeds or other rank vegetation to a height over one foot or that noxious weeds, as defined herein, are growing on lands within the County, written notice shall be served upon the owner, lessee, agent, or tenant having charge of any lot or lands within the County that weeds or other rank vegetation have been allowed to grow to a height exceeding one foot and that such weeds or other vegetation must be cut to a height not exceeding three inches. If the owner or other person having charge of such lands is a nonresident, notice shall be sent by regular United States mail to his address as shown on the tax assessment rolls as maintained by the Maryland Department of Assessment and Taxation. Mailing by regular United States mail shall constitute adequate notice. In addition such notice shall be posted on the lot or lands not less than fifteen days prior to taking any further action and shall

ITEM 15

contain information describing the nature of the violation, the anticipated corrective action, and whom to contact for further information. If the address of any owner or person having charge of such lot or lands cannot be located after diligent search, posting of such notice on the lot or land shall constitute adequate notice.

- (2) Any accumulation of animal or vegetable matter or manure that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
 - A. The provisions of this section pertaining to manure shall not apply to legitimate agricultural land use unless said use is immediately adjacent to a residential structure on another lot. In such cases, manure cannot be stored within one hundred feet of the residential structure.
- (3) Any placing, leaving, dumping or accumulation of rubbish, household trash or junk causing or threatening to cause a fire hazard, or causing the inhabitation therein of rats, mice, snakes, or vermin of any kind or the accumulation of stagnant water causing or threatening to cause the breeding of insects which is or may be dangerous or prejudicial to the public health.
- (4) Other than as provided in Subsections (a)(4)A and B below, the outdoor storage or accumulation of personal property occupying greater than one hundred square feet of land area per parcel or lot, including but not limited to the following: appliances, appliance parts, furniture, linens, household goods, lawn mowers, auto, truck, boat, recreational vehicle, motorcycle or bicycle parts, scrap metal, glass, scrap paper, bicycles, wire, electrical or plumbing parts and fixtures, tools, building supplies and materials not in storage for existing permitted construction activity on the site.
 - A. When the storage or accumulation of personal property as described in Subsection (a)(4) above is visually screened from adjoining public road rights-of-way and adjoining properties or contained wholly within a completely enclosed structure, the storage or accumulation of personal property may occupy greater than one hundred square feet of land area per parcel or lot.
 - B. The provisions of this subsection shall not apply to properties utilized for bona fide agricultural purposes.
- (5) The deposit or accumulation of any foul, decaying or putrescent substance or garbage, trash, rubbish or other offensive matter upon the ground surface or in or upon any groundwater, abandoned well, sewage system, bathing area, lake, pond, watercourse, ditch, drain, gutter or tidewater, hole or pit.
- (6) The overflow of any foul liquids or sewage or the escape of any sewage or sewage gas from any privy, cesspool, septic tank, subsurface tile field or any other type of sewage system which is not connected to a municipal sewage system; or any open cesspool or unsafe sewage system.
[Amended 7-26-2005 by Bill No. 05-8]
- (7) A toilet or urinal in any public or quasi-public building which is maintained in an unsanitary condition.
- (8) The accumulation or deposit of manure, human feces, garbage, cannery wastes or by-products, feathers and poultry offal, carcasses of animals or any form of filth.
- (9) A polluted or unsafe water system, well or spring or the pollution of any well or spring.
[Amended 7-26-2005 by Bill No. 05-8]
- (10) Any premises having an unsafe sewerage system or facility, or that is not provided with a suitable toilet or sanitary privy for all persons gathering, working or living therein.
[Amended 7-26-2005 by Bill No. 05-8]

ITEM 15

- (11) Any dilapidated, burned-out, fallen-down, ramshackled or decayed structure or remnant thereof which is unattended and uninhabitable or unusable for its intended purpose and is beyond reasonable hope of rehabilitation or restoration. The Commissioners, in making a determination of a nuisance condition under this subsection, shall consider the historical significance of the structure and its danger or potential danger to the public.
 - (12) Any unattended and unprotected man-made hole, cave, crater, cavity, pit or pool or similar surface condition which constitutes or has the potential of becoming a hazardous area to the public because of potential for cave-in, subsidence or collapse or because of an accumulation of water.
 - (13) The disposition of any animal carcass upon the surface of any land, road or highway.
 - (14) Such other similar conditions as the County Commissioners may determine to be prejudicial or dangerous to the health or safety of the people of the County or any of the above or similar conditions as may be determined by the County Commissioners to be prejudicial to property values in the County.
- (b) Procedure for determination of nuisance.
- (1) The County Commissioners shall, by resolution, designate County departments or officials to investigate, determine the existence of and issue citations for nuisances.
 - (2) The County Commissioners or any department or official designated to enforce this Subtitle may require that nuisance complaints be in writing, signed by the complainant and contain such information as may be necessary to locate and investigate the condition.
 - (3) No complaint shall be necessary to institute the investigation of a nuisance.
 - (4) Departments and officials designated to enforce this Subtitle shall cooperate with each other in sharing information and making investigations.
 - (5) The investigating department or official shall, after investigation, determine whether or not a nuisance exists.
- (c) Violations.
- (1) Anyone permitting or maintaining a nuisance as determined hereunder shall be guilty of a civil infraction.
 - (2) Each day that a nuisance is permitted or maintained shall constitute a separate infraction.
 - (3) A property owner of property on which a nuisance exists, as well as the person causing the nuisance, shall be guilty of such civil infraction.
 - (4) Nothing in this Subtitle shall prohibit the abatement of a nuisance under any other legal procedure or relieve a person charged with a civil infraction hereunder from liability under any other civil or criminal enactment.
- (d) Notice. In addition to the penalties contained in Subsection (c) hereof, where it has been determined pursuant to Subsection (b)(5) hereof that a nuisance exists, the Department or official making such determination shall cause written notice to be sent to the property owner, as well as the occupant or other person in possession of the property in question, said notice to describe the nature of the nuisance and the actions necessary for correction. Such notice shall be sent by registered mail to the owners address as identified on the tax assessment rolls as maintained by the Maryland Department of Assessment and Taxation. If the address of any owner or person having charge of such lot or lands which is the subject of the nuisance cannot be located after diligent search or if the aforementioned notice by registered mail is not accepted or otherwise not deliverable, posting of such notice on the lot or land shall constitute adequate notice. Such notice shall be posted on the lot or lands not less than seven days prior to taking any further action and shall contain information describing the nature of the violation, the required corrective action, and whom to contact for further information.

[Added 11-16-2004 by Bill No. 04-11;^[1] amended 5-18-2010 by Bill No. 10-4]

[1] *Editor's Note: This bill also redesignated former Subsection (d) as Subsection (e).*

(e) Applicability.

- (1) This Subtitle shall apply only in the unincorporated areas of Worcester County and shall not apply to any disposal site operated by the County Commissioners or the Worcester County Sanitary Commission.^[2]

[2] *Editor's Note: The Sanitary Commission was abolished by Bill No. 93-19.*

- (2) This Subtitle shall not apply to any legal, bona fide, recognized agricultural practice, provided that such practice does not constitute a health hazard.

§ PH 1-102. Abatement of nuisances.

[Amended 11-10-1987 by Bill No. 87-5; 8-2-1988 by Bill No. 88-6; 4-25-1989 by Bill No. 89-2]

- (a) County Commissioners may abate. The County Commissioners may abate any nuisance so designated under this Subtitle.
- (b) Procedure. Where necessary corrections have not been completed after the notice requirements as contained in § PH 1-101(d) hereof have been fulfilled, any Department or official charged with the enforcement of this subtitle may cause or request abatement of any nuisance condition in accordance with the following:

[Amended 11-16-2004 by Bill No. 04-11; 5-18-2010 by Bill No. 10-4]

- (1) Where the Department has ascertained there to be a violation of the provisions of § PH 1-101(a)(1) hereof and corrective actions have not commenced after notice as provided for in § PH 1-101(d) hereof, the Department may enter upon the premises and cut or otherwise remove the overgrowth of vegetation in accordance with the standards as set forth in § PH 1-101(a) hereof. All costs associated with cutting and or removal of the vegetation, and a service fee, shall be assessed in accordance with a fee schedule established by resolution of the County Commissioners. The Department shall mail a statement of charges promptly upon completion of the corrective action to the owner of the premises. All such statements shall be due and payable within thirty days of mailing and shall bear interest thereafter in the same percentage as a delinquent County tax bill. Any unpaid and delinquent statement shall become a lien upon all real estate and personal property of the subject in the same manner as delinquent taxes and a notation shall be made upon the tax records of the County Finance Officer.
- (2) For all nuisance conditions which remain uncorrected after notice as provided for in § PH 1-101(d) hereof, other than that described in Subsection (b)(1) hereof, the appropriate Department or official may request abatement of a nuisance.
- (c) Notice, order, hearing. After the receipt of a request as described in Subsection (b)(2) hereof, the County Commissioners shall notify, in writing, the owner of the property on which the nuisance is located, as shown on the tax assessment rolls of the County as maintained by the Maryland Department of Assessments and Taxation, as well as the occupant or other person in possession of the property in question, of the request for abatement and shall send to such person an order requiring the prompt abatement of such nuisance within a reasonable time, to be set in such order, which is to take into account the nature of the nuisance. The notice shall afford the owner, occupant or other person in possession of the premises the opportunity to be heard by the County Commissioners within a reasonable time, to be set in such order, which time shall take into account the nature of the nuisance. Such notice shall be sent to the owner's address as shown on the tax assessment rolls of the County as maintained by the Maryland Department of Assessments and Taxation by registered United States mail. If the address of any owner or person having charge of such lot or lands cannot be located after diligent search, or if the aforementioned notice by registered mail is not accepted or otherwise not deliverable, it shall be sufficient to post such notice

on the lot or land. Such notice shall be posted on the lot or lands not less than fifteen days prior to taking any further action and shall contain information describing the nature of the violation, the anticipated corrective action, and whom to contact for further information.

[Amended 11-16-2004 by Bill No. 04-11; 5-18-2010 by Bill No. 10-4]

(d) Abatement by County.

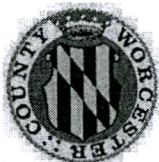
(1) In the event that such person does not abate any such nuisance as prescribed hereby within the prescribed period of abatement or does not appear before the County Commissioners and have such abatement order rescinded by the County Commissioners within the time prescribed, the County Commissioners may enter upon the premises and cause such condition to be removed or otherwise remedied by such means as the County Commissioners may deem most appropriate and expedient.

(2) Any person, upon receipt of an abatement notice as prescribed by this section, may, at any time up to the date on which such person might have been heard with regard to an order to abate, request the County, in writing, to abate such condition, provided that such request states an affirmative agreement on the part of the requesting party to pay the costs of such removal or abatement.

(e) Cost of abatement. Any actual costs incurred by the County in removing, abating or otherwise remedying any nuisance as herein prescribed, including reasonable attorney's fees, shall be charged to the owner of the land on which the nuisance existed as well as all subjects of the civil infraction citation and shall become a lien upon all real estate and personal property of the subject of the civil infraction citation in the same manner as delinquent taxes. In the case of a condominium or cooperative, the lien shall be upon all of the individual units proportionally. It shall be the duty of the County Finance Officer to mail a statement of such charges to the persons responsible at the address shown on the tax assessment rolls of the County or, in the case of no address on the assessment roll, to the last known address. All such statements shall be due and payable within thirty days from the date of receipt thereof and shall bear interest thereafter in the same percentage as a delinquent County tax bill. In the event that any such statement becomes delinquent, a notation of the delinquency shall be made upon the tax records of the County Finance Officer.

[Amended 7-26-2005 by Bill No. 05-8]

(f) Emergency nuisances. If, upon receipt of a report pursuant to Subsection **(b)** hereof, the Commissioners determine that a nuisance constitutes an emergency situation presenting a clear and present danger to the health or safety of the public, the Commissioners may abate the nuisance pursuant to Subsection **(d)** hereof without notice or hearing; provided, however, that the Commissioners shall make a good-faith effort to informally contact the property owner or occupant of the premises or person in possession and provide a reasonable opportunity to be heard. The cost of abatement pursuant to Subsection **(e)** shall not be assessed against the property owner until after the property owner has been given a notice and a reasonable opportunity to be heard.



Worcester County
Department of Development Review and Permitting
Government Center, Room 1201
One West Market Street
Snow Hill, Maryland 21863

Control No. 25-2023

NUISANCE COMPLAINT

Name of Complainant (if provided) ANONYMOUS (C/O CARYN ABBOTT)

Does the Complainant request an update on this complaint? ☐ No ☐ Yes

If yes, Complainant may be reached at (phone number): _____

Additional Calls: Date: _____ Name of Caller: _____ Phone: _____

Date: _____ Name of Caller: _____ Phone: _____

Date: _____ Name of Caller: _____ Phone: _____

Tax District: 01 Property Account Identifier Number: 011995 and

Location/description of property to be inspected: (Please provide street address, name of owner or physical description).

842 COLONY ROAD POCOMAKE CITY, MD 21851

Tax Map: 99 Parcel: 12 Section: _____ Lot: _____ Block: _____

Summary of Nuisance conditions believe to exist on the property to be inspected:

- ☐ Uncontrolled overgrowth of weeds, grass or brush
- ☒ Abundance of litter, garbage or trash
- ☐ Conditions which harbor or breed snakes, rats or other rodents
- ☐ Dilapidated and unsafe structure or building
- ☐ Construction or Activity without Approval/Permit _____
- ☐ Junk vehicles or vessels
- ☐ Rental (or Livability Code violation) _____
- ☐ Other (Please be specific): _____

For Office Use Only

Received by: K. TREMBAY Date: 4/25/23 ☐ USPS ☐ Telephone ☒ Email ☐ Office Visit ☐ Referred

Assigned to: ☒ Zoning PAUL RENSHAW ☐ Building _____ Date: _____

Sent to Health Department:

(will not accept if anonymous)

☒ No ☐ Yes Referred To: _____ Date: _____

Sent to Rental License

Program Coordinator:

☒ No ☐ Yes Referred To: _____ Date: _____

Sent to EP: _____

Action taken:

Date Inspection Occurred: 4/26/23Name of Inspector: PAUL RENSCHAWCondition of Property: ABUNDANCE OF TRASH + DEBRIS ON SIDE + BACK OF HOUSEStatus of Complaint: VALID, LETTER SENT 4/28/23Owner of subject property notified? YES Date of letter, if applicable: 4/28/23Is follow-up necessary? YES 30 DAYSDate of Follow-up: 5/11/23, 6/1/23Status of Complaint: NO PROGRESS, SEVERAL UNSUCCESSFUL ATTEMPTS TO CONTACT OWNER
2ND LETTER 6/5/23

Final disposition:

Date Final: _____

Date Closed: _____

Inspector's Signature _____

7022 0410 0001 2366 3544

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- ☐ Adult Signature Required \$ _____
- ☐ Adult Signature Restricted Delivery \$ _____

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Postage

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Total Postage and Fees

\$

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LEONARD BRITTINGHAM JR.

Street and Apt. No., or PO Box No.

842 COLONA ROAD

City, State, ZIP+4®

Pocomoke, MD 21851

15 - 24

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ROZOMOKO CITY, MD 21851

15 - 25

7015 0640 0007 6561 8550



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 SERVICES DIVISION

April 28, 2023

Leonard Brittingham Jr
842 Colona Road
Pocomoke City, MD 21851-0000

RE: 842 Colona Road Pocomoke City, MD 21851-0000 Tax Map: 99, Parcel: 12

To whom it may concern:

The purpose of this letter is to inform you that the Department has received an inquiry associated with your property located at 842 Colona Road, alleging that there is an accumulation of trash or other debris on the property. The Zoning Inspector conducted a visual inspection of the property on 4/26/23 and determined the matter to be valid.

The Public Health Article, Subtitle 1 Environmental Health Hazards, Section PH 1-101 has declared certain conditions to be unsafe for public health: "Any placing, leaving, dumping or accumulation of rubbish, household trash or junk causing or threatening to cause a fire hazard, or causing the inhabitation of rats, mice, snakes, or vermin of any kind or the accumulation of stagnant water causing or threatening to cause the breeding of insects which is or may be dangerous or prejudicial to the public health."

And, Section PH1-101(a)(4): "Other than as provided in Subsections (a)(4)A and B below, the outdoor storage or accumulation of personal property occupying greater than one hundred square feet of land area per parcel or lot, including but not limited to the following: appliances, appliance parts, furniture, linens, household goods, lawn mowers, auto, truck, boat, recreational vehicle, motorcycle or bicycle parts, scrap metal, glass, scrap paper, bicycles, wire, electrical or plumbing parts and fixtures, tools, building supplies and materials not in storage for existing permitted construction activity on the site."

Please be advised that you have 30 days from the date of this notice in which to remove any yard waste, trash bags, other household items, yard debris, and personal property occupying greater than 100 square feet in area.

Your prompt attention to this matter is greatly appreciated. **Please reach out to this office to discuss as soon as possible in order to avoid compliance enforcement.** I may be reached via email prenshaw@co.worcester.md.us or by phone 410-632-1200 Ext:1135.

Respectfully,

Paul Renshaw
Zoning Inspector



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
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<http://www.co.worcester.md.us/departments/drp>

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

June 5, 2023

Leonard Brittingham Jr
842 Colona Road
Pocomoke City, MD 21851-0000

RE: 842 Colona Road Pocomoke City, MD 21851-0000 Tax Map: 99, Parcel: 12 (Second Attempt)

To whom it may concern:

The purpose of this letter is to inform you that the Department has received an inquiry associated with your property located at 842 Colona Road, alleging that there is an accumulation of trash or other debris on the property. The Zoning Inspector conducted a visual inspection of the property on 4/26/23, 5/11/23 and 6/1/23 and determined the matter to be valid.

The Public Health Article, Subtitle 1 Environmental Health Hazards, Section PH 1-101 has declared certain conditions to be unsafe for public health: "Any placing, leaving, dumping or accumulation of rubbish, household trash or junk causing or threatening to cause a fire hazard, or causing the inhabitation of rats, mice, snakes, or vermin of any kind or the accumulation of stagnant water causing or threatening to cause the breeding of insects which is or may be dangerous or prejudicial to the public health."

And, Section PH1-101(a)(4): " Other than as provided in Subsections (a)(4)A and B below, the outdoor storage or accumulation of personal property occupying greater than one hundred square feet of land area per parcel or lot, including but not limited to the following: appliances, appliance parts, furniture, linens, household goods, lawn mowers, auto, truck, boat, recreational vehicle, motorcycle or bicycle parts, scrap metal, glass, scrap paper, bicycles, wire, electrical or plumbing parts and fixtures, tools, building supplies and materials not in storage for existing permitted construction activity on the site."

Please be advised that you have 30 days from the date of this notice in which to remove any yard waste, trash bags, other household items, yard debris, and personal property occupying greater than 100 square feet in area.

Your prompt attention to this matter is greatly appreciated. **Please reach out to this office to discuss as soon as possible in order to avoid compliance enforcement.** I may be reached via email prenshaw@co.worcester.md.us or by phone 410-632-1200 Ext:1135.

Respectfully,

Paul Renshaw
Zoning Inspector

Real Property Data Search ()
Search Result for WORCESTER COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier:

District - 01 Account Number - 011995

Owner Information

Owner Name:

BRITTINGHAM LEONARD SR
FOR LIFE

Use:

RESIDENTIAL

Principal Residence:

YES

Mailing Address:

842 COLONA ROAD
POCOMOKE CITY MD 21851-3102

Deed Reference:

/06591/ 00450

Location & Structure Information

Premises Address:

842 COLONA RD
POCOMOKE 21851-0000

Legal Description:

210' X 210'
S SIDE COLONA ROAD
S OF POCOMOKE

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0099	0002	0012	1010007.24	0000				2023	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1966	640 SF		1.0000 AC	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	NO	STANDARD UNIT	FRAME/	2	1 full		

Value Information

	Base Value	Value As of 01/01/2023	Phase-In Assessments As of 07/01/2022	As of 07/01/2023
Land:	37,500	38,800		
Improvements	12,400	34,600		
Total:	49,900	73,400	49,900	57,733
Preferential Land:	0	0		

Transfer Information

Seller: BRITTINGHAM LEONARD &
Type: NON-ARMS LENGTH OTHER

Date: 06/29/2015
Deed1: /06591/ 00450

Price: \$0
Deed2:

Seller: MINNIE L BENSON
Type: NON-ARMS LENGTH OTHER

Date: 05/17/1966
Deed1: FWH /00204/ 00436

Price: \$0
Deed2:

Seller:
Type:

Date:
Deed1:

Price:
Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 09/27/2008

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

9589 0710 5270 0867 5398 25

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- ☐ Adult Signature Required \$ _____
- ☐ Adult Signature Restricted Delivery \$ _____

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LEONARD & DANNIE BRITTINGHAM

Street and Apt. No., or PO Box No.

842 COLONY ROAD

15 - 29City, State, ZIP+4[®]

POCONO CITY, MD 21851



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

December 12, 2023

Leonard Brittingham Jr
Donnie Brittingham
842 Colona Road
Pocomoke City, MD 21851-0000

RE: 842 Colona Road Pocomoke City, MD 21851-0000 Tax Map: 99, Parcel: 12 (Third Notice)

To whom it may concern:

The purpose of this letter is to inform you that the Department has received an inquiry associated with your property located at 842 Colona Road, alleging that there is an accumulation of trash or other debris on the property. The Zoning Inspector conducted a visual inspection of the property on 4/26/23, 5/11/23, 6/1/23, 9/21/23, 10/20/23, 12/6/23 and determined the matter to be valid.

The Public Health Article, Subtitle 1 Environmental Health Hazards, Section PH 1-101 has declared certain conditions to be unsafe for public health: "Any placing, leaving, dumping or accumulation of rubbish, household trash or junk causing or threatening to cause a fire hazard, or causing the inhabitation of rats, mice, snakes, or vermin of any kind or the accumulation of stagnant water causing or threatening to cause the breeding of insects which is or may be dangerous or prejudicial to the public health."

And, Section PH1-101(a)(4): "Other than as provided in Subsections (a)(4)A and B below, the outdoor storage or accumulation of personal property occupying greater than one hundred square feet of land area per parcel or lot, including but not limited to the following: appliances, appliance parts, furniture, linens, household goods, lawn mowers, auto, truck, boat, recreational vehicle, motorcycle or bicycle parts, scrap metal, glass, scrap paper, bicycles, wire, electrical or plumbing parts and fixtures, tools, building supplies and materials not in storage for existing permitted construction activity on the site."

Please be advised that you have 30 days from the date of this notice in which to remove any yard waste, trash bags, other household items, yard debris, and personal property occupying greater than 100 square feet in area. If substantial progress has not been made, compliance enforcement could begin with, but not limited to: abatement and/or civil citations starting at \$100.00 per day and each day thereafter for each violation until compliance has been reached.

The purpose of this paragraph is to emphasize the importance of remedying the nuisance complaint, and to inform you of the severity of the issue. In accordance with Section PH1-101(c), anyone permitting or maintaining a nuisance shall be guilty of a civil infraction. Each day the nuisance is permitted or maintained shall constitute a separate infraction. **The property owner of the property on which a nuisance exists, as well as the person causing the nuisance shall be guilty of such civil infraction.** In the event a nuisance is not eliminated, the Department will request that the County Commissioners abate the complaint. If the County Commissioners decide to abate the nuisance, the property owners and/or persons causing the nuisance will be responsible for costs, including legal fees, associated with the remediation of the violation.

Your prompt attention to this matter is greatly appreciated. **Please reach out to this office to discuss as soon as possible in order to avoid compliance enforcement.** I may be reached via email prenshaw@co.worcester.md.us or by phone 410-632-1200 Ext:1135.

Respectfully,

A handwritten signature in black ink, appearing to read 'Paul Renshaw', with a stylized, looping flourish at the end.

Paul Renshaw
Zoning Inspector



Worcester County

HEALTH DEPARTMENT

P.O. Box 249 • Snow Hill, Maryland 21863-0249
www.worcesterhealth.org

January 30, 2024

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

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

CERTIFIED LETTER

Leonard Brittingham Sr. For Life
842 Colona Rd..
Pocomoke City, MD 21851

Re: Tax Map 99, Parcel 12
842 Colona Rd., Pocomoke City, MD 21851

To Whom It May Concern,

This Office has attempted to contact you multiple times via certified mail or by hand delivering letters. To date, you have not made contact with this Office or begun to abate the ongoing nuisance condition on the property listed above. Multiple site visits have documented a large amount of household garbage, trash and rubbish located around the property.

The accumulation of trash and household garbage constitutes a public health nuisance as defined by Section 1-101 (a) (5) of the Public Health Article of the Code of Public Local Laws of Worcester County¹. Therefore, it is imperative that you take immediate action to abate this situation.

Failure to remove and properly dispose of all the trash and household garbage on the property within thirty (30) days upon your receipt of this letter may result in the issuance of a \$100.00 civil infraction fine or other measures taken to abate this nuisance.

If you have any questions, please contact me at 410-352-3234 or 410-641-9559.

Sincerely,

Bart Dorsch,
Environmental Health Specialist Supervisor

Worcester County Nuisance Law, Section 1-101(a):

(5) "The deposit or accumulation of any foul, decaying or putrescent substance or garbage, trash, rubbish or other offensive matter upon the ground surface or in or upon any groundwater, abandoned well, sewage system, bathing area, lake, pond, watercourse, ditch, drain, gutter or tidewater, hole or pit."

Real Property Data Search ()
Search Result for WORCESTER COUNTY

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier:

District - 01 Account Number - 011995

Owner Information

Owner Name:

BRITTINGHAM LEONARD SR
FOR LIFE

Mailing Address:

842 COLONA ROAD
POCOMOKE CITY MD 21851-3102

Use:

RESIDENTIAL

Principal Residence:

YES

Deed Reference:

/06591/ 00450

Location & Structure Information

Premises Address:

842 COLONA RD
POCOMOKE 21851-0000

Legal Description:

210' X 210'
S SIDE COLONA ROAD
S OF POCOMOKE

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0099	0002	0012	1010007.24	0000				2023	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1966	640 SF		1.0000 AC	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	NO	STANDARD UNIT	FRAME/	2	1 full		

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2024	07/01/2025
Land:	37,500	38,800		
Improvements	12,400	34,600		
Total:	49,900	73,400	65,567	73,400
Preferential Land:	0	0		

Transfer Information

Seller: BRITTINGHAM LEONARD &
Type: NON-ARMS LENGTH OTHER

Date: 06/29/2015
Deed1: /06591/ 00450

Price: \$0
Deed2:

Seller: MINNIE L BENSON
Type: NON-ARMS LENGTH OTHER

Date: 05/17/1966
Deed1: FWH /00204/ 00436

Price: \$0
Deed2:

Seller:

Date:

Price:

Type:

Deed1:

Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2024	07/01/2025
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status:

Approved 09/27/2008

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status:

No Application

Date:

THIS DEED, made this 29th day of June, 2015 by LEONARD BRITTINGHAM, SR., of Worcester County, State of Maryland, hereinafter referred to as Grantor, WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of No Dollars (\$0.00) and other good and valuable considerations the said Grantor does hereby grant and convey unto LEONARD BRITTINGHAM, SR., for the term of his natural life, and no longer, with the power, at any time during his lifetime, to sell, lease, mortgage, grant, convey or otherwise, EXCEPT BY WILL, dispose of the same, or any part or parts thereof (the said power of disposition to expressly extend not only to the sale, lease, mortgage, conveyance or other disposition, EXCEPT BY WILL, of the life interest of the aforesaid LEONARD BRITTINGHAM SR., but also of the successive remainder interest therein); but if the aforesaid power be not exercised by LEONARD BRITTINGHAM, SR. then unto his children, ROXANNE ROUNDS and LEONARD BRITTINGHAM, JR., as tenants in common in the proportions of an undivided one-half (1/2) interest each, their personal representatives, and assigns, forever in fee simple,

All that lot, or parcel of land in the First Tax District of Worcester County, Maryland, which is situate on the southerly side of the state stone road leading from Pocomoke City to St. James by way of Cedar Hall, and being more particularly described in deed Liber SVH No. 204, folio 436, et seq. where said property was conveyed unto the said Leonard Brittingham, Sr. and Mary Lee Brittingham, his wife, as tenants by the entireties. The said Mary Lee Brittingham died whereby the said Leonard Brittingham, Sr. become sole owner of said property.

TOGETHER with the improvements thereon and the rights, roads, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described and hereby granted property unto LEONARD BRITTINGHAM, SR., for the term of his natural life, and no longer, with the power, at any time during his lifetime, to sell, lease, mortgage, grant, convey or otherwise, EXCEPT BY WILL, dispose of the same, or any part or parts thereof (the said power of disposition to expressly extend not only to the sale, lease, mortgage, conveyance or other disposition, EXCEPT BY WILL, of the life interest of the aforesaid LEONARD BRITTINGHAM SR., but also of the successive remainder interest therein); but if the aforesaid power be not exercised by LEONARD BRITTINGHAM, SR. then unto his children, ROXANNE ROUNDS and LEONARD BRITTINGHAM, JR., as tenants in common in the proportions of an undivided one-half (1/2) interest each, their personal representatives, and assigns, forever in fee simple.

FILED
2015 JUN 29 PM 4:29
SUSAN R. BRANIECKI
CLK. CT. CT.
WOR. CO.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
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ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

TO: Weston S. Young, Chief Administrative Officer
FROM: Jennifer K. Keener, AICP, Director
DATE: July 26, 2024
RE: Proposed Amendment on behalf of the Board of Electrical Examiners

On behalf of the Worcester County Board of Electrical Examiners, I am requesting the introduction of a proposed text amendment to amend the permit exceptions associated with electrical service to an existing structure already connected with an electric service in Worcester County. By increasing the amperage of electrical service installed from 20 amperes to 100 amperes, this will reduce the number of electrical permits required for service to structures such as pre-existing sheds, hot tubs or spas.

Electrical service to new structures associated with a current valid permit will still be required to obtain an electrical permit. It will not change the requirement that all work be conducted by a state licensed electrician. Additional information on the purpose of the request can be found in the attached memo from Kenneth Lambertson, Chair of the Board of Electrical Examiners.

A draft of the proposed bill is attached for consideration of introduction at an upcoming legislative session. As always, I will be available to discuss this matter with you and the County Commissioners at your convenience.

Attachment

cc: Roscoe Leslie, County Attorney
Board of Electrical Examiners



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TECHNICAL SERVICES DIVISION

MEMORANDUM

TO: Jennifer K. Keener, AICP, Director
FROM: Kenneth Lambertson, Chair, Worcester County Board of Electrical Examiners
DATE: July 26, 2024
RE: Changes to definition of a minor electrical installation where an electrical permit or inspection is not required

In the past, the Board felt that the definition of a minor electrical installation has been too narrow in what does not require a permit and an inspection. By expanding the definition to 100 amps, it allows electricians to stand on their license, do work that they are more than qualified to do without unnecessary oversight, and not cost the residents of Worcester County more for unnecessary permitting and inspections.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 24-

BY:

INTRODUCED:

A BILL ENTITLED

AN ACT Concerning

Electrical Standards – Permits and Inspections

For the purpose of amending the Building Regulations Article, Title 2 – Construction Regulations, Subtitle II - Electrical Standards, to modify the electrical service permit exceptions.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § BR 2-219(f)(1) of the Building Regulations Article be repealed and reenacted to read as follows:

- (f) Permit exception. The following electrical services shall not require an inspection or a permit:
 - (1) An electrical installation which is ~~single phase, of~~ ONE HUNDRED ~~twenty~~ ~~amperes/one hundred twenty volts AC~~ or less and installed in an existing structure.

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



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MEMORANDUM

To: Weston S. Young, P.E., Chief Administrative Officer
From: Jennifer K. Keener, AICP, Director
Date: July 29, 2024
Re: Planning Commission Recommendation – Amending the provisions for detached accessory buildings and off-street parking in campground subdivisions

On July 3, 2024, the Planning Commission reviewed the proposed text amendment submitted by Ms. Tracey Barnhart to amend the campground subdivision regulations pertaining to detached accessory buildings and off-street parking requirements. Following the discussion, the board gave an unfavorable recommendation. A copy of the draft bill is attached for your consideration.

At this time, I am requesting that the item be scheduled for the County Commissioner's consideration for introduction at an upcoming meeting. If at least one County Commissioner introduces the amendment as a bill, then a public hearing date will be set for the Commissioners to obtain public input prior to acting on the request.

PLANNING COMMISSION DISCUSSION

Ms. Tracey Barnhart, applicant, Mr. Joe Barnhart, and Mr. Phil Wood were present for the review. Ms. Barnhart testified that residents want to enjoy their space in the shade. Submitted as Applicant's Exhibit No. 1 were photographs of existing canopies in White Horse Park. Ms. Barnhart stated that the reason that the canopies are in place is because they did not know that they were considered buildings requiring a permit. She admitted that they also didn't ask whether they were allowed.

Mr. Wood testified that his wife had breast cancer, and she was not allowed in the sun during her chemotherapy treatments. He had requested that hard top canopies be included in the amendment because the canvas was too hard for some residents to manage. Part of the amendment was to eliminate the six-foot separation between buildings, as it is impossible to fit accessory buildings on the lots. The applicants noted that there was nothing that would impede emergency access, fire or ambulance for ingress or egress. Mr. Barbierri provided historical context on the fire code as he was working for the Worcester County Fire Marshal's Office at the time.

Ms. Ott was concerned about the elimination of one parking space. Ms. Barnhart stated that there are off-site fields on nearly every street in White Horse Park where parking could be accommodated. Mr. Barnhart said that the amendment will not work for everyone, but they are trying

to legally permit as many as possible. He stated that residents cannot park on the street or White Horse Park will make them move their vehicle.

Mrs. Wimbrow noted that the current zoning code dates to 2009, not the 1980's as alleged. As the former Deputy Director for the Department of Development, Review and Permitting when the code was adopted, she stated that the purpose of zoning is to protect the health and safety of the residents. As buildings are added to a property, you take away from that. Therefore, Mrs. Wimbrow did not support this amendment.

Mr. Church said that there is merit in what they have to say, and that the photographs provided in Exhibit No. 1 are probably the good pictures. He acknowledged that there are also likely a handful of bad pictures that could be taken. However, he respectfully disagrees with Mrs. Wimbrow, and supports the amendment, though it would need some policing. Ms. Barnhart stated that White Horse Park would enforce the rules if it does pass.

