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

September 21, 2021

Item#

- 9:00 AM Vote to Meet In Closed Session in Commissioners' Meeting Room Room 1101 Government Center, One West Market Street, Snow Hill, Maryland
 - 9:01 Closed Session: Discussion regarding the hiring of an Electronic Services Specialist III in Emergency Services, a GIS Analyst III in Development, Review and Permitting, an Accounting Clerk II in the Treasurer's Office, a Maintenance Project Manager in Public Works, and certain personnel matters; considering a matter that concerns the proposal for a business to locate to the County; receiving legal advice from Counsel; and performing administrative functions
 - 10:00 Call to Order, Prayer (Reverend Stephanie Clayville), Pledge of Allegiance
 - 10:01 Report on Closed Session; Review and Approval of Minutes of the September 7, 2021 Meeting
 - 10:05 COVID-19 Response Recognition Ceremony for the Worcester County Health Department
 - 10:10 Chief Administrative Officer: Consent Agenda
 - (Six 911 Board Projects, Request to Bid for Vehicles, Request to Bid for Jail Phase 2 Improvements) 2-9
 - 10:15 Chief Administrative Officer: Administrative Matters

(Upcoming Board Appointments, Bid Recommendation for Gum Point Road Sewer, Tipping Fee Waiver Request, PPE

- Storage Lease Renewal, Mobile Satellite Trailer Purchase Request, EDU Allocation for Sea Oaks Village, ARPA Funding Work Session)
 10:20 10-16
- 10:30 Legislative Session: Introduction of Bill 21-8 Critical Area Law

17

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- 10:45 -
- 11:00 -
- 12:00 Questions from the Press; County Commissioner's Remarks

Lunch

1:00 PM - Chief Administrative Officer: Administrative Matters (If Necessary)

10-16

AGENDAS ARE SUBJECT TO CHANGE UNTIL THE TIME OF CONVENING

Hearing Assistance Units Available - see Weston Young, CAO.

Please be thoughtful and considerate of others.

Turn off your cell phones & pagers during the meeting!



Minutes of the County Commissioners of Worcester County, Maryland

September 7, 2021

Joseph M. Mitrecic, President Theodore J. Elder, Vice President Anthony W. Bertino, Jr. Madison J. Bunting, Jr. James C. Church Joshua C. Nordstrom Diana Purnell

Following a motion by Commissioner Elder, seconded by Commissioner Purnell, the commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Meeting Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1), (7), and (10) 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, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Human Resources Director Stacey Norton; Emergency Services Director Billy Birch, and Sheriff Matthew Crisafulli. Topics discussed and actions taken included the following: promoting Joshua Pruitt from emergency communications specialist II within Emergency Services to correctional officer trainee and hiring Tyler Kilgore as a correctional officer trainee, Michelle Satchell as a correctional officer cook trainee, and Cindy Bradley as an office assistant VI within the County Jail, Heather McRoberts as an office assistant V within Recreation and Parks, Peggy Groh as an emergency communications specialist and Guy Sterling as an electronic services specialist III within Emergency Services, and Gary Pusey as deputy director in Development, Review and Permitting; rehiring Karen Wootten as a Welcome Center greeter within Tourism and Economic Development and Fawn Esposito as an accounting clerk II in the Treasurer's Office, and certain personnel matters; considering the acquisition of real property for a public purpose; discussing public security; receiving legal advice from counsel; and performing administrative functions, including considering upcoming board appointments.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the commissioners unanimously voted to adjourn their closed session at 9:30 a.m.

After the closed session, the commissioners reconvened in open session. Commissioner Mitrecic called the meeting to order, and following a morning prayer by Pastor Pam Ward of Friendship United Methodist Church (FUMC) and pledge of allegiance, announced the topics discussed during the morning closed session.

Pastor Ward invited those in attendance to join FUMC for First Responder Sunday on September 19.

The commissioners reviewed and approved the open and closed session minutes of their August 17, 2021 meeting as presented.



The commissioners presented retirement commendations to Budget Officer Kathy Whited (23 years), Animal Control Officer Wayne Young (30 years), and Office Assistant Debra Anne Perez (15 years), for their individual contributions to Worcester County Government.

The commissioners presented commendations to representatives from the Ocean City Fire Department (OCFD), Ocean City Police Department (OCPD), Ocean City Communications, Maryland State Police (MSP) Aviation Unit, Worcester County Fire Marshal's Office (WCFM), and Ocean Pines Volunteer Fire Department (OPVFD), as well as civilians Jonathan and Ava Bauer and Joe, Tricia, and Alayna Oertel for their heroism while responding to a mass casualty incident that involved five vehicles and eight victims on the MD Rt. 90 Bridge. The commissioners recognized that the acts of courage and cooperation displayed by the highly-trained professionals with each of these outstanding responding agencies and the aid of the Bauer and Oertel families to care for the multiple victims of the vehicle crashes, a young child is alive and safe today.

The commissioners presented a proclamation to Kristen Tremblay, zoning administrator within Development Review and Permitting, and Pamela Gregory, executive director of the United Way of the Lower Eastern Shore, recognizing September 13-17, 2021 as United Way Week in Worcester County, with the county staff to take part in the "Together We Live United" campaign that week.

The commissioners presented a proclamation to representatives from the Jesse Klump Memorial Fund (JKMF), Governor's Commission on Suicide Prevention, and Worcester County Health Department (WCHD) recognizing September as Suicide Prevention Month in Worcester County.

Upon a motion by Commissioner Bertino, the commissioners unanimously approved as a consent agenda item numbers 2-9 as follows: approving Maryland 911 Board project no. 22-024 911 for \$65,686 to reimburse the County for emergency dispatch protocols for a Maryland State Police pilot project; revised Commission for Women By-Laws; bid specifications for the purchase of bituminous concrete to resurface approximately 13.20 miles (69,706 feet) of County roadway and metal and plastic pipe to be utilized by the Roads Division of Public Works; a Small Project Agreement for Atlantic General Medical Center for water and sewer service from the Ocean Pines Service Area; a Certificate of Satisfaction for Lorraine A. Fasciocco for fully repaying a Housing Rehabilitation Loan/Conditional Grant; bid specifications for housing rehabilitation projects in the Pocomoke, Stockton, and Snow Hill areas; and supporting a request from the Sheriff's Office to the State Highway Association for the creation of a Special Event Zone from September 21-26, 2021 during the H2Oi Pop Up Car Rally.

Commissioner Mitrecic advised that, outside of the Town of Ocean City, there will be no change in the speed limits while the Special Event Zone is in place.

The commissioners conducted a public hearing to receive comments on an application submitted by Ruach Engineering, on behalf of Riverview Mobile Home Park owner James Latchum, to amend the Water and Sewerage Plan to construct a wastewater treatment plant for stream discharge and modifications to the existing water treatment plant to serve a 58-unit

expansion of the park, which is identified on Tax Map 9 as Parcel 268. Environmental Programs Director Bob Mitchell reviewed the proposed amendment.

Commissioner Mitrecic opened the floor to receive public comment.

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

Commissioner Bunting advised that the proposed project would help improve water quality in the Bishopville Prong. Upon a motion by Commissioner Bunting, the commissioners unanimously adopted Resolution No. 21-21 to amend the Comprehensive Water and Sewerage Plan for the revision of discharge and associated information for the Riverview Mobile Home Park.

The commissioners conducted a public hearing to receive comment on a proposal to extend sewer service from the Landings Sanitary Service Area (SSA) to the Lewis Road community. Mr. Mitchell provided an overview of this approximately \$2,025,000 project, of which \$507,000 in homeowner hookup costs are proposed to be funded with American Rescue Plan Act funds and remaining project costs to be funded by a United States Department of Agriculture grant of \$1,518,000.

Commissioner Mitrecic opened the floor to receive public comment.

Garrett Neeb of Lewis Road supported the project and asked if equivalent dwelling units would be available to serve each of his four platted parcels. Mr. Mitchell advised that of the two properties that are in the service area, one equivalent dwelling unit will be allocated to the developed parcel and a second reserved for future use for the currently undeveloped property; however, the two rear parcels on the river are not part of the service area.

There being no further public comment, Commissioner Mitrecic closed the public hearing.

Commissioner Purnell fully supported the project as outlined, noting that the residents of Lewis Road have been waiting for public sewer to become available to them for 20 years.

Commissioner Bertino stated that as much, as he favors this needed project, he cannot support the proposed funding because it does not treat everyone fairly. He noted that this project eliminates the hookup costs to homeowners on Lewis Road when residents in all of the other SSAs, including the Newark SSA, have been required to pay for hookup costs regardless of the financial hardships they may face.

Following some discussion and upon a motion by Commissioner Purnell, the commissioners voted 4-3, with Commissioners Church, Mitrecic, Nordstrom, and Purnell voting in favor and Commissioners Bertino, Bunting, and Elder voting in opposition, to approve the Lewis Road sewer extension project.

The commissioners met in a special legislative session.

The commissioners conducted a public hearing on Emergency Bill 21-1 (Electrical Standards - Licensing Requirements), which was introduced by Commissioners Bertino, Bunting, Elder, Mitrecic, Nordstrom, and Purnell on August 17, 2021. Development Review and Permitting Director Jennifer Keener reviewed the bill, which was drafted by the Board of Electrical Examiners and County staff to negate the local impacts of Senate Bill 762 – Maryland Electricians Act, which prohibits local jurisdictions from licensing certain classes of electricians as of July 1, 2021. Ms. Keener stated that Worcester County is one of several counties that previously licensed general electricians, a type which does not fit within the State's three

licensure categories (master, journeyperson, or apprentice). She advised that the local emergency legislation is necessary to establish criteria for general electricians in the County to qualify to test for a master electrician license, and those who pass will receive a license retroactively dated to June 30, 2021.

Commissioner Bertino stated that this legislation is necessary to help those who would otherwise have been put out of a job by this State edict. In response to concerns raised by Commissioner Bertino, Ms. Keener advised that County staff will notify all 57 general electricians in the County about this opportunity.

Commissioner Mitrecic opened the floor to receive public comment.

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

Upon a motion by Commissioner Bertino, the commissioners unanimously adopted Emergency Bill 21-1 (Electrical Standards - Licensing Requirements) as presented.

Commissioner Mitrecic noted that the County needs to work with the Eastern Shore delegation to remain informed on this matter, as the State may make changes to SB 762.

Commissioner Mitrecic closed the legislative session.

The commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Elder, the commissioners unanimously agreed to appoint Karen Hammer to the Social Services Advisory Board for a three-year term expiring June 30, 2024 to replace Faith Coleman whose term expired.

Pursuant to the written request of Superintendent of Schools Louis Taylor and upon a motion by Commissioner Bertino, the commissioners unanimously approved an inter-category budget transfer of \$395,785 from Fixed Charges to offset overages of \$27,892 for Instructional Support and \$367,893 for Capital Outlay for FY21.

Pursuant to the recommendation of Local Management Board (LMB) Director Jessica Sexauer and upon a motion by Commissioner Nordstrom, the commissioners unanimously awarded the sole proposal from Worcester Youth and Family Counseling Services of Berlin, Maryland, which scored 67.6 out of 88 points, to provide community-based programs and services for children, youth, and families in the County.

Pursuant to the recommendation of Ms. Sexauer and upon a motion by Commissioner Nordstrom, the commissioners unanimously authorized Commission President Mitrecic to sign the Community Partnership Agreement between the County, the LMB, and the Governor's Office for Children for FY22 with grant funds of \$798,165 to support the following programs: Building Bridges to Stable Families; Worcester Connects, a mentoring program; Local Care Team Coordinator; and Worcester Navigation.

Pursuant to the recommendation of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Nordstrom, the commissioners voted 5-0-1, with Commissioner Elder abstaining, to authorize Commission President Mitrecic to sign the Agreement of Sale for the purchase of a Rural Legacy Area (RLA) easement between Brent G. Ennis and Norman M. Ennis (Sellers) and the County Commissioners of Worcester County, Maryland (Buyer), with FY21 Dividing Creek RLA funds to cover the cost of an easement on approximately 165.55

4

acres of land located at 4016 Whitesburg Road, northeast of Pocomoke. This property is to be purchased at a cost of \$2,652 per acre. Mr. Mitchell advised that the land is within the Dividing Creek watershed, has over 100 acres of prime agricultural soils, and is adjacent to over 4,000 acres of contiguous protected farmland. He advised that, while this property has the potential for full subdivision rights, the property owners are surrendering all development rights except for one residence. He concluded that farming will be allowed on this property, but the owner must abide by impervious surface limits, which include no confined animal feeding operations (CAFOs), and limits will be placed on agricultural buildings.

Pursuant to the request of Mr. Mitchell and upon a motion by Commissioner Nordstrom, the commissioners unanimously authorized Commission President Mitrecic to sign the Lower Eastern Shore Partnership for Regional Invasive Species Management Agreement. Mr. Mitchell stated that preventing new invasive plants is most effective when management is consistent across jurisdictional boundaries, and this is a voluntary agreement does not required any County funds outside of supplies and materials. In response to questions by Commissioner Bertino, Mr. Mitchell stated that this program only addresses invasive species on publicly-owned, not private, properties.

In follow up to their August 17, 2021 meeting and upon a motion by Commissioner Bunting, the commissioners unanimously adopted Resolution No. 21-20, adopting the State fire marshal's interpretation that manufactured homes used as dwelling units, as defined in COMAR 09.12.52.02, as from time to time amended, shall not be subject to the provisions of R313.2 one-and two-family dwellings automatic fire systems of the 2018 International Residential Code (IRC). County Attorney Roscoe Leslie advised that, at the commissioners' prior direction, an opinion from the State Attorney General's (AG) Office on the legality of the fire marshal's memo is pending, and the AG's Office is aware of the commissioners' immediate desire to allow the sprinklers and will prioritize the opinion over older ones. He cautioned that if the AG finds that the fire marshal's memo is illegal, any manufactured homes installed without sprinklers will be illegal, and the owners will be required to retrofit their homes at their own cost or be subject to fines.

In response to concerns raised by Commissioner Bertino, Development Review and Permitting Director Jennifer Keener advised that there are currently 25-50 plans for new manufactured homes in various stages in the permitting process, and staff will develop a form for permit holders to sign acknowledging that, if they choose not to install fire sprinklers and the AG's Office finds that automatic fire systems are required in manufactured homes, they will be required to retrofit their homes at their own expense.

Pursuant to the recommendation of Public Works Director Dallas Baker and upon a motion by Commissioner Purnell, the commissioners unanimously approved bid specifications for engineering services for the sewage collection system and pumping station for the Lewis Road area.

Upon a motion by Commissioner Bertino, the commissioners unanimously approved as a consent agenda item numbers 18-20 for out-of-state-travel as follows: authorizing Chief Administrative Officer Weston Young to approve requests for Public Works staff to participate

in non-overnight training in Sussex County, Delaware; Recreation and Parks staff to attend Event Management School (\$5,550) from January 16-21, 2022, Maintenance Management School (\$3,450) from January 30 – February 4, and Revenue Development and Management School (\$3,880) from March 12-18; and County Attorney Roscoe Leslie to attend the International Municipal Lawyers Association annual conference for local government attorneys (\$2,723) from September 28-October 3, 2021.

In follow up to their August 17, 2021 meeting and pursuant to the request of Pocomoke City Manager Jeremy Mason and upon a motion by Commissioner Nordstrom, the commissioners unanimously approved the Memorandum of Understanding between Pocomoke City, Maryland and the County Commissioners of Worcester County, Maryland regarding the construction of a new branch library in Pocomoke at the site of the former Maryland National Guard Armory, which is to be demolished.

Pursuant to the request of Adrew and Andre Demattia, owners of Talkie Communications, and upon a motion by Commissioner Bertino, the commissioners unanimously authorized Talkie Communications to lease the old Liquor Board building outside Snow Hill at a cost of \$2,000 per month. In response to concerns raised by Commissioner Nordstrom, Chief Administrative Officer Weston Young advised that mold exists within the building, and Talkie officials have been made aware that anything subject to mold should not be housed in the building.

The commissioners met with the Demattias to discuss their request for a County loan of \$5 million to Talkie Communications to expedite and complete within three years a County-wide project to install extend broadband to Bishopville, the area with the highest concentration of unserved and underserved County residents. In response to concerns raised by Commissioner Bertino, the Demattias agreed to provide the County finance team with all of the financial records for Talkie Communications.

Upon a motion by Commissioner Elder, the commissioners unanimously directed County staff to draft a loan agreement for their consideration at a future meeting.

The commissioners met with Mr. Young to discuss staff recommendations for how best to use the first half of the American Rescue Plan Act (ARPA) funds that have been allocated to the County. Following some discussion and upon a motion by Commissioner Nordstrom, the commissioners unanimously agreed to schedule an open and closed work session to consider the \$5 million loan request from Talkie Communications and the proposed allocate ARPA funds.

The commissioners answered questions from the press, after which they adjourned to meet again on September 21, 2021.

ITEM 1

TEL: 410-632-1194
FAX: 410-632-3131
E-MAIL: admin@co.worcester.md.us
WEB: www.co.worcester.md.us

COMMISSIONERS

JOSEPH M. MITRECIC, PRESIDENT

THEODORE J. ELDER, VICE PRESIDENT

ANTHONY W. BERTINO, JR.

MADISON J. BUNTING, JR. JAMES C. CHURCH

JOSHUA C. NORDSTROM

DIANA PURNELL



OFFICE OF THE

HAROLD L. HIGGINS, CPA CHIEF ADMINISTRATIVE OFFICER ROSCOE R. LESLIE COUNTY ATTORNEY

Morcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND
21863-1195

MEMORANDUM

TO:

Worcester County Commissioners

FROM:

Kim Moses, Public Information Officer

DATE:

September 15, 2021

RE:

Ceremony Recognizing Worcester County Health Department Officials for

COVID-19 Response

Tuesday, September 21, 2021, the commissioners are scheduled to make a presentation to Worcester County Health Department (WCHD) officials for their meritorious leadership to address the COVID-19 pandemic and protect public health. Health Officer Becky Jones and members of her team will be in attendance and will provide an update on the status of their efforts to combat the health crisis.

We would like to recognize Jeffrey Auxuer Designs of Berlin, Maryland who worked with the County to design and craft four custom works of art to be placed on display at the four WCHD offices in Ocean City, Berlin, Pocomoke, and Snow Hill. Each piece includes the caduceus, the official insignia of the public health services, which symbolizes healing.





BILLY BIRCH DIRECTOR

ONE WEST MARKET STREET, ROOM 1002 SNOW HILL, MARYLAND 21863-1193

> TEL: 410-632-1311 FAX: 410-632-4686

To:

Weston Young, Chief Administrative Officer

From: Billy Birch, Director of Emergency Services B.B.

