

**WORCESTER COUNTY PLANNING COMMISSION  
MEETING MINUTES – August 1, 2024**

**Meeting Date:** August 1, 2024

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

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

**Attendance:**

**Planning Commission**

Phyllis Wimbrow, Vice Chair

Marlene Ott

Ken Church

Kathy Drew

Betty Smith

Mary Knight

**Staff**

Jennifer Keener, Director, DRP

Kristen Tremblay, Zoning Administrator

Roscoe Leslie, County Attorney

Bob Mitchell, Director, Environmental Programs

Paul Renshaw, Zoning Inspector

**I. Call to Order**

**II. Administrative Matters**

**A. Review and approval of minutes, July 3, 2024**

As the first item of business, the Planning Commission reviewed the minutes of the July 3, 2024, meeting.

Following the review, a motion was made by Ms. Ott to approve the minutes as written, Ms. Smith seconded the motion, and the motion was carried unanimously with Ms. Knight abstaining.

**B. Board of Zoning Appeals Agendas, August 8, 2024**

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission.

No comments were forwarded to the Board.

**C. Technical Review Committee Agenda, August 14, 2024**

As the next item of business, the Planning Commission reviewed the agenda for the Technical Review Committee meeting. Ms. Tremblay was present for the review to answer questions and address any concerns of the Planning Commission.

No comments were forwarded to the Committee.

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**III. Map Amendment – Rezoning Case #445**

Rezoning Case No. 445 to rezoning approximately 18.54 acres out of 80.95 acres of land from RP Resource Protection District to A-1 Agricultural District, Tax Map 23, Parcel 2, Purnell Crossing Road, Berlin; Thomas C. and Shelley M. Mason, property owners and Kristina L. Watkowski, attorney.

Kristina Watkowski, applicant’s attorney, Frank Lynch, Jr., professional land surveyor, Chris Mason and Shelley Mason, property owners, were present for the review. Mrs. Watkowski requested that the Staff Report be incorporated into the record. She stated that the application seeks to rezone less than a quarter of the overall parcel from RP Resource Protection District to A-1 Agricultural District, while retaining the remaining lands in RP District. She noted that the Masons were long-time Worcester County residents; Mrs. Mason had worked for the Board of Education, and Mr. Mason is part of a generational farming family. They are good stewards of the land and have the intention of subdividing the petitioned area for their growing family.

Mrs. Watkowski stated that when zoning was first established in 1964, the parcel was zoned A-1 Agricultural District. It retained this zoning until 2009 when it was zoned RP Resource Protection District. The property had a former dwelling on it, there is a burial site, and was used for timber harvesting. She explained her understanding of the process of rezoning RP lands in 2009, which involved using resources such as wetland delineation maps, identification of forested parcels and other available means. She stated that a mistake was made because the county did not have the wetland delineation information for this parcel at that time to show the uplands. She noted that Maryland Department of the Environment (MDE) has reviewed and verbally approved the wetland delineation. While it is possible that there are additional areas of uplands on the remaining parcel, the applicant is not requesting a rezoning of those lands, only that which is proposed for the subdivision.

As this request is not based on a change in the character of the neighborhood, testimony to that effect is not required. However, Mrs. Watkowski stated that it will be consistent with the surrounding neighborhood, which is predominantly zoned A-1 District, with wetlands to the north delineating the RP District boundary.

With respect to compatibility with the 2006 Comprehensive Plan, Mrs. Watkowski notes that the petitioned area is in the Agriculture Land Use category. The remaining lands will remain in the RP District, where the Green Infrastructure Land Use category can be found. By rezoning only the petitioned area, the owners intend to preserve and maintain the existing environmental features and forested areas, which contribute to quality of life and that of the ecosystem. Mrs. Watkowski

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stated that while the proposed use of land is not a consideration for the rezoning, she explained the intent for the subdivision of the property, as it was shown on the surveys included as part of the application and an application had been filed with the county for review. The property owners are proposing to subdivide three (3) 'farmette' lots, which are positioned in a cluster or hub near the road. She reiterated the environmental benefits - that the remaining forested areas will perpetuate clean air, water and soil. The property is outside of the Critical Area, will be subject to a Forest Conservation Plan, and is located half a mile from a Priority Funding Area. The A-1 District only allows a maximum of five (5) lots to be subdivided, so there will be minimal public impact. There were no comments from the Board of Education relative to the impact on the school system. She noted that there will be no public water and sewer infrastructure to serve these properties. Regarding transportation patterns, there will be no significant increase. Farm vehicles are common along back roads such as this one, and vehicles frequently move over to share the road. There were no comments provided by County Roads, and the State Highway Administration comments noted that there would be no negative impact to the state road system.

Mrs. Watkowski reiterated that the zoning designation in 2009 was as accurate as it could be given the available resources, but the new wetland delineation provides the details that weren't known at the time. She noted that the surrounding area consisted of a mix of agricultural structures and single-family dwellings. In describing the purpose and intent statement of the RP District, she noted that most of the parcel will be protected. By only rezoning the petitioned area to the A-1 District, she stated that the application would be in conformance with the 2006 Comprehensive Plan and will continue to protect the sensitive areas via zoning and forest conservation controls.

Mr. Lynch, professional land surveyor, stated that he had worked with Spencer Rowe to develop the subdivision plat. He agreed with the statements made by Mrs. Watkowski relative to the project's conformance with Comprehensive Plan. The request is conservative by only asking for a portion of the uplands to be rezoned and he agreed that the intent is to preserve the remaining lands. Regarding whether a mistake was made in the zoning designation, he agreed that it had and that the proposed rezoning is in conformance with the current Comprehensive Plan and the direction in which the county seems to be growing for future planning.

Mrs. Wimbrow concurred with the description of how the RP District boundaries were delineated in 2009. She noted that while the proposed boundary line was not typical for zoning, it is described with metes and bounds so the boundaries are clearly described. Mrs. Drew inquired about the septic reserve areas and the intent for the proposed lots. Mr. Mason stated that two (2) of the lots would be given to their children. While the Planning Commission acknowledged that they could not restrict the subdivision to family only, they were supportive of providing for future generations.

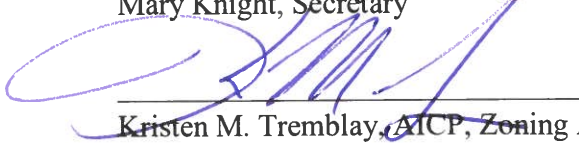
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Following the discussion, a motion was made by Mrs. Knight, seconded by Ms. Ott, and carried unanimously to find the proposed amendment to rezone the petitioned area from RP Resource Protection District to A-1 Agricultural District consistent with the Comprehensive Plan based on a mistake in the zoning of the property, and forward a favorable recommendation to the Worcester County Commissioners.

**IV. Adjourn**

On a motion made by Ms. Ott and seconded by Mr. Church, the Planning Commission adjourned.

  
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Mary Knight, Secretary

  
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Kristen M. Tremblay, AICP, Zoning Administrator