Mr. Barbierri stated that in his role as the former Fire Marshal, he was in these parks measuring distances, and found so many violations due to fire spread concerns. Owners had to move buildings, even remove porches. When buildings couldn't be moved, his office had them put up cinder block fire walls. He stated that manufactured homes are great, but that they are not built to the same standards as a stick-built dwelling. With more clutter comes greater potential for danger. He noted that he would be ok with increasing the existing building size from 8' by 10' to 12' by 12', however he could not support a reduction to the separation distance due to fire spread concerns. Mr. Barbierri said that his stance is in support of life safety and finds that paramount.

Ms. Barnhart said that emergency responders can go straight through open canopies and gazebos. Mr. Barbierri explained that he had just come from a fire call on south end of the county that occurred in the middle of the afternoon, when people were present. Fire spreads quickly, and a delay is seconds taken away from a potential rescue. The Barnhart's said that their canopy is fire resistant, and while they are semi-temporary buildings, they are asking for permanency. Upon a question to clarify a setback versus a separation distance, staff explained the difference between the two.

Ms. Ott was concerned that most of these buildings could become weaponized in a storm. The Barnhart's said that was their concern as well with the temporary pop-up canopies, as they have had it blow away, even with weights. Ms. Drew inquired about whether the sites in Exhibit No. 1 retained the two required parking spaces, and the applicant confirmed that they were. No action was taken on a request by Ms. Barnhart to consider a modification to the separation distance to three feet.

Following the discussion, a motion was made by Mrs. Wimbrow to provide an unfavorable recommendation on the text amendment. Ms. Ott seconded the motion, and the motion carried 4 to 2 with Mr. Church and Ms. Drew opposed.

cc: Tracey Barnhart, applicant
Matt Laick, Deputy Director
Kristen Tremblay, Zoning Administrator
Roscoe Leslie, County Attorney
file

A BILL ENTITLED

AN ACT Concerning

Zoning – Detached Accessory Buildings and Off-Street Parking in Campground Subdivisions

For the purpose of amending the Zoning and Subdivision Control Article to allow two detached accessory buildings on each campsite and modifying the off-street parking requirements to only require one space per campsite in a campground subdivision.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-318(d)(1)E. of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- E. One enclosed and one unenclosed detached accessory building may be located on each campsite in a campground subdivision.
 - 1. An enclosed building shall not exceed eight feet by ten feet in size.
 - 2. An unenclosed building shall not exceed twelve feet by twelve feet in size. Such structures may be covered with a roof but not enclosed with any material.
 - 3. Minimum lot requirements shall be: front yard setback, ten feet. No side or rear yard setbacks shall apply. There shall be no minimum separation distance required from buildings or structures on the same lot or any other lot.
 - 4. No accessory building may be used for human habitation or sleeping quarters, nor contain plumbing or plumbing fixtures.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-318(d)(1)G. of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- G. There shall be at least one off-street parking space but no more than two parking spaces for each campsite. At least one parking space must be provided on the campsite. Any additional parking may be provided in common parking areas located within six hundred feet of the campsite.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the off-street parking requirements contained in Subsection § ZS 1-320(a) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland for “campground subdivisions or cooperative campground subdivisions” as prescribed under the “Recreational uses” Use Category be repealed and reenacted to read as follows:

Use Category	Minimum Motor Vehicle Spaces Required	Maximum Motor Vehicle Spaces Required	Bicycle Spaces Required
Recreational uses:			
Campground subdivisions or cooperative campground subdivisions	1 per campsite, each on the campsite	2 per campsite, with at least 1 on the campsite	N/A for campground subdivisions; 1 rack and each amenity area, bathhouse, store or other facility which is commercial in nature in cooperative campground subdivisions

Section 4. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

ITEM 17

The folks in White Horse Park and Assateague Point Campground are asking for your assistance in passing our submitted Text Amendment to the code concerning Sun Canopies and separation distance of sheds. We are requesting to be able to use manufactured Sun Canopies for shade as shown below.

We are also requesting the 6' separation for sheds be removed from the code, due to the lot size in White Horse Park being 40'x60'. Thus, the separation requirement cannot be mathematically obtained. The County Code called for 50'x60', except in White Horse Park, which was exempted by the code.



This is a representation of the soft top canopy requested to be permitted.



This is a representation of the hard top canopy requested to be permitted.



This is a representation of the normal placement of sheds due to the lot size.

ITEM 17

Here are some more examples of Sun Canopies and shed placement in White Horse Park. Some of the Sun Canopies have been in place for years. This was not in defiance of the code, or non-compliance, it was simply that we were not aware that the Sun Canopies would be classified as an *Accessory Building* as described in this code.



ITEM 17

Here are some more examples of Sun Canopies and shed placement in White Horse Park. Some of the Sun Canopies have been in place for years. This was not in defiance of the code, or non-compliance, it was simply that we were not aware that the Sun Canopies would be classified as an *Accessory Building* as described in this code.





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ZONING DIVISION
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TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Worcester County Planning Commission
From: Jennifer Keener, AICP, Director
Date: June 21, 2024
Re: Text Amendment Application – Amending the provisions for detached accessory buildings and off-street parking in campground subdivisions

Tracey Barnhart, owner of a campsite within White Horse Park, has submitted a text amendment application to amend the campground subdivision regulations pertaining to detached accessory buildings and off-street parking requirements. A copy of the draft bill language is attached for your consideration.

As is the case with all text amendment applications, the application was distributed to staff for review and comment. The Planning Commission shall review the request and make a recommendation to the Worcester County Commissioners (favorable or unfavorable) and can make recommendations for changes to the proposed language. If at least one County Commissioner introduces the amendment as a bill, then a public hearing date will be set for the Commissioners to obtain public input prior to acting on the request.

BACKGROUND

There are only two campground subdivisions in Worcester County – White Horse Park (465 lots) and Assateague Pointe (529 lots). New campground subdivisions are prohibited. Currently, one detached accessory building is permitted at a maximum size of 8' by 10', with sheds as the predominant type. The application stems from recent requests to permit buildings such as gazebos, canopies, pergolas, etc. within campground subdivisions. DRP was unable to process a permit application due to the size, as well as the fact that the gazebo was a second accessory building. White Horse Park notified the department of all lots in the park with a similar unpermitted building, and a complaint was filed against Assateague Pointe for similar buildings. Inspections were conducted of both campground subdivisions and notices were sent to the owners. Various aspects of the proposed bill language were included by the applicant to capture as many existing circumstances as possible.

DISCUSSION AND RECOMMENDATIONS

It is important to keep in mind that lots within campground subdivisions are much smaller than a traditional residential building lot (the smallest of which is a minimum of 5,000 square feet in the R-4 District). Lot area equivalency in a campground subdivision requires a 50' wide by 60' deep

rectangle on each site, resulting in a minimum lot area of 3,000 square feet. However, White Horse Park is exempted from this provision in the law based upon its date of platting and has a typical lot area between 2,000 square feet to 2,500 square feet, with those same lots measuring 40' to 45' wide. Assateague Pointe is not exempt; the typical lot area is between 3,000 square feet to 3,500 square feet. In each park, there are sites with greater lot area due to corner lots and cul-de-sac placement.

To give you a little perspective of what can be constructed on a site within a campground subdivision today, units can consist of a recreational vehicle, park trailer, manufactured home, or modular home. Additions may consist of screen porches, vinyl tech rooms, or three season rooms. The total gross floor area of the unit and additions cannot exceed 750 square feet. Open decks are also allowed, and do not count towards the square footage calculations. Two parking spaces must be able to be accommodated on the site itself, each 10' wide by 20' deep. One detached accessory building is permitted at a maximum size of 8' by 10'. Features such as umbrellas, pop-up tents, sunshades, and other temporary shade items are allowed without a permit.

Over the years we have seen the progressive expansion of uses within various types of campgrounds. For example, in cooperative campgrounds, amendments were approved to allow open decks to be enclosed into screen porches, which then evolved into plastic enclosures (vinyl tech rooms). There have been requests in different types of campgrounds for additional living space and extended occupancy. Each modification enhances the sense of permanency within these seasonal campgrounds. Staff are concerned that this amendment opens the door to similar future requests and removes many of the protections that are in place for fire separation, emergency personnel access and health considerations. As there are multiple aspects to the proposed amendment, I have broken them down into different sections. You will find the attached staff comments incorporated into the report.

Accessory Buildings

One detached accessory building is allowed per campsite, provided they are no larger than 8' by 10' in size. The proposed amendment would allow an additional unenclosed detached accessory building that is 12' by 12' maximum in size. Such buildings are proposed to allow a roof cover, but cannot be enclosed with any material (screening, vinyl, or solid walls). Many of the buildings that are the subject of this amendment are metal framed canopies or gazebos with either metal or canvas roof coverings. Staff would reiterate that features such as umbrellas, pop-up tents, sunshades, and other temporary shade items would not count as an accessory building and would be allowed without permit.

Given the size of the lots, staff may be supportive of modifying the size of the accessory building to 12' by 12' but do not support establishing a provision that would allow a second accessory building.

Setbacks and Separation Distances

In a campground subdivision, the zoning code requires a 10' front yard setback (but no side or rear yard setbacks) and a six-foot separation distance between accessory buildings and other buildings on the same or adjoining sites. However, an appeal of the interpretation of DRP to the Board of Zoning Appeals in 1996 resulted in an overturning of the separation provision (letters attached). Therefore, no distance applied in the Zoning Code until it was amended in 2009. However, there are numerous sheds that were permitted in between or have been replaced in kind that do not meet the

six-foot separation distance. The applicant is asking to remove the separation distance requirement in its entirety. This would apply not only to the newly installed unenclosed buildings, but also to the placement of new sheds.

The purpose of the separation distance requirement is to ensure adequate egress from the dwelling unit, allow access between buildings in the event of an emergency and slow the spread of fire between buildings. Even though the second accessory building is proposed to remain unenclosed, that does not mean that there will not be impediments in the way, such as patio furniture, or the accessory building itself if abutted to the main unit (a shed or a gazebo). This amendment also affects adjoining property owner's rights in that they will not have a say in whether their neighbor can place a shed or gazebo up to their property line, or even abutting their own accessory structure.

Staff recognizes that the six-foot separation distance may be a significant barrier to the installation of new detached accessory buildings on the smallest of lots. However, we do not support the complete elimination of the separation distance. The Planning Commission and County Commissioners should consider whether something along the lines of a three-foot separation distance would be more appropriate and consistent with past applications.

Parking requirements

Lastly, the draft language proposes reducing the required parking from two spaces to one space on the campsite. The maximum allowed parking would be reduced to two spaces overall (from 2.5), and if a second space was wanted or required for a short-term rental situation, then it could be provided within a common parking area within 600 feet of the campsite. The applicant's intent is to allow those owners with limited space on their campsite to permit a second accessory building in what is now considered a required parking space. Most common parking areas are found near community facilities to serve the particular use (marinas, clubhouses, pools, etc.), and are not designed to support such overflow parking, nor to be dedicated for lots as would be required for a rental situation.

We do not support the reduction of the required parking from the two-space minimum. With limited common parking areas available, and a significant number of units within each park, this has the potential to cause internal road congestion and limit emergency vehicle access if additional vehicles are parked within the road right-of-way.

As always, I will be available at your upcoming meeting to discuss any questions or concerns that you have regarding the proposed amendment.

cc: Roscoe Leslie, County Attorney
Matt Owens, Chief Fire Marshal and Director, Em. Services
Matthew Laick, GISP, Deputy Director
Kristen Tremblay, AICP, Zoning Administrator



ZONING DIVISION
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ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

TO: Jennifer Keener, Director
FROM: Matthew Laick, GISP, Deputy Director
DATE: June 10, 2024
RE: Text Amendment Application – Amending the provisions for detached accessory buildings and off-street parking in campground subdivisions

Reviewing the Text Amendment brings several concerns to mind. I will review each below.

1. Separation Distance – With a 0 ft separation distance there is no buffer for a fire block. If several buildings have a 0 ft separation distance and one of those buildings is a residence, then I would suggest both walls have a 1-hour fire-resistance rating on all adjacent buildings. If one of those building is open such as a gazebo then the supporting structure and roof should also have a 1-hour fire-resistance rating
2. Size and number of accessory structures – With lot sizes in campground subdivisions relatively small, most of the lot area is taken by the primary residence. By having two additional structures on the lot, you will end up covering your entire lot with structures. When building on a traditional lot you have a maximum lot area that you are allowed to cover, that same principle will not work in a campground subdivision due to the small lot size. But that does not mean you should cover 100% of your space located within the setbacks.
3. Location of Accessory Structures – With the second accessory structure having a maximum dimension of 12ft x 12ft will limit the location that the structure can be placed. I would suspect that many of these structures will start to be in the parking area and potentially block easy access to residence by emergency responders. The code may say that there cannot be any sides to the structure but then the question becomes of what is under the structure. Outside furniture such as couches, chairs, tables, etc... Could become a roadblock to anyone needing to get quick access to inside the residence.

4. Parking – as discussed in number 3 above. Reducing the parking minimum to 1 spot per campground lot will increase the need for on-street parking or the need for additional parking in other locations. In today's age when owners rent either short term or long term it seems in Worcester County parking issues arise. Renters do not show up with only one car. With narrow streets on-street parking can become an issue with not having enough room for fire units to safely move through the campground.



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ADMINISTRATIVE DIVISION
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TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Jennifer K. Keener, AICP, Director; Matthew Laick, GISP, Deputy Director
From: Kristen M. Tremblay, AICP, Zoning Administrator
Date: June 10, 2024
Re: Zoning Ordinance Proposed Text Amendment – Amending the provisions for detached accessory buildings and off-street parking in campground subdivisions.

Thank you for providing me with an opportunity to comment on the proposed text amendment requested by Tracey Barnhart.

The proposal seeks to increase the overall amount and size of accessory structures throughout the Campground Subdivisions and the ability to relocate one (1) required parking to another area of the campground.

I do not believe that the text should be amended at this time for the following reasons:

1. **Parking:** Removal of the second parking space is not recommended. While some owners may only use one (1) space regularly, any guests would create demand for additional parking and may attempt to park on-street or in dedicated parking spaces (see below).
 - a. For short-term rentals, an additional parking space is needed for new units. In the event that a property owner replaces their unit a second parking space would need to be provided. If relocated to another location at the campground, it would need to be specifically for the unit in which the space is relocated from. It may be difficult to not only find adequate places to put the second space, but to have them dedicated and reserved for specific units could be problematic.
2. **Number of Structures:** Not only do these parcels have a manufactured home, but they may also have an enclosed porch, patio or deck, and a shed already. The addition of another structure, of a larger size (12'x12') than already permitted (8'x10') to already congested, small-sized properties is ill-advised. Please note that there are other alternatives for shade that are not considered structures under the Zoning Code (more on next page). Additionally, awnings attached to the manufactured home would also be permitted, provided that a building permit with engineered drawings is approved.
3. **Setbacks and Separation Distances:** Full-time residents of the County do not have such instances of no setbacks or separation distances in any other parts of the code to my knowledge. A variance for hardship relief from setbacks may be requested, but is not guaranteed, from the Board of Zoning Appeals and is addressed on a case-by-case basis. The removal of both separation distances and setbacks from the code could create a situation where multiple sheds

and gazebos/pergolas are clustered closely together in an effort to create more space for the additional accessory structure.

New Campground Subdivisions are not permitted. If the Commissioners choose to amend the code, it will only affect the Assateague Pointe and White Horse Park Campground Subdivisions.

Temporary Shade items are not considered structures and can be used in lieu of a pergola or gazebo. Examples include umbrellas, outdoor day-beds with awnings, pop-up canopies (foldable) and sunshades/sails and removed when not in use. Awnings attached to the manufactured home may also be permissible with a building permit.

Please let me know if you have any other questions.

Public Comments Received
In Opposition
To
Text Amendment Application
For
Detached Accessory Buildings and Off-Street Parking
in Campground Subdivisions

From: [REDACTED]
To: [Jennifer Keener](#)
Subject: Re: Canopies and sheds in white horse park
Date: Monday, May 6, 2024 9:32:55 AM

On Sat, May 4, 2024 at 8:51 AM [REDACTED] <[REDACTED]@gmail.com> wrote:

Good morning, as a part-time resident in White Horse Park, I would like to address this issue as I look back to the issue of full-time residents.

As we all know, those who were full-time residents fought the county through an attorney, spending much \$\$ to no avail. The county was right in their decision for legitimate reasons.

The reasoning behind the present situation is again valid. If medical, firemen, etc. could not easily access residences in the park, and serious injuries or even deaths would occur, those same folks opposed to removal of these many canopies would be forever devastated, not to mention the sadness of the emergency crews. Most likely law suits would then ensue. Another factor to consider is how very cluttered the present footprints have become. The park's ultimate desire should be and has been to have beautification within the community.

When the county addresses issues and the board makes decisions, it is for the best of the people. These board members are chosen because of their ability to make wise decisions and folks must respect those decisions.

Respectfully submitted,

[REDACTED]

Note: Name and email address redacted at the request of the submitter.

We feel strongly opposed to the amendment to allow the installment of metal or other Gazebos on lots in White Horse Park. Adding more permanent structures as Gazebos would further exacerbate already crowded lots which are now being used as party venues. This would be in violation of the guidelines. They are putting in surfaces which adds to inadequate drainage management close to an active waterway and natural habitat.

The Commissioners would not allow the old home owners who owned the land and lived in for some 25 to 30 years in White Horse Park.

Anonymous Residents

White Horse Park

This letter is in opposition to the request of an amendment to have permanent metal or other Gazebos on their property in White Horse Park. According to the guidelines there is a shed on all properties and no other permanent structures permitted.

This would be a contradiction in not amending requests to allow full time residents to live at White Horse Park and were forced to leave.

Anonymous Resident
White Horse Park

Public Comments Received
In Support
Of
Text Amendment Application
For
Detached Accessory Buildings and Off-Street Parking
in Campground Subdivisions

From: [Jody Smoker](#)
To: [Kristen Tremblay](#)
Subject: Canopy, pergola, gazebo in Assateague Pointe meeting July 3, 2024
Date: Wednesday, June 26, 2024 11:47:36 AM

Sent from my iPhone

Hello. My name is Jody Smoker, husband Douglas Smoker, and we have a place in Assateague Pointe and I am writing in favor to have the code amended to keep my canopy.

We have a canopy that is anchored into the ground that we use for shade during the summer months. We take the canopy down over the fall, winter, and spring months. So there is no chance of damaging anyone's property. I feel the canopy, pergolas, and gazebos have given Assateague Pointe a very nice look and they are used for a reason. We could not enjoy the outside of our home if not for our canopy to give us some relief from the heat and sun. We do not use it for sleeping or housing.

These canopies, gazebos, and pergolas have been here for quite some time, ours for 7 summers.

I thank you for your time.

Jody Smoker. Lot 214.

From: [Teri Bell](#)
To: [Kristen Tremblay](#)
Subject: Text amendment request for White Horse Park Community
Date: Tuesday, June 25, 2024 11:23:21 PM

Ms. Tremblay,

I am writing in support of the text amendment request to allow gazebos in the white horse community. We purchased a place here last year and are excited to be joining the community here in Worcester County. Although White Horse is considered a camping ground, it is truly a summer home away from home for us. We purchased a simple Gazebo in the early fall only to be informed soon after about this being considered a structure and not allowed if one has a shed. I am not sure the logic of this rule as I believe the two things are completely different. We absolutely need a shed to store beach chairs, umbrellas, and outdoor furniture that is subject to the frequent winds of the area. The Gazebo however, although anchored for safety, is not really a structure but a means of having shade which is necessary for health and wellbeing. I feel strongly that a gazebo or such is much safer than an umbrella, not only because it won't blow away but also because it provides more shade and can include screen curtains for bug control, which we feel is very necessary at certain times. There is no negative impact of these open structures on the county and I would respectfully request that the board consider this request for amending the text. Thank you in advance.

Sincerely,

Teri Bell

Homeowner at 224 Timberline Circle.

From: [Kristin Hubbard](#)
To: [Kristen Tremblay](#)
Subject: White Horse Park Gazebo
Date: Monday, June 24, 2024 8:31:38 PM

Good afternoon. Thank you for taking the time to consider our Community's request for a text Amendment pertaining to the gazebos in White Horse Park.

As an owner in White Horse Park who is affected by the current text I would like to join my neighbors in requesting the Amendment change to allow gazebos in the park.

Our community is a beautiful neighborhood filled with people who love the area and take pride in their properties. We are so blessed to have this little slice of Heaven. Currently, we are permitted one permanent structure. Many of us were told the gazebos were not permanent structures and were permitted. Our gazebo is soft top and removable. It offers much needed shade in the summer months. It allows us to enjoy our yard during the summer, which is very hot otherwise. It also provides much needed shade to keep the inside of our unit cool which, in turn, saves money and energy by not need the air conditioning to run as much.

The look of the soft and hard top gazebos are much nicer than the look of pop-up canopies. I understand our neighborhood is zoned a campground subdivision but driving through, it looks like a beautiful vacation resort. Having a bunch a pop up canopies would take away from the beauty of the park.

The other option for shade would be sunsetter awnings. The cost of which is not in my family's budget.

The Board of Directors has done a very good job enforcing the size restrictions for the canopies and gazebos thus far. There are many hard and soft top gazebos in use in the park currently. They have not created any adverse effects. They should be permitted. They are very much needed.

Thank you for your consideration.

George and Kristin Hubbard
92 Spinnaker Lane

From: [Leah Cluney](#)
To: [Kristen Tremblay](#)
Subject: Assateague Pointe Gazebo
Date: Wednesday, June 26, 2024 4:59:38 PM

I'm writing today as a homeowner in Assateague Pointe, lot #490 to encourage a change of verbiage to the county code pertaining to pergolas and gazebos. These structures are not permanent, they are fixed to a stable surface and can be easily removed if necessary. They are more safe than umbrellas and/or canopies such as "Easy-Ups" that are not fixed to the concrete. There is no rule stating that a canopy or umbrella needs to be weighted so it will not blow away in the wind causing damage to property which means essentially that a fixed gazebo or pergola is the safer option. This is not a livable space and no one in the community uses it as such. It is merely a secure safe way to remain out of the dangerous rays of the sun. Please take into serious consideration changing the code to allow for these temporary structures to be allowed in Assateague Pointe and similar communities.

Thank you,
Leah Cluney

Sent from my iPhone

From: [Carmen Brewis](#)
To: [Kristen Tremblay](#)
Subject: Pergola/gazebo vote
Date: Thursday, June 27, 2024 4:02:08 PM

Hello- In reference to the Pergola/ gazebo vote, I would like to add my vote to be able to keep the Pergola/gazebo on our properties as I cannot attend the meeting. I am a resident in Assateague Point and my address is lot 110- 8710 North Salt Pond Way. Any questions please feel free to contact me. 443-569-1314

Thank you!

Carmen Brewis

*Commercial Contractors Group Inc.
410-255-4399*

July 1, 2024

Worcester County Planning Commission
Government Center
One West Market Street, Room 1201
Snow Hill, Maryland 21863

Re: Text Amendment Application – Amending the provisions for detached accessory buildings

Dear Worcester County Planning Commission:

I am the owner of Lot #433 in Assateague Pointe Park and write to follow up on my correspondence in April to Ms. Tremblay, Zoning Administrator, regarding Subsection §ZS 1-318(d)(1)(E) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County (the “Code”) that relates to the proposed Text Amendment (see attached). It seems the terms “building” and “structure” are being conflated with respect to §ZS 1-318(d)(1)(E) of the Code.

Code Subsection §ZS 1-318(d)(1)(E) refers to and authorizes “one detached **accessory building**” and states as follows:

- E. One detached accessory building, not to exceed eight feet by ten feet in size, may be located on each campsite in a campground subdivision. Accessory buildings may not be located in the front yard setback but are not subject to other setback requirements but shall be separated by not less than six feet from any other recreational vehicle, recreational park trailer, cabin or other structure on the same lot or any other lot. No accessory building may be used for human habitation or sleeping quarters. No accessory building may contain plumbing or plumbing fixtures.

As expressly stated in this regulation, the restriction against having more than one detached item pertains to “accessory buildings” and not “accessory structures.” There is no ambiguity in §ZS 1-318(d)(1)(E).

The Code distinguishes between, and makes clear that, a “structure” and a “building” are different. *See, e.g.,* ZS 1-318(c)(11) and ZS 1-318(d)(1)(I) that state as follows:

ZS 1-318(c)(11)

- (11) Structures or buildings which serve as an amenity or are incidental and accessory to the operation of the campground in general may not exceed two stories or forty-five feet in height.

ZS 1-318(d)(1)(I)

- I. Structures or **buildings** which serve as an amenity or are incidental and accessory to the operation of the campground in general may not exceed two stories or forty-five feet in height.

If the terms “structures” and “buildings” were meant to mean the same thing, there would be no need to distinguish between them in the Code. Accordingly, the term “structure” cannot be substituted for the term “building” in §ZS 1-318(d)(1)(E). The items are different under the law.

In addition, Code Subsection §ZS 1-103(b) defines a “building” as a “shelter” as follows:

BUILDING -- Any structure which is designed, built or occupied as a shelter for persons, animals or property. The term "building" shall include tents, roadside stands, mobile homes, recreational trailers, vehicles and other similar objects when used as a permanent shelter and shall also include any part thereof.

The items listed in the above definition (e.g. tents, roadside stands, mobile homes, trailers, vehicles) inform what is meant under the Code when using the term “building.” For a “structure” to be a “building” it must be a **shelter** for persons, animals or property, that is, something enclosed . . . something that has a roof and walls similar to the examples given (i.e. tents, roadside stands, mobile homes, trailers, vehicles). Further, the definition of Building unambiguously states that tents, roadside stands, mobile homes, trailers, and vehicles are deemed a “building” **only** when used as a **permanent** shelter. A shed seems to meet this definition, but a pergola and a gazebo do not. Pergolas and gazebos used at Assateague Point do not have permanent tops or walls; some do not have temporary tops or walls.

If the requirement under the law that a structure must be used as a *permanent* shelter to constitute a “building” is disregarded, it would seem that owners could no longer park their cars on their lots because vehicles are considered “shelters” and thus “buildings” under the Code. To permit cars to be parked on lots because they are not permanent shelters while not permitting pergolas and gazebos, which are not even considered shelters under the law (assuming no permanent top and sides), would result in inconsistent application of the Code.

Replacing the term “building” with “structure” when interpreting §ZS 1-318(d)(1)(E) would have unintended consequences. The law, as modified, would seem to then require owners at Assateague Point to tear down all fences and remove wood and stone borders along flowerbeds, free-standing yard decorations, pavers, stepping stones, and everything else that has a “fixed location on the ground” given the definitions of “structure” and “fence” that follow.

STRUCTURE -- Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground or a building as defined herein. "Structures" include walls, fences and signs.

FENCE -- A fixed structure designed to prevent escape or intrusion or to define property.

It cannot possibly be the intention of Worcester County to force owners to tear down or remove amenities to convert Assateague Point into a “tent” and “cabin” campground. Forcing owners to

Worcester County Planning Commission

July 1, 2024

Page 3 of 3

tear down longstanding items, some of which were present when the properties were purchased, would diminish property values as well as the enjoyment presently experienced.

Based on the reasoning provided above, I believe §ZS 1-318(d)(1)(E) does not need to be changed, provided the County agrees that pergolas and gazebos without permanent tops and sides are not buildings. As mentioned by other homeowners, the boards for Assateague Point and White Horse Park police and enforce community guidelines regarding “soft tops” and other elements of pergolas and gazebos ensuring none are permanent shelters.

I am concerned about some of the reasoning provided in the “packet” published for the July 3, 2024 meeting of the Planning Commission. Concern that allowing owners in two *sui generis* communities to have pergolas and gazebos may open the door to further requests down the road for permanent structures resulting in increased occupancy levels and burden on public resources is speculative.

Pergolas and gazebos are amenities enjoyed seasonally by property owners and their guests. Permitting pergolas and gazebos in these two communities will not overburden existing public services and facilities, including schools, police and fire protection, medical facilities, water, sanitary sewers, public roads, storm sewers, drainage or other public improvements. This matter relates to a private property right that does not create a public burden.

I appreciate your consideration of the matter. Thank you.

/s/ Michael R. Naccarato

Michael R. Naccarato

12018 Assateague Way

Enclosure

From: [Michael R. Naccarato](mailto:Michael.R.Naccarato@co.worcester.md.us)
To: ktremblay@co.worcester.md.us
Subject: RE: 8552 Stephen Decatur Highway; Assateague Point
Date: Wednesday, April 24, 2024 3:21:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Dear Ms. Tremblay,

Thank you for responding to my inquiry.

I agree the definition of “structure” (as provided below) includes the phrase “or a building as defined herein.” The definition of “building” in the Code, however, does not refer to “any structure which is built.” Instead, the definition states that a “building” under the Code is a structure built “as a shelter for persons, animal or property.” Accordingly, a “structure” is not a “building” unless the structure is built as a shelter. In addition, as mentioned below, a structure is not considered a “building” under the Code unless the structure is used as a permanent shelter. As a result, gazebos and pergolas are not “buildings” under the Code because they are not used as permanent shelters for persons, animals or property.

To consider “any structure which is built” to be a “building” under the code would make all structures “buildings” given the definition of “structure” specifically concerns items that are “constructed or erected” (i.e. “built”). In other words, a fence would be a building because it is “built.”

There are other arguments. For example, a “structure” under the Code is any item that is constructed ... “with a fixed location on the ground or attached to something having a fixed location on the ground.” The term “fixed” is commonly defined as “fastened securely in position.” The term “attached” is commonly defined as “joined or fastened to something.” As a result, there is an argument that gazabos and pergolas are not “structures” unless they are anchored in the ground or bolted to something having permanence. Non-anchored items are not “structures” unless they fall with the definition of “building” under the Code. Therefore, it could be argued that gazabos and pergolas are not buildings or structures under the Code.

I think the Code clearly shows legislative intent to distinguish between buildings and structures. I further believe the Code works to prohibit folks from getting around the limitation on habitable space under roof/walls on the property to serve the public purpose of managing density, consumption of shared resources (water, electric) and public burden (schools, police, fire, etc). Gazabos and pergolas at Assateague Pointe are used by the same people using the home. They do not add to residential capacity or affect shared resources or public burden. Gazabos and pergolas bother no one.

Thank you again for responding to my inquiry. Please let me know if I should be in touch with someone else at the County to further the conversation. Assateague Pointe is a beautiful part of the County. We enjoy it immensely. Thank you for further considering this matter.

Regards,

Mike

From: Kristen Tremblay <ktremblay@co.worcester.md.us>
Sent: Wednesday, April 24, 2024 1:58 PM
To: Michael R. Naccarato <mrnaccarato@GW-Law.com>
Subject: RE: 8552 Stephen Decatur Highway; Assateague Point

If you read the definition of structure, it also includes 'buildings' - "or a building as defined herein." Under the building definition, it refers to any 'structure' which is 'built.'

Kristen M. Tremblay, AICP
Zoning Administrator
One West Market Street, Room 1201
Snow Hill, MD 21863
(410)632-1200



From: Michael R. Naccarato <mrnaccarato@GW-Law.com>
Sent: Tuesday, April 9, 2024 4:58 PM
To: Kristen Tremblay <ktremblay@co.worcester.md.us>
Subject: 8552 Stephen Decatur Highway; Assateague Point

Dear Ms. Trembley,

I own a property in Assateague Point and received your letter dated December 13, 2023 concerning “accessory buildings” as well as a memo dated April 2, 2024 setting out a “Policy on Accessory Structures in Campgrounds.” I delayed responding to your letter at the request of the Assateague Point HOA. Given the date by which Worcester County mandates gazebo/canopy structures be torn down is rapidly approaching, I am writing to you now in response to the letter and to advise of seeming inconsistencies between the County’s position and current law.

The Code sections relied on by the County in issuing its mandate do not seem to support the mandate. For example, your letter quotes ZS 1-318(d)(1)(E) which refers to “one detached **accessory building**” and states as follows:

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As expressly stated in this regulation, the restriction against having more than one detached item pertains to “accessory buildings” and not “accessory structures.” There is no ambiguity in ZS 1-318(d)(1)(e).

The Code distinguishes between, and makes clear that, a “structure” and a “building” are different. See, e.g., ZS 1-318(c)(11) and ZS 1-318(d)(1)(I) that state as follows:

ZS 1-318(c)(11)



ZS 1-318(d)(1)(I)



If “structures” and “buildings” mean the same thing, there would be no need to distinguish between them in the Code. Accordingly, the term “structures” cannot be substituted for the term “building” in ZS 1-318(d)(1)(E). The items are different under the law.

Further, ZS 1-103(b) defines a “building” as a “shelter” as follows:

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The above definition of building is helpful in different respects. The listed items (e.g. tents, roadside stands, mobile homes, trailers, vehicles) inform what is meant in using the term “building.” For a “structure” to be a “building” it must be a shelter for persons, animals or property, that is, something enclosed . . . something that has a roof and walls similar to the examples given (i.e. tents, roadside stands, mobile homes, trailers, vehicles). Further, the definition of Building unambiguously states that tents, roadside stands, mobile homes, trailers, and vehicles are deemed a “building” **only** when used as a **permanent** shelter. A shed seems to meet this definition, but a pergola and a gazebo do not. Pergolas and gazebos used at Assateague Point do not have permanent roofs or walls; some do not have temporary roofs or walls.

I think the County may be conflating the terms “building” and “structures” in forming its position on pergolas and gazebos. If the County replaces the term “building” with “structure” when interpreting ZS 1-318(d)(1)(E), that provision would seem to then require owners at Assateague Point to tear down all fences and remove wood and stone borders along flowerbeds, free-standing yard decorations, pavers, stepping stones, and everything else that has a “fixed location on the ground” given the definitions of “structure” and “fence” that follow.



It cannot possibly be the intention of the County to force owners to tear down or remove amenities to convert Assateague Point to a “tent” and “cabin” campground. Forcing owners to tear down longstanding items, some of which were present when the properties were purchased, would constitute a “taking” without due process under the law or compensation. I hope the County will reconsider its position.

Please advise of the basis for the substituting the term “structure” for “building” in ZS 1-318(d)(1)(E). I welcome scheduling a call to further discuss. I appreciate your consideration of this message.