Re:

Maryland 911 Board project #22-043 to purchase Public Education Materials for 911

Date:

14 September 2021

The Department of Emergency Services is seeking authorization to proceed with MD 911 Board Project #22-043 in the amount of \$1,092.83 to be reimbursed to the County for purchasing Public Education Materials for 911 operations.

I am available to answer any questions at your convenience.

Attachments (1)



Department of Public Safety and Correctional Services

Maryland 9-1-1 Board

6776 Reisterstown Road – Suite 207, Baltimore, Maryland 21215-2362 (410) 585-3108 • www.dpscs.state.md.us/ensb/

STATE OF MARYLAND

LARRY HOGAN GOVERNOR August 5, 2021

BOYD K. RUTHERFORD

ROBERT L. GREEN SECRETARY

CHRISTOPHER
McCULLY
DEPUTY SECRETARY
ADMINISTRATION

ANTHONY MYERS CHAIRMAN

SCOTT ROPER EXECUTIVE DIRECTOR

JUMARY WEST FISCAL COORDINATOR Mr. Timothy Coale Worcester County 9-1-1 Center 1 West Market Street Courthouse Room 1002 Snow Hill, MD 21863

RE: ENSB Project # 22-043 Worcester County

Dear Mr. Coale:

Under authority granted by the Board, The Office of the Executive Director has approved your request to purchase Public Education Materials for your county's PSAP in an amount not to exceed \$1,092.83, per your County's request. This funding is contingent upon the availability of funds in the Trust Fund.

The Board has established certain time limits concerning funding. Per these time limits you must award a contract for this project within six months from the date of this letter and the project must be completed within one year of the date of this letter. If these deadlines are not met, you must notify the Office of the Executive Director and may be required to appear before the Board to explain the circumstance surrounding the delay of this project.

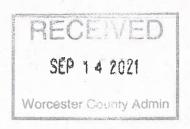
Once the entire project or billable portion has been completed you can be reimbursed for the costs or the Board can pay the vendor directly. If you want to be reimbursed, please send me a letter specifying the amount of the reimbursement and include a copy of the invoice and a copy of the cancelled check along with the county's federal tax ID number. If you want the Board to pay the bill directly forward the invoice accompanied by a letter specifying that the materials or services have been received/installed to your satisfaction, specifying the amount to be paid, and requesting direct payment. The invoice will then be processed for payment directly from the Trust Fund account. The vendor's/county's Federal ID number <u>must</u> be included or the package will be returned without being processed.

Thank you for your patience in this matter. Should you have any additional questions, please feel free to contact me at 410-585-3108.

Sincerely, Scott G. Roper

Scott Roper

Executive Director





BILLY BIRCH DIRECTOR

ONE WEST MARKET STREET, ROOM 1002 SNOW HILL, MARYLAND 21863-1193

TEL: 410-632-1311 FAX: 410-632-4686

To:

Weston Young, Chief Administrative Officer

From: Billy Birch, Director of Emergency Services

Re:

Maryland 911 Board project #22-080 to purchase Emergency Dispatch Protocol recertifications

14 September 2021 Date:

The Department of Emergency Services is seeking authorization to proceed with MD 911 Board Project #22-080 in the amount of \$2,585.00 to be reimbursed to the County for purchasing Emergency dispatch Protocol recertifications for personnel.

I am available to answer any questions at your convenience.

Attachments (1)



Department of Public Safety and Correctional Services

Maryland 9-1-1 Board

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STATE OF MARYLAND

LARRY HOGAN GOVERNOR September 2, 2021

BOYD K, RUTHERFORD LT, GOVERNOR

> ROBERT L. GREEN SECRETARY

CHRISTOPHER
McCULLY
DEPUTY SECRETARY
ADMINISTRATION

ANTHONY MYERS CHAIRMAN

SCOTT ROPER EXECUTIVE DIRECTOR

JUMARY WEST FISCAL COORDINATOR Mr. Timothy Coale Worcester County 9-1-1 Center 1 West Market Street Courthouse Room 1002 Snow Hill, MD 21863

RE: ENSB Project # 22-080 Worcester County

Dear Mr. Coale:

Under authority granted by the Board, The Office of the Executive Director has approved your request for emergency dispatch protocol recertification for your county's 9-1-1 Specialists in an amount not to exceed \$2,585.00, per your County's request. This funding is contingent upon the availability of funds in the Trust Fund.

The Board has established certain time limits concerning funding. Per these time limits, you must award a contract for this project within six months from the date of this letter and the project must be completed within one year of the date of this letter. If these deadlines are not met, you must notify the Office of the Executive Director and may be required to appear before the Board to explain the circumstance surrounding the delay of this project.

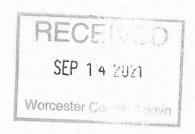
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Thank you for your patience in this matter. Should you have any additional questions, please feel free to contact me at 410-585-3108.

Sincerely,

Scott Roper
Executive Director

Scott G. Roper





BILLY BIRCH DIRECTOR

GOVERNMENT CENTER ONE WEST MARKET STREET, ROOM 1002

SNOW HILL, MARYLAND 21863-1193

TEL: 410-632-1311 FAX: 410-632-4686

To:

Weston Young, Chief Administrative Officer

From: Billy Birch, Director of Emergency Services

Re:

Maryland 911 Board project #22-084 to purchase Emergency Telecommunicator Course Manual

14 September 2021

The Department of Emergency Services is seeking authorization to proceed with MD 911 Board Project #22-084 in the amount of \$45.00 to be reimbursed to the County for purchasing Emergency Telecommunicator Course Manual for new personnel.

I am available to answer any questions at your convenience.

Attachments (1)



Department of Public Safety and Correctional Services

Maryland 9-1-1 Board

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STATE OF MARYLAND

LARRY HOGAN GOVERNOR

September 10, 2021

BOYD K. RUTHERFORD LT. GOVERNOR

> ROBERT L. GREEN SECRETARY

CHRISTOPHER McCULLY DEPUTY SECRETARY ADMINISTRATION

ANTHONY MYERS CHAIRMAN

SCOTT ROPER EXECUTIVE DIRECTOR

JUMARY WEST FISCAL COORDINATOR Mr. Timothy Coale Worcester County 9-1-1 Center 1 West Market Street Courthouse Room 1002 Snow Hill, MD 21863

RE: ENSB Project # 22-084 Worcester County

Dear Mr. Coale:

Under authority granted by the Board, The Office of the Executive Director has approved your request for one Emergency Telecommunicator Course manual for your county's 9-1-1 Specialists in an amount not to exceed \$45.00, per your County's request. This funding is contingent upon the availability of funds in the Trust Fund.

The Board has established certain time limits concerning funding. Per these time limits, you must award a contract for this project within six months from the date of this letter and the project must be completed within one year of the date of this letter. If these deadlines are not met, you must notify the Office of the Executive Director and may be required to appear before the Board to explain the circumstance surrounding the delay of this project.

Once the entire project or billable portion has been completed, you can be reimbursed for the costs or the Board can pay the vendor directly. If you want to be reimbursed, please send me a letter specifying the amount of the reimbursement and include a copy of the invoice and a copy of the cancelled check along with the county's federal tax ID number. If you want the Board to pay the bill directly forward the invoice accompanied by a letter specifying that the materials or services have been received/installed to your satisfaction, specifying the amount to be paid, and requesting direct payment. The invoice will then be processed for payment directly from the Trust Fund account. The vendor's/county's Federal ID number must be included or the package will be returned without being processed.

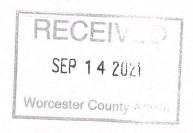
Thank you for your patience in this matter. Should you have any additional questions, please feel free to contact me at 410-585-3108.

Sincerely,

Scott Roper

Executive Director

Scott G. Roper





Morcester County

BILLY BIRCH DIRECTOR

GOVERNMENT CENTER

ONE WEST MARKET STREET, ROOM 1002

Snow HILL, MARYLAND 21863-1193

TEL: 410-632-1311 FAX: 410-632-4686

To:

Weston Young, Chief Administrative Officer

From:

Billy Birch, Director of Emergency Services

Re:

Maryland 911 Board project #22-085 to purchase the NENA Core Competencies Course training

Date:

14 September 2021

The Department of Emergency Services is seeking authorization to proceed with MD 911 Board Project #22-085 in the amount of \$299.00 to be reimbursed to the County for purchasing NENA Core Competencies Course training for new hire personnel.

I am available to answer any questions at your convenience.

Attachments (1)



Department of Public Safety and Correctional Services

Maryland 9-1-1 Board

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STATE OF MARYLAND

LARRY HOGAN GOVERNOR September 10, 2021

BOYD K, RUTHERFORD LT, GOVERNOR

> ROBERT L. GREEN SECRETARY

CHRISTOPHER
McCULLY
DEPUTY SECRETARY
ADMINISTRATION

ANTHONY MYERS CHAIRMAN

SCOTT ROPER EXECUTIVE DIRECTOR

JUMARY WEST FISCAL COORDINATOR Mr. Timothy Coale Worcester County 9-1-1 Center 1 West Market Street Courthouse Room 1002 Snow Hill, MD 21863

RE: ENSB Project # 22-085 Worcester County

Dear Mr. Coale:

Under authority granted by the Board, The Office of the Executive Director has approved your request for NENA Core Competencies Course Training for your county's 9-1-1 Specialists in an amount not to exceed \$299.00, per your County's request. This funding is contingent upon the availability of funds in the Trust Fund.

The Board has established certain time limits concerning funding. Per these time limits, you must award a contract for this project within six months from the date of this letter and the project must be completed within one year of the date of this letter. If these deadlines are not met, you must notify the Office of the Executive Director and may be required to appear before the Board to explain the circumstance surrounding the delay of this project.

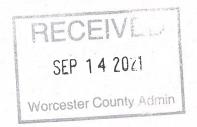
Once the entire project or billable portion has been completed, you can be reimbursed for the costs or the Board can pay the vendor directly. If you want to be reimbursed, please send me a letter specifying the amount of the reimbursement and include a copy of the invoice and a copy of the cancelled check along with the county's federal tax ID number. If you want the Board to pay the bill directly forward the invoice accompanied by a letter specifying that the materials or services have been received/installed to your satisfaction, specifying the amount to be paid, and requesting direct payment. The invoice will then be processed for payment directly from the Trust Fund account. The vendor's/county's Federal ID number <u>must</u> be included or the package will be returned without being processed.

Thank you for your patience in this matter. Should you have any additional questions, please feel free to contact me at 410-585-3108.

Sincerely, Scott G. Roper

Scott Roper

Executive Director





Morcester County

BILLY BIRCH DIRECTOR

ONE WEST MARKET STREET, ROOM 1002

SNOW HILL, MARYLAND 21863-1193 TEL: 410-632-1311

FAX: 410-632-4686

To:

Weston Young, Chief Administrative Officer

Billy Birch, Director of Emergency Services (8.8)

Re:

Maryland 911 Board project #22-086 to purchase of Protocol Recertification training

Date:

14 September 2021

The Department of Emergency Services is seeking authorization to proceed with MD 911 Board Project #22-086 in the amount of \$365.00 to be reimbursed to the County for purchasing of Protocol Recertification training for personnel.

I am available to answer any questions at your convenience.

Attachments (2)



Department of Public Safety and Correctional Services

Maryland 9-1-1 Board

6776 Reisterstown Road - Suite 207, Baltimore, Maryland 21215-2362 (410) 585-3108 • www.dpscs.state.md.us/ensb/

STATE OF MARYLAND

LARRY HOGAN GOVERNOR September 10, 2021

BOYD K. RUTHERFORD LT. GOVERNOR

ROBERT L. GREEN

CHRISTOPHER
McCULLY
DEPUTY SECRETARY
ADMINISTRATION

ANTHONY MYERS CHAIRMAN

SCOTT ROPER EXECUTIVE DIRECTOR

JUMARY WEST FISCAL COORDINATOR

Mr. Timothy Coale Worcester County 9-1-1 Center 1 West Market Street Courthouse Room 1002 Snow Hill, MD 21863

RE: ENSB Project # 22-086 Worcester County

Dear Mr. Coale:

Under authority granted by the Board, The Office of the Executive Director has approved your request for Protocol Recertification for your county's 9-1-1 Specialists in an amount not to exceed \$365.00, per your County's request. This funding is contingent upon the availability of funds in the Trust Fund.

The Board has established certain time limits concerning funding. Per these time limits, you must award a contract for this project within six months from the date of this letter and the project must be completed within one year of the date of this letter. If these deadlines are not met, you must notify the Office of the Executive Director and may be required to appear before the Board to explain the circumstance surrounding the delay of this project.

Once the entire project or billable portion has been completed, you can be reimbursed for the costs or the Board can pay the vendor directly. If you want to be reimbursed, please send me a letter specifying the amount of the reimbursement and include a copy of the invoice and a copy of the cancelled check along with the county's federal tax ID number. If you want the Board to pay the bill directly forward the invoice accompanied by a letter specifying that the materials or services have been received/installed to your satisfaction, specifying the amount to be paid, and requesting direct payment. The invoice will then be processed for payment directly from the Trust Fund account. The vendor's/county's Federal ID number <u>must</u> be included or the package will be returned without being processed.

Thank you for your patience in this matter. Should you have any additional questions, please feel free to contact me at 410-585-3108.

Sincerely,

Scott G. Roper

Scott Roper Executive Director





Worcester County
Department of Emergency Services
1 West Market Street, Room 1002
Snow Hill, MD 21863
410-632-3080
410-632-2141 fax

September 08, 2021

Maryland 911 Board 300 East Joppa Rd., Suite 1000 Towson, Maryland 21826-3068 Attn: Scott Roper

Request for Project Approval - IAED Recerts FY2022

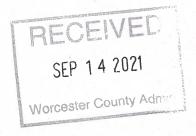
Dear Mr. Roper,

I am requesting approval for the recertification of our three of our personnel in IAED protocols. I have one employee who only needs to recert EFD (\$55.00) and two employees who are recerting in EMD/EFD/EPD ($$120.00 \times 2 = 240.00). I would like to be cautious and add the cost for two re-testing if needed ($$35.00 \times 2 = 70.00). I am asking for a total amount not to exceed \$365.00.

Respectfully,

Timothy E. Coale

Communications Center Manager





BILLY BIRCH DIRECTOR

Morcester County

ONE WEST MARKET STREET, ROOM 1002 SNOW HILL, MARYLAND 21863-1193

> TEL: 410-632-1311 FAX: 410-632-4686

To:

Weston Young, Chief Administrative Officer

From:

Billy Birch, Director of Emergency Services (5.6).

Re:

Maryland 911 Board project #22-087 to purchase Protocol training

Date:

14 September 2021

The Department of Emergency Services is seeking authorization to proceed with MD 911 Board Project #22-087 in the amount of \$1,034.00 to be reimbursed to the County for purchasing of Protocol training for new hire personnel.

I am available to answer any questions at your convenience.

Attachments (1)



Department of Public Safety and Correctional Services

Maryland 9-1-1 Board

6776 Reisterstown Road – Suite 207, Baltimore, Maryland 21215-2362 (410) 585-3108 • www.dpscs.state.md.us/ensb/

STATE OF MARYLAND

LARRY HOGAN GOVERNOR September 10, 2021

BOYD K, RUTHERFORD LT, GOVERNOR

> ROBERT L. GREEN SECRETARY

CHRISTOPHER
McCULLY
DEPUTY SECRETARY
ADMINISTRATION

ANTHONY MYERS CHAIRMAN

SCOTT ROPER EXECUTIVE DIRECTOR

JUMARY WEST FISCAL COORDINATOR Mr. Timothy Coale
Worcester County 9-1-1 Center
1 West Market Street
Courthouse Room 1002
Snow Hill, MD 21863

RE: ENSB Project # 22-087 Worcester County

Dear Mr. Coale:

Under authority granted by the Board, The Office of the Executive Director has approved your request for Protocol Training for your county's 9-1-1 Specialists in an amount not to exceed \$1,034.00, per your County's request. This funding is contingent upon the availability of funds in the Trust Fund.

The Board has established certain time limits concerning funding. Per these time limits, you must award a contract for this project within six months from the date of this letter and the project must be completed within one year of the date of this letter. If these deadlines are not met, you must notify the Office of the Executive Director and may be required to appear before the Board to explain the circumstance surrounding the delay of this project.

Once the entire project or billable portion has been completed, you can be reimbursed for the costs or the Board can pay the vendor directly. If you want to be reimbursed, please send me a letter specifying the amount of the reimbursement and include a copy of the invoice and a copy of the cancelled check along with the county's federal tax ID number. If you want the Board to pay the bill directly forward the invoice accompanied by a letter specifying that the materials or services have been received/installed to your satisfaction, specifying the amount to be paid, and requesting direct payment. The invoice will then be processed for payment directly from the Trust Fund account. The vendor's/county's Federal ID number <u>must</u> be included or the package will be returned without being processed.

Thank you for your patience in this matter. Should you have any additional questions, please feel free to contact me at 410-585-3108.

Sincerely, Scott G. Roper

Scott Roper Executive Director



Morcester County

DEPARTMENT OF PUBLIC WORKS

6113 TIMMONS ROAD SNOW HILL, MARYLAND 21863

MEMORANDUM

DALLAS BAKER JR., P.E. DIRECTOR

JOHN S. ROSS, P.E. DEPUTY DIRECTOR

TEL: 410-632-5623 FAX: 410-632-1753

TO:

FROM:

Weston Young, Chief Administrative Officer Dallas Baker, Jr., P.E., Deputy Director Sella Bake

DATE: SUBJECT:

September 14, 2021 Vehicle Bid Package

DIVISIONS

MAINTENANCE TEL: 410-632-3766 FAX: 410-632-1753

ROADS TEL 410-632-2244 FAX: 410-632-0020

SOLID WASTE TEL 410-632-3177 FAX: 410-632-3000

FLEET MANAGEMENT TEL 410-632-5675 FAX: 410-632-1753

WATER AND WASTEWATER TEL: 410-641-5251 FAX 410-641-5185 Attached for your review and approval is a bid packet for the purchase of vehicles for use by various County Departments. Included in this packet is the Notice to Bidders. Specifications. Vendor's List and Bid Form. Funding for the purchase of the following vehicles was approved in the FY 22 operating Budget:

Detention Center

1 - ½ Ton 4x2 Full Size Pickup Truck

Fire Marshal

1 - 3/4 Ton 4x4 Full Size Crew Cab Pickup Truck

Sheriff 1 – SUV Full Size 4x4 DRP 2 – Midsize Sedan EP 1 – Midsize Sedan 1 - Compact SUV

1 - ½ Ton 4x4 Full Size Pickup Truck

DPW Maintenance 3 – 3/4 Ton 4x2 Double/Extended Cab Pickup with Utility Body

Mosquito Control 1 - ½ Ton 4x4 Full Size Double/Extended Cab Pickup Truck Recreation 1 - Midsize Sedan

Parks 1 = ½ Ton 4x2 Full Size Pickup Truck

1 - 3/4 Ton 4x4 Full Size Pickup Truck Library 1 – Compact 4x2 Cargo Van with Shelving

DPW Solid Waste 1 - 3/4 Ton 4x4 Full Size Pickup Truck DPW WWW 4 – ½ Ton 4x2 Full Size Pickup Truck

1 - 3/4 Ton 4x2 Full Size Pickup Truck. Utility Body & Lift Gate

Once bids are received, we will do a comparison for a future recommendation to purchase. If you have any questions, please feel free to contact me.