Kind regards,

Mike

Michael R. Naccarato

From: [sherry tolbird](#)
To: [Kristen Tremblay](#)
Subject: Assateauge Pointe Gazebo meeting at the county on July 3, 2024 at 1:00 PM
Date: Friday, June 28, 2024 8:36:29 PM

My husband and I purchased our cottage At Assateauge Pointe on June 28, 2019, I have visited this community since its birth in the 1990s. Our patio is full sun and miserable without a shade added, we've lost several patio umbrellas and several portable canopies which had to be taken down after use. The only shade devise that seems to work without extra work is a gazebo with a soft top. Wind comes off the bay here suddenly and fast. I lost two umbrellas when I ran inside to grab a beverage and use the rest room. It bent the pole and broke in half and there was not so much as a light breeze when I went inside for a few minutes. We were going to purchase a gazebo for this summer but we were notified earlier this year the county will not allow them because they are not permitted and we can't have two un-permitted items on the property. That's was news to me that the shed was not permitted yet existed when I purchased the cottage and the way it is positioned indicates its original to the property! If the shed is in the rear it's an original shed if it's on the side it's been replaced according to the HOA bi-laws we received at purchase.

Since we have been here the HOA has required each and every gazebo be secured to the patio structure with hurricane tie downs or in 5 gallon buckets with cement securing each post. Our HOA and community are very strict about safety and appearance they do not allow rusted items at all. My neighbors were required to get a new propane tank because of rust.

We have gone to an elderly persons home here to collapse and removed the top as a favor in the fall. Her gazebo four supports were anchored to the cement and stayed in place for over 12 years. Once they showed signs of rust she had it removed and replaced with a new one.

No one sleeps in the gazebo, nothing other then patio furniture is in it and they are not a four walled structure yet we are being told they are because the four bars that connect the four post for structural strength, which is basic engineering so it does not collapse with wind and s safety measure yet that makes it a structure.

I looked up the definition several times of a structure and it states building in most meanings which means it has :floors, walls and permanent roof which consist of plywood or particle board, then shingles, tiles or metal to protect the roof, which gazebos do not have walls or floors or a permanent roof that withstand loads like a typical building. The definition I found was

Structures A structure is an object with a definite size and shape that is constructed for a specific function or purpose. In order to serve its purpose, the structure must be **strong, stable and it must be able to hold a load**. If a structure is going to be useful, then it must be able to withstand forces.

Our community requires it is safe and not damage others property or injures, impale someone when the wind kicks up which happens often with storms here with umbrellas and pop up canopies . Our gazebos tops are like a tent material or canvas so what load are they holding? The top does not hold the structure together, it goes on top and is secured with snaps , Velcro or ties to provide shade.

The tops are not wood, copper, metal or plastics which if the wind kicked up and loosened these materials would cause property damage or injury to persons.

Our HOA made a member remove a gazebo that had a permanent roof just last year, it was built with a copper roof and it was pleasing to the eyes however it was not allowed in our community due to the hazard and possible damage that could occur. I believe gazebos is often thought of as a wooden permanent structure many public parks have such gazebos. The ones in our community are metal with a soft top I have attached pictures of what are community allows and what they don't allow. Several people have had patio gazebos collapse over the years because of light snowfall and they did not have the top off in time so it's not holding a load.

Our pool rules are we cannot have umbrellas open when wind is at 12 mph.

As I write this here's today's post about pool umbrella's which we use this rule on patio umbrellas also:

Today, June 28th, the pools will have their umbrellas down, but once you see the lifeguard's umbrella is up you are allowed to put yours up. The speed of the wind is at 14 mph and the gust is at 23 mph Thanks for your support. Please obey our lifeguards!

The reason we bought in this community and county was because it's a great place for our family to gather and enjoy our selves. Most of the community gathers on the patio for meals and relaxing conversations with friend and family. It's full afternoon sun and unbearable unless a patio gazebo is in place. I've lost enough money on various umbrellas styles I've tried them all to include a pop up canopy. The lots are small and close which the county approved yet there are very few trees in the community and those that do exist do not shade the patios of the 500 cottages. Someone suggested wind sails which would need to have at least three post to connect to or connection to a roof somewhere it's not feasible to use without causing damage to the cottages roof or house.

I am confident that our community members would have no problem paying for a permit to have the patio gazebo on their patio and still secure them to the patio or in cement containers for safety. We purchased our cottage with the shed and patio and the statement that we already have one not permitted structure being the shed so we are not allowed a gazebo alarms me that since I've been coming to this community since the beginning and there have always been sheds on lots. How this oversight exists baffles me.

I ask the committee reconsider the ban on the gazebos in our community, and stipulate the same safety precautions that have gone on for years if not decades so we can enjoy our patios and not have to monitor the weather 24/7 to use a umbrella which may be grabbed by the wind and cause injuries, that occurs too often and too many times on the beaches.

I thank you for your time and consideration in this matter and look forward to hearing what compromise can be met in this matter. I know we have had several members who have expressed concerns about not staying in this community or county if you can't enjoy the small piece of land you own during the summer.

Sherry Tolbird

Homeowner

✕
Not this





Detail



Adjustable corner's well for canopy and providing extra shade



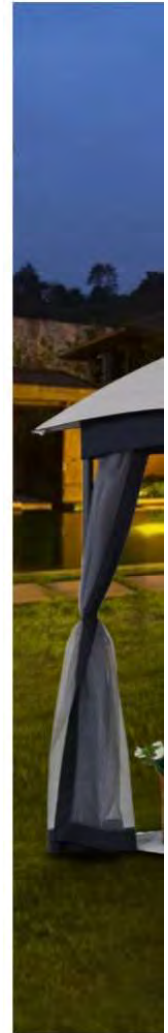
Built-in hook to hang lights



Canopy with drains to reduce water in rainy day.



Stake for stability in using



Steel Patio Gazebo



Lot 38
12519 East Helmsman Way, Assateague Pointe

From: [Joyce Wetzel](#)
To: [Kristen Tremblay](#)
Subject: Pergola County Meeting Letter
Date: Monday, July 1, 2024 10:26:04 AM

Hi, Joyce & George Wetzel here. Lot 519 Assateague Pointe, I will not be able to make the meeting but request my input below taken into consideration.

My background is 50 years as a Department of Defense employee, most all of it in Human Resources.

It has always been my practice each time I changed positions whether as a "worker bee" or manager, and wanted to understand why things were being done a certain way when there were definitely what I considered to be a better process, to always research what took place prior that prompted the current process in place. (Whew, long sentence)

Many times, after a lot of research, it was just a matter of policies/procedures not being kept current with changing times and I think that is what has happened in our community/county/state/country.

Things defined as a tent 30 years ago, may be defined as something else today.

I have one of the smallest pergolas that has a canvas, adjustable cover. It is not permanent, and so light that four young people could each grab a leg and move it. My husband does secure it when we are not home and he slides the canvas top to one side so the wind will not cause it to become air born and cause damage. My husband and I are both in our mid 70s, and purchased the pergola because of medication that prohibits us from sitting in the sun.

In addition, these large 10 foot umbrellas that seem to be **OK** actually take up more space than our pergola.

I guess my bottom line is investigate, understand what the intent was almost 30 years ago, how it fits into today's society and bring it up to date.

I can't speak for Whitehorse Park, but Assateague Park is a wonderful community. It has been well maintained and as pristine as it was when first established. That is due to our homeowners, the devotion of our Board Members and our ECC volunteer.

Thank you for your consideration
Joyce and George Wetzel

From: [Richard Miller](#)
To: [Kristen Tremblay](#)
Subject: Assateague Point Gazebos
Date: Monday, July 1, 2024 11:02:35 AM

Jolene and I own a home in Assateague Pointe and for several years have had a gazebo on our patio. There have been no problems with having the gazebo. It provides comfort from the sun and bugs when enjoying crabs outdoors. Please consider letting gazebos and pergolas remain as part of this community.

Lot 429 Richard Miller

Sent from my iPhone

From: [l.howard1](#)
To: [Kristen Tremblay](#)
Subject: FW: Text
Date: Sunday, June 30, 2024 12:16:59 PM

Sent from my Galaxy

----- Original message -----

From: "l.howard1" <l.howard1@verizon.net>
Date: 6/29/24 10:46 AM (GMT-05:00)
To: ktrembley@co.worcester.md.us
Subject: Text

I am a home owner in Assateage Pointe and would like for you to please consider allowing gazebos and pergolas in our community. They add to the property value as they look so much nicer than a pop up and dont blow over in the wind. They are not enclosed so couldn't be used for anything other than sun protection. Thankyou!

Sent from my Galaxy

Jennifer Keener

From: Ann Phillips <annmphilips@gmail.com>
Sent: Monday, July 1, 2024 1:58 PM
To: Jennifer Keener
Subject: White Horse Park Gazebo canopies Meeting July 3rd.

Dear Jennifer, my husband and I have been part of the White Horse Park community for 22 years. We are in our 70's, and have enjoyed sitting outside, entertaining friends rain or shine numerous times under our beautiful Gazebo with a canopy for 15 years.

My husband has had two bouts with Melanoma skin cancer, and our Gazebo allows us to sit out and be protected from the sun's dangerous rays. We entertain a lot of friends who have the same issues.

We are asking your help to see if the codes can be changed so we all could leave up our gazebos and continue to enjoy them with so many people in our community. We know you are all new, and not part of the planning commission when these codes were issued.

We would all be so grateful if you and the committee member could vote to change these codes. The gazebos also add beauty to our park.

Thank you so much for taking the time out to read this and taking it into consideration.

Sincerely,

Ann and Garey Phillips

From: [Brandi Howard](#)
To: [Kristen Tremblay](#)
Cc: dgainer83@gmail.com
Subject: Gazebo/Perogla Meeting
Date: Monday, July 1, 2024 1:49:05 PM

Good Afternoon,

I am writing to express my support FOR the Gazebos/Peroglas within the community of Assateague Pointe, Berlin, MD. We are unable to attend the meeting due to our work schedules, but wanted to ensure we provided our support.

They are a nice addition to peoples yards, and are a much nicer addition to peoples properties than the alternate "pop up tents".

Thank you for your consideration.

David and Brandi Gainer
AP Lot 47
443-871-3617

Jennifer Keener

From: Jennifer Keener
Sent: Wednesday, July 3, 2024 12:06 PM
To: Jennifer Keener
Subject: FW: Gazebos

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

From: Diane Cox <dianetom5882@yahoo.com>
Sent: Tuesday, July 2, 2024 4:24 PM
To: Kristen Tremblay <ktremblay@co.worcester.md.us>
Subject: Gazebos

My name is Diane Cox 12516 E Helmsman way Berlin MD unfortunately we missed the July 1st deadline but hopefully you will receive this and count our vote please know we would love to be there but this meeting is a holiday week day we would love to eventually have a gazebo and love the ones we have seen in the development of assateague pointe thank you and wish you and your families a Happy Safe Holiday Sent from my iPhone

Jennifer Keener

From: Jennifer Keener
Sent: Wednesday, July 3, 2024 12:06 PM
To: Jennifer Keener
Subject: FW: Assateague Pointe Gazebo Meeting

From: diana@rtc.md.com <diana@rtc.md.com>
Sent: Tuesday, July 2, 2024 1:42 PM
To: Kristen Tremblay <ktremblay@co.worcester.md.us>
Subject: Assateague Pointe Gazebo Meeting

To Whom It May Concern:

I am writing this letter in regards to the Gazebo issue that has come about in Assateague Pointe. I am unable to attend in person and want to make sure to provide my thoughts. I am a owner/resident in Assateague Pointe and find the Gazebos that are currently in Assateague Pointe to be a necessity. Our courtyards get extremely hot and dangerous in summer. We have the young, elderly and pets that cannot be in the sun and elements at our beloved vacation homes. These Gazebos have been there for years without issue. They are pleasant to look at, provide shade and additional space as our places are small. I am in total agreeance that they should be allowed without interference from the county. We pay a lot of our hard earned money to have these vacation places and the gazebos make a wonderful addition to our courtyards.

Thank you,

Diana Isaac • C:443-336-2285



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410.632.1200 / FAX: 410.632.3008

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

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Roscoe Leslie, County Attorney
Kristen Tremblay, AICP, Zoning Administrator
Matthew Laick, GISP, Deputy Director
Matthew Owens, Fire Marshal

From: Jennifer Keener, AICP, Director

Date: April 30, 2024

Re: Text Amendment Application – Amending the provisions for detached accessory buildings and off-street parking in campground subdivisions

Tracey Barnhart, owner of a campsite within White Horse Park, has submitted a text amendment application to amend the campground subdivision regulations pertaining to detached accessory buildings and off-street parking requirements. A copy of the draft bill language is attached. The applicant will not be available for the June meeting, therefore, please send any comments you may have on the application by **Wednesday, June 12, 2024**, so that I may finalize the staff report should she be ready for the July 3, 2024, Planning Commission meeting.

The amendment stems from recent requests to permit a second detached accessory building, specifically gazebos, canopies, pergolas, etc. within campground subdivisions. Currently, one detached accessory building is permitted at a maximum size of 8' by 10', with the predominant type being sheds. As drafted, the unenclosed building could be up to 12' by 12' in size.

The applicant is seeking the elimination of the six-foot separation distance between accessory buildings and other buildings on the same or adjoining sites. An appeal of the interpretation of the department to the Board of Zoning Appeals in 1996 resulted in an overturning of the separation distance provision (letters attached). Therefore, there was no separation distance applied until the Zoning Code was comprehensively amended in 2009. However, there are numerous sheds that were permitted prior to 2009 or have been replaced in-kind that do not meet the separation distance.

Lastly, the draft language proposes reducing the required parking from two spaces to one space provided on the campsite. The maximum parking would be reduced to two spaces overall (from 2.5), and the second space could be provided within a common parking area within 600 feet of the campsite. The intent is to allow those owners with limited space on their campsite to permit these structures without impeding the currently required second parking space.

If you have questions or need additional information, please let me know.

Current Zoning Code provisions**Campground subdivisions****§ ZS 1-318(d)(1)E:**

“One detached accessory building, not to exceed eight feet by ten feet in size, may be located on each campsite in a campground subdivision. Accessory buildings may not be located in the front yard setback but are not subject to other setback requirements but shall be separated by not less than six feet from any other recreational vehicle, recreational park trailer, cabin or other structure on the same lot or any other lot. No accessory building may be used for human habitation or sleeping quarters. No accessory building may contain plumbing or plumbing fixtures.”

§ ZS 1-318(d)(1)G:

“There shall be at least two off-street parking spaces but no more than two and one-half parking spaces for each campsite. At least two of the parking spaces must be provided on the campsite. Any additional parking may be provided in common parking areas located within six hundred feet of the campsite.”

Off-street parking areas**§ ZS 1-320(a):**

Use Category	Minimum Motor Vehicle Spaces Required	Maximum Motor Vehicle Spaces Required	Bicycle Spaces Required
Recreational uses:			
Campground subdivisions or cooperative campground subdivisions	2 per campsite, each on the campsite	2.5 per campsite, with at least 1 on the campsite	N/A for campground subdivisions; 1 rack and each amenity area, bathhouse, store or other facility which is commercial in nature in cooperative campground subdivisions

IN THE MATTER OF ASSATEAGUE
POINTE, INC. BEFORE THE BOARD
OF ZONING APPEALS FOR
WORCESTER COUNTY, MARYLAND

*
*
*
*

Case No: 44076

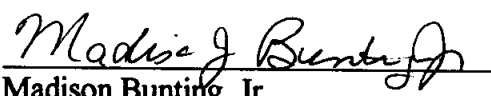
* * * * *

OPINION

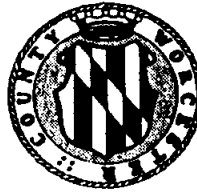
A hearing was held before the Board of Zoning Appeals for Worcester County, Maryland, on Thursday, January 11, 1996, upon the application of Assateague Pointe, Inc. appealing the decision of the Department that the separation requirement between buildings on the same lot, as outlined in Section ZS 1-304(p), is not a setback requirement, and therefore, applies to campground subdivisions. The applicant contends that the separation requirement is a setback and therefore does not apply to camp ground subdivisions pursuant to Section ZS 1-312(d).

Upon consideration of this issue, the Board has determined that Section ZS 1-304(p) is infact a setback requirement from which the applicant is exempt pursuant to Section ZS 1-312(b). Accordingly, upon motion made by Mr. Marshall, and seconded by Mr. Widgeon, the Board unanimously passed the following resolution:

BE IT RESOLVED, that the applicant is exempt from the requirements of Section ZS 1-304(p).


Madison Bunting, Jr.,
Chairman

Date: 2/18/1996



EMERGENCY SERVICES

Worcester County

ROOM 1 - 14 COURT HOUSE
ONE WEST MARKET STREET

SNOW HILL, MARYLAND 21863-1000

TEL: 410 - 632 - 1311

FAX: 410 - 632 - 2141

January 25, 1996

EDWARD S. CROOPER
DIRECTOR

Resort Homes
C/O Troy Purnell
Stephen Decatur Highway
Berlin, MD. 21811

RE: Assateague Pointe accessory building fire separation

Troy,

In regard to the separation between the accessory buildings (outside storage sheds) and the adjoining structures not on the same property I offer the following opinion. After making a physical inspection, it is my opinion the separation between the accessory buildings and the adjoining structures do not constitute a life threatening situation. Although NFPA 501A, *Standard for Fire Safety Criteria for Manufactured Home Installations, Sites and Communities*. Section 4-4.1 of NFPA 501A states; *"Accessory buildings or structures shall be permitted to be located immediately adjacent to a site line where constructed entirely of materials that do not support combustion and provided that such buildings or structures are not less than 3 feet from an accessory building or structure on an adjacent site. An accessory building or structure constructed of combustible materials shall be located not closer than 5 feet from the site line of an adjoining site."*

Section 4-4.2 states; *"Every habitable room in an accessory building or structure shall have access to at least one exterior opening suitable for exiting directly to the outside without passing through the manufactured home."* As we discussed, placement of the accessory buildings shall not impede the exit access described in section 4-4.2.

My ruling will apply to the accessory buildings already in place and the remainder of the Assateague Pointe project. However with future projects, NFPA 501A will apply.

If I can be of any further assistance please don't hesitate to call.

Sincerely,

Edward S. Cropper
Fire Marshal

cc: Wally Waynick, Chief of Inspections, Worcester County PPI

David C. Gaskill
Attorney at Law

4100 Coastal Highway
 P.O. Box 210
 Ocean City, Maryland 21842

FAX
 (410) 289-9160

Telephone
 (410) 289-5006

January 16, 1996

Madison Bunting, Jr., Chairman
 Worcester County Board of Zoning Appeals
 Courthouse, Room 116
 One W. Market Street
 Snow Hill, Maryland 21863

Re: Assateague Pointe, Inc.
Case No. 44076

Dear Mr. ^{Jim}Bunting:

At the direction of the Board, I have been given the unenviable task of advising as to my opinion concerning the issue raised by Assateague Pointe, Inc. in the above referenced case. I will now do so.

Section ZS 1-312(d), concerning accessory buildings on campground sites located in a campground subdivision, provides that "[a]ccessory buildings may not be located in the front yard setback but are not subject to other setback requirements."

Section ZS 1-304(p)(2) provides that "[a]ccessory buildings shall be distant at least six (6) feet from any other building on the same lot"

The Applicant, Assateague Pointe, Inc., contends that 1-304(p)(2) is a setback requirement from which it is exempt. The Department contends that 1-304(p)(2) is a "separation" requirement, not a setback requirement. Accordingly, its position is that Assateague Pointe is not exempted from compliance with 1-304(p)(2).

The Department has relied upon the definition of "setback line" provided in Md. Code, *Courts and Judicial Procedures Article, §5-114 (a) (7)*, which provides that "setback line means the distance from a curb or shoulder of a highway, edge of a sidewalk, or property line beyond which any portion of a building or structure may not extend." Upon reflection, I believe that the Department's reliance on this section is misplaced. The section concerns a statute of limitations on bringing an action for violation of setback provisions. There are setback provisions in the zoning ordinance, i.e., stormwater management facilities, which oftentimes do not fit within this definition. The Department contends, and I believe rightfully so, that the purpose of 1-304(p)(2) is to provide for fire safety. Under rules of statutory construction, however, a statutory purpose is to be determined from the words of the statute itself, without resort to outside sources, unless the words are ambiguous. There is no ambiguity in 1-304(p)(2).

Sections 1-304(b), (c) and (d) set forth the method for determining front, rear and side yard setback lines, respectively. Section 1-304(e) provides as follows:

Determination of setback lines other than front, side and rear yard. Setbacks or buffer strips required by this Title, other than front, side and rear yard setbacks, shall be measured as the shortest distance between the point or line measured from any point on the use or structure subject to such setback requirement.

This section contemplates setback requirements other than the traditionally recognized yard setbacks, as indeed there are other types of setbacks in the zoning ordinance. Whether you call a "distance requirement" a setback or a separation, the result is the same. A use or structure may not extend into the prohibited area.

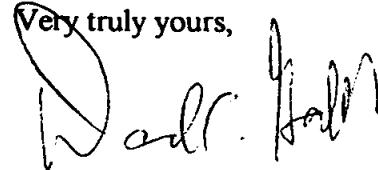
While I am not an architect, surveyor, engineer or any other type of expert, I simply have a problem in reconciling the Department's interpretation of 1-304(p)(2) with the requirements of 1-312(c)(1)(L.). That section requires each campsite to be 50 feet in width and 60 feet in depth. It also requires minimum setbacks of 10 feet in the frontyard, 7 feet in the left side yard, 3 feet in the right side yard and 7 feet in the rear yard. A copy of a site plan provided by Assateague Pointe is attached hereto. It seems to me that if a 6 foot separation requirement is applied, that in most instances it will be impossible to place a 8' by 10' accessory building as allowed by 1-312(d).

Finally, I am of the opinion that to hold that 1-304(p)(2) is a separation requirement rather than a setback requirement would be to champion form over substance. As the Court of Appeals stated in *Aspen Hill Venture v. Montgomery County*, 265 Md. 303, 313-14 (1972),:

In such a situation we must not forget the underlying principle that, "Such ordinances [zoning ordinances] are in derogation of the common law right to so use private property as to realize its highest utility, and while they should be liberally construed to accomplish their plain purpose and intent, they should not be extended by implication to cases not clearly within the scope of the purpose and intent manifest in their language."

The reality of this situation is that 1-304(p)(2) operates as a setback requirement. While the intent of the legislative body in enacting the section may well have been to provide for fire safety, that intent is not evident from a plain reading of the ordinance. Reluctantly, I conclude that campsite accessory buildings are exempt from the requirements of ZS 1-304(p)(2). I would, however, urge the Department to continue to seek a text amendment to somehow address the issue of fire safety in this area.

Very truly yours,



David C. Gaskill

DCG/bjw



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

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

(For Office Use Only – Please Do Not Write in this Space)

Date Received by Office of the County Commissioners _____

Date Received by Development Review and Permitting April 29, 2024

Date Reviewed by the Planning Commission July 3, 2024

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

- a. Resident of Worcester County: _____
- b. Taxpayer of Worcester County: ✓
- c. Governmental Agency: _____ (Name of Agency)

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

- a. Section Number: ZS 1-318(d)(1)E: (Campground Subdivisions)
- b. Page Number: _____
- c. Proposed revised text, addition or deletion:
Please see attached amendment
- _____
- _____
- _____
- _____

III. Reasons for Requesting Text Change:

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

Please see Attached document

IV. Signature of Applicants

Signature(s): Tracey L Barnhart

Printed Name(s): Tracey L Barnhart

Mailing Address: 4103 Belle Farms Court

Phone Number: 410-262-8990 Pylesville, MD. 21132

Email: brittysmom4ever@AOL.COM

Date: 4/29/2024

V. Signature of Attorney

Signature: _____

Printed Name: _____

Mailing Address: _____

Phone Number: _____

Email: _____

Date: _____

VI. General Information Relating to the Text Change Process

- a. Applications for text amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.

Current language in § ZS 1-318(d)(1)E:

"One detached accessory building, not to exceed eight feet by ten feet in size, may be located on each campsite in a campground subdivision. Accessory buildings may not be located in the front yard setback but are not subject to other setback requirements but shall be separated by not less than six feet from any other recreational vehicle, recreational park trailer, cabin or other structure on the same lot or any other lot. No accessory building may be used for human habitation or sleeping quarters. No accessory building may contain plumbing or plumbing fixtures."

Second Rough Draft Proposed:

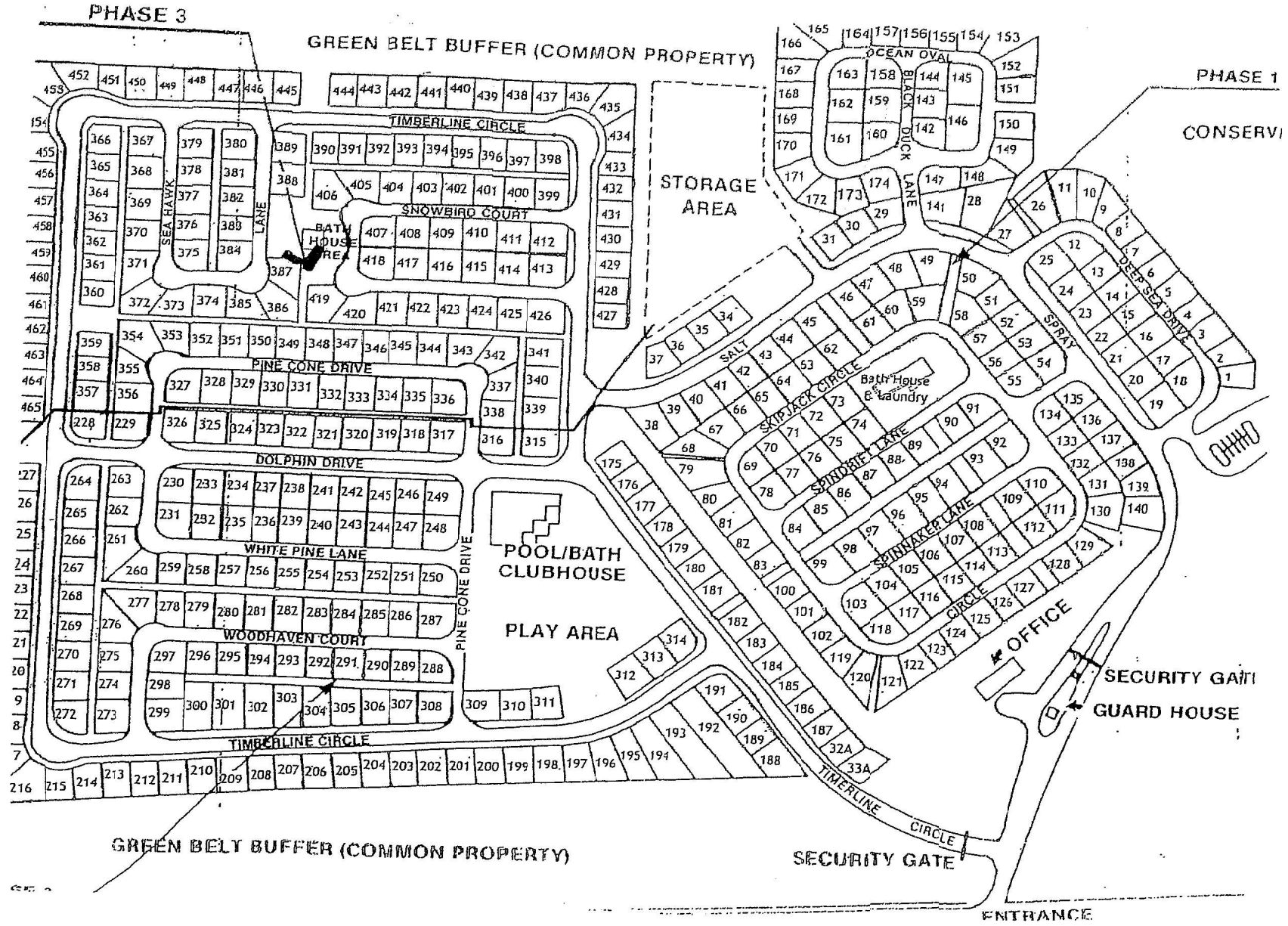
- E. One enclosed and one unenclosed detached accessory building may be located on each campsite in a campground subdivision.
 - 1. An enclosed building shall not exceed eight feet by ten feet in size.
 - 2. An unenclosed building shall not exceed twelve feet by twelve feet in size. Such structures may be covered with a roof but not enclosed with any material.
 - 3. Minimum lot requirements shall be: front yard setback, ten feet. No side or rear yard setbacks shall apply. There shall be no minimum separation distance required from buildings or structures on the same lot or any other lot.
 - 4. No accessory building may be used for human habitation or sleeping quarters, nor contain plumbing or plumbing fixtures.

- G. There shall be at least one off-street parking space but no more than two parking spaces for each campsite. At least one parking space must be provided on the campsite. Any additional parking may be provided in common parking areas located within six hundred feet of the campsite.

Reasons for Requesting Text Change:

This request is being submitted based on the county code that is currently in place regarding Accessory Structures in Campground Subdivisions ZS1-318. I am requesting a more stable type of Canopy/Gazebo's to be permitted, in place of pop-up Canopies/Gazebo's. The pop-up Canopy/Gazebo's are dangerous even when securely tied down, with a strong gust of wind, they can blow away which can cause property damage and injury to people. Also, there are many elderly people in these subdivisions that cannot put one of these pop ups up on their own daily, as they usually require more than one person to put them up and take them down. Due to the campground subdivision's being a vacation place, we need a structure to store items, and a place to sit in the shade outside. This is why I am requesting that we are to be allowed one (1) enclosed structure (Shed), and one unenclosed structure (Canopy/Gazebo's).

I have attached a map of White Horse Park properties to show that not all properties are the same size, which I have also requested for no setbacks for both structures, and have also requested one parking spot instead of two, so that owner's who do not meet these requirements may also be permitted to obtain a Canopy/Gazebo.





Worcester County Department of Environmental Programs

Worcester County Government Center, 1 West Market Street, Rm 1306 | Snow Hill MD 21863

Tel: (410) 632-1220 | Fax: (410) 632-2012

Memorandum

To: Weston S. Young, P.E., Chief Administrative Officer

From: Robert J. Mitchell, LEHS, REHS/RS
Director, Environmental Programs

A handwritten signature in blue ink, appearing to be "RJ Mitchell", is placed next to the "From:" line.

Subject: US Wind – Wetlands License Application
Recent MDE Responses on the Application

Date: 7/30/24

US Wind applied to the Maryland Department of the Environment (MDE) to construct the following on adjacent properties within the West Ocean Commercial Harbor:

- 353 foot long by 30 foot wide concrete pier with associated timber fenders, all within a maximum of 30 feet channelward of the mean high water line.
- Construct 383 linear feet of replacement steel bulkhead a maximum of 18 inches channelward of the mean high water line.

Recent postings to the MDE website indicate that MDE has made a recommendation to issue a State Water Quality Certification (WQC), which ensures the protection of waters of the State, and is necessary for activities requiring a U.S. Army Corps of Engineers Section 404 permit. This project did not qualify for approval under the Maryland State Programmatic General Permit (MDSPGP); therefore, a separate review and issuance of the federal permit will be required by the U.S. Army Corps of Engineers. The federal permit has not been given at this time. Hence, they are not currently authorized to do any work on this pier.

Additionally, this project required a Wetlands License to be approved and issued by the Maryland Board of Public Works (BPW). The BPW itself issues individual licenses for projects that do not qualify for a general license. MDE gives the application the initial review, prepares a report and recommendation, and forwards the report to the Board's Wetlands Administrator who, upon review, concurs with it or prepares his own recommendation. Then, the Wetlands Administrator submits the entire record to the Board of Public Works for consideration at an open meeting. Since MDE has issued its recommendation, we are at the stage where a new hearing at the BPW will be held after their staff has reviewed the MDE report and after the public notifications are completed to interested parties. The BPW will make the final State decision to issue or deny the Applicant's Wetlands license.

A quick review of the MDE findings and answers to public questions by the state and the applicant yielded the following:

1. The state included Special Conditions F, G, H, I, J, K, L, M, N, O, and P are included in the Wetland License to reduce and minimize impacts on tidal wetlands, marine life, and water quality.
2. The state anticipated no impacts to summer flounder breeding.
3. US Wind answered that no construction will take place until after the Year 2025.

4. Commercial Harbor access and traffic constraints, including width and depth concerns were considered but the state feels they are adequate as presented.
5. US Wind answered that larger vessels will not enter the harbor as they will be mobilized from different ports to offsite work areas.
6. The Special Conditions added to permit will require that site will need to have a state general industrial stormwater permit and plans for stormwater pollution prevention and hazardous materials spill prevention must be developed and maintained.
7. The license application was deemed complete by the state when US Wind submitted the final construction details needed on July 15th.
8. The most curious comments regarded impacts from the O&M facility that would displace the commercial fishing fleet and the loss of the fresh seafood they supply. This will result in the loss of jobs in both the wholesale and retail side of the seafood industry. The state indicated:
 - a. A Fisheries Compensation Agreement is being developed. Martin Fish Company and Southern Connection Seafood are private entities that are willing sellers. ***There have been no public outreach efforts we are aware of with the local commercial seafood operators in our local commercial fishery. Nothing has been presented to the public on any compensation agreement.***
 - b. The State also answered that the Bureau of Ocean Energy Management (BOEM) has statutory obligations under NEPA (42 U.S.C. §§ 4321 et seq.) to evaluate social and economic impacts of a potential project. Under BOEM's regulations, BOEM must coordinate with relevant Federal agencies, including those agencies involved in planning activities that are undertaken to avoid conflicts among users and to maximize the economic and ecological benefits of the OCS (30 CFR 585.102(a)(5)). The responses referred to Appendix G - Mitigation and Monitoring of the Draft Environmental Impact Statement. ***Review of that appendix of the EIS reveals a Fisheries Communication Plan with the Fisheries Liaison Officer. As with (a.) above, we are not aware of efforts to communicate with the public and local commercial fishermen concerning the future and compensatory efforts by US Wind. The quotations within the response to that question include references that the CM Commercial Marine District that they allege allows the proposed use. The proposed project effectively eliminates the commercial fishing industry's buy operations, which is in direct conflict with the purpose and intent of the zoning district to preserve the industry. The only compensatory efforts to date is loss of equipment/nets offshore by encounters with US Wind's survey vessels.***

This permit is now with the Maryland Board of Public Works. Their Wetlands Administrator is identified in the BPW recommendation and is accepting comments at the present time. Included as Attachment 1 is their letter with a comment deadline of August 20, 2024. Please let me know if you would like additional comments presented or would like information about the eventual meeting where this application will be reviewed.

Attachments:

1. MDE Response to Public Comments
2. MDE Wetland Report and Recommendation sent to Maryland Board of Public Works
3. MDE Water Quality Certification with notice that Corps needs to provide approval
4. BPW Letter to Parties Submitting Comments to MDE

Attachment 1

**MDE Response to Public
Comments**



Maryland
Department of
the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

COMMENTS RESPONSE

July 29, 2024

Re: Applicant: US Wind Inc
Property Address: 12929 & 12933 Harbor Rd
AI Number: 179399
Tracking Number: 202361274
Tidal Wetlands License Application Number: 23-WL-0813 & 24-WQC-0004

The Maryland Department of the Environment (“MDE” or “the Department”) received your comments regarding US WIND INC’s Joint Federal/State Application for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland (“Application”) received on September 7, 2023. The application proposes to construct a 353 foot long by 30 foot wide concrete pier with associated timber fenders, all with a maximum of 30 feet channelward of the mean high water line; and construct 383 linear feet of replacement steel bulkhead within a maximum of 18 inches channelward of the mean high water line.

Many comments were received during the Public Notice period which ended on June 7, 2024. Comments were grouped according to relevance (i.e. Environmental, Navigation, Economic, etc). Those comments received specific to the application for 23-WL-0813 are outlined below with the Department response.

Environmental:

1. The proposed pier and bulkhead will have negative impacts on the environment, specifically tidal wetlands, marine life, and water quality.

MDE Response: The application was screened by MDE during its initial receipt at which time no environmental resource impacts were identified. The application was also reviewed and found to be in compliance with COMAR 26.24.02.03, which includes review of whether the proposed activity will alter or destroy tidal wetlands. MDE review found that the proposed pier and bulkhead work is similar to other pier and bulkhead work completed in the vicinity and special conditions have been included in the wetland license to minimize impacts to tidal wetlands, marine life, and water quality.

Following the end of the Public Notice period the comments received were shared with Maryland Department of Natural Resources (DNR) which provided a response to the comments specific to natural resources. Special Conditions F, G, H, I, J, K, L, M, N, O, and P are included in the Wetland License to reduce and minimize impacts on tidal wetlands, marine life, and water quality.

1.1. There is a summer flounder breeding site there.

DNR Response: Summer flounder spawn offshore and not in the commercial harbor or Sinepuxent Bay. Currents carry larvae into the coastal bays via the inlet. Young-of-the-year flounders are documented in DNR's trawl and beach seine surveys from April through October. Adults use the coastal bays from about April through October. Larval Summer Flounder enters the bays from October through May with the greatest activity from February through May. MDE has included Special Conditions, F & I, in the Wetland License to minimize the potential discharge of sediment. DNR did not identify a need to recommend a Time of Year (TOY) restriction for summer flounder.

NOAA Response: The scale of the project is small enough that the impact on larval recruitment would possibly be small in scope depending on the amount of bottom disturbance. There are no known effects of siltation from piling driving activities. Based on similar past projects and dredging activities, NOAA does not anticipate adverse impacts on the flounder population from the construction activities.

1.2. Pier with damaging noise levels for humans and sea life.

DNR Response: DNR recommended some best management practices to minimize acoustic impacts from pile driving which include using vibratory hammers for some or all of the pile placement and construction phasing, using "soft start" or "ramping up" pile driving (e.g. driving does not begin at 100% energy), driving piles as deep as possible with a vibratory hammer prior to using an impact hammer, and using cushion blocks when using an impact hammer. These best management practices are included in the Special Condition P of the Wetland License.

1.3. This is a substantial tidal wetland area which needs to be protected.

MDE/DNR Response: The harbor has been developed and the project shoreline has been hardened with shoreline stabilization techniques such as revetment and bulkhead. Only pier and bulkhead work are proposed for this application. The applicant will be required to comply with all local, state, and federal regulatory requirements for construction activities outside of tidal wetland jurisdiction. Special Conditions F, G, H, I, J, K, L, M, N, O, and P are included in the Wetland License to reduce and minimize impacts to tidal wetlands.

1.4. A comprehensive independent environmental study to show the impact of this construction should be required and NEPA requires an independent environmental study, and this has not been done yet.

MDE Response: The proposed pier and bulkhead work does not require a comprehensive independent environmental study. Similar projects have been completed and are planned in the West Ocean City Commercial Harbor and did not require studies to be completed. Martin Fish Company completed similar pier work in recent years. Fisherman's Marina at the end of the harbor is nearly finished with their bulkhead project. The Natural Resources Police will be replacing the bulkhead and pilings at the Colonel Jack Taylor Boathouse. All of these projects include either pier and/or bulkhead work, none of which were part of a NEPA study. Pier and bulkhead work are typical activities that occur within tidal wetlands.

The US Army Corps of Engineers (USACE), the Bureau of Ocean Energy Management

(BOEM) and other federal agencies are reviewing the proposed offshore wind project, including all offshore work and facilities in Delaware. On Sept. 29, 2023, BOEM announced that the Notice of Availability of the Maryland Offshore Wind Draft Environmental Impact Statement (EIS) was published in the Federal Register on Oct. 6, 2023. The Draft EIS was made available for public comment until November 20, 2023. Information about the Draft Environmental Impacts can be found on the BOEM website [Maryland Offshore Wind Draft Environmental Impact Statement \(EIS\) for Commercial Wind Lease OCS-A 0490](#). For further information contact Jessica Stromberg, BOEM Office of Renewable Energy Programs, 45600 Woodland Road, VAM-OREP, Sterling, Virginia 20166, (703) 787-1722 or jessica.stromberg@boem.gov.

- 1.5. The proposed operating and service facility at this location will negatively impact marine species clams, SAV, and horseshoe crabs.

MDE Response: MD DNR commented that the commercial harbor is not a suitable habitat for clams, submerged aquatic vegetation (SAV), or horseshoe crabs. The harbor bottom is mud, and the frequent and constant vessel traffic continually churns up the bottom. There are no observed or mapped SAV beds within the last 5 years and the nearest SAV bed, observed in 2017, is greater than 500 yards south and on the opposite shoreline.

Several beaches in Sinepuxent Bay are used by horseshoe crabs for spawning including the beach right next to the pier and the beaches directly across from the end of the existing pier located on Assateague Island. Due to the proximity of this project to the small spawning beach, restricting the building between mid-May through mid-July would minimize disturbance to spawning horseshoe crabs due to physical disturbance and is addressed with special condition O in the Tidal Wetland License.

- 1.6. Will there be random water testing in and around the pier and harbor area?

MDE Response: Random water testing is not a requirement for typical pier and bulkhead work. Turbidity curtains will be required for demolition work as outlined in Special Condition F of the Tidal Wetlands License. Special conditions G, H, I, J, K, L, M, and N also address water quality concerns.

Economy:

2. The proposed pier and bulkhead will have negative impacts on the local tourism economy and residential property values.

MDE Response: The proposed pier and bulkhead work is similar in nature to other projects completed within the West Ocean City Commercial Harbor. The harbor area is zoned as CM Commercial Marine District. Per Worcester County Zoning and Subdivision Control Article § ZS 1-214 Purpose and intent, this district is intended to preserve and protect Worcester County's commercial fishing industry while allowing for commercial, industrial and recreational uses which of necessity must be located in close proximity to waterfront areas. Additionally, it provides for other compatible uses which may find a waterfront location desirable. Furthermore, it is the intent of this district that there shall be no basis, under this Title, for recourse against the effect of any normal commercial fishing or other commercial marine activity or operation as permitted in this

district, including but not limited to noise, odor, vibration, fumes, dust or glare.

- 2.1. Damaging noise levels for humans interfering with events, tourism, and businesses downtown.

MDE Response: Local and/or County Government may have restrictions for the timing of construction activities for noises generated from construction to not interfere with events, tourism, and businesses downtown.

US Wind has indicated that they do not plan to begin construction until after 2025.

- 2.2. Large-scale impact on local living conditions and the local economy by the pier.

MDE Response: A riparian property owner has the right to protect their property from erosion and the right to access the waterway. The proposed project is a reasonable exercise of those rights; replacing a deteriorating bulkhead and replacing an existing pier to provide access to the waterway. The use of the property is determined by the local authority, in this instance the county, which determines zoning, use restrictions, access to the property, and other considerations such as utilities including sewer and water access. The harbor is zoned for commercial and industrial activities by the county which can determine if the operations proposed by US Wind meet their zoning and use requirements.

- 2.3. The plan does not appear to address any probable accident on the pier, access road, or transport ship that would halt local commerce and tourist activities.

MDE Response: The applicant will be required to adhere to special conditions G, H and L in the tidal wetland license which will address the potential for spills of hazardous materials. Special condition G requires the development and approval of a Stormwater Pollution Prevention Plan (SWPPP), special condition H requires the applicant to submit a General Discharge Permit application to the Water and Science Administration, Industrial Discharge Permits Division and special condition L requires compliance with Oil Pollution Regulations.

- 2.4. The Operating and Maintenance Facility along with the transfer ships, on-loading and off-loading equipment, monitoring vessels, etc. will only further congest and disrupt the commercial fishing fleet that rely on the access of this harbor for their livelihood.

MDE Response: The project site has historically been used by commercial fishing fleets for loading and unloading of catch and supplies. While the type of activities at this location may change, the activities, loading and unloading of commercial vessels, will be similar to the current uses.

The harbor area is zoned as CM Commercial Marine District. Per Worcester County Zoning and Subdivision Control Article § ZS 1-214 Purpose and intent, this district is intended to preserve and protect Worcester County's commercial fishing industry while allowing for commercial, industrial and recreational uses which of necessity must be located in close proximity to waterfront areas. Additionally, it provides for other compatible uses which may find a waterfront location desirable. Furthermore, it is the intent of this district that there shall be no basis, under this Title, for recourse against the effect of any normal commercial fishing or other commercial marine activity or operation as permitted in this district, including but not limited to noise, odor, vibration, fumes, dust or glare.

- 2.5. The use of this pier by the applicant will most certainly result in the displacement of the commercial fishing fleet and the loss of the fresh seafood they supply. It will result in the loss of jobs in both the wholesale and retail side of the seafood industry. It will mean that locally sourced seafood will no longer be available for sale to many of our local eating establishments. The decrease in future revenue brought in by the commercial fleet in the way of seafood sales, fuel, ice, bait, dock rental, maintenance, etc. will have a negative impact on the county and its residents.

MDE Response: The application was reviewed and found to be in compliance with COMAR 26.24.02.03, which includes review of whether the proposed activity will eliminate or substantially reduce marine commerce, recreation, and aesthetic enjoyment, the proposed activity will impact local, regional, and State economic conditions and the proposed activity is consistent with State, federal, and local land use plans and laws, including Critical Area laws. The harbor area is zoned as CM Commercial Marine District. Per Worcester County Zoning and Subdivision Control Article § ZS 1-214 Purpose and intent, this district is intended to preserve and protect Worcester County's commercial fishing industry while allowing for commercial, industrial and recreational uses which of necessity must be located in close proximity to waterfront areas. Additionally, it provides for other compatible uses which may find a waterfront location desirable.

BOEM has statutory obligations under NEPA (42 U.S.C. §§ 4321 et seq.) to evaluate social and economic impacts of a potential project. Under BOEM's regulations, BOEM must coordinate with relevant Federal agencies, including those agencies involved in planning activities that are undertaken to avoid conflicts among users and to maximize the economic and ecological benefits of the OCS (30 CFR 585.102(a)(5)). More information can be found in Appendix G - Mitigation and Monitoring of the Draft EIS

DNR Response: A Fisheries Compensation Agreement is being developed. Martin Fish Company and Southern Connection Seafood are private entities that are willing sellers.

- 2.6. The concern of the industrialization of the harbor and the ocean.

US Wind Response: The O&M Facility is proposed in a working commercial harbor and is consistent with current marine use. Under the Worcester County zoning regulations (§ ZS 1-214), the sites are zoned Commercial Marine which is designated for the commercial fishing industry and "commercial, industrial, and recreational uses which of necessity must be located in close proximity to waterfront areas."

- 2.7. Concern the proposed activity will adversely impact property values because of sediment being stirred up and the channel being blocked by US Wind vessels.

MDE Response: The draft depth of the proposed Crew Transfer Vessels (CTVs) is 4 feet which is similar to or less draft than other vessels that frequently use the commercial harbor, including the commercial fishing fleet and larger recreational fishing vessels. Water depths adjacent to the proposed pier and bulkhead are a minimum of 6 feet at mean low water.

- 2.8. Concerns that the facility will decrease the restaurants and the businesses' revenues.

US Wind Response: The O&M Facility is proposed in a working commercial harbor and is consistent with current marine use. Under the Worcester County zoning regulations, the sites

are zoned Commercial Marine which is designated for the commercial fishing industry and "commercial, industrial, and recreational uses which of necessity must be located in close proximity to waterfront areas." In addition, the O&M Facility is proposed to be located within the West Ocean City Harbor which is characterized as an Intensely Developed Area.

- 2.9. Concern federal funding will be lost if commercial businesses are impacted. This funding is used to maintain the inlet.

MDE Response: The USACE is responsible for the maintenance of Federal Navigation Channels. The development of offshore wind farms and associated support networks can provide added incentive to have more timely maintenance of the Federal Navigation Channel.

Navigation:

3. The proposed pier and bulkhead will negatively impact navigable access to the harbor.

MDE Response: The proposed pier and bulkhead are subject to State law as outlined by Maryland State Article - Environment Title 16 -Tidal Wetlands and regulated by COMAR 26.24.02.03.

Navigational safety is one of the 19 factors in COMAR 26.24.02.03. The proposed work complies with State regulations and statute. Navigational safety is reviewed by the Department and the project was reviewed by MD DNR; no comments or concerns regarding navigation were forwarded from MD DNR.

- 3.1. Increased traffic and congestion at the inlet with the pier – a safety issue and crippling to those that fish the inlet and use it for business.

MDE Response: All activities proposed in, on, over, and under State or private tidal wetlands are regulated per COMAR 26.24.02.03. Specifically COMAR 26.24.02.03.B(13) In evaluating an application, the Department shall consider the degree to which navigational safety is affected. The current minimum width of the waterway from the existing pier to opposing structures to the north is approximately 186 feet. The proposed pier will be parallel to the existing shoreline and will not extend more than 30 feet channelward of the mean high water line. The waterway will be approximately 180 feet wide after the construction of the pier providing adequate space for vessels to navigate. The Federal Navigation Channel edge is 62 feet from the proposed structures. Proposed CTVs are a maximum of 33 feet wide and will be moored outside of the Federal Navigation Channel and associated turning basin with over 25 feet to the edge of the Federal Navigation Channel. With CTVs moored, there will be approximately 147 feet of open water between the channelward side of the CTVs and the nearest structure on the opposing shoreline.

- 3.2. The proposed activity will affect navigational safety and recreational access. The West Ocean City Harbor has a very high volume of commercial and recreation vessels entering and exiting throughout the day. The proposed project reduces the harbor opening width by 20 feet.

MDE Response: The current minimum width of the waterway from the existing pier to opposing structures to the north is approximately 186 feet. The proposed pier and associated structures will be parallel to the existing shoreline and will not extend more than 30 feet channelward of the mean high water line. The waterway will be approximately 180 feet wide after the construction of the pier. Proposed CTVs are a maximum of 33 feet wide and will be moored outside of the Federal Navigation Channel and associated turning basin. With CTVs moored there will be approximately 147 feet of open water between the channelward side of

the CTVs and the nearest structure on the opposing shoreline. CTVs are anticipated to depart in the morning and return in the evening.

- 3.3. Although the applicant only refers to Crew Transfer Vessels in the JP Application, the applicant's Construction and Operations Plan (COP) lists service operation vessels up to 262' long. Large vessels such as those will obstruct the channel when moored and when maneuvering.

US Wind Response: Larger deep draft vessels needed to support routine or unplanned maintenance activities involving larger parts and equipment that cannot be transported via CTV, would likely mobilize from additional ports. Major maintenance activities requiring deep draft vessels will be based out of Baltimore, MD and/or Portsmouth, VA. See BOEM website for Maryland Offshore Wind Construction and Operations Plan for Commercial Lease OCS-10490, <https://www.boem.gov/renewable-energy/state-activities/maryland-offshore-wind-construction-and-operations-plan>

- 3.4. The operation of the proposed 100' x 30' Crew Transfer Vessels (CTVs) will cause a significant disruption in the harbor. The vessels are notably larger than any of the commercial and recreational boats that currently use the harbor.

MDE Response: A review of aerial imagery shows vessels of similar dimensions using the harbor within the last 5 years. Some of these similarly sized vessels depart from and arrive in the harbor at least once daily. The Department is unaware of any incidents that have occurred within the harbor that have caused a significant disruption to the harbor from these vessels.

US Wind Response: Large construction vessels designed to carry wind turbine components such as monopiles, towers, and blades are expected to be based at the Sparrows Point Steel facility in Baltimore County or a similar large port designed to handle large components, not out of West Ocean City.

- 3.5. In order to maintain water depths for the larger vessels, increased dredging will be needed.

MDE Response: The draft of CTVs is approximately 4 feet. Existing water depths adjacent to the project site are at least 6 feet deep at mean low water. The USACE is responsible for dredging of the Federal Navigation Channel within the harbor.

- 3.6. The harbor is heavily traveled in the season with access by vessels from two marinas and one large public launching ramp, public fuel docks, as well as tie-up to restaurants and a marine store. Industrial activity by the US Wind facility would result in major navigation problems.

MDE Response: The activities associated with the proposed pier and bulkhead are consistent with current marine use and the application has been reviewed to ensure navigational safety will not be negatively impacted

The harbor area is zoned as CM Commercial Marine District. Per Worcester County Zoning and Subdivision Control Article § ZS 1-214 Purpose and intent, this district is intended to preserve and protect Worcester County's commercial fishing industry while allowing for commercial, industrial and recreational uses which of necessity must be located in close proximity to waterfront areas. Additionally, it provides for other compatible uses which may

find a waterfront location desirable.

- 3.7. Navigation in the harbor: With the increase in the width of the new bulkhead and US Wind's crew boats up to 10 meters wide (or approximately 33 feet) there is concern that more vessel traffic will move closer to the adjacent bulkhead. The wake is already a problem and will become more problematic with US Wind vessels closer.

MDE Response: The waterway will be approximately 180 feet wide after completion of the proposed pier and its associated structures from 186 feet. CTVs are approximately 33 feet in width so there will be approximately 147 feet of open water from the channelward side of a moored CTV to the opposing structures on the north side of the harbor. Boat captains are responsible for their wake and the local authority or DNR may impose stricter speed regulations within the harbor if needed.

Concerns about wakes generated can be relayed to Maryland DNRs Boating and Fishing Services Mike Lathroum at 410-260-8272 or email: kennethm.lathroum@maryland.gov.

The harbor area is zoned as CM Commercial Marine District. Per Worcester County Zoning and Subdivision Control Article § ZS 1-214 Purpose and intent, this district is intended to preserve and protect Worcester County's commercial fishing industry while allowing for commercial, industrial and recreational uses which of necessity must be located in close proximity to waterfront areas. Additionally, it provides for other compatible uses which may find a waterfront location desirable.

- 3.8. Has any sort of computational fluid dynamics model, or any sort of sediment model run for morphological purposes to identify projected impacts on the channel?

MDE Response: The Department does not require computational fluid dynamics modeling and/or sediment model runs for the proposed pier and bulkhead work.

- 3.9. Is there an official USACE survey for the entire harbor showing the Federal Channel from the beginning of the harbor to the bay?

MDE Response: Federal Navigation Channel maps are available online at <https://www.arcgis.com/apps/dashboards/4b8f2ba307684c597617bf1b6d2f85d>. The most recent survey of the Federal Navigation Channel from the beginning of the harbor to the bay and inlet was conducted March 26, 2024.

4. Construction activities, specifically pile installation, will cause damage to adjacent properties

MDE Response: Construction activities proposed to affect tidal wetlands will be performed by a Licensed Marine Contractor using best management practices (See Special Condition C).

- 4.1. What is the number and size of the steel piles?

US Wind Response: US Wind has proposed approximately 185 steel support piles, spaced 10 feet apart, with pile diameter between 12 to 18 inches.

- 4.2. What measures will be taken to protect adjacent properties from damage?

MDE Response: Best management practices should be employed for all construction

activities. Special condition C requires all work performed under this Wetland License to be conducted by a marine contractor licensed by the Marine Contractors Licensing Board (MCLB) in accordance with Title 17 of the Environment Article of Annotated Code of Maryland. Activities proposed related to pier and bulkhead work are similar in nature to other projects recently completed in the commercial harbor. The Department is unaware of any damage caused by construction of similar projects in the vicinity, including pier work that was performed at the same property by Martin Fish Company.

- 4.3. What measures will be employed to reduce and contain sediment disturbance during construction?

MDE Response: Special conditions will be included in the Wetland License and associated Water Quality Certification requiring turbidity curtains to be deployed during demolition to minimize impacts from sediment (see Special Condition F). Any work in the uplands and within the critical area buffer will require additional local and State authorizations such as an approved Erosion and Sediment Control Plan and Buffer Management Plan (See Special Condition B and J).

- 4.4. Will vibration from the pile installation cause cracks or other damages to homes' walls, ceramic flooring, foundations, or slabs? Will vibration monitors be provided to homeowners?

MDE Response: Best management practices should be employed for all construction activities as all work will be completed by a licensed marine contractor (See Special Condition). Activities proposed related to pier and bulkhead work are similar in nature to other projects recently completed in the commercial harbor. The Department is unaware of any damage caused by construction of similar projects in the vicinity, including pier work that was performed at the same property by Martin Fish Company.

- 4.5. Concerns the pile driving activity adversely impacts well water quality or flow during the construction or in the future.

MDE Response: Piles are proposed to be installed to a maximum depth of 100 feet which is shallower than existing local aquifers. Therefore, pile driving activities should not impact well water quality or flow during the construction or in the future.

5. Concerns about the application process

MDE Response: The application process for the proposed pier and bulkhead associated with 23-WL-0813 are consistent with the State law and regulations.

- 5.1. Ocean City notes that the amended application significantly changed the project and the amended application was not made available to the public until just before the scheduled hearing. This did not afford adequate time for public review of the changes. MDE should readvertise and reschedule a new public hearing based on the revised application and that hearing should take place in the north end of Worcester County.

MDE Response: As part of the application review process, applicants routinely revise plans as a result of MDE's comments, other agency comments, or comments received during the public participation process. A reduction in the scope of work does not require the need for a readvertisement and rescheduling of the associated public hearing. The application review

including public notice and the public information hearing are consistent with COMAR requirements.

- 5.2. No contractors have been identified to do the pier and piling work.

MDE Response: Contractors are not required to be identified during the application process. However, State law and regulations require that all work performed within tidal wetlands be performed by the property owner or a Licensed Marine Contractor (Special Condition C).

- 5.3. Unclear if the application is only for the repair and extension of the current pier.

MDE Response: The current plans, as they will be forwarded to the Board of Public Works for their review, propose to replace 383 feet of deteriorated bulkhead and revetment with steel sheet piles and to construct 353 feet of pier parallel to the harbor channel, not to exceed more than 30 feet channelward of the mean high water line. The most recent plans are available for review on MDEs US Wind website, <https://mde.maryland.gov/programs/water/WetlandsandWaterways/Pages/US-Wind-Inc.aspx>.

- 5.4. How far into the settlement are they with the properties for (indiscernible) and if so, how can they apply for permits when they don't have ownership of a piece of real estate?

MDE Response: The applicant can apply on behalf of the property owner with the property owners consent. The property owners for both 12929 and 12933 Harbor Road have included their signatures with the application.

- 5.5. Are there any vehicles going to be driven on the pier?

US Wind Response: Yes, vehicles such as trucks will be driven onto the pier for loading and unloading of CTVs. Additionally, since the plans no longer propose permanent cranes to be constructed on the pier, mobile cranes will also be driven onto the pier for loading and unloading.

6. Concerns about the plans and the means and methods of construction.

MDE Response: The plans provided with this application are for the review and approval of proposed impacts in, on, over, or under State or private tidal wetlands. The Department's Tidal Wetlands Division reviews those proposed impacts which on this project are channelward of the mean high water line. Those activities proposed landward of the mean high water line are reviewed under the jurisdiction of other State agencies or by the appropriate local government agency. Erosion and Sediment Control plans associated with construction in uplands will need to be reviewed and approved by the Worcester County Soil Conservation District and all construction activities will need to be reviewed and approved by Worcester County Department of Planning and Zoning.

- 6.1. How high are the cranes going to be on the piers and how high and how far they're going to stick out over the water?

US Wind Response: US Wind will not be constructing permanent cranes on the pier. Mobile cranes will be used for the loading and unloading of CTVs and will be removed from the pier at the conclusion of loading/unloading activities. When mobile cranes are in use the anticipated height of the extended boom will be less than 45 feet and will only extend to the

mid-beam of the moored CTV for safe loading/unloading.

6.2. There are no full construction plans

MDE Response: Full construction plans are not required as part of the State Tidal Wetlands License, only plans showing impacts to tidal wetlands are required for the Department's review. Full construction and engineered plans may be required as part of an approved erosion and sediment control plan for activities proposed in uplands. Those activities proposed landward of the mean high water line are reviewed under the jurisdiction of other State agencies or by the appropriate local government agency. Erosion and Sediment Control plans associated with construction in uplands will need to be reviewed and approved by the Worcester County Soil Conservation District and all construction activities will need to be reviewed and approved by Worcester County Department of Planning and Zoning.

6.3. Who is the construction company?

US Wind Response: US Wind has not identified a construction company at this time. State law and regulations require that all work performed within tidal wetlands be performed by the property owner or a Licensed Marine Contractor (Special Condition C).

6.4. What are the demolition plans/details?

MDE Response: The Department does not require demolition plans. However, special conditions within the authorization will require the use of turbidity curtains during removal and construction of the authorized activities to minimize impacts (Special Condition F).

6.5. How are they planning to do the construction?

MDE Response: State law and regulations require that all work performed within tidal wetlands be performed by the property owner or a Licensed Marine Contractor. US Wind will be using a Licensed Marine Contractor for the authorized work in tidal wetlands (Special Condition C). Special Condition E requires the removal of an existing pier and associated structures prior to the commencement of the construction of a new pier. Special Condition H requires completion of the bulkhead prior to filling behind the bulkhead. Special Condition J requires an approved erosion and sediment control plan which includes a sequence of construction.

6.6. What kinds of cranes will be used to drive the pile?

MDE Response: There are no crane limitation requirements recommended and typical marine contracting equipment necessary to install the piles will be utilized.

6.7. The amended application dated March 15, 2024, lacks the following information required by the application checklist:

- Distances to all structures
- Property boundaries and adjacent property owners
- A section view showing all existing conditions and structures
- Water depths are not shown on the plan view
- Distance across the waterway show on a plan view
- Plans do not show piling size, quantity, or spacing
- Section view does not give any dimensions for the steel sheet piling

- Bulkhead tie backs are not shown which will increase the area of disturbance.

MDE Response: The plans have been updated to include the information necessary for the Department to review and make a determination on the proposed project.

7. Concerns about operations at the Operation and Maintenance Facility

MDE Response: The O&M facility is proposed in a working commercial harbor and is consistent with current marine use. Under the Worcester County zoning regulations, the sites are zoned Commercial Marine which is designated for the commercial fishing industry and "commercial, industrial, and recreational uses which of necessity must be located in close proximity to waterfront areas." In addition, the O&M facility would be located within the West Ocean City Harbor which is characterized as an Intensely Developed Area under the MD DNR Critical Area Program.

Special Condition G requires the submission of a Stormwater Pollution Prevention Plan (SWPPP) for the proposed Operations and Maintenance facility to the Water and Science Administration, Tidal Wetlands Division, for review and approval prior to the commencement of operations at the facility. Special Condition H requires the submission of a General Discharge Permit application to the Water and Science Administration, Industrial Discharge Permits Division for review and approval, as determined necessary, prior to the commencement of work at the facility. Special condition

7.1. Will there be hour limits on the boats coming and going?

MDE Response: No, there will be no time limit recommendations for the boats coming and going as this is not something required for any other vessels currently using the commercial harbor and is not part of our jurisdictional purview, but it may be part of the local permitting and zoning authority regulations governing a commercial harbor or marina.

7.2. What is the purpose of the pier?

- Is it only for moving tools to and from the wind turbines?
- Are the wind turbine tools only for Delaware work?

US Wind Response: The O&M Facility and pier will support the transfer of technicians, tools, and spare parts for the operation of the offshore wind farm. The pier will be primarily used by dedicated CTVs specifically designed for this work, although survey or scout vessels employed by the project may occasionally use the O&M Facility.

7.3. Will there be utilities and where on the pier?

MDE/US Wind Response: Yes, utilities such as water and electricity are likely to be present on the pier. The locations of utilities should be included in construction plans which will need to be reviewed and approved by the appropriate local government entity.

7.4. Will there be fueling of vessels or equipment on the pier? Will there be any hazardous waste such as fuels, solvents, or lubricants stored, loaded, or unloaded on the pier?

US Wind/MDE Response: Yes. Fueling of vessels will likely be fueled by trucks. US Wind will be required to coordinate with the Department's Wastewater Permits Program to determine the need for an Industrial Discharge Permit for the activities proposed at this location

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(Special Condition H).

7.5 Will sewage be removed from vessels while moored?

US Wind Response: Yes, vessels will likely have sewage removed by truck.

7.6. Will there be a stormwater management plan for the runoff from the pier?

MDE Response: US Wind will be required to develop a Stormwater Pollution Prevention Plan (SWPPP) and submit an application to MDE's Industrial Discharge Permits Division for determination if their operations will require an Industrial Discharge Permit from the Department. If it is required, US Wind shall obtain the applicable Permit prior to commencement of operations (Special Condition G, H, and L).

7.7. Will there be structures on the pier?

US Wind Response: No structures are proposed on the pier.

Attachment 2

**MDE Wetland Report and
Recommendation sent to
Maryland Board of
Public Works**

**WATER AND SCIENCE ADMINISTRATION
TIDAL WETLANDS DIVISION**

Wetland Report and Recommendation

State Wetlands Case No:

23-WL-0813

Applicant: US Wind Inc
c/o Jeffrey Grybowski
401 E Pratt St, Ste 1810
Baltimore, Maryland 21202
410-727-4020
j.grybowski@uswindinc.com

Agent: McCormick Taylor Inc
c/o Megan Welling
1501 S. Clinton St., Suite 1150
Baltimore, Maryland 21224
667-219-3914
mawelling@mccormicktaylor.com

Date Application Received: September 08, 2023 Public Notice Required? Yes

Comment Period Closing Date: June 7, 2024

Maryland Coordinates: 75014 x 565924

Book Map Coordinates: Worcester Co. ADC Map Num: 0 Ed: Coord: 0 X

Location of Proposed Work: 12929 & 12933 Harbor Road, Ocean City, MD 21842

Purpose of Proposed Work: To replace and rebuild an existing pier and bulkhead proposed to be part of US Wind's Operation and Maintenance (O&M) Facility.

Description of Authorized Work:

1. Construct a 353 foot long by 30 foot wide concrete pier with associated timber fenders, all within a maximum of 30 feet channelward of the mean high water line.
2. Construct 383 linear feet of replacement steel bulkhead within a maximum of 18 inches channelward of the mean high water line.

Waterbody: Sinepuxent Bay

Requires Water Quality Certification?: Yes, WQC was issued on July 8, 2024 by MDE.

Qualifies for Maryland State Programmatic General Permit?: No, Alternate (Alt) review with the USACE processing as an Individual Permit (IP).

Area of Vegetated Wetland Impacts Requiring Mitigation: 0 s.f.

Area of Open Water Tidal Wetlands Requiring Mitigation: 0 s.f.

Area of Wetlands Created: 0 s.f.

Was the Applicant's Original Project Modified?: Yes, the applicant reduced the length of the existing pier to be replaced from 625 feet to 353 feet to keep the proposed work outside of the Federal Channel. The plans were also revised to reflect site conditions after the applicant discovered the existing shoreline was further

landward than previously documented.

The original plans proposed to replace the existing deteriorated pier within its entire length of 625 feet and widen the pier and associated wave breaks and timber fenders to 32 feet along its entire length. The associated 435 feet of bulkhead was proposed to be replaced with steel sheet piles not more than 18 inches channelward of the mean high water line. The plans were revised on March 15 which reduced the proposed impact footprint of the project. The March 15 plan revisions reduced the length of the proposed pier work from 625 feet to 174 feet and the length of bulkhead replacement was reduced from 435 feet to 383 feet. Subsequent revisions were made to confirm and clarify work extents which confirmed the landward extent of the bulkhead and that the entire length of the pier to be replaced on the March 15 revision was over water, thus the length of the pier to be replaced was updated to 353 feet. The revisions address questions and comments from MDE to clarify the jurisdictional boundaries of existing structures proposed to be replaced, however, the overall proposed impacts to tidal wetlands remains the same.

Department Comment: US Wind has applied for authorization to replace a deteriorated pier and bulkhead at the southern entrance of the West Ocean City Commercial Harbor. The replacement pier and bulkhead are proposed in conjunction with US Wind's proposed Operation and Maintenance (O&M) facility. The two properties where the work is proposed are 12929 & 12933 Harbor Road and the properties are currently occupied by Martin Fish Company LLC and Southern Connection Seafood, respectively.

As required by § 5-204 (b) of the Environment Article, the Department drafted and issued a public notice by posting the public notice on its WEB site from February 15, 2024, to March 15, 2024, and publishing the public notice for the proposed project in Worcester County Times on February 22, 2024. In addition, the public notice was provided to adjacent property owners listed on Attachment A.

A pre-scheduled public informational hearing was held on March 25, 2024, at Wor Wic Community College. The hearing was attended by 179 interested parties and 43 interested parties provided oral testimony. 40 of the interested parties spoke in opposition to the project while 3 of the interested parties spoke in support. 168 people signed in prior to the hearing with 68 people indicating they were against the project, 17 people were for the project, and 83 people did not indicate whether they were for or against the project. The 179 interested parties number comes from a head count that was conducted at the beginning of the hearing once all public participants were seated. There were 11 attendees that did not sign-in.