Attachments

cc: Derrick Babcock, Fleet Superintendent

NOTICE TO BIDDERS

Worcester County Commissioners Worcester County, Maryland

Purchase of New Vehicles

The Worcester County Commissioners are currently accepting bids for the purchase of new vehicles for use by various County Departments. Bid specification packages and bid forms are available at the Office of the County Commissioners, Worcester County Government Center – Room 1103, One West Market Street, Snow Hill, Maryland 21863-1072. Sealed bids will be accepted until 1:00 p.m., Tuesday, October 12, 2021 in the office of the County Commissioners at the above address, at which time they will be opened and publicly read aloud. Envelopes shall be marked "Vehicle Bid" in the lower left-hand corner. After opening, the bids will be forwarded to the Public Works Department for tabulation, review and recommendation to the County Commissioners for their consideration at a future meeting. In awarding the bid, the Commissioners reserve the right to reject any and all bids, waive formalities, informalities, and technicalities therein, and to take whatever bid they determine to be in the best interest of the County considering lowest or best bid, quality of goods and work, time of delivery or completion, responsibility of bidders being considered, previous experience of bidders with County contracts, or any other factors they deem appropriate. All inquiries shall be directed to Mr. Derrick Babcock, Fleet Management Superintendent, at 410-632-9300 ext 2320 or 410-632-5675.

Citizens and Government Working Together

INSTRUCTIONS TO BIDDERS

1. BIDS

Bids should be submitted in sealed envelopes clearly marked in the lower left-hand corner "Vehicle Bid".

2. LATE BIDS

Bids should be mailed or hand carried to be received in the Office of the County Commissioners by or before Tuesday, October 12, 2021 by 1:00 p.m. Bids received after the appointed time will not be considered.

3. TAXES

The County is exempt from all Federal and State taxes. Your prices should reflect same.

4. SPECIFICATIONS

Specifications for the following vehicles are attached:

- 1. 1 ½ Ton 4x2 Full Size Pickup Truck (Detention Center)
- 2. 1 ¾ Ton 4x4 Full Size Crew Cab Pickup Truck (Fire Marshal)
- 3. 1 SUV Full Size 4x4 (Sheriff)
- 4. 2 Midsize Sedan (DRP)
- 5. 1 Midsize Sedan (Environmental Programs)
- 6. 1 Compact SUV (Environmental Programs)
- 7. $1 \frac{1}{2}$ Ton 4x4 Full Size Pickup Truck (Environmental Programs)
- 8. 3 3/4 Ton 4x2 Double/Extended Cab Pickup with Utility Body (DPW Maintenance)
- 9. $1 \frac{1}{2}$ Ton 4x4 Full Size Double/Extended Cab Pickup Truck (Mosquito Control)
- 10. 1 Midsize Sedan (Recreation)
- 11. $1 \frac{1}{2}$ Ton 4x2 Full Size Pickup Truck (Parks)
- 12. 1 3/4 Ton 4x4 Full Size Pickup Truck (Parks)
- 13. 1 Compact 4x2 Cargo Van with Shelving (Library)
- 14. $1 \frac{3}{4}$ Ton 4x4 Full Size Pickup Truck (DPW Solid Waste)
- 15. 4 ½ Ton 4x2 Full Size Pickup Truck (DPW WWW)
- 16. 1 3/4 Ton 4x2 Full Size Pickup Truck with Utility Body and Lift Gate (DPW WWW)

5. OTHER SPECIFICATIONS

The Worcester County Commissioners will accept bids for new prior year models that meet all specifications in addition to current production year models.

Vendors are responsible for delivery of awarded vehicle to the DPW, Maintenance Building located at 6113 Timmons Road, Snow Hill. Maryland. All paperwork will accompany vehicles, as the County will be responsible for acquiring their tags and titles. Payment will be made within 15 days of delivery.

6. AWARD OF CONTRACT

Bids will be opened in the County Commissioners office at 1:00 p. m. on Tuesday, October 12, 2021 to be awarded at a future date. In awarding the bid, the Commissioners reserve the right to reject any and all bids, waive formalities, informalities, and technicalities therein, and to take whatever bid they determine to be in the best interest of the County considering lowest or best bid, quality of goods and work, time of delivery or completion, responsibility of bidders being considered, previous experience of bidders with County contracts, or any other factors they deem appropriate.

#1 - VEHICLE SPECIFICATIONS - 1/2 TON 4X2 Full Size Pickup Truck (Detention Center)

One (1) New ½ Ton Full Size Pickup Truck to be equipped as follows:

Standard regular cab

Bed size:

8' with wheel well inside body

Drive type:

2 wheel rear drive 1.900 lb. minimum

Payload: GVWR:

6,000 lb. minimum

Wheelbase:

139" minimum

Engine:

Six cylinder, 3.3L minimum, gasoline, Fuel injected

Transmission:

Automatic with overdrive

Towing Package:

Class IV trailer hitch receiver with reducers, 7 spade + 4 pin plug

Battery: Alternator: Suspension: 610 CCA minimum 150 amp minimum

To meet payload
Driver and passenger

Air bags: Shock absorbers:

Front and rear 17" steel minimum

Wheels: Tires:

All season radial to meet payload with conventional spare

wheel and tire

Brakes:

Power with anti-lock system

Steering: Fuel tank:

Power Standard

Mirrors:
Bumpers:

Dual 6"x9" side view mirrors Matching painted front and rear

Interior:
Air conditioning:

Vinyl split bench seat Factory installed

Windshield wipers:

Washer with intermittent action

Tinted glass with dual sun visors Fresh air type heater and defroster

Directional signals

Power point or power outlet

AM-FM radio equipped with Bluetooth for cell phone linking

Vinyl/Rubber flooring

Exterior Color:

White

Daytime running lights
Front license plate bracket

Spray in bed liner

Integrated Trailer Brake Controller

Fleet Free Maintenance Credit (If applicable)

Two (2) programmed keys to be supplied with this vehicle

Acceptable Models: Chevrolet Silverado 1500, Ford F150, Ram 1500 or comparable model.

#2 - VEHICLE SPECIFICATIONS - 34 Ton 4X4 Full Size Crew Cab Pickup Truck (Fire Marshal)

One (1) New ¼ Ton 4x4 Full Size Crew Cab Pickup Truck to be equipped as follows:

4 Door Crew Cab

Bed Size: Short bed with wheel well inside body

Drive Type: 4 wheel drive, electronically controlled from dash (No floor

shifter)

Wheelbase: 150" Minimum

Engine: Eight cylinder, gasoline, fuel injected 6.2 liter or equivalent
Towing package: Class IV trailer hitch receiver with reducers, 7 spade + 4 pin
Transmission: Automatic with overdrive and auxiliary transmission oil cooler

Alternator: Extra heavy duty alternator

Dual Batteries (2) Heavy duty batteries under hood

Air Bags: Driver and passenger
Shock Absorbers: Front and Rear
Wheels: 17" Steel minimum

Tires: All season radial to meet payload with conventional spare wheel

and tire

Brakes: Power with anti-lock system

Steering: Power Fuel Tank: Standard

Mirrors: Dual 6" x 9" side view mirrors

Bumpers: Matching painted front bumper and rear step bumper

Interior: Vinyl front bucket seats with deleted center console, and Rear

vinyl bench seat. Interior color (Black or Ebony)

Power Group: Power windows, door locks, mirrors, and keyless entry

Cruise Control

Air Conditioning: Factory installed

Windshield Wipers: Washer with intermittent action

Locking Rear Differential

Front Tow Hooks Halogen Headlights

Tinted Glass with dual sun visors Fresh air type heater and defroster

Directional signals

Power Point or Power Outlet

AM-FM Radio equipped with Bluetooth for cell-phone linking

Exterior Color: White

Spray in bed liner

Integrated Trailer Brake Controller

Front tag bracket 110 Volt Power Outlet Vinyl/Rubber flooring

Fleet Free Maintenance Credit (If applicable)

Three (3) Keys and Three (3) key fobs to be supplied with this vehicle

Acceptable Models: Chevrolet Silverado 2500, Ford F-250, Ram 2500 or comparable model

#3 - VEHICLE SPECIFICATIONS - FULL SIZE 4X4 SUV (Not Pursuit Rated) (Sheriff)

ONE (1) New SUV full size 4x4 to be equipped as follows:

Payload: 1,700 lbs. minimum GVWR: 7,000 lbs. minimum Wheelbase: 119" minimum

Engine: 3.5L minimum displacement, gasoline

Transmission: 10 Speed Automatic

Towing Package: Heavy Duty, Class IV trailer hitch receiver with reducers,

7 spade + 4 pin plug, and electric brake controller installed

Battery: 675 cold cranking amps minimum

Alternator: 150 amp minimum
Axles and springs: To meet payload
Shock absorbers: Front and rear

Tires: Manufacturer's standard radial to meet payload with

conventional spare wheel and tire

Brakes: Power with 4 wheel ABS

Steering: Electronic Power assist with tilt/telescoping column

Fuel tank: 23 gallon minimum

Mirrors: Dual factory installed remote control and electric-heated.

Bumpers: Front and rear

Body: 4 door, 5' minimum, full steel top

Seats: Cloth bucket seats in front, 2nd and 3rd row vinyl bench seats

Floor covering: Full heavy duty vinyl

Eight way power driver's seat Factory air conditioning

Tinted glass

Driver side air bag supplemental restraint system and front seat passenger position

Heater/defroster - fresh air type

Directional signals

Windshield wipers - multi-speed electric with intermittent action feature

No floor console Rear A/C and heat Rear window defroster

Power point

AM/FM CD stereo radio with Bluetooth for cell phone linking

Power operated window and door locks

Child safety locks

Exterior Color: Silver Metallic

Interior Color: Black

Front license plate bracket

Front tow hooks
Factory undercoating
Cruise control
Running boards

Heavy duty trans oil cooler and radiator

Delete daytime running lights Easy Fuel (cap less refueling) Fleet free maintenance credit (If applicable) Six (6) keys to be supplied with this vehicle

Acceptable Models: Ford Expedition or Comparable model.

#4 - VEHICLE SPECIFICATIONS - Midsize Sedan - (DRP)

Two (2) New Midsize Sedan to be equipped as follows:

Four Door Midsize Sedan

Engine: Four Cylinder Engine, 1.5L minimum, Fuel Injected

Transmission: Automatic

Radial Tires: All season tires, Spare Tire with jack

Wheelbase: 110" minimum

Four Wheel Antilock Disc Brakes

Power Steering

Factory Air Conditioning

Windshield Wipers - Washer with Intermittent Action

Air bags - Driver, Passenger and Side Interior - Carpet Floor and Cloth Seats

Exterior Color - White Daytime Running Lights

Front Floor Mats

AM/FM/CD stereo radio with Bluetooth for cell phone linking

Power windows, door locks, mirrors, and keyless entry

Cruise Control
Tilt Steering Wheel

Power Point

Padded Dashboard

Left and Right Outside Mirrors

Fresh Air type Heater and Defroster

Directional Signals

Back up Lights

Light in Cargo Area

Front license Plate Bracket

Fleet Free Maintenance Credit (If applicable)

Two (2) programmed keys to be supplied with this vehicle

Acceptable Models: Chevrolet Malibu, Ford Fusion, or comparable model.

#5 - VEHICLE SPECIFICATIONS - Midsize Sedan - (Environmental Programs)

One (1) New Midsize Sedan to be equipped as follows:

Four Door Midsize Sedan

Engine:

Four Cylinder Engine, 1.5L minimum, Fuel Injected

Automatic

Transmission: Radial Tires:

All season tires, Spare Tire with jack

Wheelbase:

110" minimum

Four Wheel Antilock Disc Brakes

Power Steering

Factory Air Conditioning

Windshield Wipers - Washer with Intermittent Action

Air bags - Driver, Passenger and Side Interior - Carpet Floor and Cloth Seats

Exterior Color - White Daytime Running Lights

Front Floor Mats

AM/FM/CD stereo radio with Bluetooth for cell phone linking

Power windows, door locks, mirrors, and keyless entry

Cruise Control

Tilt Steering Wheel

Power Point

Padded Dashboard

Left and Right Outside Mirrors

Fresh Air type Heater and Defroster

Directional Signals

Back up Lights

Light in Cargo Area

Front license Plate Bracket

Fleet Free Maintenance Credit (If applicable)

Two (2) programmed keys to be supplied with this vehicle

Acceptable Models: Chevrolet Malibu, Ford Fusion, or comparable model.

6 - VEHICLE SPECIFICATIONS - Compact SUV - (Environmental Programs)

One (1) New Compact SUV to be equipped as follows:

Four Door Compact SUV

Engine: Four Cylinder Engine, 1.5L minimum, Fuel Injected

Transmission: Automatic

Radial Tires: All season tires, Spare Tire with jack

Wheelbase: 106" minimum

Four Wheel Antilock Disc Brakes

Power Steering

Factory Air Conditioning

Windshield Wipers - Washer with Intermittent Action

Air bags - Driver, Passenger and Side Interior - Carpet Floor and Cloth Seats

Exterior Color - White Daytime Running Lights

Front Floor Mats

AM/FM/CD stereo radio with Bluetooth for cell phone linking

Power windows, door locks, mirrors, and keyless entry

Cruise Control Power Point Padded Dashboard

Left and Right Outside Mirrors

Fresh Air type Heater and Defroster

Directional Signals

Back up Lights

Light in Cargo Area

Front license Plate Bracket

Fleet Free Maintenance Credit (If applicable)

Two (2) programmed keys to be supplied with this vehicle

Acceptable Models: Chevrolet Equinox, Ford Escape, or comparable model.

#7 - VEHICLE SPECIFICATIONS - ½ TON 4X4 Full Size Pickup Truck (Environmental Programs)

One (1) New ½ Ton 4x4 Full Size Pickup Truck to be equipped as follows:

Standard regular cab

Bed size:

8' with wheel well inside body

Drive type: Payload:

4 wheel rear drive 1,900 lb. minimum 6,300 lb. minimum

GVWR: Wheelbase:

139" minimum

Engine:

Six cylinder, 3.3L minimum, gasoline, Fuel injected

Transmission:

Automatic with overdrive

Towing package:

Class IV trailer hitch receiver with reducers, 7 spade + 4 pin plug

Battery:
Alternator:
Suspension:

150 amp minimum
To meet payload

610 CCA minimum

Air bags: Shock absorbers:

Driver and passenger Front and rear

Wheels:

17" steel minimum

Tires:

All season radial to meet payload with conventional spare

wheel and tire

Brakes:

Power with anti-lock system

Steering: Fuel tank: Power Standard

Mirrors:
Bumpers:

Dual 6"x9" side view mirrors Matching painted front and rear

Interior:
Air conditioning:

Vinyl split bench seat

Windshield wipers:

Factory installed
Washer with intermittent action

Tinted glass with dual sun visors

Fresh air type heater and defroster

Directional signals

Power point or power outlet

AM-FM radio equipped with Bluetooth for cell phone linking

Vinyl/Rubber flooring

Exterior Color:

White

Daytime running lights

Front license plate bracket

Spray in bed liner Front tow hooks

Fleet Free Maintenance Credit (If applicable)

Two (2) programmed keys to be supplied with this vehicle

Acceptable Models: Chevrolet Silverado 1500, Ford F150, Ram 1500 or comparable model.

#8 - VEHICLE SPECIFICATIONS - 34 Ton 4x2 Double/Extended Cab Truck w/ Utility Body (Maint.)

Three (3) New \(\frac{1}{4}\) Ton 4x2 Double/Extended Cab Trucks with Utility Bodies to be equipped as follows:

Three Quarter Ton Double/Extended Truck Cab

Single Rear Wheels

Payload: GVWR: 3,400 lbs Minimum 8,600 lbs Minimum

Wheelbase: Engine: 148" Minimum
Eight cylinder, 6.2L EFI V-8 Minimum Displacement, Fuel

Eugine:

Injected, Gasoline, Naturally Aspirated

Transmission:

Automatic with oil cooler

Battery:

Heavy Duty 600 CCA Minimum

Alternator: Axles & Springs:

150 Amp minimum
To meet payload

Shock Absorbers:

Front and Rear Driver and passenger

Air Bags: Wheels:

17" Steel minimum

Tires:

Manufacturer's Standard to meet payload with conventional

spare wheel and tire – black wall Power with Four (4) wheel ABS

Brakes:

Power with Fou

Steering:

Standard

Fuel Tank: Mirrors:

Telescoping or camper style retractable mirror

Bumpers:

Front Only

Interior:

Vinyl

Air Conditioning:

Factory installed

Towing Package:

Receiver hitch, class IV with reducer, and 7 blade plug connector

Tinted Glass

Fresh air type heater and defroster

Directional signals

Windshield Wipers:

Washer with intermittent action

Power Point or Power Outlet

AM-FM radio equipped with Bluetooth for cell phone linking

Exterior Color:

White

Daytime Running Lights

Integrated Trailer Brake Controller

Locking Rear Differential

12VDC/120VAC power inverter

Driver and Passenger assist steps

Fleet Free Maintenance Credit (If applicable)

Three (3) Utility bodies to be equipped as follows:

Eight Feet long with a 56" minimum cab to Axle Ratio
Standard AB Compartment with standard service body (Model Knapheide 796 or Equal)
Body length - 96"
Body height - 40"
Compartment width - 78"

Compartment depth – 14.5"

Floor width - 49"

Galva-Grip - Knap-liner Bumper or equal equipped with a class IV receiver hitch

Master locking system for locking an entire compartment side

Door Chains and Rubber Bumper Door Guards on all Horizontal Compartments

Recessed Gas Filler Nozzle

Recess Brake and Backup Lights in Rear Panels

Mount a Seven (7) blade Lock Socket at Rear with Harness Wired to Code

Backup Alarm, Presco Model 1030, Self-Adjusting of Equal

Paint to match Factory Exterior Color of Vehicle

Primer-12 Stage Automotive Electro-Cathodic Immersion

Spray in Bedliner to cover top of Bumper, floor, sides and top of utility body

Utility Body LED Compartment Lighting

Acceptable Models: Ford F250, Chevrolet Silverado 2500 HD, Ram 2500 or comparable model.