Several elected officials and government representatives spoke in opposition to the project including Weston Young, Chief Administrative Officer for the Worcester County Commissioners; Terry McGean, City Manager for the town of Ocean City speaking for Mayor Rick Meehan; Pat Schrawder, District Representative for Senator Mary Beth Carozza; and Bill Reddish, Representative for Congressman Andy Harris.

The majority of testimony was in opposition to offshore wind development and the general mistrust of US Wind, however, some comments were related to the Wetlands License impacts and hearing which include the following:

- The hearing location was not in Worcester County but in Wicomico County;
- The project has been reduced in impact and the hearing should have been postponed and rescheduled due to the modification;
- Concern on the adverse aquatic species impact during construction;
- Adverse impacts to navigation and from dredging;
- Impacts to neighboring communities during construction – damage to homes and businesses from vibration;
- Incomplete plans or missing information; and
- Adverse impacts to water quality from industrial use at the site.

The original comment period ended on April 9, 2024. Due to concerns received, specifically from Congressman Andy Harris' office, about the location of the Public Hearing being unfair because the proposed

work is located in Ocean City and interested parties living in Ocean City had to drive 30 miles to Wor Wic Community College. Congressman Harris' office reached out to MDE's Secretary's Office and requested another public hearing because of these concerns. The Department determined not to hold another Public Hearing as all statutory and regulatory requirements associated with the hearing were satisfied, however, did agree to extend the public comment period until June 7, 2024. MDE reached out to all interested parties to notify of the comment period extension.

In addition to the 179 interested parties identified at the March 25 Public Hearing a total of 202 emails and 7 letters were received (some letters were received as attachments to emails) prior to the public comment period deadline. Some of the correspondence received during the public comment period were from interested parties that attended the hearing. Of the correspondences received during the public comment period 119 were in opposition to the project, 81 were in support of the project and 3 were neutral. Again, not all comments received were specific to the proposed pier and bulkhead work. Many comments received were specific to the development of offshore wind farms in general. 37 of the 119 correspondences received in opposition were specific to the application. A list of the interested parties is included in Attachment B.

Comments received specific to the application were reviewed and summarized together into a letter that was provided to US Wind, DNR, and Worcester County to provide responses. The letter was provided on June 26, 2024 and the recipients were given 14 days to respond. Both US Wind and DNR responded before the 14 day deadline. Worcester County did not provide a response prior to the deadline. A copy of the MDE comment response letter is included in Attachment C.

Several of the comments received are addressed by including special conditions.

- Specifically, special conditions F, G, H, I, J, K, L, M, and N are included to reduce and minimize impacts to water quality
- The Maryland Department of Natural Resources (DNR) reviewed the proposed project and recommended a time of year restriction for construction from May 15 to July 15 of any year to protect spawning horseshoe crabs. This is addressed in Special Condition O.
- DNR also recommended best management practices to reduce acoustic impacts associated with construction activities on marine life. The best management practices include using vibratory hammers for some or all of the pile placement and construction phasing to minimize acoustic impacts, using a "soft start" or "ramping up" pile driving (e.g., driving does not begin at 100%), driving piles as deep as possible with a vibratory hammer prior to using an impact hammer, and using cushion blocks when using an impact hammer. These best management practices are included in Special Condition P.

The Maryland Historical Trust reviewed that proposed project and determined that there are no historic properties affected by this undertaking.

The evaluation of this project has taken into account ecological, economic, recreational, developmental, and aesthetic considerations appropriate for this proposal as well as other requirements set forth in the Code of Maryland Regulations. To ensure that impacts to resources are avoided and minimized to the maximum extent possible, ensure that all work is performed in accordance with critical area and local regulations, and to address comments received during the public comment period, the Department has recommended a number of special conditions. Provided all general and special conditions are adhered to, the work proposed will not cause significant deleterious impacts to marsh vegetation, submerged aquatic vegetation, finfish, shellfish, or navigation.

Project Justification: In consideration of the site characteristics and the nature of the proposed work, the Department concludes that the application represents a reasonable exercise of riparian rights.

SPECIAL CONDITIONS:

- A. The Maryland Department of the Environment has determined that the proposed activities comply with, and will be conducted in a manner consistent with the State's Coastal Zone Management Program, as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended.
- B. The Licensee shall comply with all Critical Area requirements and obtain all necessary authorizations from local jurisdiction. This License does not constitute authorization for disturbance in the 100-foot Critical Area Buffer. "Disturbance" in the Buffer means clearing, grading, construction activities, or removal of any size of tree or vegetation. Any anticipated Buffer disturbance requires prior written approval, before commencement of land disturbing activity, from local jurisdiction in the form of a Buffer Management Plan.
- C. If the authorized work is not performed by the property owner, all work performed under this Tidal Wetlands License shall be conducted by a marine contractor licensed by the Marine Contractors Licensing Board (MCLB) in accordance with Title 17 of the Environment Article of Annotated Code of Maryland. A list of licensed marine contractors may be obtained by contacting the MCLB at 410-537- 3249, by e-mail at MDE.MCLB@maryland.gov or by accessing the Maryland Department of the Environment, Environmental Boards webpage.
- D. The issuance of this license is not a validation or authorization by the Department for any of the existing structures depicted on the plan sheets on the subject property that is not part of the authorized work description, nor does it relieve the Licensee of the obligation to resolve any existing noncompliant structures and activities within tidal wetlands.
- E. The Licensee shall remove an existing pier and associated structures prior to the commencement of the construction of a new pier.
- F. The Licensee shall deploy a turbidity curtain around the entire area of demolition to contain any fine materials that may be generated during the process of demolition prior to the commencement of work.
- G. The Licensee shall submit a Stormwater Pollution Prevention Plan (SWPPP) for the proposed Operations and Maintenance facility to the Water and Science Administration, Tidal Wetlands Division, for review and approval prior to the commencement of operations at the facility.
- H. The Licensee shall submit a General Discharge Permit application to the Water and Science Administration, Industrial Discharge Permits Division for review and approval, as determined necessary, prior to the commencement of work at the facility. The Licensee shall send confirmation to the MDE, Tidal Wetlands Division.
- I. The Licensee shall complete the construction of the bulkhead prior to filling behind the bulkhead. The bulkhead shall be designed and constructed to prevent the loss of fill material to waters of the State of Maryland. Only clean fill, which is free of organic, toxic, contaminated, or deleterious materials, shall be used.
- J. The Licensee shall perform all works in accordance with the required Soil Erosion and Sediment Control Plan as approved by the County Soil Conservation District for the County in which the works are performed.

ITEM 18

- K. The Licensee shall assure that there is no discharge of sanitary wastewater from any boat or vessel moored, berthed, or docked at this mooring or docking facility, except as prescribed by federal or State regulations.
- L. The Licensee shall assure that the storage and handling of petroleum products shall be in strict accordance with the Oil Pollution Regulations of the Maryland Department of the Environment. The Licensee shall employ measures to prevent and control spills of fuels or lubricants from entering the waters of this State.
- M. The Licensee shall assure that all boat maintenance at the pier shall be restricted to those activities that can be performed without materials entering the waterway.
- N. The Licensee shall assure that trash and garbage containers will be conveniently located and the facility owner/operator shall be responsible for adequate disposal of collected materials. Such waste shall not be discharged to the waterway.
- O. The Licensee shall not perform any in water work from May 15th through July 15th of any year due to horseshoe crab spawning.
- P. To minimize acoustic impacts on marine life the Licensee should use best management practices such as using vibratory hammers for some or all of the pile placement and construction phasing to minimize acoustic impacts, using a “soft start” or “ramping up” pile driving (e.g., driving does not begin at 100% energy), driving piles as deep as possible with a vibratory hammer prior to using an impact hammer, and using cushion blocks when using an impact hammer.

DEPARTMENT OF THE ENVIRONMENT APPROVAL:

R Miles Simmons

Robert M Simmons, Natural Resource Planner
Tidal Wetlands Division

Jul 25, 2024

DATE

Heather Nelson

Heather Nelson, Program Manager
Wetlands and Waterways Protection Program

Jul 25, 2024

DATE

[Signature]

D. Lee Currey, Director
Water and Science Administration

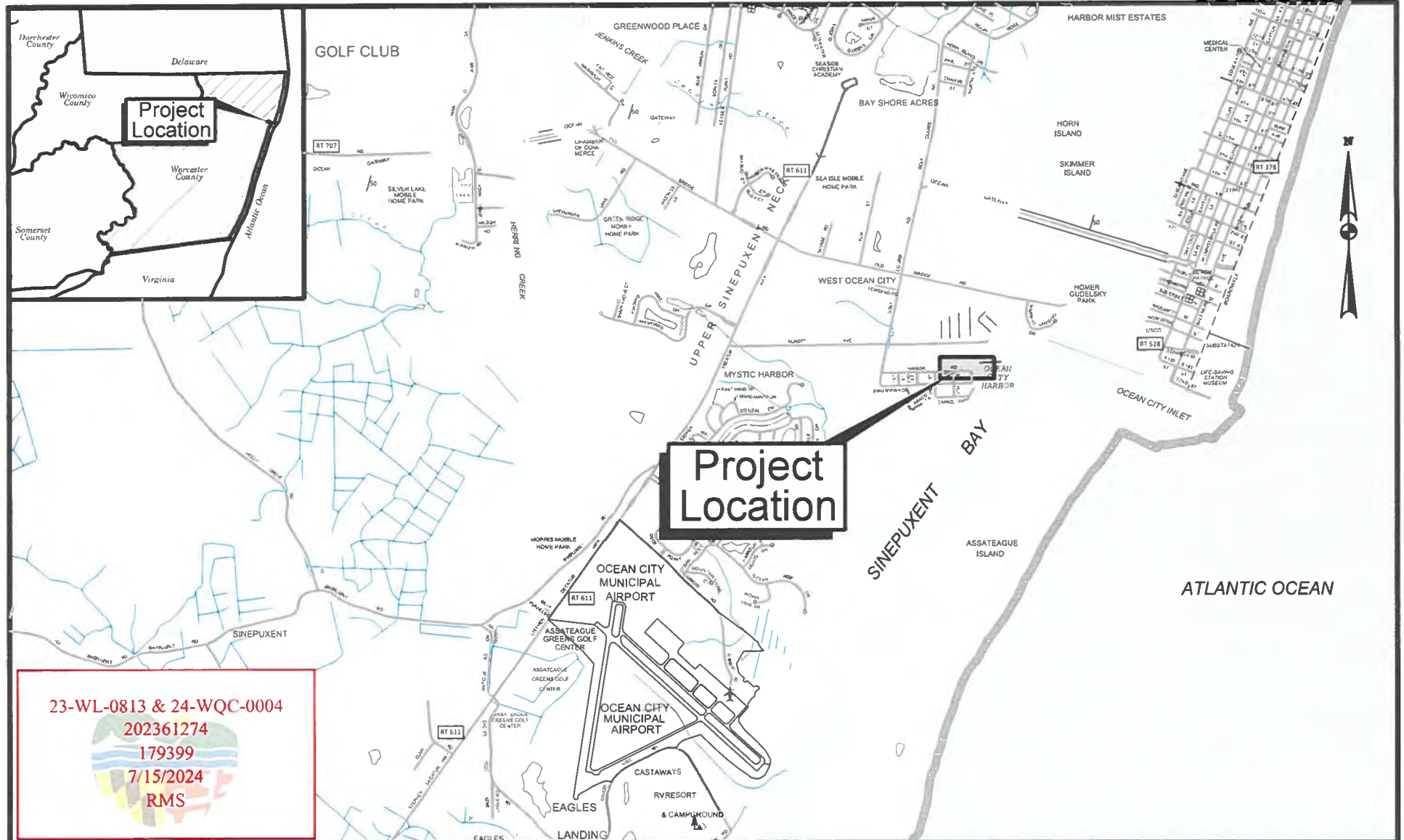
Jul 25, 2024

DATE

WETLANDS ADMINISTRATION CONCURRENCE:

William Morgante, Wetlands Administrator
Board of Public Works

DATE



US WIND, INC.
401 EAST PRATT
STREET, SUITE 1810
BALTIMORE, MD
21202



Revisions

- Revision 1: Update to Pier Length and Associated Impacts (3/2024)
- Revision 2: Updated Wharf dimensions and impacts (4/30/2024)
- Revision 3: Revised Existing Conditions - Bulkhead (6/03/2024)
- Revision 4: Added Typical Tieback Detail, added existing MHWL, and identified the proposed pier in the legend (7/15/2024)

WORCESTER COUNTY

OPERATIONS AND MAINTENANCE FACILITY PIER INSTALLATION











LOCATION MAP

SCALE: 1" = 2,500'

DATE: JULY 2024

PLATE 01 of 07

LEGEND

	Mean High Water Elevation (0.84' NAVD88 per Spencer Rowe Inc Report, August 2022)
	Mean Low Water Elevation (-1.58' NAVD88 per Spencer Rowe Inc Report, August 2022)
	Approximate Mean High Water Elevation (Northern Boundary)
	Approximate Mean Low Water Elevation (Northern Boundary)
	18 inch Bulkhead Repair
	New Timber Fender System
	New Cleat
	Proposed Pier: Estuarine Subtidal Unconsolidated Bottom (E1UBL) - Permanent Impact
	Limit of Federal Channel
	Property Line

Operations & Maintenance Facility

Plate Number	Name	Permanent Impact (SF)		
		Bulkhead	Pier	TOTAL
04	Estuarine Subtidal Unconsolidated Bottom (E1UBL), Section B-B	306	3,811	4,117
	Estuarine Subtidal Unconsolidated Bottom (E1UBL), Section A-A	268.5	4,951.5	5,220
Totals		574.5	8,762.5	9,337

NOTES

- No dredging is proposed for construction or operation of the pier as shown herein.
- Existing concrete wharf (B-B) is approximately 21 ft wide by 180 ft long (approximately 3,780 SF).
- Bulkhead repairs will be performed by placing sheet piling a maximum of 18 inches beyond the existing face and filling the void between the two before being capped.
- New straight and uniform steel sheet pile bulkhead will be placed 18 inches beyond current deteriorating and multi-material bulkhead under the concrete wharf in Section B-B. New fixed concrete wharf will replace existing fixed concrete wharf in Section B-B.
- The MHW and the MLW on the northern boundary of the channel is approximate based upon aerial imagery.
- Spot elevations in the channel shown on Plate 03 with an 'x' are based on bathymetric survey (May 2023).
- Tiebacks, if necessary, will be installed utilizing standard installation procedures and best management practices.
- Notional Crew Transfer Vessels (CTVs) shown on Plate 4 are approximately 100' x 33' x 5'.
- Support Steel Piles: Approximately 185, spacing of 10', diameter 12-18"
- Timber Fender Piles: Approximately 72, spacing of 5', diameter 12-18"
- Sheet Pile: 383 linear feet

23-WL-0813 & 24-WQC-0004

202361274

179399

7/15/2024

RMS



US WIND, INC.
401 EAST PRATT
STREET, SUITE 1810
BALTIMORE, MD
21202

Revisions

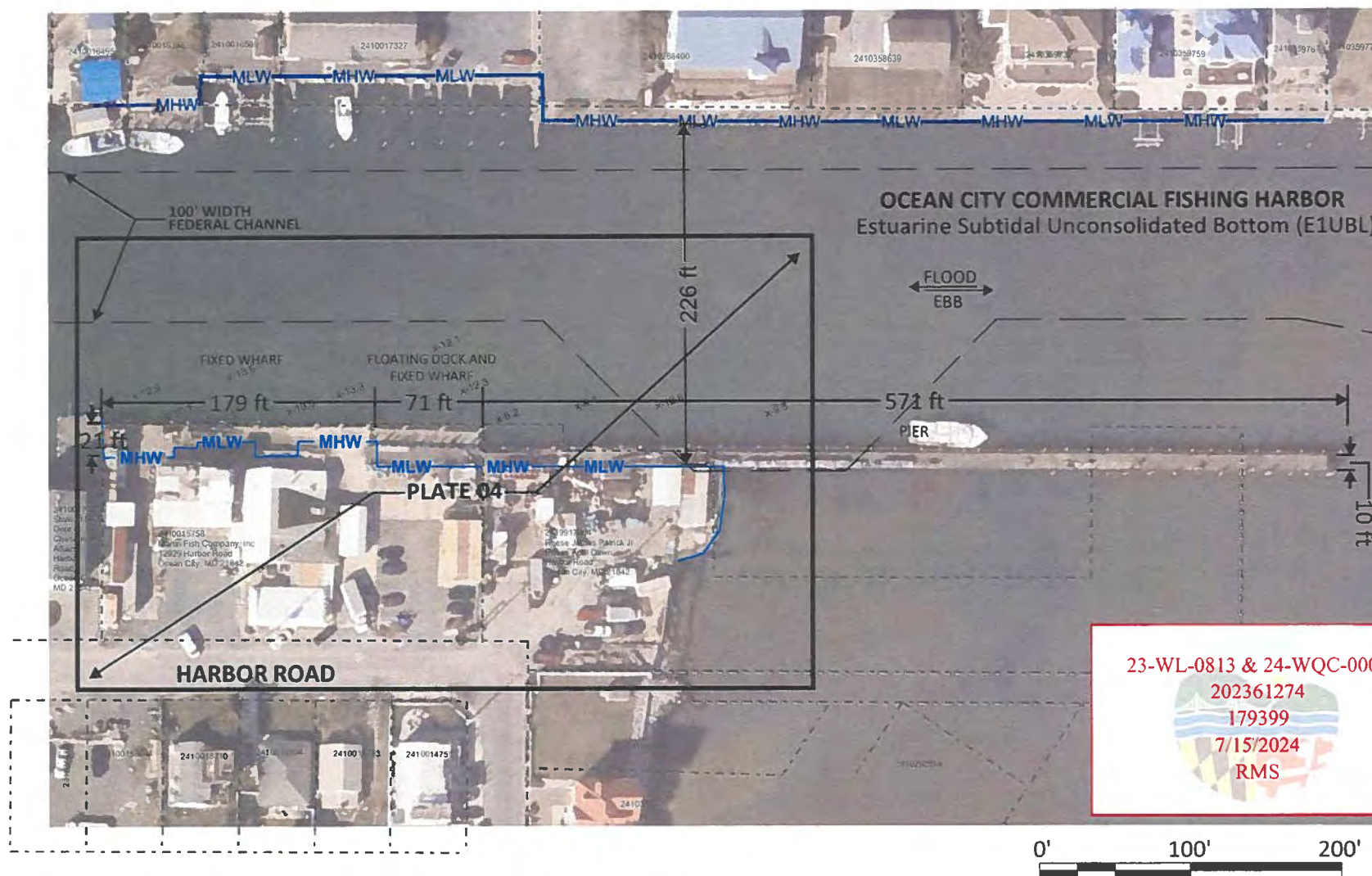
Revision 1: 3/24
Revision 2: 4/30/24
Revision 3: 6/03/24
Revision 4: 7/15/24

WORCESTER COUNTY
**OPERATIONS AND MAINTENANCE FACILITY
PIER INSTALLATION**
**LEGEND AND NOTES**

NOT TO SCALE

DATE: JULY 2024

PLATE 02 of 07



US WIND, INC.
401 EAST PRATT
STREET, SUITE 1810
BALTIMORE, MD
21202



Revisions

Revision 1: Update to Pier Length and Associated Impacts (3/2024)
Revision 2: Updated Wharf dimensions and impacts (4/30/2024)
Revision 3: Revised Existing Conditions - Bulkhead (6/03/2024)
Revision 4: Added Typical Tieback Detail, added existing MHWL, and identified the proposed pier in the legend (7/15/2024)

WORCESTER COUNTY

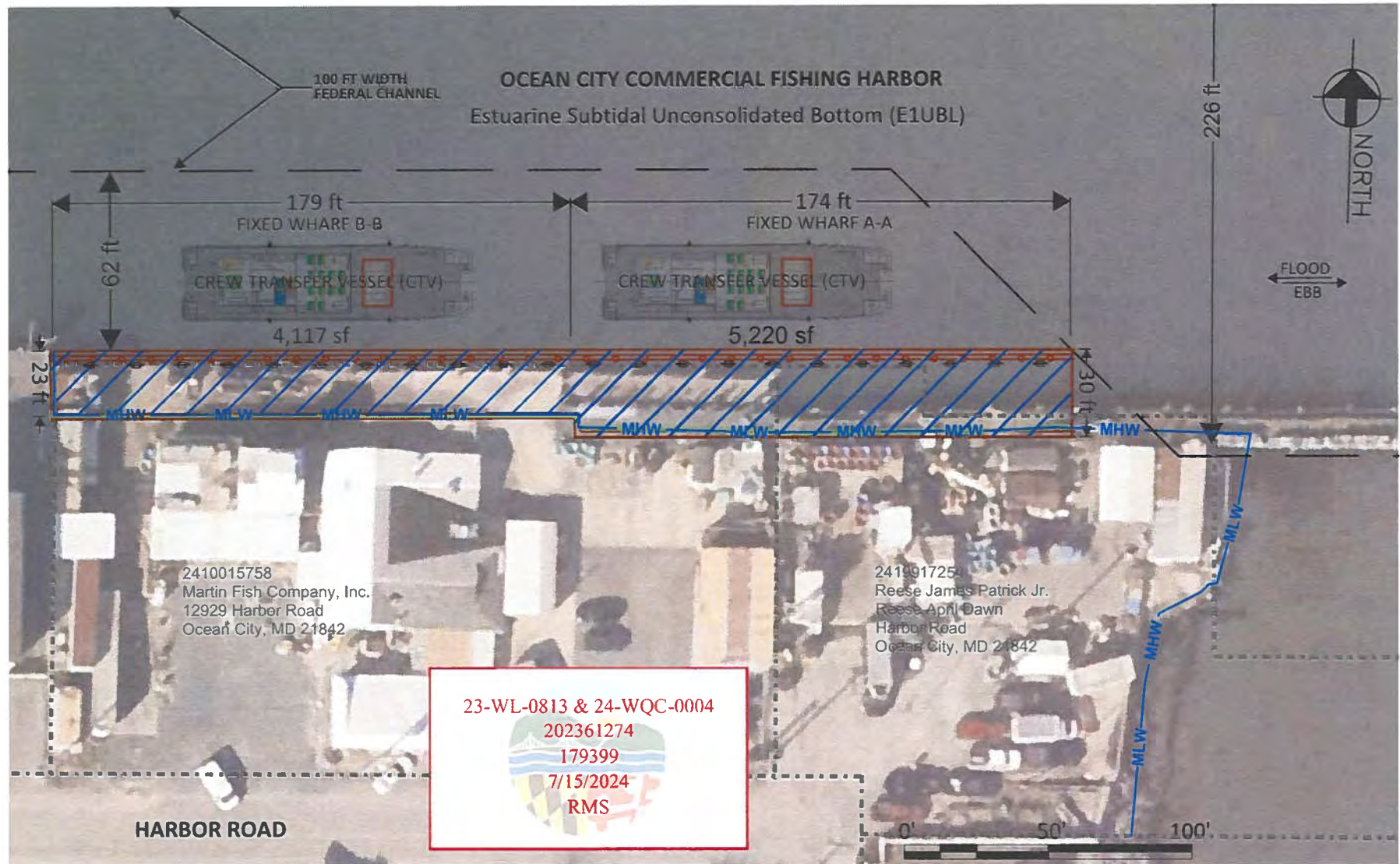
OPERATIONS AND MAINTENANCE FACILITY PIER INSTALLATION

EXISTING CONDITIONS

SCALE: 1" = 100'

DATE: JULY 2024

PLATE 03 of 07



US WIND, INC.
401 EAST PRATT
STREET, SUITE 1810
BALTIMORE, MD
21202



Revisions

- Revision 1: Update to Pier Length and Associated Impacts (3/2024)
- Revision 2: Updated Wharf dimensions and impacts (4/30/2024)
- Revision 3: Revised Existing Conditions - Bulkhead (6/03/2024)
- Revision 4: Added Typical Tieback Detail, added existing MHWL, and identified the proposed pier in the legend (7/15/2024)

WORCESTER COUNTY

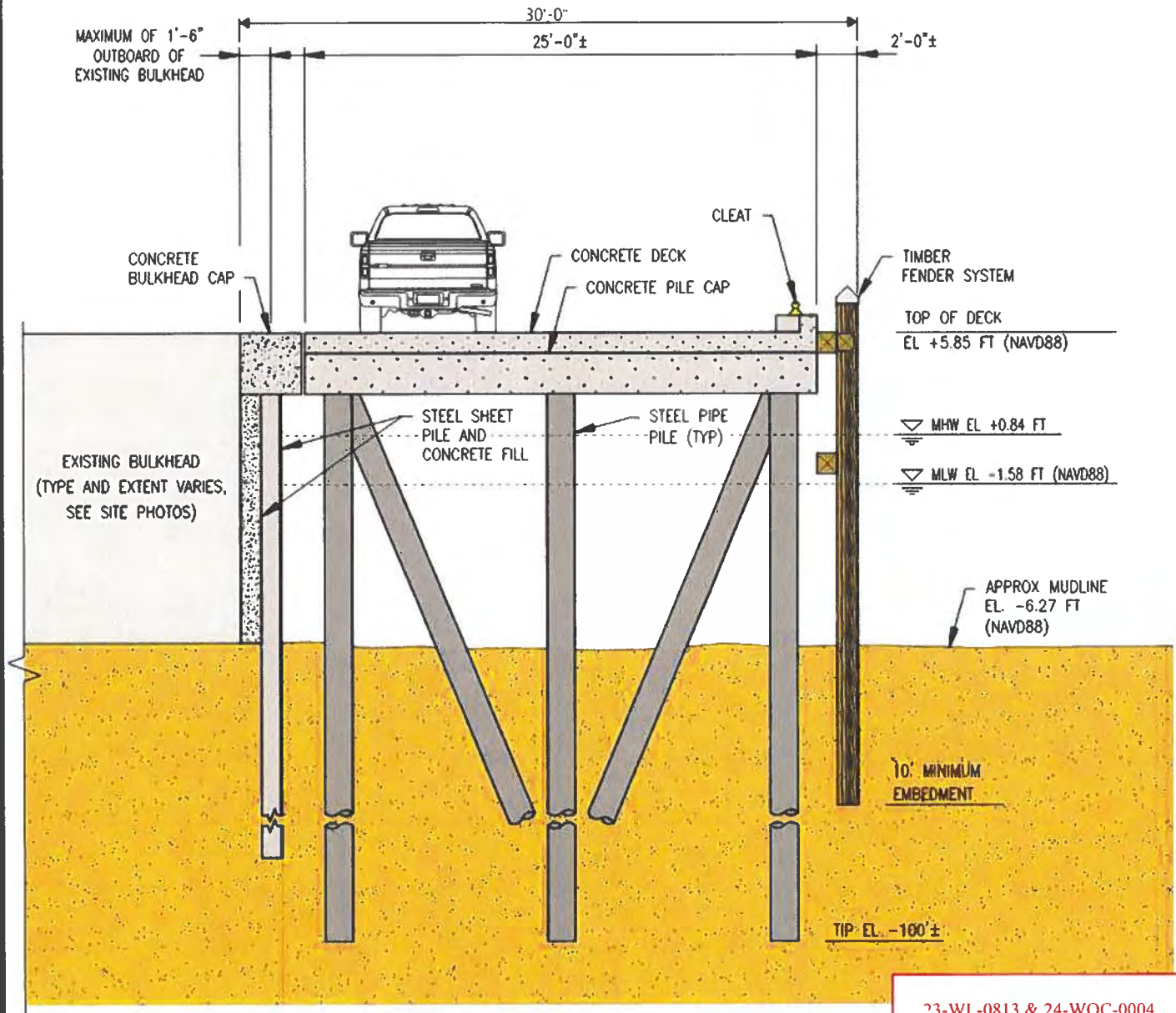
OPERATIONS AND MAINTENANCE FACILITY PIER INSTALLATION

WETLAND IMPACTS

SCALE: 1" = 50'

DATE: JULY 2024

PLATE 04 of 07



NOTE: MHW LINE BASED ON
STUDY PERFORMED BY
SPENCER ROWE, INC., IN A
REPORT DATED AUGUST 2022.

FIXED WHARF SECTION A-A

23-WL-0813 & 24-WQC-0004

202361274

179399

7/15/2024

RMS



US WIND, INC.
401 EAST PRATT
STREET, SUITE 1810
BALTIMORE, MD
21202



Revisions

Revision 1: 3/24
Revision 2: 4/30/24
Revision 3: 6/03/24
Revision 4: 7/15/24

WORCESTER COUNTY

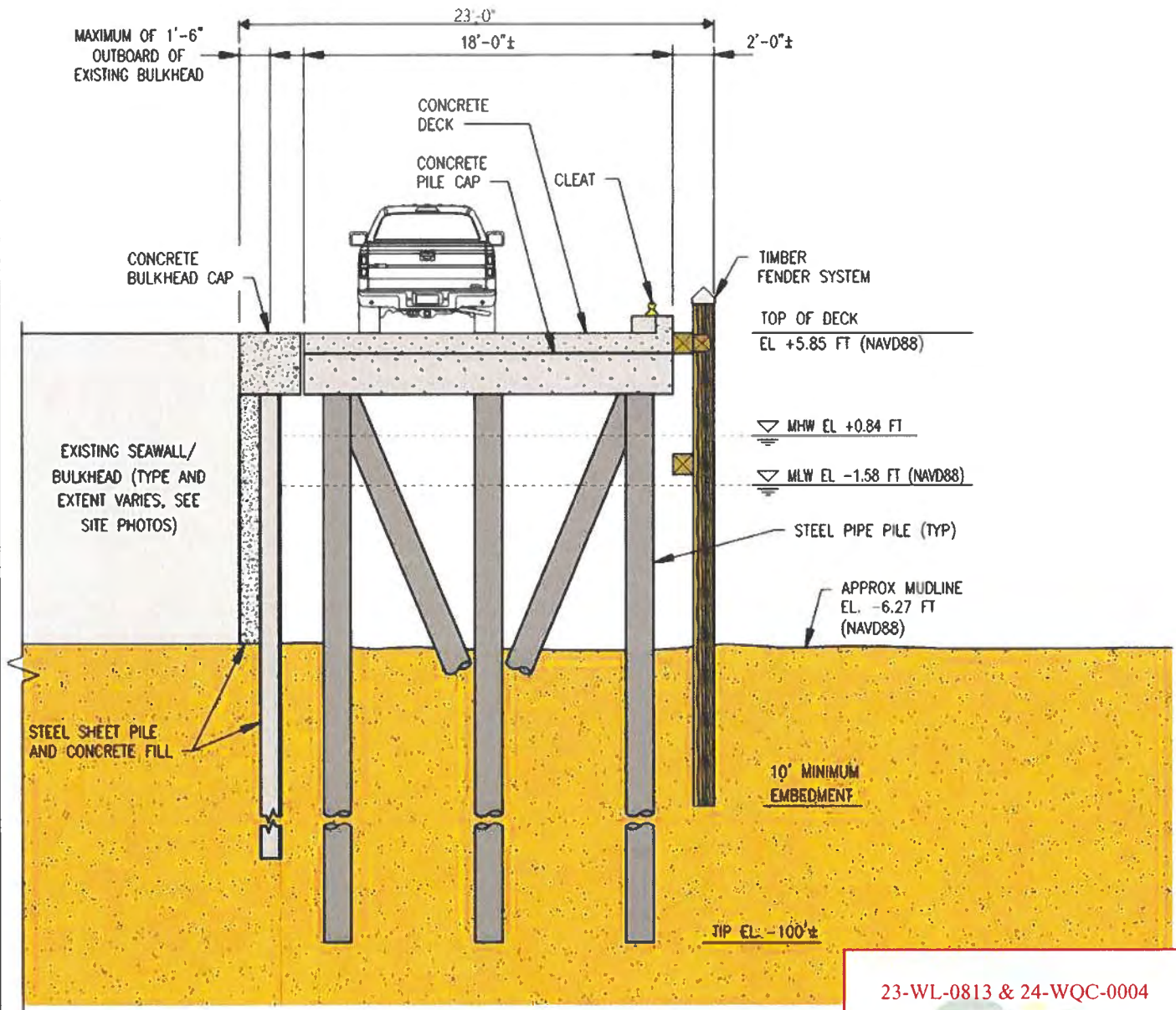
OPERATIONS AND MAINTENANCE FACILITY PIER INSTALLATION

LEGEND AND NOTES

NOT TO SCALE

DATE: JULY 2024

PLATE 05 of 07



NOTE: MHW LINE BASED ON
STUDY PERFORMED BY
SPENCER ROWE, INC., IN A
REPORT DATED AUGUST 2022.

FIXED WHARF SECTION B-B

23-WL-0813 & 24-WQC-0004

202361274

179399

7/15/2024

RMS

US Wind

US WIND, INC.
401 EAST PRATT
STREET, SUITE 1810
BALTIMORE, MD
21202

**McCORMICK
TAYLOR**

Revisions

Revision 1: 3/24
Revision 2: 4/30/24
Revision 3: 6/03/24
Revision 4: 7/15/24

WORCESTER COUNTY

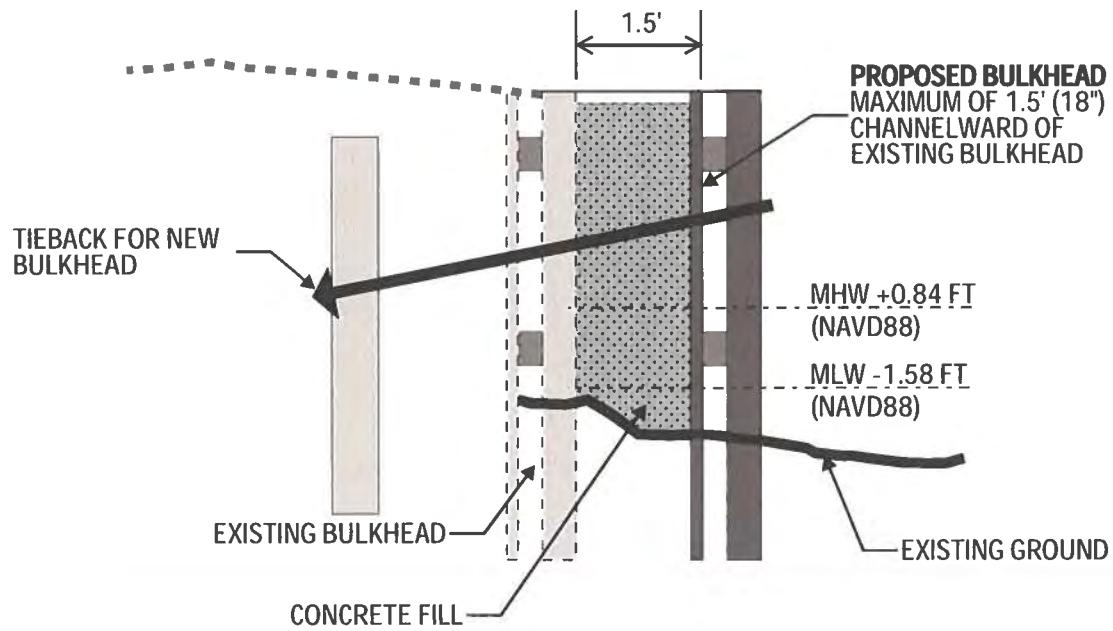
**OPERATIONS AND MAINTENANCE FACILITY
PIER INSTALLATION**

LEGEND AND NOTES

NOT TO SCALE

DATE: JULY 2024

PLATE 06 of 07



TYPICAL DETAIL - TIEBACK

23-WL-0813 & 24-WQC-0004

202361274

179399

7/15/2024

RMS



US WIND, INC.
401 EAST PRATT
STREET, SUITE 1810
BALTIMORE, MD
21202



Revisions

Revision 1: 3/24
Revision 2: 4/30/24
Revision 3: 6/03/24
Revision 4: 7/15/24

OPERATIONS AND MAINTENANCE FACILITY
PIER INSTALLATION

LEGEND AND NOTES

NOT TO SCALE

DATE: JULY 2024

PLATE 07 of 07



Maryland
Department of
the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

July 23, 2024

Re: Applicant: US Wind Inc
Property Address: 12929 & 12933 Harbor Rd
AI Number: 179399
Tracking Number: 202361274
Tidal Wetlands License Application Number: 23-WI -0813 & 24-WQC-0004

Dear Interested Party,

The Maryland Department of the Environment ("MDE" or "the Department") received your comments regarding US WIND INC's Joint Federal/State Application for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland ("Application") received on September 7, 2023. The application proposes to construct a 353 foot long by 30 foot wide concrete pier with associated timber fenders, all with a maximum of 30 feet channelward of the mean high water line; and construct 383 linear feet of replacement steel bulkhead within a maximum of 18 inches channelward of the mean high water line.

Many comments were received during the Public Notice period which ended on June 7, 2024. Comments were grouped according to relevance (i.e. Environmental, Navigation, Economic, etc). Those comments received specific to the application for 23-WL-0813 are outlined below with the Department response.

Environmental:

1. The proposed pier and bulkhead will have negative impacts on the environment, specifically tidal wetlands, marine life, and water quality.

MDE Response: The application was screened by MDE during its initial receipt at which time no environmental resource impacts were identified. The application was also reviewed and found to be in compliance with COMAR 26.24.02.03, which includes review of whether the proposed activity will alter or destroy tidal wetlands. MDE review found that the proposed pier and bulkhead work is similar to other pier and bulkhead work completed in the vicinity and special conditions have been included in the wetland license to minimize impacts to tidal wetlands, marine life, and water quality.

Following the end of the Public Notice period the comments received were shared with Maryland Department of Natural Resources (DNR) which provided a response to the comments specific to natural resources. Special Conditions F, G, H, I, J, K, L, M, N, O, and P are included in the Wetland License to reduce and minimize impacts on tidal wetlands, marine life, and water quality.

1.1. There is a summer flounder breeding site there.

DNR Response: Summer flounder spawn offshore and not in the commercial harbor or Sinepuxent Bay. Currents carry larvae into the coastal bays via the inlet. Young-of-the-year flounders are documented in DNR's trawl and beach seine surveys from April through October. Adults use the coastal bays from about April through October. Larval Summer Flounder enters the bays from October through May with the greatest activity from February through May. MDE has included Special Conditions, F & I, in the Wetland License to minimize the potential discharge of sediment. DNR did not identify a need to recommend a Time of Year (TOY) restriction for summer flounder.

NOAA Response: The scale of the project is small enough that the impact on larval recruitment would possibly be small in scope depending on the amount of bottom disturbance. There are no known effects of siltation from piling driving activities. Based on similar past projects and dredging activities, NOAA does not anticipate adverse impacts on the flounder population from the construction activities.

1.2. Pier with damaging noise levels for humans and sea life.

DNR Response: DNR recommended some best management practices to minimize acoustic impacts from pile driving which include using vibratory hammers for some or all of the pile placement and construction phasing, using "soft start" or "ramping up" pile driving (e.g. driving does not begin at 100% energy), driving piles as deep as possible with a vibratory hammer prior to using an impact hammer, and using cushion blocks when using an impact hammer. These best management practices are included in the Special Condition P of the Wetland License.

1.3. This is a substantial tidal wetland area which needs to be protected.

MDE/DNR Response: The harbor has been developed and the project shoreline has been hardened with shoreline stabilization techniques such as revetment and bulkhead. Only pier and bulkhead work are proposed for this application. The applicant will be required to comply with all local, state, and federal regulatory requirements for construction activities outside of tidal wetland jurisdiction. Special Conditions F, G, H, I, J, K, L, M, N, O, and P are included in the Wetland License to reduce and minimize impacts to tidal wetlands.

1.4. A comprehensive independent environmental study to show the impact of this construction should be required and NEPA requires an independent environmental study, and this has not been done yet.

MDE Response: The proposed pier and bulkhead work does not require a comprehensive independent environmental study. Similar projects have been completed and are planned in the West Ocean City Commercial Harbor and did not require studies to be completed. Martin Fish Company completed similar pier work in recent years. Fisherman's Marina at the end of the harbor is nearly finished with their bulkhead project. The Natural Resources Police will be replacing the bulkhead and pilings at the Colonel Jack Taylor Boathouse. All of these projects include either pier and/or bulkhead work, none of which were part of a NEPA study. Pier and bulkhead work are typical activities that occur within tidal wetlands.

The US Army Corps of Engineers (USACE), the Bureau of Ocean Energy Management

(BOEM) and other federal agencies are reviewing the proposed offshore wind project, including all offshore work and facilities in Delaware. On Sept. 29, 2023, BOEM announced that the Notice of Availability of the Maryland Offshore Wind Draft Environmental Impact Statement (EIS) was published in the Federal Register on Oct. 6, 2023. The Draft EIS was made available for public comment until November 20, 2023. Information about the Draft Environmental Impacts can be found on the BOEM website [Maryland Offshore Wind Draft Environmental Impact Statement \(EIS\) for Commercial Wind Lease OCS-A 0490](#). For further information contact Jessica Stromberg, BOEM Office of Renewable Energy Programs, 45600 Woodland Road, VAM-OREP, Sterling, Virginia 20166, (703) 787-1722 or jessica.stromberg@boem.gov.

- 1.5. The proposed operating and service facility at this location will negatively impact marine species clams, SAV, and horseshoe crabs.

MDE Response: MD DNR commented that the commercial harbor is not a suitable habitat for clams, submerged aquatic vegetation (SAV), or horseshoe crabs. The harbor bottom is mud, and the frequent and constant vessel traffic continually churns up the bottom. There are no observed or mapped SAV beds within the last 5 years and the nearest SAV bed, observed in 2017, is greater than 500 yards south and on the opposite shoreline.

Several beaches in Sinepuxent Bay are used by horseshoe crabs for spawning including the beach right next to the pier and the beaches directly across from the end of the existing pier located on Assateague Island. Due to the proximity of this project to the small spawning beach, restricting the building between mid-May through mid-July would minimize disturbance to spawning horseshoe crabs due to physical disturbance and is addressed with special condition O in the Tidal Wetland License.

- 1.6. Will there be random water testing in and around the pier and harbor area?

MDE Response: Random water testing is not a requirement for typical pier and bulkhead work. Turbidity curtains will be required for demolition work as outlined in Special Condition F of the Tidal Wetlands License. Special conditions G, H, I, J, K, L, M, and N also address water quality concerns.

Economy:

2. The proposed pier and bulkhead will have negative impacts on the local tourism economy and residential property values.

MDE Response: The proposed pier and bulkhead work is similar in nature to other projects completed within the West Ocean City Commercial Harbor. The harbor area is zoned as CM Commercial Marine District. Per Worcester County Zoning and Subdivision Control Article § ZS 1-214 Purpose and intent, this district is intended to preserve and protect Worcester County's commercial fishing industry while allowing for commercial, industrial and recreational uses which of necessity must be located in close proximity to waterfront areas. Additionally, it provides for other compatible uses which may find a waterfront location desirable. Furthermore, it is the intent of this district that there shall be no basis, under this Title, for recourse against the effect of any normal commercial fishing or other commercial marine activity or operation as permitted in this

district, including but not limited to noise, odor, vibration, fumes, dust or glare.

- 2.1. Damaging noise levels for humans interfering with events, tourism, and businesses downtown.

MDE Response: Local and/or County Government may have restrictions for the timing of construction activities for noises generated from construction to not interfere with events, tourism, and businesses downtown.

US Wind has indicated that they do not plan to begin construction until after 2025.

- 2.2. Large-scale impact on local living conditions and the local economy by the pier.

MDE Response: A riparian property owner has the right to protect their property from erosion and the right to access the waterway. The proposed project is a reasonable exercise of those rights; replacing a deteriorating bulkhead and replacing an existing pier to provide access to the waterway. The use of the property is determined by the local authority, in this instance the county, which determines zoning, use restrictions, access to the property, and other considerations such as utilities including sewer and water access. The harbor is zoned for commercial and industrial activities by the county which can determine if the operations proposed by US Wind meet their zoning and use requirements.

- 2.3. The plan does not appear to address any probable accident on the pier, access road, or transport ship that would halt local commerce and tourist activities.

MDE Response: The applicant will be required to adhere to special conditions G, H and L in the tidal wetland license which will address the potential for spills of hazardous materials. Special condition G requires the development and approval of a Stormwater Pollution Prevention Plan (SWPPP), special condition H requires the applicant to submit a General Discharge Permit application to the Water and Science Administration, Industrial Discharge Permits Division and special condition L requires compliance with Oil Pollution Regulations.

- 2.4. The Operating and Maintenance Facility along with the transfer ships, on-loading and off-loading equipment, monitoring vessels, etc. will only further congest and disrupt the commercial fishing fleet that rely on the access of this harbor for their livelihood.

MDE Response: The project site has historically been used by commercial fishing fleets for loading and unloading of catch and supplies. While the type of activities at this location may change, the activities, loading and unloading of commercial vessels, will be similar to the current uses.

The harbor area is zoned as CM Commercial Marine District. Per Worcester County Zoning and Subdivision Control Article § ZS 1-214 Purpose and intent, this district is intended to preserve and protect Worcester County's commercial fishing industry while allowing for commercial, industrial and recreational uses which of necessity must be located in close proximity to waterfront areas. Additionally, it provides for other compatible uses which may find a waterfront location desirable. Furthermore, it is the intent of this district that there shall be no basis, under this Title, for recourse against the effect of any normal commercial fishing or other commercial marine activity or operation as permitted in this district, including but not limited to noise, odor, vibration, fumes, dust or glare.

- 2.5. The use of this pier by the applicant will most certainly result in the displacement of the commercial fishing fleet and the loss of the fresh seafood they supply. It will result in the loss of jobs in both the wholesale and retail side of the seafood industry. It will mean that locally sourced seafood will no longer be available for sale to many of our local eating establishments. The decrease in future revenue brought in by the commercial fleet in the way of seafood sales, fuel, ice, bait, dock rental, maintenance, etc. will have a negative impact on the county and its residents.

MDE Response: The application was reviewed and found to be in compliance with COMAR 26.24.02.03, which includes review of whether the proposed activity will eliminate or substantially reduce marine commerce, recreation, and aesthetic enjoyment, the proposed activity will impact local, regional, and State economic conditions and the proposed activity is consistent with State, federal, and local land use plans and laws, including Critical Area laws. The harbor area is zoned as CM Commercial Marine District. Per Worcester County Zoning and Subdivision Control Article § ZS 1-214 Purpose and intent, this district is intended to preserve and protect Worcester County's commercial fishing industry while allowing for commercial, industrial and recreational uses which of necessity must be located in close proximity to waterfront areas. Additionally, it provides for other compatible uses which may find a waterfront location desirable.

BOEM has statutory obligations under NEPA (42 U.S.C. §§ 4321 et seq.) to evaluate social and economic impacts of a potential project. Under BOEM's regulations, BOEM must coordinate with relevant Federal agencies, including those agencies involved in planning activities that are undertaken to avoid conflicts among users and to maximize the economic and ecological benefits of the OCS (30 CFR 585.102(a)(5)). More information can be found in Appendix G - Mitigation and Monitoring of the Draft EIS

DNR Response: A Fisheries Compensation Agreement is being developed. Martin Fish Company and Southern Connection Seafood are private entities that are willing sellers.

- 2.6. The concern of the industrialization of the harbor and the ocean.

US Wind Response: The O&M Facility is proposed in a working commercial harbor and is consistent with current marine use. Under the Worcester County zoning regulations (§ ZS 1-214), the sites are zoned Commercial Marine which is designated for the commercial fishing industry and "commercial, industrial, and recreational uses which of necessity must be located in close proximity to waterfront areas."

- 2.7. Concern the proposed activity will adversely impact property values because of sediment being stirred up and the channel being blocked by US Wind vessels.

MDE Response: The draft depth of the proposed Crew Transfer Vessels (CTVs) is 4 feet which is similar to or less draft than other vessels that frequently use the commercial harbor, including the commercial fishing fleet and larger recreational fishing vessels. Water depths adjacent to the proposed pier and bulkhead are a minimum of 6 feet at mean low water.

- 2.8. Concerns that the facility will decrease the restaurants and the businesses' revenues.

US Wind Response: The O&M Facility is proposed in a working commercial harbor and is consistent with current marine use. Under the Worcester County zoning regulations, the sites

are zoned Commercial Marine which is designated for the commercial fishing industry and "commercial, industrial, and recreational uses which of necessity must be located in close proximity to waterfront areas." In addition, the O&M Facility is proposed to be located within the West Ocean City Harbor which is characterized as an Intensely Developed Area.

- 2.9. Concern federal funding will be lost if commercial businesses are impacted. This funding is used to maintain the inlet.

MDE Response: The USACE is responsible for the maintenance of Federal Navigation Channels. The development of offshore wind farms and associated support networks can provide added incentive to have more timely maintenance of the Federal Navigation Channel.

Navigation:

3. The proposed pier and bulkhead will negatively impact navigable access to the harbor.

MDE Response: The proposed pier and bulkhead are subject to State law as outlined by Maryland State Article - Environment Title 16 -Tidal Wetlands and regulated by COMAR 26.24.02.03. Navigational safety is one of the 19 factors in COMAR 26.24.02.03. The proposed work complies with State regulations and statute. Navigational safety is reviewed by the Department and the project was reviewed by MD DNR; no comments or concerns regarding navigation were forwarded from MD DNR.

- 3.1. Increased traffic and congestion at the inlet with the pier – a safety issue and crippling to those that fish the inlet and use it for business.

MDE Response: All activities proposed in, on, over, and under State or private tidal wetlands are regulated per COMAR 26.24.02.03. Specifically COMAR 26.24.02.03.B(13) In evaluating an application, the Department shall consider the degree to which navigational safety is affected. The current minimum width of the waterway from the existing pier to opposing structures to the north is approximately 186 feet. The proposed pier will be parallel to the existing shoreline and will not extend more than 30 feet channelward of the mean high water line. The waterway will be approximately 180 feet wide after the construction of the pier providing adequate space for vessels to navigate. The Federal Navigation Channel edge is 62 feet from the proposed structures. Proposed CTVs are a maximum of 33 feet wide and will be moored outside of the Federal Navigation Channel and associated turning basin with over 25 feet to the edge of the Federal Navigation Channel. With CTVs moored, there will be approximately 147 feet of open water between the channelward side of the CTVs and the nearest structure on the opposing shoreline.

- 3.2. The proposed activity will affect navigational safety and recreational access. The West Ocean City Harbor has a very high volume of commercial and recreation vessels entering and exiting throughout the day. The proposed project reduces the harbor opening width by 20 feet.

MDE Response: The current minimum width of the waterway from the existing pier to opposing structures to the north is approximately 186 feet. The proposed pier and associated structures will be parallel to the existing shoreline and will not extend more than 30 feet channelward of the mean high water line. The waterway will be approximately 180 feet wide after the construction of the pier. Proposed CTVs are a maximum of 33 feet wide and will be moored outside of the Federal Navigation Channel and associated turning basin. With CTVs moored there will be approximately 147 feet of open water between the channelward side of

the CTVs and the nearest structure on the opposing shoreline. CTVs are anticipated to depart in the morning and return in the evening.

- 3.3. Although the applicant only refers to Crew Transfer Vessels in the JP Application, the applicant's Construction and Operations Plan (COP) lists service operation vessels up to 262' long. Large vessels such as those will obstruct the channel when moored and when maneuvering.

US Wind Response: Larger deep draft vessels needed to support routine or unplanned maintenance activities involving larger parts and equipment that cannot be transported via CTV, would likely mobilize from additional ports. Major maintenance activities requiring deep draft vessels will be based out of Baltimore, MD and/or Portsmouth, VA. See BOEM website for Maryland Offshore Wind Construction and Operations Plan for Commercial Lease OCS-A 0490

<https://www.boem.gov/renewable-energy/state-activities/maryland-offshore-wind-construction-and-operations-plan>

- 3.4. The operation of the proposed 100' x 30' Crew Transfer Vessels (CTVs) will cause a significant disruption in the harbor. The vessels are notably larger than any of the commercial and recreational boats that currently use the harbor.

MDE Response: A review of aerial imagery shows vessels of similar dimensions using the harbor within the last 5 years. Some of these similarly sized vessels depart from and arrive in the harbor at least once daily. The Department is unaware of any incidents that have occurred within the harbor that have caused a significant disruption to the harbor from these vessels.

US Wind Response: Large construction vessels designed to carry wind turbine components such as monopiles, towers, and blades are expected to be based at the Sparrows Point Steel facility in Baltimore County or a similar large port designed to handle large components, not out of West Ocean City.

- 3.5. In order to maintain water depths for the larger vessels, increased dredging will be needed.

MDE Response: The draft of CTVs is approximately 4 feet. Existing water depths adjacent to the project site are at least 6 feet deep at mean low water. The USACE is responsible for dredging of the Federal Navigation Channel within the harbor.

- 3.6. The harbor is heavily traveled in the season with access by vessels from two marinas and one large public launching ramp, public fuel docks, as well as tie-up to restaurants and a marine store. Industrial activity by the US Wind facility would result in major navigation problems.

MDE Response: The activities associated with the proposed pier and bulkhead are consistent with current marine use and the application has been reviewed to ensure navigational safety will not be negatively impacted.

The harbor area is zoned as CM Commercial Marine District. Per Worcester County Zoning and Subdivision Control Article § ZS 1-214 Purpose and intent, this district is intended to preserve and protect Worcester County's commercial fishing industry while allowing for commercial, industrial and recreational uses which of necessity must be located in close proximity to waterfront areas. Additionally, it provides for other compatible uses which may

find a waterfront location desirable.

- 3.7. Navigation in the harbor: With the increase in the width of the new bulkhead and US Wind's crew boats up to 10 meters wide (or approximately 33 feet) there is concern that more vessel traffic will move closer to the adjacent bulkhead. The wake is already a problem and will become more problematic with US Wind vessels closer.

MDE Response: The waterway will be approximately 180 feet wide after completion of the proposed pier and its associated structures from 186 feet. CTVs are approximately 33 feet in width so there will be approximately 147 feet of open water from the channelward side of a moored CTV to the opposing structures on the north side of the harbor. Boat captains are responsible for their wake and the local authority or DNR may impose stricter speed regulations within the harbor if needed.

Concerns about wakes generated can be relayed to Maryland DNRs Boating and Fishing Services Mike Lathroum at 410-260-8272 or email: kennethm.lathroum@maryland.gov.

The harbor area is zoned as CM Commercial Marine District. Per Worcester County Zoning and Subdivision Control Article § ZS 1-214 Purpose and intent, this district is intended to preserve and protect Worcester County's commercial fishing industry while allowing for commercial, industrial and recreational uses which of necessity must be located in close proximity to waterfront areas. Additionally, it provides for other compatible uses which may find a waterfront location desirable.

- 3.8. Has any sort of computational fluid dynamics model, or any sort of sediment model run for morphological purposes to identify projected impacts on the channel?

MDE Response: The Department does not require computational fluid dynamics modeling and/or sediment model runs for the proposed pier and bulkhead work.

- 3.9. Is there an official USACE survey for the entire harbor showing the Federal Channel from the beginning of the harbor to the bay?

MDE Response: Federal Navigation Channel maps are available online at <https://www.arcgis.com/apps/dashboards/4b8f2ba307684cf597617bf1b6d2f85d>. The most recent survey of the Federal Navigation Channel from the beginning of the harbor to the bay and inlet was conducted March 26, 2024.

4. Construction activities, specifically pile installation, will cause damage to adjacent properties

MDE Response: Construction activities proposed to affect tidal wetlands will be performed by a Licensed Marine Contractor using best management practices (See Special Condition C).

- 4.1. What is the number and size of the steel piles?

US Wind Response: US Wind has proposed approximately 185 steel support piles, spaced 10 feet apart, with pile diameter between 12 to 18 inches.

- 4.2. What measures will be taken to protect adjacent properties from damage?

MDE Response: Best management practices should be employed for all construction

activities. Special condition C requires all work performed under this Wetland License to be conducted by a marine contractor licensed by the Marine Contractors Licensing Board (MCLB) in accordance with Title 17 of the Environment Article of Annotated Code of Maryland. Activities proposed related to pier and bulkhead work are similar in nature to other projects recently completed in the commercial harbor. The Department is unaware of any damage caused by construction of similar projects in the vicinity, including pier work that was performed at the same property by Martin Fish Company.

- 4.3. What measures will be employed to reduce and contain sediment disturbance during construction?

MDE Response: Special conditions will be included in the Wetland License and associated Water Quality Certification requiring turbidity curtains to be deployed during demolition to minimize impacts from sediment (see Special Condition F). Any work in the uplands and within the critical area buffer will require additional local and State authorizations such as an approved Erosion and Sediment Control Plan and Buffer Management Plan (See Special Condition B and J).

- 4.4. Will vibration from the pile installation cause cracks or other damages to homes' walls, ceramic flooring, foundations, or slabs? Will vibration monitors be provided to homeowners?

MDE Response: Best management practices should be employed for all construction activities as all work will be completed by a licensed marine contractor (See Special Condition). Activities proposed related to pier and bulkhead work are similar in nature to other projects recently completed in the commercial harbor. The Department is unaware of any damage caused by construction of similar projects in the vicinity, including pier work that was performed at the same property by Martin Fish Company.

- 4.5. Concerns the pile driving activity adversely impacts well water quality or flow during the construction or in the future.

MDE Response: Piles are proposed to be installed to a maximum depth of 100 feet which is shallower than existing local aquifers. Therefore, pile driving activities should not impact well water quality or flow during the construction or in the future.

5. Concerns about the application process

MDE Response: The application process for the proposed pier and bulkhead associated with 23-WL-0813 are consistent with the State law and regulations.

- 5.1. Ocean City notes that the amended application significantly changed the project and the amended application was not made available to the public until just before the scheduled hearing. This did not afford adequate time for public review of the changes. MDE should readvertise and reschedule a new public hearing based on the revised application and that hearing should take place in the north end of Worcester County.

MDE Response: As part of the application review process, applicants routinely revise plans as a result of MDE's comments, other agency comments, or comments received during the public participation process. A reduction in the scope of work does not require the need for a readvertisement and rescheduling of the associated public hearing. The application review

including public notice and the public information hearing are consistent with COMAR requirements.

- 5.2. No contractors have been identified to do the pier and piling work.

MDE Response: Contractors are not required to be identified during the application process. However, State law and regulations require that all work performed within tidal wetlands be performed by the property owner or a Licensed Marine Contractor (Special Condition C).

- 5.3. Unclear if the application is only for the repair and extension of the current pier.

MDE Response: The current plans, as they will be forwarded to the Board of Public Works for their review, propose to replace 383 feet of deteriorated bulkhead and revetment with steel sheet piles and to construct 353 feet of pier parallel to the harbor channel, not to exceed more than 30 feet channelward of the mean high water line. The most recent plans are available for review on MDEs [US Wind website](https://mde.maryland.gov/programs/water/WetlandsandWaterways/Pages/US-Wind-Inc.aspx), <https://mde.maryland.gov/programs/water/WetlandsandWaterways/Pages/US-Wind-Inc.aspx>.

- 5.4. How far into the settlement are they with the properties for (indiscernible) and if so, how can they apply for permits when they don't have ownership of a piece of real estate?

MDE Response: The applicant can apply on behalf of the property owner with the property owners consent. The property owners for both 12929 and 12933 Harbor Road have included their signatures with the application.

- 5.5. Are there any vehicles going to be driven on the pier?

US Wind Response: Yes, vehicles such as trucks will be driven onto the pier for loading and unloading of CTVs. Additionally, since the plans no longer propose permanent cranes to be constructed on the pier, mobile cranes will also be driven onto the pier for loading and unloading.

6. Concerns about the plans and the means and methods of construction.

MDE Response: The plans provided with this application are for the review and approval of proposed impacts in, on, over, or under State or private tidal wetlands. The Department's Tidal Wetlands Division reviews those proposed impacts which on this project are channelward of the mean high water line. Those activities proposed landward of the mean high water line are reviewed under the jurisdiction of other State agencies or by the appropriate local government agency. Erosion and Sediment Control plans associated with construction in uplands will need to be reviewed and approved by the Worcester County Soil Conservation District and all construction activities will need to be reviewed and approved by Worcester County Department of Planning and Zoning.

- 6.1. How high are the cranes going to be on the piers and how high and how far they're going to stick out over the water?

US Wind Response: US Wind will not be constructing permanent cranes on the pier. Mobile cranes will be used for the loading and unloading of CTVs and will be removed from the pier at the conclusion of loading/unloading activities. When mobile cranes are in use the anticipated height of the extended boom will be less than 45 feet and will only extend to the

mid-beam of the moored CTW for safe loading/unloading.

6.2. There are no full construction plans

MDE Response: Full construction plans are not required as part of the State Tidal Wetlands License, only plans showing impacts to tidal wetlands are required for the Department's review. Full construction and engineered plans may be required as part of an approved erosion and sediment control plan for activities proposed in uplands. Those activities proposed landward of the mean high water line are reviewed under the jurisdiction of other State agencies or by the appropriate local government agency. Erosion and Sediment Control plans associated with construction in uplands will need to be reviewed and approved by the Worcester County Soil Conservation District and all construction activities will need to be reviewed and approved by Worcester County Department of Planning and Zoning.

6.3. Who is the construction company?

US Wind Response: US Wind has not identified a construction company at this time. State law and regulations require that all work performed within tidal wetlands be performed by the property owner or a Licensed Marine Contractor (Special Condition C).

6.4. What are the demolition plans/details?

MDE Response: The Department does not require demolition plans. However, special conditions within the authorization will require the use of turbidity curtains during removal and construction of the authorized activities to minimize impacts (Special Condition F).

6.5. How are they planning to do the construction?

MDE Response: State law and regulations require that all work performed within tidal wetlands be performed by the property owner or a Licensed Marine Contractor. US Wind will be using a Licensed Marine Contractor for the authorized work in tidal wetlands (Special Condition C). Special Condition E requires the removal of an existing pier and associated structures prior to the commencement of the construction of a new pier. Special Condition H requires completion of the bulkhead prior to filling behind the bulkhead. Special Condition J requires an approved erosion and sediment control plan which includes a sequence of construction.

6.6. What kinds of cranes will be used to drive the pile?

MDE Response: There are no crane limitation requirements recommended and typical marine contracting equipment necessary to install the piles will be utilized.

6.7. The amended application dated March 15, 2024, lacks the following information required by the application checklist:

- Distances to all structures
- Property boundaries and adjacent property owners
- A section view showing all existing conditions and structures
- Water depths are not shown on the plan view
- Distance across the waterway show on a plan view
- Plans do not show piling size, quantity, or spacing
- Section view does not give any dimensions for the steel sheet piling

- Bulkhead tie backs are not shown which will increase the area of disturbance.

MDE Response: The plans have been updated to include the information necessary for the Department to review and make a determination on the proposed project.

7. Concerns about operations at the Operation and Maintenance Facility

MDE Response: The O&M facility is proposed in a working commercial harbor and is consistent with current marine use. Under the Worcester County zoning regulations, the sites are zoned Commercial Marine which is designated for the commercial fishing industry and "commercial, industrial, and recreational uses which of necessity must be located in close proximity to waterfront areas." In addition, the O&M facility would be located within the West Ocean City Harbor which is characterized as an Intensely Developed Area under the MD DNR Critical Area Program

Special Condition G requires the submission of a Stormwater Pollution Prevention Plan (SWPPP) for the proposed Operations and Maintenance facility to the Water and Science Administration, Tidal Wetlands Division, for review and approval prior to the commencement of operations at the facility. Special Condition H requires the submission of a General Discharge Permit application to the Water and Science Administration, Industrial Discharge Permits Division for review and approval, as determined necessary, prior to the commencement of work at the facility. Special condition

7.1. Will there be hour limits on the boats coming and going?

MDE Response: No, there will be no time limit recommendations for the boats coming and going as this is not something required for any other vessels currently using the commercial harbor and is not part of our jurisdictional purview, but it may be part of the local permitting and zoning authority regulations governing a commercial harbor or marina.

7.2. What is the purpose of the pier?

- Is it only for moving tools to and from the wind turbines?
- Are the wind turbine tools only for Delaware work?

US Wind Response: The O&M Facility and pier will support the transfer of technicians, tools, and spare parts for the operation of the offshore wind farm. The pier will be primarily used by dedicated CTVs specifically designed for this work, although survey or scout vessels employed by the project may occasionally use the O&M Facility.

7.3. Will there be utilities and where on the pier?

MDE/US Wind Response: Yes, utilities such as water and electricity are likely to be present on the pier. The locations of utilities should be included in construction plans which will need to be reviewed and approved by the appropriate local government entity.

7.4. Will there be fueling of vessels or equipment on the pier? Will there be any hazardous waste such as fuels, solvents, or lubricants stored, loaded, or unloaded on the pier?

US Wind/MDE Response: Yes. Fueling of vessels will likely be fueled by trucks. US Wind will be required to coordinate with the Department's Wastewater Permits Program to determine the need for an Industrial Discharge Permit for the activities proposed at this location (Special Condition H).

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7.5. Will sewage be removed from vessels while moored?

US Wind Response: Yes, vessels will likely have sewage removed by truck

7.6. Will there be a stormwater management plan for the runoff from the pier?

MDE Response: US Wind will be required to develop a Stormwater Pollution Prevention Plan (SWPPP) and submit an application to MDE's Industrial Discharge Permits Division for determination if their operations will require an Industrial Discharge Permit from the Department. If it is required, US Wind shall obtain the applicable Permit prior to commencement of operations (Special Condition G, H, and L).

7.7. Will there be structures on the pier?

US Wind Response: No structures are proposed on the pier

After reviewing the proposed activities, the Department determined that **US Wind Inc** is within its riparian rights to construct a 353 foot long by 30 foot wide concrete pier with associated timber fenders, all with a maximum of 30 feet channelward of the mean high water line; and construct 383 linear feet of replacement steel bulkhead within a maximum of 18 inches channelward of the mean high water line. The Department has determined that the proposed pier and bulkhead are consistent with State law and regulations and are a reasonable exercise of the Licensee's riparian rights to allow for reasonable access to State waters and protect the shoreline from erosion. The proposed project will not negatively affect the commercial harbor. The Department has decided to send a favorable report recommending the authorization of the proposed activities to the Maryland Board of Public Works (BPW). Please be aware that this report is only a recommendation to BPW for the issuance of a Wetland License. The BPW will make the final State decision to issue or deny the Applicant's Wetlands License. If you would like to submit comments to the BPW, please contact the Wetlands Administrator, Bill Morgante, at 410-260-7791 or bill.morgante@maryland.gov. Thank you again for your comments. If you have any questions or if I can assist you in any way, please do not hesitate to contact Robert M Simmons at robertm.simmons@maryland.gov or 410-901-4044 with any questions. A copy of the signed Report and Recommendation can be found on the following website: <https://mde.maryland.gov/programs/water/WetlandsandWaterways/Pages/US-Wind-Inc.aspx>

Sincerely,



Jonathan Stewart, Chief
Eastern Region
Natural Resources Planner
Tidal Wetlands Division
Wetlands and Waterways Protection Program

cc: Bill Morgante, BPW

Enclosures: (1) MDE Report & Recommendation to BPW for 23-WL-0813

Attachment 3

**MDE Water Quality
Certification**



Maryland
Department of
the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

July 2, 2024

US Wind Inc
c/o Megan Welling
McCormick Taylor, Inc
1501 S Clinton St, Ste 1150
Baltimore, MD 21224

Via email: mawelling@mccormicktaylor.com

Re: Agency Interest Number: 179399
Tracking Number: 202361274
Tidal Authorization Number: 24-WQC-0004

Dear US Wind Inc:

Your project did not qualify for approval under the Maryland State Programmatic General Permit (MDSPGP); therefore a separate review and issuance of the federal permit will be required by the U.S. Army Corps of Engineers. The federal permit is not attached.

Additionally, your project required a Wetlands License to be approved and issued by the Maryland Board of Public Works (BPW). The Wetlands License will be sent to you by BPW's Wetlands Administrator.

A project that does not qualify for approval under the MDSPGP requires an individual Water Quality Certification (WQC) to be issued by the Maryland Department of the Environment, which is attached. Please take a moment to read and review your WQC to ensure that you understand the limits of the authorized work and all of the general and special conditions.