9 - VEHICLE SPECIFICATIONS - ½ Ton 4x4 Full Size Double/Extended Cab Pickup Truck (Mosquito Control)

One (1) New ½ Ton 4x4 Full Size Extended Cab Pickup Truck to be equipped as follows:

Extended cab

Bed size: 6'4" with wheel well inside body

Drive type: 4 wheel drive
Payload: 1,700 lb. minimum
GVWR: 6,400 lb. minimum
Wheelbase: 140" minimum

Engine: 8 cylinder, 5.0L minimum, gasoline, Fuel injected

Transmission:

Battery:

610 CCA minimum

Alternator:

160 amp minimum

Suspension:

To meet payload

Air bags:

Driver and passenger

Shock absorbers: Front and rear Wheels: 17" steel minimum

Tires: All season radial to meet payload with conventional spare

wheel and tire

Brakes: Power with anti-lock system

Steering: Power Fuel tank: Standard

Mirrors: Dual 6"x9" side view mirrors
Bumpers: Matching painted front and rear

Interior: Vinyl split 40/20/40 bench seat, standard rear seat

Air conditioning: Factory installed

Windshield wipers: Washer with intermittent action

Power Group: Power windows, door locks, mirrors, and keyless entry

Cruise Control

Tinted glass with dual sun visors Fresh air type heater and defroster

Directional signals

Power point or power outlet

AM-FM radio equipped with Bluetooth for cell phone linking

Vinyl Floor

Exterior Color: White Driver and Passenger Assist Steps (Running Boards)

Daytime running lights
Front license plate bracket
Spray on Bed-liner

Towing Package:

Receiver hitch, class IV with four/seven pin plug connector

Front tow hooks

Fleet Free Maintenance Credit (If applicable)

Two (2) programmed keys to be supplied with this vehicle

Acceptable Models: Chevrolet Silverado 1500, Ford F150, Ram 1500 or comparable model

10 - VEHICLE SPECIFICATIONS - Midsize Sedan - (Recreation)

One (1) New Midsize Sedan to be equipped as follows:

Four Door Midsize Sedan

Engine:

Four Cylinder Engine, 1.5L minimum, Fuel Injected

Transmission:

Automatic

Radial Tires:

All season tires, Spare Tire with jack

Wheelbase:

110" minimum

Four Wheel Antilock Disc Brakes

Power Steering

Factory Air Conditioning

Windshield Wipers - Washer with Intermittent Action

Air bags - Driver, Passenger and Side Interior - Carpet Floor and Cloth Seats

Exterior Color - White Daytime Running Lights

Front Floor Mats

AM/FM/CD stereo radio with Bluetooth for cell phone linking

Power windows, door locks, mirrors, and keyless entry

Cruise Control

Tilt Steering Wheel

Power Point

Padded Dashboard

Left and Right Outside Mirrors

Fresh Air type Heater and Defroster

Directional Signals

Back up Lights

Light in Cargo Area

Front license Plate Bracket

Fleet Free Maintenance Credit (If applicable)

Two (2) programmed keys to be supplied with this vehicle

Acceptable Models: Chevrolet Malibu, Ford Fusion, or comparable model.

#11 - VEHICLE SPECIFICATIONS - 1/2 TON 4X2 Full Size Pickup Truck (Parks)

One (1) New ½ Ton 4x2 Full Size Pickup Truck to be equipped as follows:

Standard regular cab

Bed size: 8' with wheel well inside body

Drive type: 2 wheel rear drive
Payload: 1,900 lb. minimum
GVWR: 6,000 lb. minimum
Wheelbase: 139" minimum

Engine: Six cylinder, 3.3L minimum, gasoline, Fuel injected

Transmission: Automatic with overdrive

Towing Package: Class IV trailer hitch receiver with reducers, 7 spade + 4 pin plug

Battery: 610 CCA minimum
Alternator: 150 amp minimum
Suspension: To meet payload
Air bags: Driver and passenger
Shock absorbers: Front and rear
Wheels: 17" steel minimum

Tires: All season radial to meet payload with conventional spare

wheel and tire

Brakes: Power with anti-lock system

Steering: Power Fuel tank: Standard

Mirrors: Dual 6"x9" side view mirrors
Bumpers: Matching painted front and rear

Interior: Vinyl split bench seat
Air conditioning: Factory installed

Windshield wipers: Washer with intermittent action

Tinted glass with dual sun visors Fresh air type heater and defroster

Directional signals

Power point or power outlet

AM-FM radio equipped with Bluetooth for cell phone linking

Vinyl/Rubber flooring

Exterior Color: White

Daytime running lights
Front license plate bracket

Integrated Trailer Brake Controller

Fleet Free Maintenance Credit (If applicable)

Two (2) programmed keys to be supplied with this vehicle

Acceptable Models: Chevrolet Silverado 1500, Ford F150, Ram 1500 or comparable model.

#12 - VEHICLE SPECIFICATIONS - ¾ TON 4X4 Full Size Pickup Truck (Parks)

One (1) New ¼ Ton 4x4 Full Size Pickup Truck to be equipped as follows:

Standard regular cab

Bed Size:

8' with wheel well inside body

Drive Type: Wheelbase:

4 wheel drive 140" Minimum

Engine:

Eight cylinder, gasoline, fuel injected 6.2 liter or equivalent

Towing package:

Heavy Duty, Class IV trailer hitch receiver with reducers, 7

spade + 4 pin plug connection

Transmission:

Automatic with overdrive and auxiliary transmission oil cooler

Battery:

610 CCA minimum 150 Amp minimum

Alternator: Air Bags:

Driver and passenger

Shock Absorbers: Wheels:

Front and Rear 17" Steel minimum

Tires:

All season radial to meet payload with conventional spare wheel

and tire

Brakes:

Power with anti-lock system

Steering: Fuel Tank: Power Standard

Mirrors:

Dual 6" x 9" side view mirrors

Bumpers:

Matching painted front bumper and rear step bumper

Interior:

Vinyl splint bench seat

Air Conditioning:

Factory installed

Windshield Wipers:

Washer with intermittent action

Power Group:

Power windows, door locks, mirrors, and keyless entry

Cruise Control

Locking Rear Differential

Front Tow Hooks Halogen Headlights

Tinted Glass with dual sun visors Fresh air type heater and defroster

Directional signals

Power Point or Power Outlet

AM-FM Radio equipped with Bluetooth for cell-phone linking

Exterior Color:

White

Daytime Running Lights

Spray in bed liner

Integrated Trailer Brake Controller

Front tag bracket Vinyl/Rubber flooring

Fleet Free Maintenance Credit (If applicable)

Two (2) programmed keys to be supplied with this vehicle

Acceptable Models: Chevrolet Silverado 2500, Ford F250, Ram 2500 or comparable model.

#13 - VEHICLE SPECIFICATIONS - Compact 4X2 Cargo Van (Library)

One (1) New Compact 4x2 Low Roof Cargo Van to be equipped as follows:

Engine: 2.0 Liter 4 cylinder minimum, Fuel Injected

Transmission: Automatic
Power Brakes: ABS

Electric Power assisted steering

Radial Tires: All Weather Tread

Spare Wheel and Tire with Jack

Air bag Supplemental Restraint System for Driver and Front Seat Passenger

Alternator: 150 amps

Battery: 600 cold cranking amps

Wheelbase: 120"

Factory Air Conditioning
Power Windows and Door locks

Dual sliding side doors

Tire Pressure Monitoring System

Windshield Wiper/Washer: Multi-Speed Electric with Intermittent Action

AM/FM Radio equipped with Bluetooth for cell-phone linking

Exterior Color: White

Interior: Vinyl Upholstery in Charcoal black

Floor Covering: Black Rubberized Vinyl

Tinted glass

Large Mirrors: Dual Factory Outside Manual Fold - Black

Daytime Running Lights

Power Outlets

Rear 180degree swing out cargo doors

Front tag bracket Rear cargo light Rear view camera

Standard contractor shelving on both sides of rear cargo area with safety partition

Keyless entry keypad

Two (2) programmed keys to be supplied with this vehicle

Fleet Free Maintenance Credit (If applicable)

Acceptable Models: Ford Transit Connect XL, Ram Promaster City, or comparable model.

#14 - VEHICLE SPECIFICATIONS - 34 TON 4X4 Full Size Pickup Truck (DPW Solid Waste)

One (1) New ¼ Ton 4x4 Full Size Pickup Truck to be equipped as follows:

Standard regular cab

Bed Size: 8' with wheel well inside body

Drive Type: 4 wheel drive Wheelbase: 140" Minimum

Engine: Eight cylinder, gasoline, fuel injected 6.2 liter or equivalent
Towing package: Class IV trailer hitch receiver with reducers, 7 spade + 4 pin plug
Transmission: Automatic with overdrive and auxiliary transmission oil cooler

Battery: 600 CCA minimum
Alternator: 150 Amp minimum
Air Bags: Driver and passenger
Shock Absorbers: Front and Rear
Wheels: 17" Steel minimum

Tires: All season radial to meet payload with conventional spare wheel

and tire

Brakes: Power with anti-lock system

Steering: Power Fuel Tank: Standard

Mirrors: Dual 6" x 9" side view mirrors

Bumpers: Matching painted front bumper and rear step bumper

Interior: Vinyl splint bench seat
Air Conditioning: Factory installed

Windshield Wipers: Washer with intermittent action

Power Group: Power windows, door locks, mirrors, and keyless entry

Cruise Control

Locking Rear Differential

Front Tow Hooks Halogen Headlights

Tinted Glass with dual sun visors Fresh air type heater and defroster

Directional signals

Power Point or Power Outlet

AM-FM Radio equipped with Bluetooth for cell-phone linking

Exterior Color: White

Daytime Running Lights

Back rack for beacon light-tool box mounts LED strobe light installed on back rack Integrated Trailer Brake Controller

Front tag bracket Vinyl/Rubber flooring

Fleet Free Maintenance Credit (If applicable)

Heavy Duty Tow Package

Two (2) programmed keys to be supplied with this vehicle

Acceptable Models: Chevrolet Silverado 2500, Ford F250, Ram 2500 or comparable model.

#15 - VEHICLE SPECIFICATIONS - 1/2 TON 4X2 Full Size Pickup Truck (DPW / WWW)

Four (4) New ½ Ton 4x2 Full Size Pickup Truck to be equipped as follows:

Standard regular cab

Bed size:

8' with wheel well inside body

Drive type: Payload:

2 wheel rear drive 1.900 lb. minimum

GVWR: Wheelbase: 6,000 lb. minimum

Engine:

139" minimum

Transmission:

Six cylinder, 3.3L minimum, gasoline, Fuel injected

Automatic with overdrive

Towing Package:

Class IV trailer hitch receiver with reducers, 7 spade + 4 pin plug

Battery: Alternator: Suspension: 610 CCA minimum 150 amp minimum To meet payload

Air bags: Shock absorbers: Driver and passenger Front and rear

Wheels:

17" steel minimum

Tires:

All season radial to meet payload with conventional spare

wheel and tire

Brakes:

Power with anti-lock system

Steering: Fuel tank:

Bumpers:

Power Standard

Fuel tank: Mirrors:

Dual 6"x9" side view mirrors Matching painted front and rear

Interior:

Vinyl split bench seat

Air conditioning: Windshield wipers:

Factory installed
Washer with intermittent action

Tinted glass with dual sun visors Fresh air type heater and defroster

Directional signals

Power point or power outlet

AM-FM radio equipped with Bluetooth for cell phone linking

Vinyl Rubber flooring

Exterior Color:

White

Daytime running lights

Front license plate bracket

Back rack for beacon light-tool box mounts LED strobe light installed on back rack Integrated Trailer Brake Controller

Fleet Free Maintenance Credit (If applicable)

Two (2) programmed keys to be supplied with this vehicle

Acceptable Models: Chevrolet Silverado 1500, Ford F150, Ram 1500 or comparable model.

16 - VEHICLE SPECIFICATIONS - 3/4 Ton 4x2 Full Size Pickup Truck with Utility Body & Lift Gate (DPW WWW)

One (1) New ¼ Ton 4x2 Full Size Pickup Truck with Utility Body & Lift Gate to be equipped as follows:

Three Quarter Ton Regular Truck Cab

Single Rear Wheels

Payload:

GVWR: Wheelbase:

8.600 lbs Minimum 140" Minimum

3,400 lbs Minimum

Engine:

Eight cylinder, 6.2L EFI V-8 Minimum Displacement, Fuel

Injected, Gasoline, Naturally Aspirated

Transmission:

Automatic with oil cooler

Battery:

Heavy Duty 600 CCA Minimum

Alternator: Axles & Springs:

150 Amp minimum To meet payload

Shock Absorbers: Air Bags:

Front and Rear Driver and passenger 17" Steel minimum

Wheels: Tires:

Manufacturer's Standard to meet payload with conventional

spare wheel and tire - black wall

Brakes:

Power with Four (4) wheel ABS

Steering: Fuel Tank: Power Standard

Mirrors:

Telescoping or camper style retractable mirror

Bumpers:

Front Only Vinyl

Interior: Air Conditioning:

Factory installed

Towing Package:

Receiver hitch, class IV with Reducer, 7 blade plug connector

Fresh air type heater and defroster

Directional signals

Windshield Wipers:

Washer with intermittent action

Power Point or Power Outlet

AM-FM radio equipped with Bluetooth for cell phone linking

Exterior Color:

White

Daytime Running Lights

Integrated Trailer Brake Controller Driver and Passenger assist steps

Fleet Free Maintenance Credit (If applicable)

One (1) Utility body and Lift Gate to be equipped as follows:

Eight Feet long

Standard AB Compartment with standard service body (Model Knapheide 596 or Equal)

Body length - 96"

Body height - 40"

Compartment width - 78"

Compartment depth - 14.5"

Floor width - 49"

Galva-Grip - Knap-liner Bumper or equal equipped with a class IV receiver hitch

Master locking system for locking an entire compartment side

Door Chains and Rubber Bumper Door Guards on all Horizontal Compartments

Recessed Gas Filler Nozzle

Recess Brake and Backup Lights in Rear Panels

Mount a Seven (7) blade Lock Socket at Rear with Harness Wired to Code

Backup Alarm

Paint to match Factory Exterior Color of Vehicle

Primer-12 Stage Automotive Electro-Cathodic Immersion

Spray in Bedliner to cover floor and sides

Utility Body LED Compartment Lighting

Hydraulic controlled rear lift gate installed

Acceptable Models: Ford F250, Chevrolet Silverado 2500 HD, Ram 2500 or comparable model.

WORCESTER COUNTY COMMISSIONERS VEHICLE BID FORM

We submit bids on the following vehicles (specifications attached for each quoted vehicle):

1. One $(1) - \frac{1}{2}$ To	on 4x2 Full Size Pick	sup Truck (Detention Center)
Year	Make	Model
Bid (per unit) \$		
Total Bid \$		
Delivery Time	eansitive grant case in the second	
2. One (1) - 3/4 To	on 4x4 Full Size Cre	w Cab Pickup Truck (Fire Marshal)
Year	Make	_Model
Bid (per unit) \$		
Total Bid \$		
Delivery Time	are.	
3. One (1) - SUV	/ Full Size 4x4 (Sher	<u>iff)</u>
Year	Make	Model
Bid (per unit) \$	<u> </u>	
Total Bid \$		
Delivery Time		
4. <u>Two (2) – Mid</u>	lsize Sedan (DRP)	
Year	Make	Model
Bid (per unit) \$		
Total Bid \$	· · · · · · · · · · · · · · · · · · ·	
Dalizani Tima		

5. One (1) -	- Midsize Sedan (E	nvironmental Programs)
Year	Make	Model
Bid (per unit)) \$	
Total Bid	\$	_ _
Delivery Tim	ne	
6. One (1) -	- Compact SUV (E	nvironmental Programs)
Year	Make	Model
Bid (per unit)) \$	
Total Bid	\$	
Delivery Tim	ne	
7. One (1)	- ½ Ton 4x4 Full Si	ze Pickup Truck (Environmental Programs)
Year	Make	Model
Bid (per unit	t) \$	
Total Bid	\$	
Delivery Tir	ne	
8. <u>Three (3</u>	3) – ¾ Ton 4x 2 Dou	ble/Extended Cab Pickup with Utility Body (DPW/Mai
Year	Make	Model
Bid (per uni	t) \$	
Total Bid	\$	
Delivery Tir	me	

9. One (1)	<u>- ½ Ton 4x4 Full </u>	Size Double/Extended Cab Pickup Truck
Year	Make	Model
Bid (per uni	it) \$	
Total Bid	\$	
Delivery Tir	me	
10. One (1)	– Midsize Sedan (Recreation)
Year	Make	Model
Bid (per uni	t) \$	
Total Bid	\$	
Delivery Tir	ne	
11. <u>One (1)</u>	- ½ Ton 4x2 Full	Size Pickup Truck (Parks)
Year	Make	Model
Bid (per unit	t) \$	
Total Bid	\$	
Delivery Tir	ne	
12. <u>One (1)</u>	– ¾ Ton 4x4 Full	Size Pickup Truck (Parks)
Year	Make	Model
Bid (per uni	t) \$	
Total Bid	\$	
Delivery Tir	me	

13. One (1) -	Compact 4x2 Car	go Van with Shelving (Library)
Year	Make	Model
Bid (per unit)	\$	
Total Bid	\$	
Delivery Time		
14. <u>One (1) –</u>	¾ Ton 4x4 Full Si	ze Pickup Truck (DPW Solid Waste)
Year	Make	Model
Bid (per unit)	\$	ромеровани
Total Bid	\$	
Delivery Time		
15. <u>Four (4) -</u>	- ½ Ton 4x2 Full S	Size Pickup Truck (DPW WWW)
Year	Make	Model
Bid (per unit)	\$	
Total Bid	\$	
Delivery Time	e	
16. One (1) -	· 3⁄4 Ton 4x2 Full S	ize Pickup Truck with Utility Body & Lift Gate (WWW)
Year	Make	Model
Bid (per unit)	\$	
Total Bid	\$	<u> </u>
Delivery Time	e	

BID MUST BE SIGNED AND BID VEHICLE SPECIFICATIONS MUST BE ATTACHED TO BE CONSIDERED.