You should not begin any work until you have obtained all necessary State, local, and federal authorizations. Please contact Robert M Simmons at robertm.simmons@maryland.gov or 410-901-4044 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Stewart".

for Jonathan Stewart, Chief
Eastern Region
Tidal Wetlands Division



STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
WATER QUALITY CERTIFICATION



24-WQC-0004

EFFECTIVE DATE: **July 2, 2024**
CERTIFICATION HOLDER: **US Wind Inc**
ADDRESS: **Attn: Jeffrey Grybowski**
401 E Pratt St, Ste 1810
Baltimore, MD 21202
PROJECT LOCATION: **12929 & 12933 Harbor Rd**
Ocean City, MD 21842

UNDER AUTHORITY OF SECTION 401 OF THE FEDERAL WATER POLLUTION CONTROL ACT AND ITS AMENDMENTS AND IN ACCORDANCE WITH § 9-313 THROUGH § 9-323, INCLUSIVE, OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND, THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, WATER AND SCIENCE ADMINISTRATION HAS DETERMINED THAT THE REGULATED ACTIVITIES DESCRIBED IN THE REQUEST FOR CERTIFICATION FOR THE PROPOSED US WIND PIER AND BULKHEAD REPLACEMENT AND AS DESCRIBED IN THE ATTACHED PLAN SHEETS DATED JULY 2, 2024 AND ANY SUBSEQUENT MODIFICATIONS APPROVED BY THE DEPARTMENT WILL NOT VIOLATE MARYLAND'S WATER QUALITY STANDARDS, IF CONDUCTED IN ACCORDANCE WITH THE CONDITIONS OF THIS CERTIFICATION.

THIS CERTIFICATION DOES NOT RELIEVE THE APPLICANT OF RESPONSIBILITY FOR OBTAINING ANY OTHER APPROVALS, LICENSES, OR PERMITS IN ACCORDANCE WITH FEDERAL, STATE, OR LOCAL REQUIREMENTS AND DOES NOT AUTHORIZE COMMENCEMENT OF THE PROPOSED PROJECT. A COPY OF THIS REQUIRED CERTIFICATION HAS BEEN SENT TO THE CORPS OF ENGINEERS. THE CERTIFICATION HOLDER SHALL COMPLY WITH THE CONDITIONS LISTED BELOW.

PROJECT DESCRIPTION

1. Construct a 353 foot long by 30 foot wide concrete pier with associated timber fenders, all within a maximum of 30 feet channelward of the mean high water line
2. Construct 383 linear feet of replacement steel bulkhead a maximum of 18 inches channelward of the mean high water line.

The Administration satisfied statutory and regulatory public notice requirements by placing the WQC on Public Notice from February 15, 2024 to March 15, 2024 on the Maryland Department of the Environment's

Public Notice webpage and in the Worcester County Times on February 22, 2024. A Public Informational Hearing was held on March 25, 2024 at Wor Wic Community College and the public comment period was extended until June 7, 2024.

GENERAL CONDITIONS

1. All water quality-related performance standards and conditions required by the Department in any state issued authorization for activities in tidal wetlands, nontidal wetlands, their 100-year floodplains, nontidal wetlands buffers, or nontidal wetland expanded buffers to ensure that any discharges will not result in a failure to comply with water quality standards in COMAR 26.08.02 or any other water quality requirements of state law or regulation shall be met.
2. This Certification does not obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.
3. All additional authorizations or approvals, including self-certifying General Permits issued by the Department, shall be obtained and all conditions shall be completed in compliance with such authorizations.
4. The proposed project shall be constructed in accordance with the approved final plan by the Department, or, if Department approval is not required, the plan approved by the U.S. Army Corps of Engineers, and its approved revisions.
5. The issuance of this Certification is not a validation or authorization by the Department for any of the existing structures depicted on the plan sheets on the subject property that is not part of the authorized work description, nor does it relieve the Certification Holder of the obligation to resolve any existing noncompliant structures and activities within tidal wetlands.
6. All fill and construction materials not used in the project shall be removed and disposed of in a manner which will prevent their entry into waters of this State.
7. This Certification does not authorize any injury to private property, any invasion of rights, or any infringement of federal, state, or local laws or regulations.
8. Authorized representatives of the Department shall be provided access to the site of authorized activities during normal business hours to conduct inspections and evaluations of the operations and records necessary to assure compliance with this Certification.
9. No stockpiles of any material shall be placed in Waters of the U.S. or State or private tidal wetlands.
10. Temporary construction trailers or structures, staging areas and stockpiles shall not be located within tidal wetlands, nontidal wetlands, nontidal wetlands buffers, or the 100-year floodplain unless specifically included on the Approved Plan.
11. This Certification is valid for the project identified herein and the associated U.S. Army Corps of Engineers authorization NAB-2020-60863 (US Wind, Inc.) until such time that it expires or is administratively extended.

SPECIAL CONDITIONS

1. The Certification Holder shall remove an existing pier and associated structures prior to the commencement of the construction of a new pier.
2. The Certification Holder shall deploy a turbidity curtain around the entire area of demolition to contain any fine materials that may be generated during the process of demolition prior to the commencement of work.
3. All Critical Area requirements shall be followed and all necessary authorizations from the Critical Area Commission ("Commission") shall be obtained. This Certificate does not constitute authorization for disturbance in the 100-foot Critical Area Buffer. "Disturbance" in the Buffer means clearing, grading, construction activities, or removal of any size of tree or vegetation. Any anticipated Buffer disturbance requires prior written approval, before commencement of land disturbing activity, from local jurisdiction in the form of a Buffer Management Plan.
4. All work performed under this Water Quality Certification shall be conducted by a marine contractor licensed by the Marine Contractors Licensing Board (MCLB) in accordance with Title 17 of the Environment Article of Annotated Code of Maryland. Licensing by MCLB shall occur prior to the beginning of construction activities. A list of licensed marine contractors may be obtained by contacting the MCLB at 410-537- 3249, by e-mail at MDE.MCLB@maryland.gov or by accessing the Maryland Department of the Environment, Environmental Boards webpage.
5. The Certification Holder shall submit a Stormwater Pollution Prevention Plan (SWPPP) for the proposed Operations and Maintenance facility to the Water and Science Administration, Tidal Wetlands Division, for review and approval prior to commencement of operations at the facility. The Certificate Holder shall send confirmation of the MDE, Tidal Wetlands Division, approved SWPPP to the U.S. Army Corps of Engineers.
6. The Certification Holder shall submit an application to the Water and Science Administration, Industrial Discharge Permits Division for review and approval, as determined necessary, prior to the commencement of work at the facility.
7. The Certification Holder shall complete construction of the bulkhead prior to filling behind the bulkhead. The bulkhead shall be designed and constructed to prevent the loss of fill material to waters of the State of Maryland. Only clean fill, which is free of organic, toxic, contaminated, or deleterious materials, shall be used.
8. The Certification Holder shall perform all works in accordance with the required Soil Erosion and Sediment Control Plan as approved by the County Soil Conservation District for the County in which the works are performed.
9. The Certification Holder shall assure that there is no discharge of sanitary wastewater from any boat or vessel moored, berthed, or docked at this mooring or docking facility, except as prescribed by federal or State regulations.
10. The Certification Holder shall assure that the storage and handling of petroleum products shall be in strict accordance with the Oil Pollution Regulations of the Maryland Department of the Environment. The Certification Holder shall employ measures to prevent and control spills of fuels or lubricants from entering the waters of this State.

11. The Certification Holder shall assure that all boat maintenance at the pier shall be restricted to those activities that can be performed without materials entering the waterway.
12. The Certification Holder shall assure that trash and garbage containers will be conveniently located and the facility owner/operator shall be responsible for adequate disposal of collected materials. Such waste shall not be discharged to the waterway.

CITATIONS AND STATEMENTS OF NECESSITY

1. Statement of Necessity for General Conditions 1, 2, 3, 4, 5 and Special Conditions 1, 3, 5, 6, 9, 10, 11, 12: These conditions are necessary to ensure that water quality standards are met, and designated uses are maintained.

Citations: Federal and state laws which authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.23.02.06; COMAR 26.17.01; COMAR 26.23; COMAR 26.24

2. Statement of Necessity for General Conditions 6, 9, 10 and Special Conditions 2, 7, 8: Fill or construction material within or adjacent to regulated resources may cause discharges resulting in turbidity in excess of water quality standards and interfere with designated uses of growth and propagation of fish, other aquatic life, wildlife; and other designated uses; and fail to meet general water quality criteria that waters not be polluted by substances in amounts sufficient to be unsightly or create a nuisance.

Citation: 26.08.02.03B(1)-B(2); COMAR 26.23; COMAR 26.24; COMAR 26.17.04

3. Statement of Necessity for General Condition 7: This condition is necessary to clarify the scope of this certification to ensure compliance with water quality regulations, without limiting restrictions through other requirements.

Citation: Federal and state laws which authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08, COMAR 26.08.02.10E; COMAR 26.23.02.06; COMAR 26.17.04; COMAR 26.23; COMAR 26.24

4. Statement of Necessity for General Condition 8: Conditions of certification involve precise actions to comply with water quality standards. Site inspection may be necessary to ensure that limits, methods, and other requirements are met to ensure that water quality standards are met and designated uses are maintained. These conditions are necessary to ensure that the activity was conducted, and project completed according to terms of the authorization/certification, while allowing for review of in-field modifications which may have resulted in discharges to ensure that water quality standards were met. Designated uses include support of estuarine and marine aquatic life and shellfish harvesting and for growth and propagation of fish, other aquatic life, and wildlife

Citation: Federal and state laws that authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR

26.08.02.03B(1)(b); COMAR 26.08.02.03B(2); COMAR 26.23.02.06; COMAR 26.23; COMAR 26.24; COMAR 26.17.04

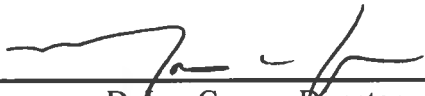
5. Statement of Necessity for General Condition 11: This condition is necessary to qualify the period of applicability of the terms and conditions of this Certification to be protective of Maryland water quality standards.

Citations: Federal and state laws which authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; 40 C.F.R. 121, 15 C.F.R. 930, Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.17.04; COMAR 26.23; COMAR 26.24

6. Statement of Necessity for Special Condition 4: Expertise for conducting certain activities is required to ensure that there is no violation of water quality standards nor interference with designated uses. This condition is necessary to ensure that discharges will be conducted in a manner which does not violate water quality criteria nor interfere with designated uses.

Citation: COMAR 26.08.02.02B(2)- B(4); COMAR 26.08 02.03B(2)(d) – (e); COMAR 26.08.02.03B(1)(b); 26.08.02.03B(2); COMAR 23.02.04.04

CERTIFICATION APPROVED



D. Lee Currey, Director
Water and Science Administration

7/8/2024

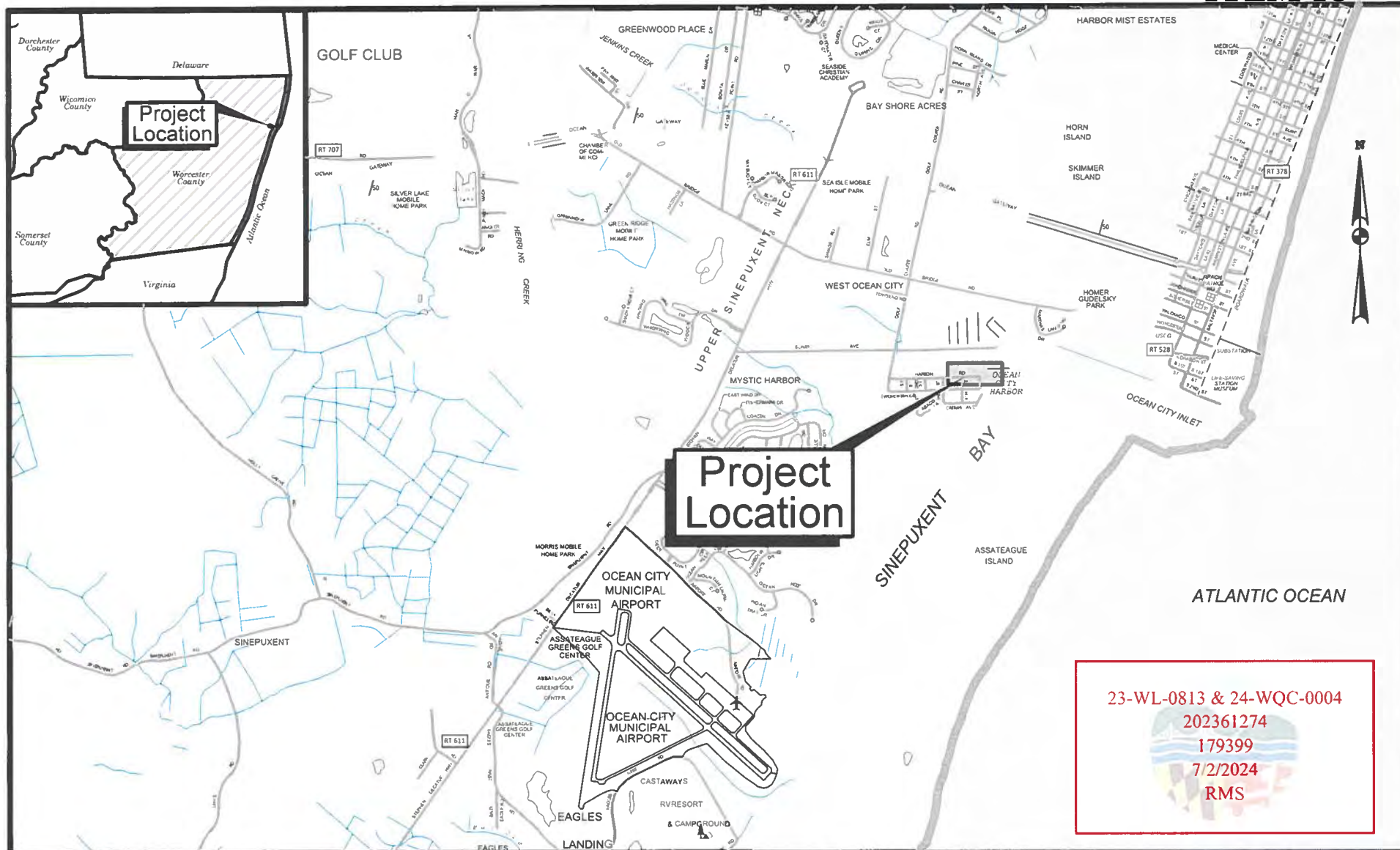
Date

Tracking Number: 202361274
Agency Interest Number: 179399

Effective Date: July 2, 2024

Enclosure: Plan Sheets dated **July 2, 2024**

cc: WSA Inspection & Compliance Program
Army Corps of Engineers



Project Location

23-WL-0813 & 24-WQC-0004
202361274
179399
7/2/2024
RMS

Revisions

- Revision 1: Update to Pier Length and Associated Impacts (3/2024)
- Revision 2: Updated Wharf dimensions and impacts (4/30/2024)
- Revision 3: Revised Existing Conditions - Bulkhead (6/03/2024)

WORCESTER COUNTY

OPERATIONS AND MAINTENANCE FACILITY PIER INSTALLATION

LOCATION MAP

SCALE: 1" = 2,500'

DATE: JUNE 2024











PLATE 01 of 06



US WIND, INC.
401 EAST PRATT
STREET, SUITE 1810
BALTIMORE, MD
21202



LEGEND

	Mean High Water Elevation (0.84' NAVD88 per Spencer Rowe Inc Report, August 2022)
	Mean Low Water Elevation (-1.58' NAVD88 per Spencer Rowe Inc Report, August 2022)
	Approximate Mean High Water Elevation (Northern Boundary)
	Approximate Mean Low Water Elevation (Northern Boundary)
	18 inch Bulkhead Repair
	New Timber Fender System
	New Cleat
	Estuarine Subtidal Unconsolidated Bottom (E1UBL) - Permanent Impact
	Limit of Federal Channel
	Property Line

Operations & Maintenance Facility

Plate Number	Name	Permanent Impact (SF)		
		Bulkhead	Pier	TOTAL
04	Estuarine Subtidal Unconsolidated Bottom (E1UBL), Section B-B	306	3,811	4,117
	Estuarine Subtidal Unconsolidated Bottom (E1UBL), Section A-A	268.5	4,951.5	5,220
Totals		574.5	8,762.5	9,337

NOTES

- No dredging is proposed for construction or operation of the pier as shown herein.
- Existing concrete wharf (B-B) is approximately 21 ft wide by 180 ft long (approximately 3,780 SF).
- Bulkhead repairs will be performed by placing sheet piling a maximum of 18 inches beyond the existing face and filling the void between the two before being capped.
- New straight and uniform steel sheet pile bulkhead will be placed 18 inches beyond current deteriorating and multi-material bulkhead under the concrete wharf in Section B-B. New fixed concrete wharf will replace existing fixed concrete wharf in Section B-B.
- The MHW and the MLW on the northern boundary of the channel is approximate based upon aerial imagery.
- Spot elevations in the channel shown on Plate 03 with an 'x' are based on bathymetric survey (May 2023).
- Tiebacks, if necessary, will be installed utilizing standard installation procedures and best management practices.
- Notional Crew Transfer Vessels (CTVs) shown on Plate 4 are approximately 100' x 33' x 5'.
- Support Steel Piles: Approximately 185, spacing of 10', diameter 12-18"
- Timber Fender Piles: Approximately 72, spacing of 5', diameter 12-18"
- Sheet Pile: 383 linear feet

23-WL-0813 & 24-WQC-0004
202361274
179399
7/2/2024
RMS



US WIND, INC.
401 EAST PRATT
STREET, SUITE 1810
BALTIMORE, MD
21202

Revisions

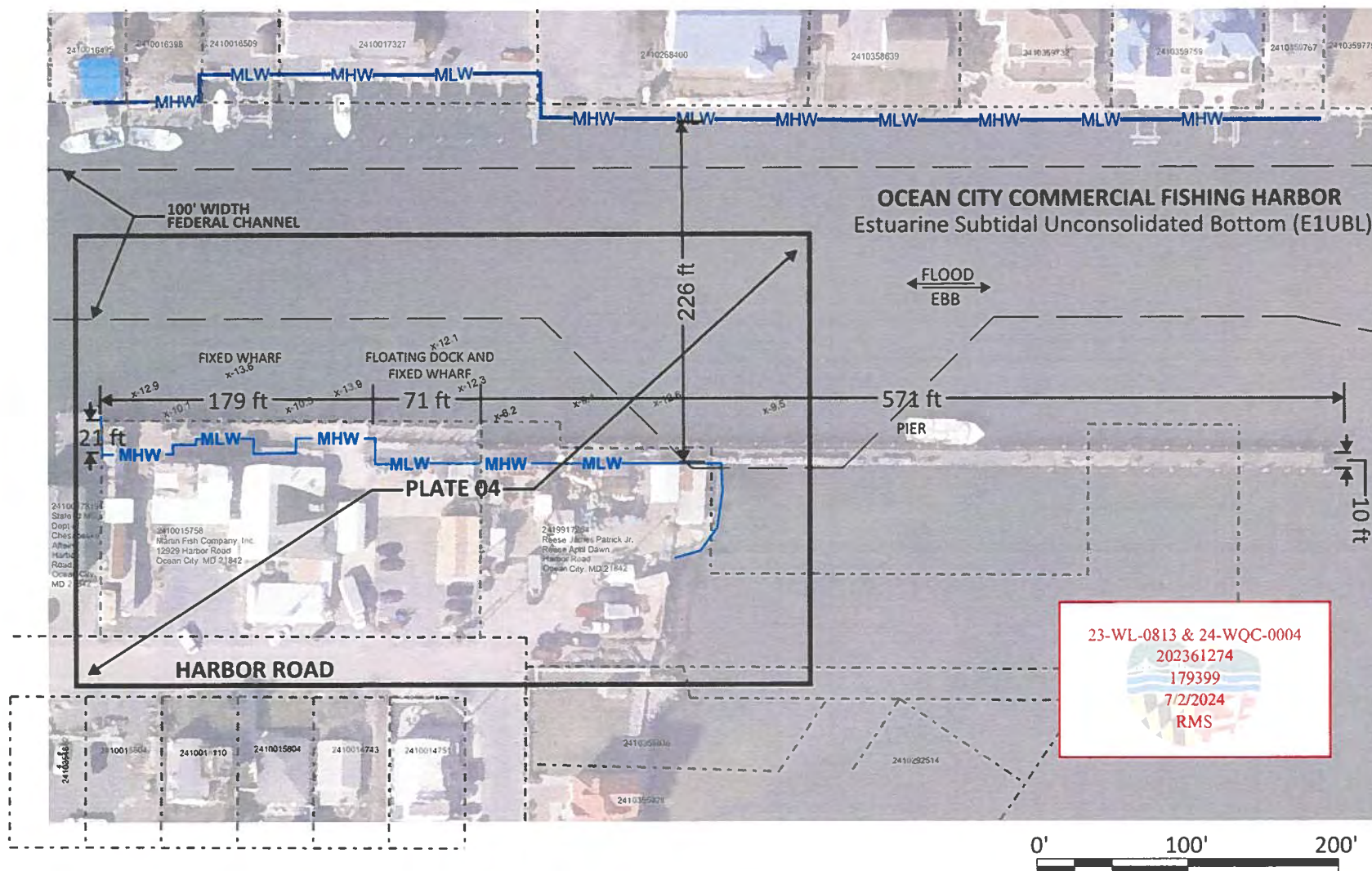
Revision 1: 3/24
Revision 2: 4/30/24
Revision 3: 6/03/24

WORCESTER COUNTY
**OPERATIONS AND MAINTENANCE FACILITY
PIER INSTALLATION**
**LEGEND AND NOTES**

NOT TO SCALE

DATE: JUNE 2024

PLATE 02 of 06



US WIND, INC.
401 EAST PRATT
STREET, SUITE 1810
BALTIMORE, MD
21202



Revisions

Revision 1: Update to Pier Length and Associated Impacts (3/2024)
Revision 2: Updated Wharf dimensions and impacts (4/30/2024)
Revision 3: Revised Existing Conditions - Bulkhead (6/03/2024)

WORCESTER COUNTY

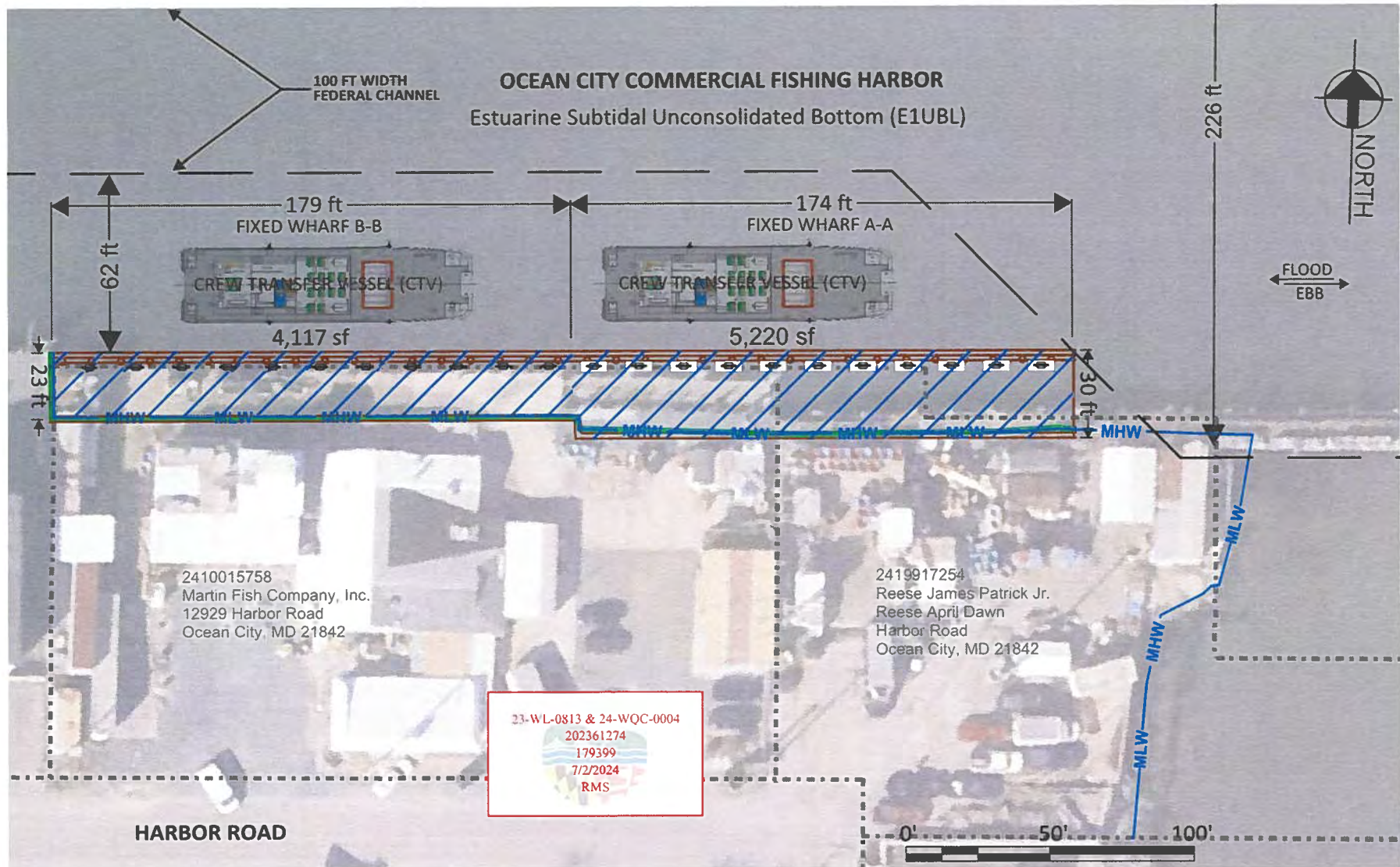
OPERATIONS AND MAINTENANCE FACILITY PIER INSTALLATION

EXISTING CONDITIONS

SCALE: 1" = 100'

DATE: JUNE 2024

PLATE 03 of 06



US WIND, INC.
401 EAST PRATT
STREET, SUITE 1810
BALTIMORE, MD
21202



Revisions

Revision 1: Update to Pier Length and Associated Impacts (3/2024)
Revision 2: Updated Wharf dimensions and impacts (4/30/2024)
Revision 3: Revised Existing Conditions - Bulkhead (6/03/2024)

WORCESTER COUNTY

OPERATIONS AND MAINTENANCE FACILITY PIER INSTALLATION

WETLAND IMPACTS

SCALE: 1" = 50'

DATE: JUNE 2024

PLATE 04 of 06

ITEM 18

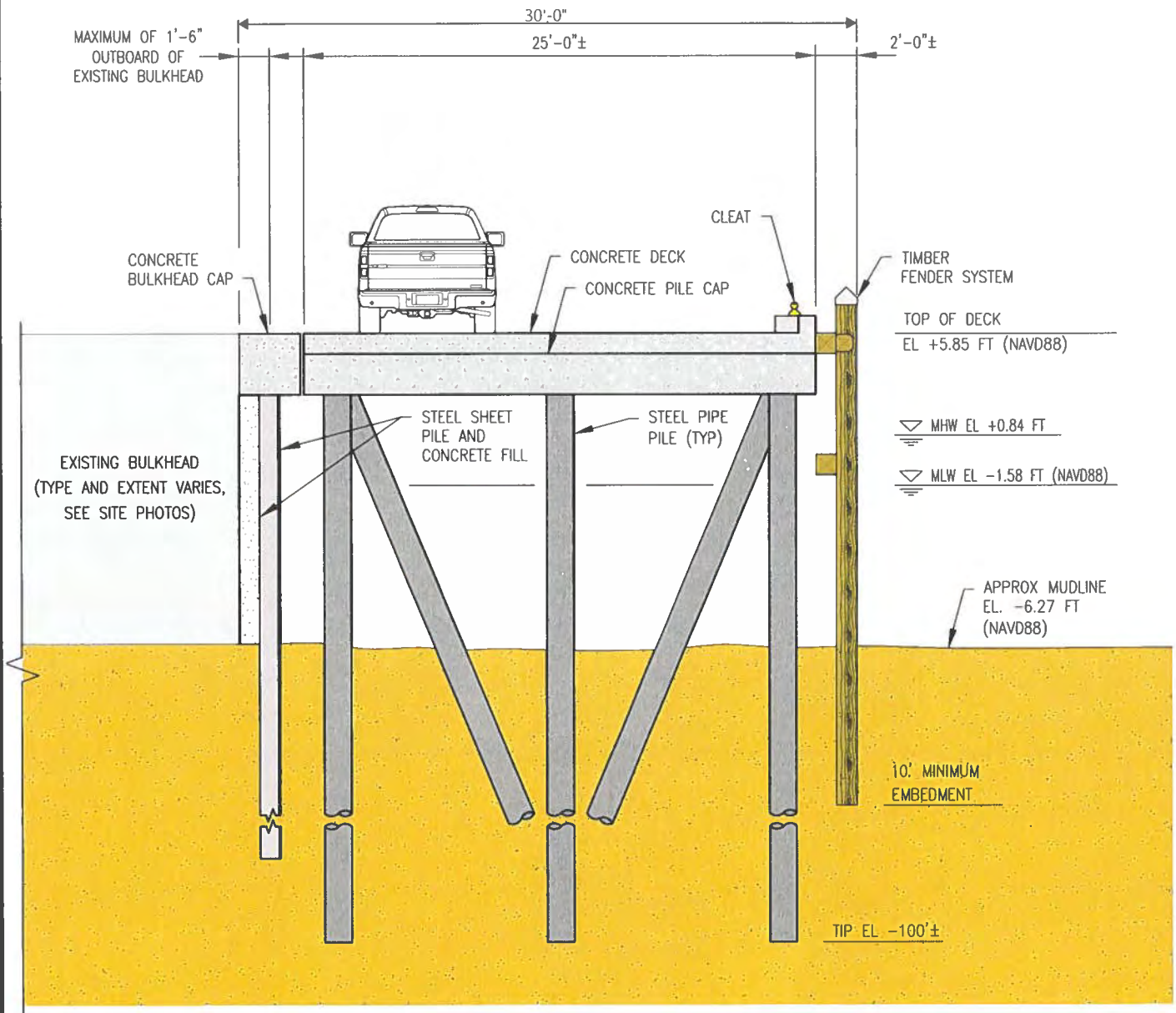
23-WL-0813 & 24-WQC-0004

202361274

179399

7/2/2024

RMS



NOTE: MHW LINE BASED ON
STUDY PERFORMED BY
SPENCER ROWE, INC., IN A
REPORT DATED AUGUST 2022.

CONCEPTUAL FIXED WHARF SECTION A-A



US WIND, INC.
401 EAST PRATT
STREET, SUITE 1810
BALTIMORE, MD
21202



Revisions

Revision 1: 3/24
Revision 2: 4/30/24
Revision 3: 6/03/24

WORCESTER COUNTY

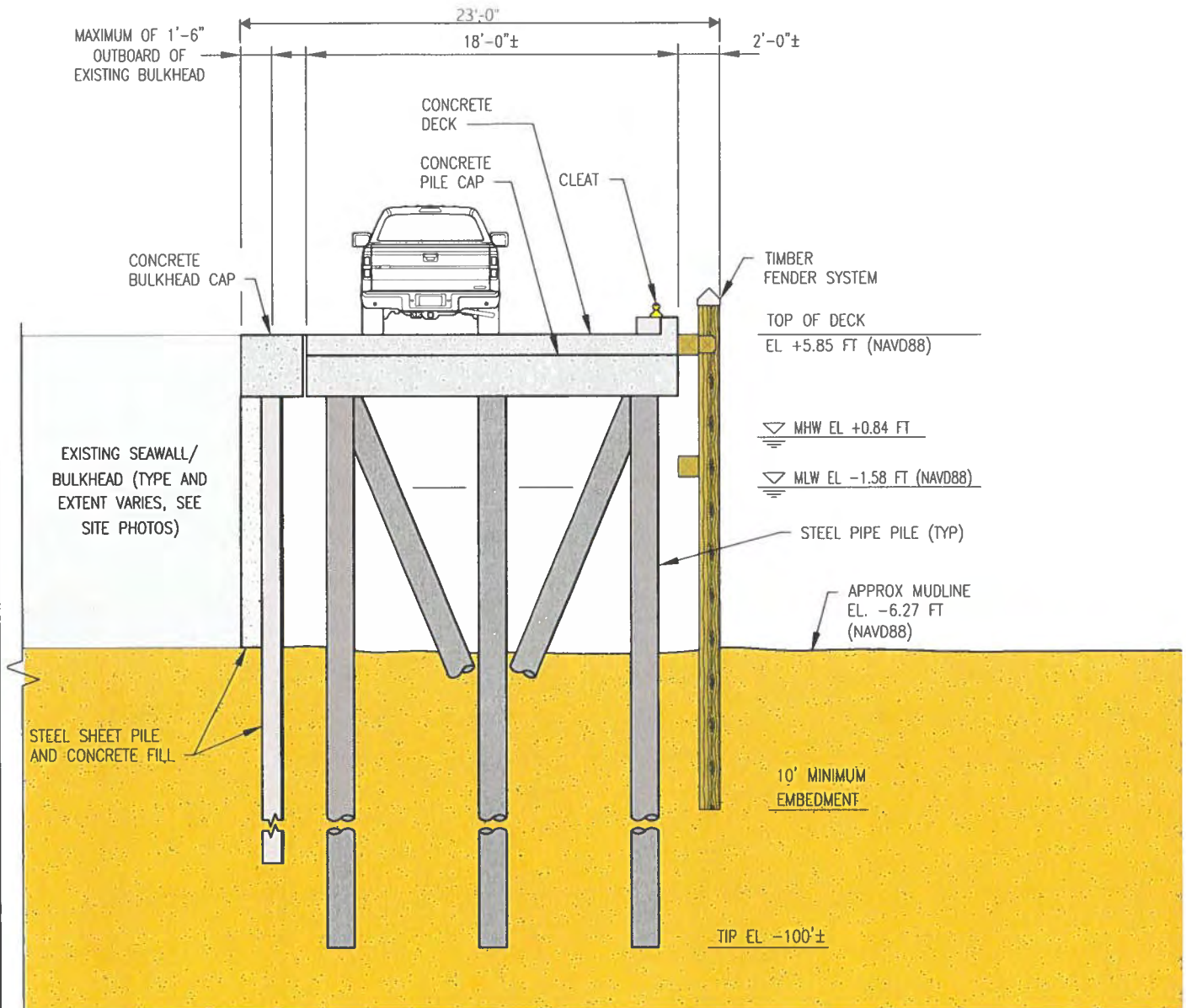
OPERATIONS AND MAINTENANCE FACILITY PIER INSTALLATION

NOT TO SCALE

DATE: JUNE 2024

PLATE 05 of 06

23-WL-0813 & 24-WQC-0004
202361274
179399
7/2/2024
RMS



NOTE: MHW LINE BASED ON
STUDY PERFORMED BY
SPENCER ROWE, INC., IN A
REPORT DATED AUGUST 2022.

CONCEPTUAL FIXED WHARF SECTION B-B



US WIND, INC.
401 EAST PRATT
STREET, SUITE 1810
BALTIMORE, MD
21202



Revision 1: 3/24
Revision 2: 4/30/24
Revision 3: 6/03/24

WORCESTER COUNTY

OPERATIONS AND MAINTENANCE FACILITY
PIER INSTALLATION

NOT TO SCALE

DATE: JUNE 2024

PLATE 06 of 06

Attachment 4

**BPW Letter to Parties
Submitting Comments to
MDE**



William Morgante, PWS
Wetlands Administrator

State of Maryland
Board of Public Works
Wetlands Administration

80 Calvert Street, Room 117, Annapolis, Maryland 2140
410-260-7791

ITEM 18

Wes Moore
Governor

Dereck E. Davis
Treasurer

Brooke Liernan
Comptroller

John T. Gontrum, Esq.
Executive Secretary

July 30, 2024

RE: Tidal Wetlands Case No. 23-0813, US Wind Inc.

You are receiving this letter because you provided comments in opposition to US Wind Inc.'s application for Maryland Tidal Wetlands License 23-WL-0813. The license will appear on an upcoming Maryland Board of Public Works meeting agenda. You are invited to submit comments directly to the Board of Public Works regarding the proposed license.

The purpose of the work under the proposed license is to replace and rebuild an existing pier and bulkhead proposed to be part of US Wind's Operation and Maintenance Facility.

Included with this correspondence is a copy of a favorable Report and Recommendation from the Maryland Department of the Environment to the Board of Public Works for the proposed US Wind Inc. project. A copy of the Department's Report and Recommendation to the Board of Public Works has been published on the Board of Public Works' website. If you require a hard copy of the Department's Report and Recommendation, please contact me.

As Wetlands Administrator for the Board of Public Works I am undertaking a review of the license application and will provide a recommendation to the Board of Public Works on whether it is in the best interests of the State to approve the proposed project. Under Maryland law, the impacts of the proposed licensed activity must be analyzed under the following five factors: ecological, economic, developmental, recreational and aesthetic.

The specific proposed licensed activity under 23-WL-0813 is to:

1. Construct a 353 foot long by 30 foot wide concrete pier with associated timber fenders, all within a maximum of 30 feet channelward of the mean high water line.
2. Construct 383 linear feet of replacement steel bulkhead within a maximum of 18 inches channelward of the mean high water line.

Because only the impacts of the specific proposed license activity may be considered by the Board of Public Works in its determination of whether granting the license in the best interests of the State, comments should focus on the impacts of the proposed pier and bulkhead. Please let me know of any comments related to the specific proposed licensed activity in writing by the close of business on **Tuesday August 20, 2024**. The preferred method to submit comments is by email to: bill.morgante@maryland.gov

Thank you for your cooperation and interest.

Sincerely,

William Morgante

William Morgante
Wetlands Administrator



Worcester County Administration

One West Market St. Room 1103 | Snow Hill MD 21863 | (410) 632-1194 | www.co.worcester.md.us

Aug. 6, 2024

Wetlands Administrator William Morgante
Maryland Board of Public Works
Wetlands Administration
80 Calvert Street, Room 117
Annapolis, MD 21401

Dear Mr. Morgante:

On behalf of the Worcester County Commissioners, I would like to express our strong opposition to the US Wind application to construct a 353' long by 30' wide concrete pier in West Ocean City. We have significant concerns about the economic impact of the project as well as its inconsistency with the intent of our zoning code.

In reviewing the Maryland Department of the Environment's response to comments collected during the department's review of the project, we noted reference to development of a Fisheries Compensation Agreement. Nevertheless we're not aware of any public outreach efforts within the local fishing community regarding this agreement or how it's going to make up for the project's impact on the Ocean City fishing industry. As it stands, this project is expected to result in the loss of jobs in both the wholesale and retail side of the seafood industry.

In building this pier, which would be located on space currently occupied by Martin Fish Company and Southern Connection Seafood, US Wind effectively eliminates the commercial fishing industry's buy operations. With nowhere to commercially pack fish in Worcester County, commercial fishing families will be put out of business. One of the properties hosts Maryland's horseshoe crab blood recovery operations, a practice that is vital for drug and vaccine production.

This is not what local officials intended when they created the Commercial Marine District. The district was established "to preserve and protect" Worcester County's fishing industry. While the district allows compatible uses, those were never intended to supplant the traditional marine operations that have historically been found at the harbor. The construction of the proposed pier will be part of a property acquisition that will foreclose on the local commercial seafood industry without an economic compensation program being communicated to the community.

We urge the Board of Public Works to consider the negative economic impacts of the proposed pier and deny the license application.

Sincerely,

Anthony W. Bertino, Jr.
President

cc: Senator Mary Beth Carozza
Delegate Wayne Hartman
Delegate Charles Otto

DRAFT



COMMISSIONERS
 Anthony W. Bertino, Jr., PRESIDENT
 Madison J. Bunting, Jr. Vice PRESIDENT
 Caryn Abbott
 Theodore Elder
 Eric J. Fiori
 Joseph Mitrecic
 Diana Purnell

OFFICE OF THE
 COUNTY COMMISSIONERS
Worcester County
 GOVERNMENT CENTER
 ONE WEST MARKET STREET • ROOM 1103
 SNOW HILL, MARYLAND
 21863-1195

WESTONS, YOUNG, P.E.
 CHIEF ADMINISTRATIVE OFFICER
 CANDACE I. SAVAGE
 DEPUTY ADMINISTRATIVE OFFICER
 ROSCOE, LESLIE
 COUNTY ATTORNEY

July 26, 2024

To: Worcester County Commissioners
 From: Karen Hammer, Administrative Assistant V
 SUBJECT: Upcoming Board Appointments - Terms Beginning January 1, 2024

President Bertino – You have Three (3) positions open:

- George Solyak – Term Ending – Agricultural Reconciliation Bd.
- Maria C- Lawrence – Term Ending Dec. 2023 – Housing Review Board
- Judith Giffin – **Resigned** - Commission for Women

Commissioner Purnell – You have filled all your positions, Thank you!

Commissioner Bunting - You have filled all your positions, Thank you!

Commissioner Abbott – You have One (1) position open:

- Nola Tuller – Released – Tourism Advisory Committee
- Kathleen Palmer – **Resigned** – Commission for Women

Commissioner Mitrecic – You have One (1) position open:

- Bill Paul – **Resigned** – Building Code Appeals Board

Commissioner Elder - You have filled all your positions, Thank you!

Commissioner Fiori - You have Eight (8) positions open:

- Martin Kwesko - **Resigned** - Dec. 21- Water & Sewer Advisory Council, Mystic Harbour
- Joseph Weitzell – passed - Water & Sewer Advisory Council, Mystic Harbour
- Richard Jendrek- passed- Water & Sewer Advisory Council, Mystic Harbour
- Bruce Bums -passed- Water & Sewer Advisory Council, Mystic Harbour
- Keith Swanton -Term Ended-Dec. 21- Water & Sewer Advisory Council, West Ocean City
- Deborah Stanley – Term Ending Dec. 2023 - Water & Sewer Advisory Council, West Ocean City
- Gail Fowler – Term Ending Dec. 2023 - Water & Sewer Advisory Council, West Ocean City
- Elizabeth Rodier -Term Ending-Dec. 21- Commission for Women- Not a Reappointment

All Commissioners:

(5)-Adult Public Guardianship Board-

4- Terms Expiring Dec. 2023-attached summary in open session

1 - Term Expired - Ms. Wessels, (Roberta Baldwin will potentially help search for a viable replacement, if necessary).

(1)-Drug and Alcohol Abuse Council – (1Deceased) (Dr. Cragway)

(2) -Local Development Council for the Ocean Downs Casino-

2- Previously Expired Terms - **Mark Wittmyer At-Large -Suggested Replacement. Expired Term** David Massey (At-Large-Business O.P.),

(2) – Property Tax Assessment Appeal Board – 1 regular member vacancy available and an alternate member vacancy available. Delegate Hartman has two recommendations. See attached.

(4) - Water and Sewer Advisory Council - Mystic Harbour 3- (Passing of Richard Jendrek, Bruce Burns and Joseph Weitzell) 1-Term Ended-Martin Kwesko

(3)- Water and Sewer Advisory Council- West Ocean City- 1 Term Ended-Dec. 21 – Keith Swanton 2 – Terms Expiring Dec. 2023, Deborah Stanley, Gail Fowler

(3 - Total): Commission for Women:

(3) Resigned -Elizabeth Rodier - (Fiori), Judith Giffin - (Bertino), Kathleen Palmer (Abbott) - Resigned

Please see attached interest letter and resume which was previously attached on March 5, 2024,

Mrs. Belinda Gulyas.

ADULT PUBLIC GUARDIANSHIP BOARD

Reference: PGL Family Law 14-402, Annotated Code of Maryland

Appointed by: County Commissioners

Function: Advisory
Perform 6-month reviews of all guardianships held by a public agency.
Recommend that the guardianship be continued, modified or terminated.

Number/Term: 11/3 year terms
Terms expire December 31st

Compensation: None, travel expenses (under Standard State Travel Regulations)

Meetings: Semi-annually

Special Provisions: 1 member must be a professional representative of the local department
1 member must be a physician
1 member must be a psychiatrist from the local department of health
1 member must be a representative of a local commission on aging
1 member must be a representative of a local nonprofit social services organization
1 member must be a lawyer
2 members must be lay individuals
1 member must be a public health nurse
1 member must be a professional in the field of disabilities
1 member must be a person with a physical disability

Staff Contact: Department of Social Services - Roberta Baldwin (410-677-6872)

Current Members:

<u>Member's Name</u>	<u>Representing</u>	<u>Years of Term(s)</u>
Connie Wessels	Lay Person	*15-16-19, 19-22 (Term Expired)
Brandy Trader	Non-profit Soc. Service Rep.	*15-17, 17-20, 20-23
LuAnn Siler	Commission on Aging Rep.	17-20, 20-23
Jack Ferry	Professional in field of disabilities	*14-14-17-20, 20-23
Thomas Donoway	Person with physical disability	17-20, 20-23
Roberta Baldwin	Local Dept. Rep. - Social Services	03-06-09-12-15-18-21-24
Melissa Banks	Public Health Nurse	*02-03-06-09-12-15-18-21-24
Dr. Ovais Khalid	Psychiatrist	23-26
Dr. William Greer	Physician	07-10-13-16-19-22-25
Richard Collins	Lawyer	95-16-19-22-25
Nancy Howard	Lay Person	*17-19, 19-22-25

* = Appointed to fill an unexpired term

Reference: Public Local Law § ZS 1-346 (Right to Farm Law)

Appointed by: County Commissioners

Function: Regulatory
Mediate and arbitrate disputes involving agricultural or forestry operations conducted on agricultural lands and issue opinions on whether such agricultural or forestry operations are conducted in a manner consistent with generally accepted agricultural or forestry practices and to issue orders and resolve disputes and complaints brought under the Worcester County Right to Farm Law.

Number/Term: 5 Members/4-Year Terms - Terms expire December 31st

Compensation: None - Expense Reimbursement as provided by County Commissioners

Meetings: At least one time per year, more frequently as necessary

Special Provisions: - All members must be County residents
- Two Members chosen from nominees of Worcester County Farm Bureau
- One Member chosen from nominees of Worcester County Forestry Board
- Not less than 2 but not more than 3 members shall be engaged in the agricultural or forestry industries (**At-Large members - non-ag/forestry**)

Staff Contact: Dept. of Development Review & Permitting
- Jennifer Keener (410-632-1200)
County Agricultural Extension Agent - As Consultant to the Board
- Doug Jones, District Manager, Resource Conservation District - (632-3109, x112)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Ag/Forest Industry</u>	<u>Resides</u>	<u>Years of Term(s)</u>
George Solyak	At-Large	No	Ocean Pines	18-22
Stacey Esham	Forestry Bd.	Yes	Berlin	12-16-20, 20-24
Brooks Clayville	Farm Bureau	Yes	Snow Hill	00-04-08-12-16-20, 20-24
Dean Ennis	Farm Bureau	Yes	Pocomoke	06-10-14-18-22-26
Tom Babcock	At-Large	No	Whaleyville	14-18-22-26

Prior Members: Since 2000

Michael Beauchamp (00-06)
Phyllis Davis (00-09)
Richard G. Holland, Sr. (00-12)
Rosalie Smith (00-14)
Betty McDermott *(09-17)

BUILDING CODE APPEALS BOARD

Reference: PGL - Public Safety Article - Section 12-501 - 12-508 - Annotated Code of Maryland
COMAR 05.02.07 (Maryland Building Performance Standards)
- International Building Code, International Residential Code

Appointed by: County Commissioners

Function: Quasi-Judicial
Hear and decide upon appeals of the provisions of the International Building Code (IBC) and International Residential Code for one- and two-family dwellings (IRC)

Number/Term: 7/4-year terms
Terms expire December 31

Compensation: \$100 per meeting (by policy)

Meetings: As Needed

Special Provisions: Members shall be qualified by reason of experience, training or formal education in building construction or the construction trades.

Staff Contact: Jennifer Keener, Director
Development Review & Permitting (410-632-1200, ext. 1123)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Bill Paul	D-7 - Mitrecic	Ocean Pines	15-19-23 Resigned
Kevin Holland	D-1 - Abbott	Pocomoke	96-04-08-12-16-20, 20-24
James Spicknall	D-5 - Bertino	Ocean Pines	04-08-12-16-20, 20-24
Mike Poole	D-6 - Bunting	Bishopville	17-21, 21-25
Mark Bargar	D-4 - Elder	Berlin	14-18-22-26
Jim Wilson	D-3 - Fiori	Berlin	02-06-10-14-18-22-26
Elbert Davis	D-2 - Purnell	Snow Hill	*03-07-11-15-19-23-27

Prior Members:

Robert L. Cowger, Jr. (92-95)
Charlotte Henry (92-97)
Robert Purcell (92-98)
Edward DeShields (92-03)
Sumei Prete (97-04)
Shane C. Spain (03-14)
Dominic Brunori (92-15)
Richard P. Mueller (98-17)

Reference: PGL Health-General, Section 8-1001

Appointed by: County Commissioners

Functions: Advisory
Develop and implement a plan for meeting the needs of the general public and the criminal justice system for alcohol and drug abuse evaluation, prevention and treatment services.

Number/Term: At least 18 - At least 7 At-Large, and 11 ex-officio (also several non-voting members)
At-Large members serve 4-year terms; Terms expire December 31

Compensation: None

Meetings: As Necessary

Special Provisions: Former Alcohol and Other Drugs Task Force was converted to Drug and Alcohol Abuse Council on October 5, 2004.

Staff Contact: Regina Mason, Council Secretary, Health Department (410-632-1100)
Doug Dods, Council Chair, Sheriff's Office (410-632-1111)

Current Members:

<u>Name</u>	<u>Representing</u> <u>At-Large Members</u>	<u>Years of Term(s)</u>
Kim Moses	Knowledgeable on Substance Abuse Issues	08-12-16-20, 20-24
Dr. Roy W. Cragway, Jr.	Knowledgeable on Substance Abuse Issues	*17-20, 20-24 - deceased
Rev. James Jones	Knowledge of Substance Abuse Issues	*21-25
Tina Simmons	Knowledge of Substance Abuse Treatment	21-25
Eric Gray (Christina Purcell)	Substance Abuse Treatment Provider	*15-18-22-26
Sue Abell-Rodden	Recipient of Addictions Treatment Services	10-14-18-22-26
Colonel Doug Dods	Knowledgeable on Substance Abuse Issues	04-10 (adv)-14-18-22-26
Jim Freeman, Jr.	Knowledgeable on Substance Abuse Issues	04-11-15, 15-19-23-27
Mimi Dean	Substance Abuse Prevention Provider	*18-19-23-27
Michael Trader	Knowledgeable on Substance Abuse Issues	23-27

Ex-Officio Members

Rebecca Jones	Health Officer	Ex-Officio, Indefinite
Roberta Baldwin	Social Services Director	Ex-Officio, Indefinite
Spencer Lee Tracy, Jr.	Juvenile Services, Regional Director	Ex-Officio, Indefinite
Trudy Brown	Parole & Probation, Regional Director	Ex-Officio, Indefinite
Kris Heiser	State's Attorney	Ex-Officio, Indefinite
Burton Anderson	District Public Defender	Ex-Officio, Indefinite
Sheriff Matt Crisafulli	County Sheriff	Ex-Officio, Indefinite
William Gordy (Eloise Henry Gordy)	Board of Education President	Ex-Officio, Indefinite
Diana Purnell	County Commissioners	Ex-Officio, Indefinite
Judge Brian Shockley (Jen Bauman)	Circuit Court Administrative Judge	Ex-Officio, Indefinite
Judge Gerald Purnell (Tracy Simpson)	District Court Administrative Judge	Ex-Officio, Indefinite
Donna Bounds	Warden, Worcester County Jail	Ex-Officio, Indefinite

Advisory Members

* Appointed to a partial term for proper staggering, or to fill a vacant term

HOUSING REVIEW BOARD

Reference: Public Local Law §BR 3-104

Appointed by: County Commissioners

Function: Regulatory/Advisory
To decide on appeals of code official's actions regarding the Rental Housing Code. Decide on variances to the Rental Housing Code.
Review Housing Assistance Programs.

Number/Term 7/3-year terms
Terms expire December 31st

Compensation: \$100 per meeting (policy)

Meetings: As Needed

Special Provisions: Immediate removal by Commissioners for failure to attend meetings.

Staff Support: Development Review & Permitting Department
Davida Washington, Housing Program Administrator - 410-632-1200

Ext: 1171

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Terms(s)</u>
Maria Campione-Lawrence	D-5, Bertino	Ocean Pines	*22-23
Felicia Green	D-2, Purnell	Ocean Pines	*21-24
Keri-Ann F. Byrd	D-1, Abbott	Pocomoke	22-25
Debbie Hileman	D-6, Bunting	Ocean Pines	10-13-16-19-22-25
Don Furbay	D-3, Fiori	W. Ocean City	23-26
Charlie Murphy	D-7, Mitrecic	Ocean City	*23-26
Scott Tingle	D-4, Elder	Snow Hill	14-17-20-23-26

Prior Members:

Phyllis Mitchell	Albert Bogdon (02-06)
William Lynch	Jamie Rice (03-07)
Art Rutter	Howard Martin (08)
William Buchanan	Marlene Ott (02-08)
Christina Alphonsi	Mark Frostrom, Jr. (01-10)
Elsie Purnell	Joseph McDonald (08-10)
William Freeman	Sherwood Brooks (03-12)
Jack Dill	Otho Mariner (95-13)
Elbert Davis	Becky Flater (13-14)
J. D. Quillin, III (90-96)	Ruth Waters (12-15)
Ted Ward (94-00)	John Glorioso (*06-19)
Larry Duffy (90-00)	Sharon Teagle (00- 20)
Patricia McMullen (00-02)	Davida Washington (*21-21)
William Merrill (90-01)	Donna Dillion (08-22)
Debbie Rogers (92-02)	C.D. Hall 10-22
Wardie Jarvis, Jr. (96-03)	Chase Church (*19-22)
	Jake Mitrecic (15-21)

* = Appointed to fill an unexpired term

**LOCAL DEVELOPMENT COUNCIL
FOR THE OCEAN DOWNS CASINO**

ITEM 19

Reference: Subsection 9-1A-31(c) - State Government Article, Annotated Code of Maryland

Appointed by: County Commissioners

Function: Advisory
Review and comment on the multi-year plan for the expenditure of the local impact grant funds from video lottery facility proceeds for specified public services and improvements; Advise the County on the impact of the video lottery facility on the communities and the needs and priorities of the communities in the immediate proximity to the facility.

Number/Term: 15/4-year terms; Terms Expire December 31

Compensation: None

Meetings: At least semi-annually

Special Provisions: Membership to include State Delegation (or their designee); one representative of the Ocean Downs Video Lottery Facility, seven residents of communities in immediate proximity to Ocean Downs, and four business or institution representatives located in immediate proximity to Ocean Downs.

Staff Contacts: Kim Moses, Public Information Officer, 410-632-1194
Roscoe Leslie, County Attorney, 410-632-1194

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Represents/Resides</u>	<u>Years of Term(s)</u>
Mark Wittmyer	At-Large	Business - Ocean Pines	15-19
David Massey ^c	At-Large	Business - Ocean Pines	09-13-17, 17-21
Bobbi Jones	Ocean Downs Casino	Ocean Downs Casino	23-indefinite
Mary Beth Carozza	Indefinite	Maryland Senator	14-indefinite
Wayne A. Hartman	Indefinite	Maryland Delegate	18-indefinite
Charles Otto	Indefinite	Maryland Delegate	14-indefinite
Steve Ashcraft	Dist. 6 - Bunting	Resident - Ocean Pines	*19-20, 20-24
Kerrie Bunting	Dist. 4 - Elder	Resident - Snow Hill	*22-24
Mayor Rick Meehan ^c	At-Large	Business - Ocean City	*09-12-16-20-24
Bob Gilmore	Dist. 5 - Bertino	Resident - Ocean Pines	*19-21, 21-25
Matt Gordon	Dist. 1 – Abbott	Resident - Pocomoke	19-22, 22-26
Ivy Wells	Dist. 3 - Church	Resident - Berlin	22-26
Cam Bunting ^c	At-Large	Business - Berlin	*09-10-14-18-22-26
Roxane Rounds	Dist. 2 - Purnell	Resident - Berlin	*14-15-19-23-27
Michael Donnelly	Dist. 7 - Mitrecic	Resident - Ocean City	*16-19-23-27

Prior Members:

J. Lowell Stoltzfus ^c (09-10)
Mark Wittmyer ^c (09-11)
John Salm ^c (09-12)
Mike Pruitt ^c (09-12)
Norman H. Conway ^c (09-14)
Michael McDermott (10-14)
Diana Purnell ^c (09-14)
Linda Dearing (11-15)
Todd Ferrante ^c (09-16)

Since 2009

Joe Cavilla (12-17)
James N. Mathias, Jr. ^c (09-18)
Ron Taylor ^c (09-14)
James Rosenberg (09-19)
Rod Murray ^c (*09-19)
Gary Weber (*19-21)

Charlie Dorman (12-19)
Gee Williams (09-21)
Bobbi Sample (17-23)

* = Appointed to fill an unexpired term/initial terms staggered
^c = Charter Member

PROPERTY TAX ASSESSMENT APPEAL BOARD

Reference: Annotated Code of Maryland, Tax-Property Article, §TP 3-102

Appointed by: Governor (From list of 3 nominees submitted by County Commissioners)
 - Nominees must each fill out a resume to be submitted to Governor
 - Nominations to be submitted 3 months before expiration of term

Function: Regulatory
 - Decides on appeals concerning: real property values and assessments, personal property valued by the supervisors, credits for various individuals and groups as established by State law, value of agricultural easements, rejection of applications for property tax exemptions.

Number/Term: 3 regular members, 1 alternate/5-year terms
 Terms Expire June 1st

Compensation: \$15 per hour (maximum \$90 per day), plus travel expenses

Meetings: As Necessary

Special Provisions: Chairman to be designated by Governor

Staff Contact: Department of Assessments & Taxation- Janet Rogers (410-632-1365)

<u>Current Members:</u>	<u>Representing:</u>	<u>Term:</u>
Steven W. Rakow	Ocean Pines	*19-22 Resigned
Richard Ramsay	Snow Hill	*21-22 -27
Martha Bennett	Berlin	19-24

Prior Members: Since 1972

Wilford Showell	Joseph A. Calogero (04-09)
E. Carmel Wilson	Joan Vetare (04-12)
Daniel Trimper, III	Howard G. Jenkins (03-18)
William Smith	Robert D. Rose (*06-17)
William Marshall, Jr.	Larry Fry (*10-14 alt) (14-18)
Richard G. Stone	Richard Thompson (*18-21alt)
Milton Laws	Arlene Page 18-23
W. Earl Timmons	
Hugh Cropper	
Lloyd Lewis	
Ann Granados	
John Spurling	
Robert N. McIntyre	
William H. Mitchell (96-98)	
Delores W. Groves (96-99)	
Mary Yenney (98-03)	
Walter F. Powers (01-04)	
Grace C. Purnell (96-04)	
George H. Henderson, Jr. (97-06)	

* = Appointed to fill an unexpired term

**WATER AND SEWER ADVISORY COUNCIL
MYSTIC HARBOUR SERVICE AREA**

Reference: County Commissioners' Resolutions of 11/19/93 and 2/1/05

Appointed by: County Commissioners

Function: Advisory
Advise Commissioners on water and sewer needs of the Service Area; review amendments to Water and Sewer Plan; make recommendations on policies and procedures; review and recommend charges and fees; review annual budget for the service area.

Number/Term: 7/4-year terms
Terms Expire December 31

Compensation: \$100.00/meeting

Meetings: Monthly or As-Needed

Special Provisions: Must be residents of Mystic Harbour Service Area

Staff Support: Department of Public Works - Water and Wastewater Division
Chris Clasing - (410-641-5251)

Current Members:

<u>Member's Name</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Martin Kwesko	Mystic Harbour	13-17, 17-21 (Resigned)
Richard Jendrek ^C	Bay Vista I	05-10-14-18, 18-22 (deceased)
Joseph Weitzell	Mystic Harbour	05-11-15-19, 19-23 (deceased)
Bruce Burns	Deer Point	19-23 (deceased)
David Dypsky	Teal Marsh Center	*10-12-16, 16-20, 20-24
Stan Cygam	Whispering Woods	*18-20, 20-24
Matthew Kraeuter	Ocean Reef	*19-22, 23-27

Prior Members: (Since 2005)

John Pinnero ^C (05-06)	Carol Ann Beres (14-18)
Brandon Phillips ^C (05-06)	Bob Hunt (*06-19)
William Bradshaw ^C (05-08)	
Buddy Jones (06-08)	
Lee Trice ^C (05-10)	
W. Charles Friesen ^C (05-13)	
Alma Seidel (08-14)	
Gerri Moler (08-16)	
Mary Martinez (16-18)	

^C = Charter member - Initial Terms Staggered in 2005
* = Appointed to fill an unexpired term

**WATER AND SEWER ADVISORY COUNCIL
WEST OCEAN CITY SERVICE AREA**

Reference: County Commissioners' Resolution of November 19, 1993

Appointed by: County Commissioners

Function: Advisory
Advise Commissioners on water and sewer needs of the Service Area; review amendments to Water and Sewer Plan; make recommendations on policies and procedures; review and recommend charges and fees; review annual budget for the service area.

Number/Term: 5/4-year terms
Terms Expire December 31

Compensation: \$100.00/Meeting

Meetings: Monthly

Special Provisions: Must be residents/ratepayers of West Ocean City Service Area

Staff Support: Department of Public Works - Water and Wastewater Division
Chris Clasing - (410-641-5251)

Current Members:

<u>Member's Name</u>	<u>Resides/Ratepayer of</u>	<u>Terms (Years)</u>
Keith Swanton	West Ocean City	13-17, 17-21
Deborah Maphis	West Ocean City	95-99-03-07-11-15-19, 19-23
Gail Fowler	West Ocean City	99-03-07-11-15-19, 19-23
Blake Haley	West Ocean City	*19-20, 20-24
Todd Ferrante	West Ocean City	13-17-21-25

Prior Members: (Since 1993)

Eleanor Kelly ^c (93-96)	Andrew Delcorro (*14-19)
John Mick ^c (93-95)	
Frank Gunion ^c (93-96)	
Carolyn Cummins (95-99)	
Roger Horth (96-04)	
Whaley Brittingham ^c (93-13)	
Ralph Giove ^c (93-14)	
Chris Smack (04-14)	

Reference: County Commissioners' Resolution of May 4, 1999 and 03-6 of 2/18/03

Appointed by: County Commissioners

Function: Advisory
Advise the County Commissioners on tourism development needs and recommend programs, policies and activities to meet needs, review tourism promotional materials, judge tourism related contests, review applications for State grant funds, review tourism development projects and proposals, establish annual tourism goals and objectives, prepare annual report of tourism projects and activities and evaluate achievement of tourism goals and objectives.

Number/Term: 7/4-Year term - Terms expire December 31st

Compensation: \$100 per meeting expense allowance

Meetings: At least bi-monthly (6 times per year), more frequently as necessary

Special Provisions: One member nominated by each County Commissioner

Staff Contact: Tourism Department – Melanie Pursel, Director of Tourism 410-632-3110

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)²</u>
Josh Davis	D-5, Bertino	Berlin	*19-21, 21-25
Lauren Taylor	D-7, Mitrecic	Ocean City	13-17-21, 21-25
Kerrie Anne Bunting	D-4, Elder	Snow Hill	21-25
Gregory Purnell	D-2, Purnell	Berlin	14-18-22-26
Nola Tullar	D-1, Abbott	Pocomoke	23-27 Released
Thomas Shuster	D-3, Fiori	West Ocean City	23-27
Ruth Waters	D-6, Bunting	Bishopville	19-23-27

Prior Members: Since 1972

Isaac Patterson ¹	Klein Leister (99-03)	Michael Day *19-21
Lenora Robbins ¹	Bill Simmons (99-04)	Barbara Tull (03-23)
Kathy Fisher ¹	Bob Hulburd (99-05)	Elena Ake *16-23 Released
Leroy A. Brittingham ¹	Frederick Wise (99-05)	Nola Tullar (23-24) Released
George "Buzz" Gering ¹	Wayne Benson (05-06)	
Nancy Pridgeon ¹	Jonathan Cook (06-07)	
Marty Batchelor ¹	John Glorioso (04-08)	
John Verrill ¹	David Blazer (05-09)	
Thomas Hood ¹	Ron Pilling (07-11)	
Ruth Reynolds (90-95)	Gary Weber (99-03, 03-11)	
William H. Buchanan (90-95)	Annemarie Dickerson (99-13)	
Jan Quick (90-95)	Diana Purnell (99-14)	
John Verrill (90-95)	Kathy Fisher (11-15)	
Larry Knudsen (95)	Linda Glorioso (08-16)	
Carol Johnsen (99-03)	Teresa Travatello (09-18)	
Jim Nooney (99-03)	Molly Hilligoss (15-18)	
Barry Laws (99-03)	Denise Sawyer (*18-19)	
	Isabel Morris (11-19)	

* = Appointed to fill an unexpired term

1 = Served on informal ad hoc committee prior to 1990, Committee abolished between 1995-1999

2 = All members terms reduced by 1-year in 2003 to convert to 4-year terms

COMMISSION FOR WOMEN

Reference: Public Local Law CG 6-101

Appointed by: County Commissioners

Function: Advisory

Number/Term: 11/3-year terms; Terms Expire December 31

Compensation: None

Meetings: At least monthly (3rd Tuesday at 5:30 PM - alternating between Berlin and Snow Hill)

Special Provisions: 7 district members, one from each Commissioner District
 4 At-large members, nominations from women's organizations & citizens
 4 Ex-Officio members, one each from the following departments: Social Services, Health & Mental Hygiene, Board of Education, Public Safety
 No member shall serve more than six consecutive years

Contact: Coleen Colson, Chair and , Laura Morrison, Co-Chair
 Worcester County Commission for Women - P.O. Box 211, Snow Hill, MD 21863

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Elizabeth Rodier	D-3, Fiori	Bishopville	18-21 Resigned
Dr. Darlene Jackson- Bowen	D-2, Purnell	Pocomoke	*19-21, 21-24
Kimberly List	D-7, Mitrecic	Ocean City	18- 21, 21-24
Gwendolyn Lehman	At-Large	OP, Berlin	*19-21, 21-24
Jocelyn Briddell	At-Large	Berlin	23-26
Coleen Colson	Dept of Social Services		19-22-25
Windy Phillips	Board of Education		19-22-25
Laura Morrison	At-Large	Pocomoke	*19-20-23-26
Crystal Bell, MPA	Health Department		*22-23-26
Judith Giffin	D-5, Bertino	Ocean Pines	*22-23-26 Resigned
Jeannine Jerscheid	Public Safety – Sheriff's Office		23-26
Kathleen Palmer	D-1, Abbott	Pocomoke City	23-26 Resigned
Sharnell Tull	At-Large	Pocomoke	23 -26
Joan Scott	D-4, Elder	Newark	23-26
Susan Ostrowski	D-6, Bunting	Berlin	24-27

Prior Members: Since 1995

Ellen Pilchard ^c (95-97)	Bonnie Platter (98-00)	Vyoletus Ayres (98-03)
Helen Henson ^c (95-97)	Marie Velong ^c (95-99)	Terri Taylor (01-03)
Barbara Beaubien ^c (95-97)	Carole P. Voss (98-00)	Christine Selzer (03)
Sandy Wilkinson ^c (95-97)	Martha Bennett (97-00)	Linda C. Busick (00-03)
Helen Fisher ^c (95-98)	Patricia Ilczuk-Lavanceau (98-99)	Gloria Bassich (98-03)
Bernard Bond ^c (95-98)	Lil Wilkinson (00-01)	Carolyn Porter (01-04)
Jo Campbell ^c (95-98)	Diana Purnell ^c (95-01)	Martha Pusey (97-03)
Karen Holck ^c (95-98)	Colleen McGuire (99-01)	Teole Brittingham (97-04)
Judy Boggs ^c (95-98)	Wendy Boggs McGill (00-02)	Catherine W. Stevens (02-04)
Mary Elizabeth Fears ^c (95-98)	Lynne Boyd (98-01)	Hattie Beckwith (00-04)
Pamela McCabe ^c (95-98)	Barbara Trader ^c (95-02)	Mary Ann Bennett (98-04)
Teresa Hammerbacher ^c (95-98)	Heather Cook (01-02)	Rita Vaeth (03-04)

* = Appointed to fill an unexpired term

^c = Charter member