Please note any specifi	ication differences when submitting your bid.
Date:	
Signature:	
Typed Name:	
Firm:	
Address:	
Telephone:	
Fax:	
E-Mail Address:	

NEW VEHICLE DEALERSHIP VENDORS

Hertrich Chevrolet, Inc.
Billy Taylor, Terry Degroat
1337 Ocean Highway
Pocomoke, Maryland 21851
410-957-2222 Fax: 410-957-4589
tdegroat@hertrichs.com

Hertrich Ford Chrysler Jeep Ram Dana Smith 1618 Ocean Highway Post Office Box 119 Pocomoke, Maryland 21851 410-957-3333 Fax: 410-957-4362 dsmith@hertrichs.com

Hertrich Buick GMC of Salisbury 2016 N. Salisbury Blvd. Salisbury, Maryland 21804 410-742-1106 Fax: 410-742-4722

Hertrich Fleet Services Inc. Chris Wilder or Susan Hickey 1427 Bay Road Milford, DE 19963 800-698-9825 Fax: 302-839-0555 cwilder@hertrichs.com shickey@hertrichfleet.com

Safford Ford, Lincoln, Mercury Lowell Hoffe 1902 N. Salisbury Blvd. Salisbury, Maryland 21801 410-548-4600 ext. 1513 Fax: 410-548-4610

Lindsay Ford
Dan Paderofsky
11250 Veirs Mill Road
Wheaton, MD 20902
240-283-3733
Fax: 301-946-9410
dpaderofsky@lindsayford.com

IG Burton Berlin Chevrolet 10419 Old Ocean City Blvd. Attn. Sales Manager Berlin, MD 21811 410-641-0444 Fax: 410-641-9837

IG Burton Fleet Sales Manager 793 Bay Road Milford, DE 19963 302-265-1318 Fax: 302-265-1490

Pittsville Ford (Preston) Keith Jerman 7155 Friendship Road Pittsville, MD 21850 302-259-2588 Fax: 410-835-8877 kjermanjr@prestonmotor.com

Preston Millsboro Chrysler Dodge Jeep Ram Attn. Sales Manager 8380 Dupont Blvd Millsboro, DE 19966 302-934-8282

Apple Ford Inc. **Justin Skipper** 8800 Stanford Blvd. Columbia, Maryland 21045 410-290-1100 Fax: 410-290-1540 jskipper@appleford.com

Bayshore Ford Ava Halpin & Rob VanDeBoe 4003 N. Dupont Hwy New Castle, DE 19720 302-656-3160 Fax: 302-656-5089 ahalpin@bayshoreford.com

rvandeboe@bayshoreford.com

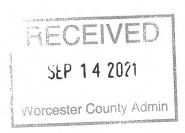
Criswell Chevrolet, Inc Scott Silverman 503 Quince Orchard Road Gaithersburg, Maryland 20878 301-948-5460 or 240-876-8233 (cell) Fax: 301-948-1381

Norris Ford Inc. Fleet Sales Manager 901 Merritt Boulevard Dundalk, Maryland 21222 443-549-3452 Fax: 410-285-0872

Frederick Ford Mark Malone PO Box 1420 26905 Sussex HWY Seaford DE 19973 302-629-4553 ext. 1283 Fax: 302-629-9110

fleet-man@msn.com

mmalone@frederickford.com



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 DIVISON CUSTOMER SERVICE DIVISION TECHNICAL SERVICE DIVISION

MEMORANDUM

TO:

Weston Young, P.E., Chief Administrative Officer

FROM:

William Bradshaw, P.E., County Engineer

DATE:

September 13, 2021

SUBJECT:

Worcester County Jail Improvement Project Phase 2

This memo is a request for approval to release phase 2 of the Worcester County Jail improvement project for bidding. Included in this packet is the index of specifications and drawings, Notice to Bidders, and the recommended vendor list.

The scope of work generally includes the following:

- Replacement of the 1980's vintage heating and ventilating equipment in the housing units.
- Replacement of corridor and office heating and air conditioning systems associated with the 1988 addition.
- Replacement of work release housing unit heating and ventilating units and office/corridor area HVAC.
- Addition of space temperature controls in the oldest building areas.
- Updated fire alarm and sprinklers in select areas.
- Addition of HVAC in the 2008 program area room to match the 1980 multipurpose room systems installed during phase 1.
- Sectional roof replacement and repairs.
- Coating of exterior steel structures, replacement of select door systems, and resurfacing of work release shower facilities.
- Options for lighting replacement in select areas and building controls upgrades.

This work will maintain the oldest sections of the facility infrastructure by replacing equipment, roofing, control systems, and fire systems. Corridors and select area

September 13, 2021

Re.: Worcester County Jail Improvement Project Phase 2

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air conditioning is included consistent with the remainder of the building. Phase 1 was complete last year and the current phase 2 work is a continuation of the project.

For the project to continue, the County Commissioners are requested to approve the release of plans and specifications for bidding. Funding for this portion of the project is planned from fund balance and bonds per the capital improvement plan.

Please contact me if there are additional questions.

Attachments

Cc: Warden Fulton Holland

WORCESTER COUNTY DETENTION CENTER PHASE 2 RENOVATIONS

SNOW HILL, MARYLAND

GIPE ASSOCIATES PROJECT No. 20059

PROJECT MANUAL BID DOCUMENTS

September 3, 2021

Gipe Associates, Inc. 8719 Brooks Drive, Easton, MD 21601

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OF THE PROJECT MANUAL

FOR

WORCESTER COUNTY DETENTION CENTER PHASE 2 RENOVATIONS

SNOW HILL, MD

GIPE ASSOCIATES, INC. PROJECT No. 20059

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A4.1 A4.2	SHOWER FLOOR PLANS & ELEVATIONS SHOWER FLOOR PLANS & ELEVATIONS
A4.2 A4.3	SHOWER FLOOR PLANS & ELEVATIONS SHOWER FLOOR PLANS & ELEVATIONS
A4.3	SHOWER FLOOR PLANS & ELEVATIONS
A5.0	GROUND FLOOR REFLECTED CEILING PLAN
713.0	CROONE I BOOK IMPEDITED OFFICE I FAIR
A5.1A	PARTIAL GROUND FLOOR REFLECTED CEILING PLAN
A5.1B	PARTIAL GROUND FLOOR REFLECTED CEILING PLAN
A5.1C	PARTIAL GROUND FLOOR REFLECTED CEILING PLAN
A5.1D	PARTIAL GROUND FLOOR REFLECTED CEILING PLAN
A5.1E	PARTIAL GROUND FLOOR REFLECTED CEILING PLAN
A6.0	SECOND FLOOR REFLECTED CEILING PLAN
11000	DECEMBER OF THE PROPERTY OF TH
A6.1A	PARTIAL SECOND FLOOR REFLECTED CEILING PLAN
A6.1B	PARTIAL SECOND FLOOR REFLECTED CEILING PLAN

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S1.0 STRUCTURAL DETAILS

MECHANICAL:

MECHANICAL.	
M0.1	LEGEND AND ABBREVIATIONS – HVAC
MD1.0	FIRST FLOOR PLAN – HVAC – DEMOLITION
MD1.1A	FIRST FLOOR PLAN – HVAC – AREA A – DEMOLITION
MD1.1B	FIRST FLOOR PLAN – HVAC – AREA B – DEMOLITION
MD1.1C	FIRST FLOOR PLAN – HVAC – AREA C – DEMOLITION
MD1.1D	FIRST FLOOR PLAN – HVAC – AREA D – DEMOLITION
MD1.2	ROOF PLAN – HVAC – DEMOLITION
MD2.1	MECH ROOM PART PLANS - HVAC - DEMOLITION
MD2.2	FIRST FLOOR MENS WORK RELEASE – PART PLAN – HVAC – DEMOLITION
MD2.3	SECOND FLOOR MENS WORK RELEASE – PART PLAN – HVAC – DEMOLITION
MD2.4	E-BLOCK PART PLANS – HVAC – DEMOLITION
MD2.5	D-BLOCK PART PLANS – HVAC – DEMOLITION
MD2.6	C-BLOCK PART PLANS – HVAC – DEMOLITION
MD2.7	B-BLOCK PART PLANS – HVAC – DEMOLITION
MD2.8	A-BLOCK PART PLANS – HVAC – DEMOLITION
MD2.9	FIRST FLOOR MAX SECURITY – PART PLAN – HVAC – DEMOLITION
MD2.10	FIRST FLOOR SPECIAL MANAGEMENT 1 & 2 – PART PLAN – HVAC –
	DEMOLITION
MD2.11	FIRST FLOOR 01-BLOCK – PART PLAN – HVAC – DEMOLITION
MD2.12	FIRST FLOOR 02-BLOCK – PART PLAN – HVAC – DEMOLITION
MD2.13	T-BLOCK PART PLANS – HVAC – DEMOLITION
MD2.14	MULTIPURPOSE PART PLAN – HVAC – DEMOLITION
M1.0	FIRST FLOOR PLAN – HVAC – NEW WORK
M1.1A	FIRST FLOOR PLAN – HVAC – AREA A – NEW WORK
M1.1B	FIRST FLOOR PLAN – HVAC – AREA B – NEW WORK
M1.1C	FIRST FLOOR PLAN – HVAC – AREA C – NEW WORK
M1.1D	FIRST FLOOR PLAN – HVAC – AREA D – NEW WORK
M1.2	ROOF PLAN – HVAC – NEW WORK
M2.1	MECH ROOM PART PLANS – HVAC – NEW WORK
M2.2	FIRST FLOOR MENS WORK RELEASE – PART PLAN – HVAC – NEW WORK
M2.3	SECOND FLOOR MENS WORK RELEASE – PART PLAN – HVAC – NEW WORK
M2.4	E-BLOCK PART PLANS – HVAC – NEW WORK
M2.5	D-BLOCK PART PLANS – HVAC – NEW WORK
M2.6	C-BLOCK PART PLANS – HVAC – NEW WORK
M2.7	B-BLOCK PART PLANS – HVAC – NEW WORK
M2.8	A-BLOCK PART PLANS – HVAC – NEW WORK
M2.9	FIRST FLOOR MAX SECURITY – PART PLAN – HVAC – NEW WORK
M2.10	FIRST FLOOR SPECIAL MANAGEMENT 1 & 2 – PART PLAN – HVAC – NEW

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WORK	
M2.11	FIRST FLOOR 01-BLOCK – PART PLAN – HVAC – NEW WORK
M2.12	FIRST FLOOR 02-BLOCK – PART PLAN – HVAC – NEW WORK
M2.13	T-BLOCK PART PLANS – HVAC – NEW WORK
M2.14	MULTIPURPOSE PART PLAN – HVAC – NEW WORK
M3.1	DETAILS – HVAC
M3.2	DETAILS – HVAC
M3.3	DETAILS – HVAC
M3.4	DETAILS – HVAC
M3.5	DETAILS – HVAC
M4.1	AUTOMATIC TEMPERATURE CONTROLS
M4.2	AUTOMATIC TEMPERATURE CONTROLS
M4.3	AUTOMATIC TEMPERATURE CONTROLS
M4.4	AUTOMATIC TEMPERATURE CONTROLS
M5.1	SCHEDULES – HVAC
PLUMBING:	
P0.1	LEGEND – PLUMBING
PD1.0	FIRST FLOOR PLAN – PLUMBING – DEMOLITION
PD1.1A	FIRST FLOOR PLAN – PLUMBING – AREA A – DEMOLITION
PD1.1A PD1.1B	FIRST FLOOR PLAN – PLUMBING – AREA B – DEMOLITION FIRST FLOOR PLAN – PLUMBING – AREA B – DEMOLITION
PD1.1C	FIRST FLOOR PLAN – PLUMBING – AREA C – DEMOLITION
PD1.2	ROOF PLAN – PLUMBING – DEMOLITION
PD2.1	MECH ROOM PART PLAN – PLUMBING – DEMOLITION
PD2.4	E-BLOCK PART PLANS – PLUMBING – DEMOLITION
PD2.5A	FIRST FLOOR D-BLOCK - PART PLANS - PLUMBING - DEMOLITION
PD2.5B	SECOND FLOOR D-BLOCK – PART PLANS – PLUMBING – DEMOLITION
PD2.6A	FIRST FLOOR C-BLOCK – PART PLANS – PLUMBING – DEMOLITION
PD2.6B	SECOND FLOOR C-BLOCK – PART PLANS – PLUMBING – DEMOLITION
PD2.7A	FIRST FLOOR B-BLOCK – PART PLANS – PLUMBING – DEMOLITION
PD2.7B	SECOND FLOOR B-BLOCK – PART PLANS – PLUMBING – DEMOLITION
PD2.8A	FIRST FLOOR A-BLOCK – PART PLANS – PLUMBING – DEMOLITION
PD2.8B	SECOND FLOOR A-BLOCK – PART PLANS – PLUMBING – DEMOLITION
PD2.9	FIRST FLOOR MAX SECURITY - PART PLAN - PLUMBING - DEMOLITION
PD2.10	FIRST FLOOR SPECIAL MANAGEMENT 1 & 2 - PART PLANS - PLUMBING -
	DEMOLITION
PD2.11	FIRST FLOOR 01-BLOCK – PART PLANS – PLUMBING – DEMOLITION
PD2.12	FIRST FLOOR 02-BLOCK – PART PLANS – PLUMBING – DEMOLITION
PD2.13A	FIRST FLOOR T-BLOCK – PART PLANS – PLUMBING – DEMOLITION
PD2.13B	SECOND FLOOR T-BLOCK – PART PLANS – PLUMBING – DEMOLITION
P1.0	FIRST FLOOR PLAN – PLUMBING – NEW WORK
P1.1A	FIRST FLOOR PLAN – PLUMBING – AREA A – NEW WORK

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P1.1B	FIRST FLOOR PLAN – PLUMBING – AREA B – NEW WORK
P1.1C	FIRST FLOOR PLAN – PLUMBING – AREA C – NEW WORK
P1.2	ROOF PLAN – PLUMBING – NEW WORK
P2.1	MECH ROOM PART PLAN – PLUMBING – NEW WORK
P2.4	E-BLOCK PART PLANS – PLUMBING – NEW WORK
P2.5A	FIRST FLOOR D-BLOCK – PART PLANS – PLUMBING – NEW WORK
P2.5B	SECOND FLOOR D-BLOCK – PART PLANS – PLUMBING – NEW WORK
P2.6A	FIRST FLOOR C-BLOCK – PART PLANS – PLUMBING – NEW WORK
P2.6B	SECOND FLOOR C-BLOCK – PART PLANS – PLUMBING – NEW WORK
P2.7A	FIRST FLOOR B-BLOCK – PART PLANS – PLUMBING – NEW WORK
P2.7B	SECOND FLOOR B-BLOCK – PART PLANS – PLUMBING – NEW WORK
P2.8A	FIRST FLOOR A-BLOCK – PART PLANS – PLUMBING – NEW WORK
P2.8B	SECOND FLOOR A-BLOCK – PART PLANS – PLUMBING – NEW WORK
P2.9	FIRST FLOOR MAX SECURITY – PART PLAN – PLUMBING – NEW WORK
P2.10	FIRST FLOOR SPECIAL MANAGEMENT 1 & 2 – PART PLANS – PLUMBING –
	NEW WORK
P2.11	FIRST FLOOR 01-BLOCK – PART PLANS – PLUMBING – NEW WORK
P2.12	FIRST FLOOR 02-BLOCK – PART PLANS – PLUMBING – NEW WORK
P2.13A	FIRST FLOOR T-BLOCK – PART PLANS – PLUMBING – NEW WORK
P2.13B	SECOND FLOOR T-BLOCK - PART PLANS - PLUMBING - NEW WORK
P3.1	DETAILS – PLUMBING
P3.2	DETAILS – PLUMBING
P3.3	DETAILS – PLUMBING
P4.1	SCHEDULES – PLUMBING
ELECTRICAL:	
E0.0	ELECTRICAL LECENTS ADDRESS ATTOMIC AND NOTES
E0.0	ELECTRICAL LEGEND, ABBREVIATIONS AND NOTES
ED1.1	FIRST FLOOR PLAN – ELECTRICAL – DEMOLITION
DD 1.11	THE TECHNICE CONTENT CONTENTS
ED1.1A	FIRST FLOOR PLAN – ELECTRICAL – AREA A – DEMOLITION
ED1.1A ED1.1B	FIRST FLOOR PLAN – ELECTRICAL – AREA A – DEMOLITION FIRST FLOOR PLAN – ELECTRICAL – AREA B – DEMOLITION
ED1.1B	FIRST FLOOR PLAN – ELECTRICAL – AREA B – DEMOLITION
ED1.1B ED1.1C	FIRST FLOOR PLAN – ELECTRICAL – AREA B – DEMOLITION FIRST FLOOR PLAN – ELECTRICAL – AREA C – DEMOLITION
ED1.1B	FIRST FLOOR PLAN – ELECTRICAL – AREA B – DEMOLITION
ED1.1B ED1.1C	FIRST FLOOR PLAN – ELECTRICAL – AREA B – DEMOLITION FIRST FLOOR PLAN – ELECTRICAL – AREA C – DEMOLITION
ED1.1B ED1.1C ED1.1D	FIRST FLOOR PLAN – ELECTRICAL – AREA B – DEMOLITION FIRST FLOOR PLAN – ELECTRICAL – AREA C – DEMOLITION FIRST FLOOR PLAN – ELECTRICAL – AREA D – DEMOLITION
ED1.1B ED1.1C ED1.1D	FIRST FLOOR PLAN – ELECTRICAL – AREA B – DEMOLITION FIRST FLOOR PLAN – ELECTRICAL – AREA C – DEMOLITION FIRST FLOOR PLAN – ELECTRICAL – AREA D – DEMOLITION
ED1.1B ED1.1C ED1.1D	FIRST FLOOR PLAN – ELECTRICAL – AREA B – DEMOLITION FIRST FLOOR PLAN – ELECTRICAL – AREA C – DEMOLITION FIRST FLOOR PLAN – ELECTRICAL – AREA D – DEMOLITION SECOND FLOOR PLAN – ELECTRICAL – DEMOLITION
ED1.1B ED1.1C ED1.1D ED1.2 ED1.2A	FIRST FLOOR PLAN – ELECTRICAL – AREA B – DEMOLITION FIRST FLOOR PLAN – ELECTRICAL – AREA C – DEMOLITION FIRST FLOOR PLAN – ELECTRICAL – AREA D – DEMOLITION SECOND FLOOR PLAN – ELECTRICAL – DEMOLITION SECOND FLOOR PLAN – ELECTRICAL – AREA A – DEMOLITION

ROOF PLAN - ELECTRICAL - DEMOLITION

FIRST FLOOR PLAN - ELECTRICAL - NEW WORK

FIRST FLOOR PLAN – ELECTRICAL – AREA A – NEW WORK FIRST FLOOR PLAN – ELECTRICAL – AREA B – NEW WORK

ED1.3

E1.1

E1.1A

E1.1B

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E1.1C E1.1D	FIRST FLOOR PLAN – ELECTRICAL – AREA C – NEW WORK FIRST FLOOR PLAN – ELECTRICAL – AREA D – NEW WORK
E1.2	SECOND FLOOR PLAN – ELECTRICAL – NEW WORK
E1.2A E1.2B E1.2C	SECOND FLOOR PLAN – ELECTRICAL – AREA A – NEW WORK SECOND FLOOR PLAN – ELECTRICAL – AREA B – NEW WORK SECOND FLOOR PLAN – ELECTRICAL – AREA C – NEW WORK
E1.3	ROOF PLAN – ELECTRICAL – DEMOLITION
E2.1	PART PLANS – MAIN ELECTRICAL ROOM
E5.1 E5.2	ELECTRICAL RISER DIAGRAMS FIRE ALARM RISER DIAGRAMS
E6.1	PANEL SCHEDULES
E6.2	PANEL SCHEDULES
E6.3	PANEL SCHEDULES
E7.1	ELECTRICAL DETAILS

END OF SECTION

NOTICE TO BIDDERS

Worcester County Jail Phase 2 HVAC and Electrical Renovations 5022 Joyner Road, Snow Hill, Worcester County, MD

The County Commissioners of Worcester County Maryland are currently soliciting bids for the Worcester County Jail Phase 2 HVAC, Roofing, and Electrical Renovations project. This project consists of HVAC renovations, roofing renovations, and supporting electrical renovations to portions of the existing Worcester County Jail. Bid documents, bid packages and proposal forms are available by contacting the County's Engineering Consultant, Gipe Associates, Inc. at 8719 Brooks Drive, Easton, Maryland; 410-822-8688; or by emailing a request to pmcquay@gipe.net.

Interested contractors are encouraged to attend a pre-bid meeting at 10:00 AM on Thursday, October 7, 2021, at the Worcester County Jail located at 5022 Joyner Road, Snow Hill, MD 21863. There will also be an opportunity to visit the worksite at 10:00 AM on Tuesday, October 12, 2021. Please notify William Bradshaw at bbradshaw@co.worcester.md.us if you plan to join this second worksite visit. Any subsequent visitation requests will not be granted. Last day for bid questions shall be Monday, November 1, 2021.

Sealed bids will be accepted until 1:00 PM on Monday, November 8, 2021 in the Office of the County Commissioners, at Room 1103 – Worcester County Government Center, One West Market Street, Snow Hill, Maryland 21863, at which time they will be opened and publicly read aloud. Envelopes shall be marked "Proposal for Worcester County Jail Phase 2 HVAC/Roofing/Electrical" in the lower left-hand corner. After opening, bids will be forwarded to the County Engineer and Engineering Consultant for tabulation, review and recommendation to the County Commissioners for their consideration at a future meeting. In awarding the proposal, the Commissioners reserve the right to reject any and all proposals, waive formalities, informalities and technicalities therein, and to take whatever proposal they determine to be in the best interest of the County considering lowest or best proposal, quality of goods and work, time of delivery or completion, responsibility of subcontractors being considered, previous experience of subcontractors with County contracts, or any other factors they deem appropriate. All inquiries shall be directed in writing before Monday, November 1, 2021 to Dave Hoffman at dhoffman@gipe.net

All Bids shall be Lump Sum Amount, including allowances and unit prices as scheduled. Each Bid shall be accompanied by a Bid Guaranty, which shall be either by a certified check made payable to the "County Commissioners of Worcester County, Maryland" or a Bond in the form and by a Surety company approved by the County Commissioners of Worcester County, Maryland in the amount of 5% of the Bid amount. All responsive bids shall be held valid for at least 90 calendar days after the Bid Opening Date.

Contractors that intend to submit an aggregate bid may purchase a hardcopy set of drawings and specifications from Gipe Associates, Inc. at the nonrefundable cost of \$200 per set, or an electronic set at the nonrefundable cost of \$50. Checks shall be made payable to "Gipe Associates, Inc." Gipe Associates will be maintaining a bidder's list for review by other bidders, subcontractors and suppliers. Only bidders identified on the list shall receive copies of addenda, clarifications or other bid revisions.

NOTICE TO BIDDERS

Worcester County Jail Phase 2 HVAC and Electrical Renovations 5022 Joyner Road, Snow Hill, Worcester County, MD

Additional drawings and specifications for contractors, subcontractors or suppliers are available at cost from Gipe Associates, Inc., 8719 Brooks Drive, Easton, MD 21601, (410)822-8688.

Vendor List - Worcester County Jail Phase 2 Building Improvements

General Contractors

<u></u>	<u> </u>
Bancroft Construction Company	Whiting-Turner Contracting Company
ATTN: Eric Butler	ATTN: Scott Saxman
2324 W. Zion Road, Suite 108	100 West Main Street
Salisbury, MD 21801	Salisbury, MD 21801
(410)844-8080	(410)677-3253
ebutler@bancroftusa.com	Scott.saxman@whiting-turner.com
Delmarva Veteran Builders	Willow Construction
Attn: Alan Hoff	Attn: Andy Cheezum
120 East Market Street	8649 Commerce Drive
Salisbury, MD 21801	Easton, MD 21601
(443)-736-1584	(410)-822-6000
alan@delmarvaveteranbuilders.com	andy@willowconstruction.com
BBCS, Inc. Beauchamp Construction	
900 Clarke Avenue	'
PO Box 389	
Pocomoke City, MD 21851	
(410)957-1100	
john@bbcs.net	4

Mechanical Contractors

T.E. Smith & Son, Inc.
ATTN: David Smith
2043 Northwood Drive
Salisbury, MD
(410)749-4232
dave@te-smith.com
Joseph M. Zimmer, Inc.
ATTN: Jeff White
2225 Northwood Drive
Salisbury, MD 21801
(410)546-5700
Jeff White@jmzinc.com
Ralph Degli Obizzi and Sons, Inc.
ATTN: Ralph Degli Obizzi
400 Robinson Lane
PO Box 30200
Wilmington DE 19805
(302)652-3593
ralphjr@degli.com
Denver Elek
ATTN: Charles Elek
8860 Kelso Drive
Baltimore MD 21221

Vendor List - Worcester County Jail Phase 2 Building Improvements

(302)221-2674	(410)574-8400
dnieser@worthandcompany.com	estimating@denver-elek.com
Hancock and Son	Apex Mechanical & Fabrication
ATTN: Leif Hancock	ATTN: Scott Macknis
239 Leonard Lane	302 Falco Drive
Box 3151	Newport, DE 19804
Salisbury, MD 21801	(302)-995-6136
410-749-1000	smacknis@apexpiping.com
leif@hancockandsonplumbing.com	
John R Crocker Company	
ATTN: Mike Crocker	
304 Melfield Avenue	
Easton, MD 21601	
(410)-822-5230	
mike@jrcrocker.com	

Electrical & Fire System Contractors

Nickle Electric	Lywood Electric
ATTN: James Vanderslice	ATTN: Noah Lyden
14 Mill Park Court	301 Bloomingdale Ave
Newark, DE 19713	Federalsburg, MD 21632
(302)453-4000	(410)754-8631
jvanderslice@nickleelectrical.com	info@lywoodelectric.com
Tomey Electric	Royal Plus Electric
5430 Handley Road	12507 Sunset Ave #14D
Cambridge, MD 21613	Ocean City, MD
(410)228-8130	(410)213-2658
dtomey@tomeyelectric.com	marko@royalpluselectric.com
Devil St. Devie V	
Bayside Fire Protection	Bear Industries Fire Protection
Attn: Phil Benvenuto	ATTN: Charlie Johnston
707 Eastern Shore Drive	15 Albe Drive
Salisbury, MD 21804	Newark, DE 19702
(410)860-8283	(302)368-1311
pbenvenuto@baysidefire.net	cjohnston@bearindustries.com

TEL: 410-632-1194 FAX: 410-632-3131 E-MAIL: admin@co.worcester.md.us WEB: www.co.worcester.md.us

COMMISSIONERS

JOSEPH M. MITRECIC, PRESIDENT

THEODORE J. ELDER, VICE PRESIDENT ANTHONY W. BERTINO, JR.

MADISON J. BUNTING, JR. JAMES C. CHURCH

JOSHUA C. NORDSTROM

DIANA PURNELL



OFFICE OF THE COUNTY COMMISSIONERS

HAROLD L. HIGGINS, CPA CHIEF ADMINISTRATIVE OFFICER ROSCOE R. LESLIE

Morcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND
21863-1195

September 13, 2021

TO:

Worcester County Commissioners

FROM:

Karen Hammer, Administrative Assistant V

SUBJECT: Upcoming Board Appointments - Terms Beginning January 1, 2021

Attached, please find copies of the Board Summary sheets for all County Boards or Commissions (9), which have current or upcoming vacancies (18 total). I have circled the members whose terms have expired or will expire on each of these boards.

2 - ACTION ITEMS:

- Nominations to reappoint Tommy Tucker and Helen Whaley –
 Commission on Aging Board pg. 4-6
- Nomination for appointment James Brannon, Vice President Public Relations, AGH, to Lower Shore Workforce Development Board pgs. 10-12

President Mitrecic - You have **One** (1) positions open:

• Marie Campione-Lawrence (**Resigned**) - replacement to the Social Services Advisory Board

Vice President Elder – You have <u>Two (2)</u> position needed:

- Michael Day term ended Tourism Advisory Committee
- Devin Bataille has moved from the area Recreation Advisory Board

Commissioner Bertino – You have **Three (3)** positions needed:

- Cathy Gallagher term ended Social Services Advisory Board
- Frederick Stiehl term ended- Water & Sewer Advisory Council, Ocean Pines
- Bob Poremski (Resigned) replacement to the Water & Sewer Advisory Council, Ocean Pines

Commissioner Bunting – You have **Two (2)** position needed:

- Chris Klebe reigned Recreation Advisory Board
- Harry Hammond term ended June 30, 2021 Social Services Advisory Board

Commissioner Nordstrom - You have **One (1)** position needed:

• Sharon Dryden - term ended June 30, 2021 - Social Services Advisory Board

Commissioner Church – You have <u>Two (2)</u> position open:

- Richard Jendrek passed Water & Sewer Advisory Council, Mystic Harbour
- Bruce Burns -passed Water & Sewer Advisory Council, Mystic Harbour

• All Commissioners:

- (4) Commission On Aging Board 2 Nominations For Reappointment: Term Endings for Tommy Tucker and Helen Whaley. 1- Resignation Carolyn Dryzga; 1- Deceased-Tommy Mason
- (1) -Drug and Alcohol Abuse Council 1 Position (Passing of Dr. Cragway, Jr., also Knowledgeable of Substance Abuse Treatment), Mr. Orris hopes to have recommendations for The Commissioners later this year, however, if the Commissioners have someone they'd like to appoint, please advise.
- (1) At Large position on Local Development Council For the Ocean Downs Casino-4 yr. Mark Wittmyer (Business Ocean Pines)
- (1) Lower Shore WorkForce Development Board The Lower Shore Workforce Alliance nominating James Bannon, V.P. Public Relations, AGH (See attached letter)
- (2) Water and Sewer Advisory Council Ocean Pines (Frederick Stiehl and Bob Poremski)
- (2) Water and Sewer Advisory Council Mystic Harbour (Passing of Richard Jendrek and Bruce Burns)

Pending Board Appointments - By Commissioner

<u>District 1 - Nordstrom</u> p. 14 - Social Services Advisory Board (Sharon Dryden) - 3-year

<u>District 2- Purnell</u> All District Appointments Received. Thank you!

<u>District 3 - Church</u> p. 17 - Water & Sewer Advisory Council, Mystic Harbour Passing of Mr. Richard Jendrek and Mr. Bruce Bums

<u>District 4 - Eder</u> p. 13 - Recreation Advisory Board - Devin Bataille - moved - 4 yr.

p.16 - Tourism Advisory Committee (Michael Day) - 4-year

District 5 - Bertino

p. 14 - Social Services Advisory Board (Cathy Gallagher) - 3-year

p. 18 - Water & Sewer Advisory Council - Ocean Pines (Frederick Stiehl and BobPoremski) - 4-year

<u>District 6 - Bunting</u> p. 14 - Social Services Advisory Board (Harry Hammond) - 3yr

p. 13 - Recreation Advisory Board - (Chris Klebe) - 4yr.

District 7 - Mitrecic p. 14 - Social Services Advisory Board (Marie Campione-Lawrence) - 3-year

All Commissioners

- p. 4 (4) Commission On Aging Board -2 Reappointments for term endings- Tommy Tucker and Helen Whaley
 1- Resignation Carolyn Dryzga; 1-Deceased-Tommy Mason and. 3yr
- p. 7 (1) Drug and Alcohol Abuse Council; 1 Position (Passing of Dr.
 Cragway, Jr., also Knowledgeable of Substance Abuse Treatment), Mr. Orris hopes to have recommendations for The Commissioners later this year, <u>however</u>, if the Commissioners have someone they'd like to appoint, please advise. 4-yr
- p. 9 (1) Local Development Council for Ocean Downs Casino (Mark Wittmyer and At-Large business or institution representative in immediate proximity to Ocean Downs) 4-year
- p. 10 (1) Lower Shore WorkForce Development Board-The Lower Shore Workforce
 Alliance nominating James Bannon, V.P. Public Relations, AGH (See attached letter) 4--yr
- p. 17 (2) Water & Sewer Advisory Council, Mystic Harbour Passing of Mr. Richard Jendrek and the passing of Bruce Bums 4-yr.
- p. 18 (2) Water and Sewer Advisory Council Ocean Pines (Frederick Stiehl and Bob Poremski) 4- year 10 3

COMMISSION ON AGING BOARD

Reference: By Laws of Worcester County Commission on Aging

- As amended July 2015

Appointed by: Self-Appointing/Confirmed by County Commissioners

Function: Supervisory/Policy Making

Number/Term: Not less than 12; 3 year terms, may be reappointed

Terms Expire September 30

Compensation: None

Meetings: Monthly, unless otherwise agreed by a majority vote of the Board

Special Provisions: At least 50% of members to be consumers or volunteers of services

provided by Commission on Aging, with a representative of minorities and from each of the senior centers; one County Commissioner; and Representatives of Health Department, Social Services and Board of

Education as Ex-Officio members

Staff Contact: Worcester County Commission on Aging, Inc. - Snow Hill

John Dorrough, Executive Director or Rob Hart, Acting Deputy Director

(410-632-1277)

Current Members:

Member's Name	Resides/Represents	Years of Term(s) 7 April +	
Tommy Tucker	Snow Hill	09-12-15-18, 18-21	
Tommy Mason	Pocomoke	15-18, 18-21 Decrased	
Helen Whaley	Berlin	*16-18, 18-21 De Acont	
Rebecca Cathell	Agency - Maryland	I Job Service	
Lou Taylor	Agency - Worcester County Board of Education		
Roberta Baldwin	Agency - Worcester County Department of Social Services		
Rebecca Jones	Agency - Worcester County Health Department		
Madison J. Bunting, Jr.	Worcester County Commissioners' Representative		
Fred Grant	Snow Hill	*15-16, 16-19, 19-22	
Joyce Cottman	Berlin	*16, 16-19, 19-22	
James Covington	Pocomoke City	*18-20, 20-23	
Bonita Ann Gisriel	Ocean City	*18-20, 20-23	
Carolyn Dryzga	Ocean Pines	*18-20, 20-23 Resigned	
Samuel Henry	D-3-Church	20-23	
Dr. Mark Bowen	D-6-Bunting	20-23	

^{* =} Appointed to fill an unexpired term

Prior Members: Since 1972

Virginia Harmon Maude Love Dr. Donald Harting John C. Quillen Violet Chesser William Briddell Harrison Matthews John McDowell Mildred Brittingham Maurice Peacock Father S. Connell Rev. Dr. T. McKelvey Samuel Henry Rev. Richard Hughs Dorothy Hall Charlotte Pilchard **Edgar Davis** Margaret Quillen

Lenore Robbins
Mary L. Krabill
Leon Robbins
Claire Waters
Thelma Linz
Oliver Williams
Michael Delano

Father Gardiner
Iva Baker
Minnie Blank
Thomas Groton III
Jere Hilbourne
Sandy Facinoli
Leon McClafin
Mabel Scott
Wilford Showell
Rev. T. Wall
Jeaninne Aydelotte
Richard Kasabian
Dr. Fred Bruner
Edward Phillips

Dorothy Elliott

John Sauer

Margaret Kerbin
Carolyn Dorman
Marion Marshall
Dr. Francis Ruffo
Dr. Douglas Moore
Hibernia Carey
Charlotte Gladding
Josephine Anderson
Rev. R. Howe
Rev. John Zellman
Jessee Fassett
Delores Waters

Dr. Terrance A. Greenwood

Baine Yates Wallace T. Garrett William Kuhn (86-93) Mary Ellen Elwell (90-93)

Faye Thornes Mary Leister (89-95) William Talton (89-95)
Sunder Henry (89-95)
Josephine Anderson
Saunders Marshall (90-96)
Louise Jackson (93-96)
Carolyn Dorman (93-98)
Constance Sturgis (95-98)
Connie Morris (95-99)
Jerry Wells (93-99)
Robert Robertson (93-99)
Margaret Davis (93-99)
Dr. Robert Jackson (93-99)
Patricia Dennis (95-00)
Rev. C. Richard Edmund (96-00)
Viola Rodgers (99-00)

Viola Rodgers (99-00) Baine Yates (97-00) James Shreeve (99-00) Tad Pruitt (95-01)

Rev. Walter Reuschling (01-02) Armond Merrill, Sr. (96-03)

Gene Theroux Blake Fohl (98-05)

Constance Harmon (98-05) Catherine Whaley (98-05) Wayne Moulder (01-05) Barbara Henderson (99-05) Gus Payne (99-05)

James Moeller (01-05)
Rev Stephen Laffey (03-05)
Anne Taylor (01-07)
Jane Carmean (01-07)
Alex Bell (05-07)
Inez Somers (03-08)
Joanne Williams (05-08)
Ann Horth (05-08)
Helen Richards (05-08)
Peter Karras (00-09)
Vivian Pruitt (06-09)
Doris Hart (08-11)
Helen Heneghan (08-10)
Jack Uram (07-10)

Dr. Jon Andes Lloyd Pullen (11-13) John T. Payne (08-15) Sylvia Sturgis (07-15) Gloria Blake (05-15) Dr. Jerry Wilson (Bd. of Ed.) Peter Buesgens (Social Services)

Robert Hawkins (05-11)

Deborah Goeller (Health Dept.) George "Tad" Pruitt (05-17) Bonnie C. Caudell (09-17) Larry Walton (13-18) Cynthia Malament (07-19) Lloyd Parks (08-19) Clifford Gannett (*12-20)

^{* =} Appointed to fill an unexpired term

Karen M. Hammer

From:

John Dorrough <john@worcoa.org>

Sent:

Thursday, September 9, 2021 1:06 PM

To:

Karen M. Hammer

Subject:

EXTERNAL:WorCOA Board Members

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

Karen,

The Board of Directors of the Worcester Commission on Aging voted unanimously today to request that the Commissioners reappoint Helen Whaley (District 2) and Tommy Tucker (District 4) to another three year term as members of the Board of Directors.

The Nomination Committee is in the process of vetting two individuals recommended to fill the vacancy for District 5. Once this process is complete, which should be by the end of November, WorCOA will submit one or both names to the Commissioners with a request for appointment.

With regards!

John Dorrough, Executive Director



Worcester Commission On Aging
Office: 410.632.1277 ext 702 - FAX: 1.855.206.4371
4767 Snow Hill Rd - PO Box 159 - Snow Hill, MD 21863

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DRUG AND ALCOHOL ABUSE COUNCIL

ITEM 10

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:

Jack Orris, Council Secretary, Health Department (410-632-1100, ext. 1038)

Doug Dods, Council Chair, Sheriff's Office (410-632-1111)

Current Members:

<u>Name</u>	Representing	Years of Term(s)
	At-Large Members	
Eric Gray (Christina Purcell)	Substance Abuse Treatment Provider	*15-18, 18-22
Sue Abell-Rodden	Recipient of Addictions Treatment Services	10-14-18, 18-22
Colonel Doug Dods	Knowledgeable on Substance Abuse Issues	04-10 (advisory),10-14-18,
		18-22
Jim Freeman, Jr.	Knowledgeable on Substance Abuse Issues	04-11-15, 15-19, 19-23
Jennifer LaMade	Knowledgeable on Substance Abuse Issues	*12-15, 15-19, 19-23
Mimi Dean	Substance Abuse Prevention Provider	*18-19, 19-23
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 Declared
Rev. James Jones	Knowledge of Substance Abuse Issues	*21-25
Tina Simmons	Knowledge of Substance Abuse Treatment	21-25

Ex-Officio Members

	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

^{*} Appointed to a partial term for proper staggering, or to fill a vacant term

Donna Bounds

Warden, Worcester County Jail

Ex-Officio, Indefinite

Advisory Members

Lt. Earl W. Starner

Maryland State Police

Since 2004

Charles "Buddy" Jenkins

Chief Ross Buzzuro (Lt. Rick Moreck)

Business Community - Jolly Roger Amusements

Ocean City Police Dept.

Hudson Health Services, Inc.

Leslie Brown James Mcquire, P.D.

Health Care Professional - Pharmacist

Since 2018

Shane Ferguson

Wor-Wic Community College Rep.

Since 2018

Jessica Sexauer, Director

Local Behavioral Health Authority

Since 2018

Prior Members:

Since 2004

Vince Gisriel
Michael McDermott
Marion Butler, Jr.
Judge Richard Bloxom

Judge Richard Blox Paula Erdie Tom Cetola Gary James (04-08) Vickie Wrenn Deborah Winder Garry Mumford

Judge Theodore Eschenburg
Andrea Hamilton

Fannie Birckhead
Sharon DeMar Reilly
Lisa Gebhardt
Jenna Miller
Dick Stegmaier
Paul Ford
Megan Griffiths

Ed Barber Eloise Henry-Gordy Lt. Lee Brumley Ptl. Noal Waters Ptl. Vicki Fisher Chief John Groncki Chief Arnold Downing

Frank Pappas

Captain William Harden Linda Busick (06-10) Sheriff Chuck Martin

Joel Todd

Diane Anderson (07-10) Joyce Baum (04-10)

James Yost (08-10)

Ira "Buck" Shockley (04-13) Teresa Fields (08-13) Frederick Grant (04-13) Doris Moxley (04-14)

Commissioner Merrill Lockfaw

Kelly Green (08-14)

Sheila Warner - Juvenile Services Chief Bernadette DiPino - OCPD Chief Kirk Daugherty -SHPD Mike Shamburek - Hudson Health Shirleen Church - BOE

Tracy Tilghman (14-15)
Marty Pusey (04-15)
Debbie Goeller
Peter Buesgens
Aaron Dale
Garry Mumford
Sharon Smith
Jennifer Standish
Karen Johnson (14-17)
Rev. Bill Sterling (13-17)
Kat Gunby (16-18)
William McDermott
Sheriff Reggie Mason
Colleen Wareing (*06-19)

Rev. Matthew D'Amario(*18-21)

Donna Nordstron *(19-21)

* Appointed to a partial term for proper staggering, or to fill a vacant term

Updated: August 3, 2021 Printed: September 13, 2021

LOCAL DEVELOPMENT COUNCIL FOR THE OCEAN DOWNS CASINO

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:			
Member's Name	Nominated By	Represents/Resides	Years of Term(s) Term Ended
Mark Wittmyer	At-Large	Business - Ocean Pines	15-19
Gee Williams c	Dist. 3 - Church	Resident - Berlin	09-13-17, 17-21
Bob Gilmore	Dist. 5 - Bertino	Resident - Ocean Pines	*19-21
David Massey c	At-Large	Business - Ocean Pines	09-13-17, 17-21
Bobbi Sample	Ocean Downs Casino	Ocean Downs Casino	17-indefinite
Cam Bunting c	At-Large	Business - Berlin	*09-10-14-18, 18-22
Matt Gordon	Dist. 1 - Nordstrom	Resident - Pocomoke	19-22
Mary Beth Caroz	zza	Maryland Senator	14-18, 18-22
Wayne A. Hartm	an	Maryland Delegate	18-22
Charles Otto		Maryland Delegate	14-18, 18-22
Roxane Rounds	Dist. 2 - Purnell	Resident - Berlin	*14-15-19, 19-23
Michael Donnell	y Dist. 7 - Mitrecic	Resident - Ocean City	*16-19, 19-23
Steve Ashcraft	Dist. 6 - Bunting	Resident - Ocean Pines	*19-20, 20-24
Gary Weber	Dist. 4 - Elder	Resident - Snow Hill	*19-20, 20-24
Mayor Rick Mee	han ^c At-Large	Business - Ocean City	*09-12-16-20-24
	_	•	

Prior Members: Since 2009

J. Lowell Stoltzfus ° (09-10) Mark Wittmyer ° (09-11) John Salm ° (09-12) Mike Pruitt ° (09-12) Norman H. Conway ° (09-14) Michael McDermott (10-14) Diana Purnell ° (09-14) Linda Dearing (11-15) Todd Ferrante c (09-16) 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) Charlie Dorman (12-19)

^{* =} Appointed to fill an unexpired term/initial terms staggered

c = Charter Member

LOWER SHORE WORKFORCE DEVELOPMENT BOARD

(Previously Private Industry Council Board - PIC)

Reference:

Workforce Innovation and Opportunity Act of 2014, Section 107

Appointed by:

County Commissioners

Functions:

Advisory/Regulatory

Provide education and job training opportunities to eligible adults, youth and dislocated workers who are residents of Somerset, Wicomico and

Worcester counties.

Number/Term:

26 - 5 Worcester County, 11 At-Large (by Tri-County Council), 10 Other

2, 3 or 4-year terms; Terms expire September 30

Compensation:

None

Meetings:

Quarterly (March, June, September, December) on the 2nd Wednesday

Special Provisions:

Board must be at least 51% business membership.

Chair must be a businessperson

Staff Contact:

Lower Shore Workforce Alliance

Shelly Brown, Workforce Deputy Director (410-341-3835, ext 6) American Job Center, 31901 Tri-County Way, Suite 215, Salisbury, MD 21804

Current Members (Worcester County - also members from Wicomico, Somerset and Tri-County Council):

<u>Name</u>	Resides/Agency	<u>Term</u>	Representing
Whitney Palmer	Berlin	*20-22	Business Rep.
Jason Cunha	Pocomoke	*16-19, 19-23	Business Rep.
Walter Maizel	Bishopville	*12-20, 20 -24	Private Business Rep.
Robert "Bo" Duke	Ocean City	*17-21, 21-25	Business Rep.
VACANCY	See Attached Letter	Bu	siness/Healthcare Ind.

Nomination:
Mr. James Brannon

Prior Members:

Since

Baine Yates
Charles Nicholson (98-00)
Gene Theroux (97-00)
Jackie Gordon (98-00)
Caren French (97-01)
Jack Smith (97-01)
Linda Busick (98-02)
Edward Lee (97-03)
Joe Mangini (97-03)
Linda Wright (99-04)

Joe Mangini (97-03) Linda Wright (99-04) Kaye Holloway (95-04) Joanne Lusby (00-05) William Greenwood (97-06) Gabriel Purnell (04-07) Walter Kissel (03-07) Heidi Kelley (07-08)

Bruce Morrison (05-08) Margaret Dennis (08-12) Ted Doukas (03-13)

Diana Nolte (06-14) John Ostrander (07-15) Craig Davis (13-17)

Donna Weaver (08-17) Geoffrey Failla (15-18) Melanie Pursel (18-*20)

Ivy Wells (20-21)(21-public appt.)



31901 TRI-COUNTY WAY SUITE 203 SALISBURY, MARYLAND 21804 PHONE: 410-341-8989 FAX: 410-341-8988 WWW.LOWERSHORE.ORG

September 13, 2021

Joseph M. Mitrecic, President Worcester County Board of Commissioners 1 West Market Street, Room 1103 Snow Hill, MD 21863

Dear Commissioner Mitrecic

The Lower Shore Workforce Alliance (LSWA) division of the Tri-County Council for the Lower Eastern Shore of Maryland (TCC) is funded through grants from the Maryland Department of Labor. Labor grant funding requirements are governed by the Federal Workforce Innovation and Opportunity Act (WIOA) regulations that require that the majority of the Workforce Development Board (WDB) members represent businesses in our community. There are five business seats per county on the WBD. WIOA requires that each business member:

- 1. Be an owner, chief executive officer, chief operating officer, or other business executives or individual with optimum policymaking or hiring authority;
- 2. Provide employment opportunities in in-demand industry sectors or occupations;
- 3. Provide high-quality, work-relevant training and development opportunities to its workforce or the workforce of others; and
- 4. Be appointed from among individuals nominated by local business organizations and business trade associations.

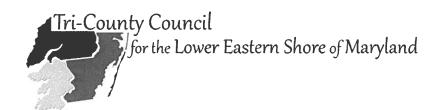
The current WDB members for Worcester County are:

Worcester	Industry	Expiration	
Jason Cunha	Financial Services	11/5/23	
Bo Duke	Hospitality	9/30/25	
Walt Maizel	Construction	9/30/24	
Whitney Palmer	Veterinary Services	9/30/22	
Vacant			

Ms. Wells was originally appointed to represent the business community per the WIOA requirements, but has been reappointed under the WIOA category "government, economic and community development" in order to better reflect the community.







31901 TRI-COUNTY WAY SUITE 203 SALISBURY, MARYLAND 21804 PHONE: 410-341-8989 FAX: 410-341-8988 WWW.LOWERSHORE.ORG

On August 18, 2021, we requested that the Commissioners appoint an additional person to serve on the WDB. With healthcare being in such high demand in the area, Mr. Bo Duke reached out to the Vice President of Public Relations to see if anyone would be interested in serving on the WDB. James (Jim) Brannon expressed an interest in serving on the board.

With that being said, we would like to request the appointment of Mr. James (Jim) Brannon.

I would appreciate your prompt attention to this matter and if you have any questions, please contact me.

Sincerely,

Gregory Padgham

Gregory Padgham Executive Director





RECREATION ADVISORY BOARD

Reference:

County Commissioners' Action 6/13/72 and Resolution of 12/27/83 and

Resolution 97-51 of 12/23/97 and Resolution 03-6 of 2/18/03

Appointed by:

County Commissioners

Function:

Advisory

Provide the County with advice and suggestions concerning the recreation needs of the County and recommendations regarding current programs and

activities offered.

Review and comment on proposed annual Recreation Department budget.

Number/Term:

7/4-year term

Terms expire December 31st

Compensation:

\$100 per meeting expense allowance, subject to funding

Meetings:

At least quarterly, more frequently as necessary

Special Provisions:

One member nominated by each County Commissioner

Staff Support:

Recreation and Parks Department - Lisa Gebhardt (410) 632-2144

Current Members:

Member's Name	Nominated By	Resides	Years of Term(s)
Norman Bunting, Jr.	D-3, Church	Berlin	*16-17, 17-21
Chris Klebe	D-6, Bunting	Bishopville	*11-13-17, 17-21 Ksigned
Alvin Handy	D-2, Purnell	Ocean City	06-10-14-18, 18-22
John Gehrig	D-7, Mitrecic	Ocean City	14-18, 18-22
Devin Bataille	D-4, Elder	Snow Hill	19-23 Relocated
Mike Hooks	D-1, Nordstrom	Pocomoke	12-16-20, 20-24
Missy Denault	D-5, Bertino	Berlin	*15-16-20, 20-24

Prior Members:

Since 1972

		1
Howard Taylor	Cyrus Teter	Gregory Purnell (83-96)
Arthur Shockley	Warren Mitchell	Vernon Redden, Jr.(83-98)
Rev. Ray Holsey	Edith Barnes	Richard Ramsay (93-98)
William Tingle	Glen Phillips	Mike Daisy (98-99)
Mace Foxwell	Gerald Long	Cam Bunting (95-00)
Nelson Townsend	Lou Ann Garton	Charlie Jones (98-03)
J.D. Townsend	Milton Warren	Rick Morris (03-05)
Robert Miller	Ann Hale	Gregory Purnell (97-06)
Jon Stripling	Claude Hall, Jr.	George "Eddie" Young (99-08)
Hinson Finney	Vernon Davis	Barbara Kissel (00-09)
John D. Smack, Sr.	Rick Morris	Alfred Harrison (92-10)
Richard Street	Joe Lieb	Janet Rosensteel (09-10)
Ben Nelson	Donald Shockley	Tim Cadotte (02-12)
Shirley Truitt	Fulton Holland (93-95)	Craig Glovier (08-12) Joe Mitrecic (10-14)
		(10 11)

Sonya Bounds (12-15) Burton Anderson (05-15) William Regan (02-16) Shawn Johnson(15-19)

Updated: January 19, 2021 Printed: September 13, 2021

^{* =} Appointed to fill an unexpired term

SOCIAL SERVICES ADVISORY BOARD

Reference: Human Services Article - Annotated Code of Maryland - Section 3-501

Appointed by: County Commissioners

Functions: Advisory

Review activities of the local Social Services Department and make recommendations to the State Department of Human Resources.

Act as liaison between Social Services Dept. and County Commissioners.

Advocate social services programs on local, state and federal level.

Number/Term: 9 to 13 members/3 years

Terms expire June 30th

Compensation: None - (Reasonable Expenses for attending meetings/official duties)

Meetings: 1 per month (Except June, July, August)

Special Provisions: Members to be persons with high degree of interest, capacity &

objectivity, who in aggregate give a countywide representative character. Maximum 2 consecutive terms, minimum 1-year between reappointment

Members must attend at least 50% of meetings

One member (ex officio) must be a County Commissioner

Except County Commissioner, members may not hold public office.

Staff Contact: Roberta Baldwin, Director of Social Services - (410-677-6806)

Current Members:

Member's Name	Nominated By	Resides	Years of Term(s)
Cathy Gallagher	D-5, Bertino	Ocean Pines	*13-14-17, 17-20 Ferm
Harry Hammond	D-6, Bunting	Bishopville	15-18, 18-21 Term Ended
Diana Purnell	ex officio - Comm	nissioner	14-18, 18-22
Sharon Dryden	D-1, Nordstrom	Pocomoke City	*20-21 Term Enda
Voncelia Brown	D-3, Church	Berlin	16-19, 19-22
Mary White	At-Large	Berlin	*17-19, 19-22
(Maria Campione-Lawren	D-7, Mitrecic	Ocean City	16-19, 19-22 Resigned
Nancy Howard	D-2, Purnell	Ocean City	09-16-17-20, 20-23
Karen Hammer	D-4, Elder	Snow Hill	21-24

^{* =} Appointed to fill an unexpired term

SOCIAL SERVICES BOARD

(Continued)

Prior Members: (Since 1972)

James Dryden Sheldon Chandler Richard Bunting Anthony Purnell Richard Martin **Edward Hill** John Davis Thomas Shockley Michael Delano Rev. James Seymour Pauline Robertson Josephine Anderson Wendell White Steven Cress Odetta C. Perdue Raymond Redden Hinson Finney Ira Hancock Robert Ward Elsie Bowen Faye Thornes Frederick Fletcher Rev. Thomas Wall Richard Bundick Carmen Shrouck Maude Love Reginald T. Hancock

Reginald T. Hancock
Elsie Briddell
Juanita Merrill
Raymond R. Jarvis, III
Edward O. Thomas
Theo Hauck
Marie Doughty
James Taylor
K. Bennett Bozman

Wilson Duncan Connie Quillin Lela Hopson Dorothy Holzworth

Doris Jarvis
Eugene Birckett
Eric Rauch
Oliver Waters, Sr.
Floyd F. Bassett, Jr.
Warner Wilson

Mance McCall
Louise Matthews
Geraldine Thweat (92-98)

Darryl Hagy (95-98) Richard Bunting (96-99)

John E. Bloxom (98-00)

Katie Briddell (87-90, 93-00)

Thomas J. Wall, Sr. (95-01) Mike Pennington (98-01)

Desire Becketts (98-01)

Naomi Washington (01-02)

Lehman Tomlin, Jr. (01-02)

Jeanne Lynch (00-02) Michael Reilly (00-03) Oliver Waters, Sr. (97-03) Charles Hinz (02-04) Prentiss Miles (94-06) Lakeshia Townsend (03-06)

Lakeshia Townsend (03-06) Betty May (02-06) Robert "BJ" Corbin (01-06) William Decoligny (03-06) Grace Smearman (99-07) Ann Almand (04-07) Norma Polk-Miles (06-08) Anthony Bowen (96-08) Jeanette Tressler (06-09) Rev. Ronnie White (08-10) Belle Redden (09-11) E. Nadine Miller (07-11) Mary Yenney (06-13) Dr. Nancy Dorman (07-13) Susan Canfora (11-13) Judy Boggs (02-14) Jeff Kelchner (06-15) Laura McDermott (11-15) Emma Klein (08-15) Wes McCabe (13-16) Nancy Howard (09-16) Judy Stinebiser (13-16) Arlette Bright (11-17) Tracey Cottman (15-17)

Wayne Ayer *(19-20) Faith Coleman (15-21)

Ronnie White (18-19)

^{* =} Appointed to fill an unexpired term

TOURISM ADVISORY COMMITTEE

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:

Member's Name	Nominated By	Resides	Years of Term(s) ² Ferries *19
Michael Day	D-4, Elder	Snow Hill	*19 Ended
Josh Davis	D-5, Bertino	Berlin	*19-21
Lauren Taylor	D-7, Mitrecic	Ocean City	13-17, 17-21
Gregory Purnell	D-2, Purnell	Berlin	14-18, 18-22
Barbara Tull	D-1, Nordstrom	Pocomoke	03-11-15-19, 19-23
Ruth Waters	D-6, Bunting	Bishopville	19-23
Elena Ake	D-3, Church	West Ocean City	*16-20, 20-24

Prior Members: Since 1972

viciniders. Since 19/2	
Isaac Patterson ¹	Barry Laws (99-03)
Lenora Robbins ¹	Klein Leister (99-03)
Kathy Fisher ¹	Bill Simmons (99-04)
Leroy A. Brittingham ¹	Bob Hulburd (99-05)
George "Buzz" Gering ¹	Frederick Wise (99-05)
Nancy Pridgeon ¹	Wayne Benson (05-06)
Marty Batchelor ¹	Jonathan Cook (06-07)
John Verrill ¹	John Glorioso (04-08)
Thomas Hood ¹	David Blazer (05-09)
Ruth Reynolds (90-95)	Ron Pilling (07-11)
William H. Buchanan (90-95)	Gary Weber (99-03, 03-11)
Jan Quick (90-95)	Annemarie Dickerson (99-13)
John Verrill (90-95)	Diana Purnell (99-14)
Larry Knudsen (95)	Kathy Fisher (11-15)
Carol Johnsen (99-03)	Linda Glorioso (08-16)
Jim Nooney (99-03)	Teresa Travatello (09-18)

Molly Hilligoss (15-18) 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

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: None

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

John Ross - (410-641-5251)

Current Members:

Member's Name	<u>Resides</u>	Years of Term(s)
Martin Kwesko	Mystic Harbour	13-17, 17-21
Richard Jendrek ^C	Bay Vista I	05-10-14-18, 18-22 Decoased
Matthew Kraeuter	Ocean Reef	19-22
Joseph Weitzell ^C	Mystic Harbour	05-11-15-19, 19-23
Bruce Burns	Deer Point	19-23 Decosed
David Dypsky	Teal Marsh Center	*10-12-16, 16-20, 20-24
Stan Cygam	Whispering Woods	*18-20, 20-24

Prior Members: (Since 2005)

John Pinnero^c (05-06) Brandon Phillips^c (05-06) 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)

Carol Ann Beres (14-18) Bob Huntt (*06-19)

^C = Charter member - Initial Terms Staggered in 2005

^{* =} Appointed to fill an unexpired term

WATER AND SEWER ADVISORY COUNCIL OCEAN PINES 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:

None

Meetings:

Monthly

Special Provisions:

Must be residents of Ocean Pines Service Area

Staff Support:

Department of Public Works - Water and Wastewater Division

John Ross - (410-641-5251)

Current Members:

Name	Resides	Years of Term(s)
Frederick Stiehl	Ocean Pines	*06-08-12-16, 16-20 Ferm Ende
Gregory R. Sauter, P.E.	Ocean Pines	17-21
John F. (Jack) Collins, Jr.	Ocean Pines	*18-21
James Spicknall	Ocean Pines	07-10-14-18, 18-22
Bob Poremski	Ocean Pines	*17-19, 19-23 Resigned

Prior Members: (Since 1993)

Andrew Bosco (93-95)

Richard Brady (96-96, 03-04)

Michael Robbins (93-99)

Alfred Lotz (93-03)

Ernest Armstrong (93-04)

Jack Reed (93-06)

Fred Henderson (04-06)

E. A. "Bud" Rogner (96-07)

David Walter (06-07)

Darwin "Dart" Way, Jr. (99-08)

Aris Spengos (04-14)

Gail Blazer (07-17)

Mike Hegarty (08-17)

Michael Reilly (14-18)

^{* =} Appointed to fill an unexpired term



Morcester County DEPARTMENT OF PUBLIC WORKS

6113 TIMMONS ROAD SNOW HILL, MARYLAND 21863

DALLAS BAKER JR., P.E. DIRECTOR

JOHN S. ROSS, P.E. DEPUTY DIRECTOR

TEL: 410-632-5623 FAX: 410-632-1753

DIVISIONS

MAINTENANCE TEL 4/0-632-3766 FAX: 410-632-1753

ROADS TEL: 410-632/2244 FAX: 410-632/0020

SOLID WASTE TEL: 410-632-3177 FAX: 410-632-3000

FLEET MANAGEMENT TEL: 410-632-5675 FAX: 410-632-1753

WATER AND WASTEWATER TEL: 410-641-5251 FAX: 410-641-5185

MEMORANDUM

TO: Weston Young, P.E., Chief Administrative Officer

FROM: Dallas Baker, Jr., P.E., Director Schuller Boker
DATE: September 14, 2021

SUBJECT: Bid Recommendation Ocean Pines Construction of the

Gum Point Road Low Pressure Force Main

On September 13, 2021, four bids were received and opened for Construction of the Gum Point Road Low Pressure Sewer Line. The following summary and attached bids are submitted for your review:

Company Name
Hopkins Construction, Inc.
Bridgeville, DE
Schummer, Inc.
Mayo, MD
Drill Tech, Inc.
Chesapeake Turf, LLC
Salisbury, MD

Total Bid Price
\$278,651.00
\$331,015.00
\$331,015.00
\$336,950.00
\$722,280.00

The Department of Public Works has experience working with Hopkins Construction. They have recently completed the construction of the rehabilitation of Pump Station F in Ocean Pines and construction of the force main from Pump Stations Q and R to the Ocean Pines Wastewater Treatment Plant. We believe Hopkins Construction, Inc., is qualified to complete this work.

By memo dated February 10, 2020, we had estimated the construction cost for this project to be \$318,000; therefore funding is available to complete this work.

Based on the information listed above, we recommend the County Commissioners award the bid for construction of the Gum Point Road Low Pressure Sewer Extension to Hopkins Construction, Inc. in the amount of \$278,651.00.

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

Attachments

cc: John Ross, P. E., Deputy Director Michelle Carmean, Enterprise Fund Controller

Citizens and Government Working Together

Gum Point Road Low-Pressure (LP) Sewer Ocean Pines Service Area Worcester County, Maryland

This Bid Is Submitted To: Worcester County Commissioners, OWNER

The undersigned BIDDER proposes and agrees, if this Bid is accepted, to enter into an agreement with OWNER to perform and furnish all Work as specified or indicated in the Contract Documents for the Contract Price and within the Contract Time indicated in the Instruction to Bidders and in accordance with all other terms and conditions of the Contract Documents.

BIDDER accepts all of the terms and conditions of the Advertisement, Notice to Bidders, Instructions to Bidders and General Information, Special Conditions, Bid Item Descriptions, Bid Schedule, Bid Form and all Contract Document Provisions. This Bid shall be irrevocable for a period of ninety (90) days following Bid opening and shall be accompanied by a bid guarantee of 5% of the Bid Price, in a form acceptable to the County.

In submitting this Bid, BIDDER represents that:

4 1 .

(a) BIDDER has examined copies of all the Bidding Documents and the following Addenda (receipt of all which is hereby acknowledged):

<u>Number</u>

- (b) BIDDER has familiarized itself with the nature and extent of the Contract Documents, Work, site, locality, and all local conditions and Laws and Regulations that in any manner may affect cost, progress, performance or furnishing of the Work.
- (c) BIDDER has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests and studies which pertain to the subsurface or physical conditions at the site or would otherwise affect the cost, progress, performance or furnishing of the Work at the Total Bid Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, and no additional examinations, investigations,

- explorations, tests, reports or similar information or data are or will be required by BIDDER for such purposes.
- (d) BIDDER has reviewed and checked all information and data shown or indicated on the Contract Documents with respect to existing underground facilities at or contiguous to the site and assumes responsibility for the accurate location of said underground facilities. If additional examinations, investigations, explorations, tests, reports or similar information or data in respect of said underground facilities are or will be required by BIDDER in order to perform and furnish the Work at the Total Bid Price, within the Contract Time and in accordance with the other terms and conditions the Contract Documents, these activities and investigations shall be performed by the BIDDER at no additional cost the OWNER and with no additional delay to the Contract Time.
- (e) BIDDER has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.
- (f) BIDDER has given the Engineer written notice of all conflicts, errors or discrepancies that it has discovered in the Contract Documents and the written resolution thereof by the Engineer is acceptable to the BIDDER.
- (g) The Bid is genuine and not made in the interest of or on behalf or any undisclosed person. firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; BIDDER has not directly or indirectly induced or solicited any other BIDDER to submit a false or sham BID; BIDDER has not solicited or induced any person, firm or corporation to refrain from bidding; and BIDDER has not sought by collusion to obtain for itself any advantage over any other Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over OWNER.
- (h) A performance guarantee, in a form acceptable to the County, shall be required in the amount of 100% of the Bid Price. A sample bond form meeting the County's requirements is attached for the Bidder's convenience.

BID SCHEDULE GUM POINT ROAD LOW-PRESSURE (LP) SEWER OCEAN PINES SERVICE AREA

Item	Description	Qty	Unit	Unit Cost	Total Cost
	A. Sewer Utilities				
A-1	3-inch Diameter Sewer Forcemain Pipe - Roadway	2,700	LF	\$36.30	\$98,010.00
A-2	3-inch Diameter Sewer Forcemain Pipe - Stream Crossings	310	LF	\$100.00	\$31,000.00
A-3	3-inch Sewer Valve and Connection to Existing Forcemain	2	EA	\$5,000.00	\$10,000.00
A-4	3-inch Diameter In-line Flushing Cleanout Assembly	1	EA	\$8,500.00	\$8,500.00
A-5	3-inch Diameter Flushing Cleanout Assembly (Terminal)	1	EA	\$7,000.00	\$7,000.00
A-6	2-inch Diameter Sewer Forcemain Pipe	2,200	LF	\$30.00	\$66,000.00
A-7	2-inch Diameter In-line Flushing Cleanout Assembly	2	EA	\$4,500.00	\$9,000.00
		Sı	ub-total	Sewer Utilities:	\$229,510.00
	B. Restoration				
B-1 :	Mobilization/De-mobilization (paid 50% up front and 50% at final only once per entire project)	1	L\$	\$34,141.00	\$34,141.00
			Sub-to	tal Restoration:	\$34,141.00
	C. Contingency				
C-1	Pavement Restoration, complete	100	S.Y.	\$150.00	\$15,000.00
		;	Sub-tot	al Contingency:	\$15,000.00
	Summation of Sub-totals = TOTAL BID COSTS:	\$278	3,651.00	0. Two Hundred Se	eventy-Eight Thousand Six

Hundred Fifty-One Dollars and Zero Cents

Notes:

- 1) Item C-1 is a contingency item to be utilized only if, where and when specifically authorized by the County.
- 2) Quantitles are for total bid tabulation cost calculation only. The County reserves the right to adjust the quantities of work. Unit costs will be applicable for -50% to +100% of the bid quantities for prices bid per "linear foot" and "square yard" items. There shall be no limit to adjustment for prices bid for "as each" items. Contractor shall be paid for actual quantities furnished and/or installed at the unit costs bid.

1

I/We submit this bid for the following work: Gum Point Road Low-Pressure (LP) Sewer The following represents the TOTAL BID PRICE as itemized on the BID SCHEDULE attached as the following page: \$278,651.00. Two Hundred Seventy-Eight Thousand Six Hundred Fifty-One Dollars and Zero Cents TOTAL BID PRICE: HOPKINS CONSTRUCTION, INC. **BIDDER'S NAME BIDDER'S ADDRESS** 18904 MARANATHA WAY, UNIT 1 BRIDGEVILLE, DE 19933 **BIDDER'S TELEPHONE** (302) 337-3366 devon@hopkins-inc.com **BIDDER'S E-MAIL ADDRESS** DEVON LONES, ESTIMATOR/PROJ. MANAGER Name of Person/Company Officer Submitting Bid DATE: 9/13/2021 Signature of Person/Company Officer Submitting Bid

13th Signed and sealed this ^ day of September, 2021

(Himoss)

Wimest

Init.

Hopkins Construction, Inc.
(Contact two Principal) (Sec.ii)

(Title)

Selective Insurance Company of America

(Surviy)

(Seal)

(Title) Craig Bancroft, Attorgey-in-Fact

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(812930934)



SURETY:

Bid Bond

CONTRACTOR:

Name, legal status and address: Hopkins Construction, Inc. 18904 Maranatha Way, Unit 1 Bridgeville, DE 19933

OWNER:

(Nome, legal status and address) Worcester County Commissioners

BOND AMOUNT: \$ 5% of amount bid

PROJECT:

(Name, location or address, and Project monber, if any) Gum Point Road Low-Pressure (LP) Sewer Ocean Pines Service Area

tName, legal status and principal place of business)
Selective Insurance Company of America
40 Wantage Avenue
Branchville, NJ 07890

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days,

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Init.

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[812930934]

44936

SELECTIVE

BE UNIQUELY INSURED

Selective Insurance Company of America 40 Wantage Avenue Branchville, New Jersey 07890 973-948-3000

POWER OF ATTORNEY

SELECTIVE INSURANCE COMPANY OF AMERICA, a New Jersey corporation having its principal office at 40 Wantage Avenue, in Branchville, State of New Jersey ("SICA"), pursuant to Article VII. Section 1 of its By-Laws, which state in pertinent part:

The Chairman of the Board, President, Chief Executive Officer, any Executive Vice President, any Senior Vice President or any Corporate Secretary may, from time to time, appoint attorneys in fact, and agents to act for and on behalf of the Corporation and they may give such appointee such authority, as his/her certificate of authority may prescribe, to sign with the Corporation's name and seal with the Corporation's seal, bonds, recognizances, contracts of indemnity and other writings obligatory in the nature of a bond, recognizance or conditional undertaking, and any of said Officers may, at any time, remove any such appointee and revoke the power and authority given him/her.

does hereby appoint: ROBERT F. WHITE, R. NELSON OSTER, CRAIG BANCROFT, JOSHUA B. HAUSERMAN, WILLIAM FRANCIK, JONATHAN KIBLER, STEPHEN M. MUTSCHELLER

, its true and lawful attorney(s)-in-fact, full authority to execute on SICA's behalf fidelity and surety bonds or undertakings and other documents of a similar character issued by SICA in the course of its business, and to bind SICA thereby as fully as if such instruments had been duly executed by SICA's regularly elected officers at its principal office, in amounts or penalties not exceeding the sum of: NO ONE BOND TO EXCEED TEN MILLION DOLLARS (\$10,000,000,00)

Signed this 22 day of MARCH , 2021

SELECTIVE INSURANCE COMPANY OF AME

Brian C. Sarisky

Its SVP, Chief Underwriting Officer, Commercia

STATE OF NEW JERSEY:

:ss. Branchville

COUNTY OF SUSSEX

On this 22 day of MARCH, 2021 before me, the undersigned officer, personally appeared Brian C. Sarisky, who acknowledged himself to be the Sr. Vice President of SICA, and that he, as such Sr. Vice President, being dethance so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation be himself as Sr. Vice President and that the same was his free act and deed and the free act and deed of SICA. OTAPL

Charlene Kimble
Notary Public of New Jersey
My Commission Expires 6/2/2021

The power of attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of SICA at a meeting duly called and held on the 6th of February 1987, to wit:

Notary Public

"RESOLVED, the Board of Directors of Selective Insurance Company of America authorizes and approves the use of a facsimile corporate seal, facsimile signatures of corporate officers and notarial acknowledgements thereof on powers of attorney for the execution of bonds, recognizances, contracts of indemnity and other writing obligatory in the nature of a bond, recognizance or conditional undertaking."

CERTIFICATION

I do hereby certify as SICA's Corporate Secretary that the foregoing extract of SICA's By-Laws and Resolution force and effect and this Power of Attorney issued pursuant to and in accordance with the By-Laws is value.

Signed this 13 day of September 2021

The power is void unless the Selective watermark appears.

Michael Fi. Lanza. SICA Corporate Secretary

BID FORM

Gum Point Road Low-Pressure (LP) Sewer Ocean Pines Service Area Worcester County, Maryland

This Bid Is Submitted To: Worcester County Commissioners, OWNER

The undersigned BIDDER proposes and agrees, if this Bid is accepted, to enter into an agreement with OWNER to perform and furnish all Work as specified or indicated in the Contract Documents for the Contract Price and within the Contract Time indicated in the Instruction to Bidders and in accordance with all other terms and conditions of the Contract Documents.

BIDDER accepts all of the terms and conditions of the Advertisement, Notice to Bidders, Instructions to Bidders and General Information, Special Conditions, Bid Item Descriptions, Bid Schedule, Bid Form and all Contract Document Provisions. This Bid shall be irrevocable for a period of ninety (90) days following Bid opening and shall be accompanied by a bid guarantee of 5% of the Bid Price, in a form acceptable to the County.

In submitting this Bid, BIDDER represents that:

(a) BIDDER has examined copies of all the Bidding Documents and the following Addenda (receipt of all which is hereby acknowledged):

9/10/21

I her John Ross P.E.

- (b) BIDDER has familiarized itself with the nature and extent of the Contract Documents, Work, site, locality, and all local conditions and Laws and Regulations that in any manner may affect cost, progress, performance or furnishing of the Work.
- (c) BIDDER has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests and studies which pertain to the subsurface or physical conditions at the site or would otherwise affect the cost, progress, performance or furnishing of the Work at the Total Bid Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, and no additional examinations, investigations,

- explorations, tests, reports or similar information or data are or will be required by BIDDER for such purposes.
- (d) BIDDER has reviewed and checked all information and data shown or indicated on the Contract Documents with respect to existing underground facilities at or contiguous to the site and assumes responsibility for the accurate location of said underground facilities. If additional examinations, investigations, explorations, tests, reports or similar information or data in respect of said underground facilities are or will be required by BIDDER in order to perform and furnish the Work at the Total Bid Price, within the Contract Time and in accordance with the other terms and conditions the Contract Documents, these activities and investigations shall be performed by the BIDDER at no additional cost the OWNER and with no additional delay to the Contract Time.
- (e) BIDDER has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.
- (f) BIDDER has given the Engineer written notice of all conflicts, errors or discrepancies that it has discovered in the Contract Documents and the written resolution thereof by the Engineer is acceptable to the BIDDER.
- (g) The Bid is genuine and not made in the interest of or on behalf or any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; BIDDER has not directly or indirectly induced or solicited any other BIDDER to submit a false or sham BID; BIDDER has not solicited or induced any person, firm or corporation to refrain from bidding; and BIDDER has not sought by collusion to obtain for itself any advantage over any other Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over OWNER.
- (h) A performance guarantee, in a form acceptable to the County, shall be required in the amount of 100% of the Bid Price. A sample bond form meeting the County's requirements is attached for the Bidder's convenience.

BID SCHEDULE GUM POINT ROAD LOW-PRESSURE (LP) SEWER OCEAN PINES SERVICE AREA

_item	1 Description	Qty	Unit	Unit Cost	Total Co
	A Sewer Utilities			1 5 0	Total Cost
A-1	3-inch Diameter Sewer Forcemain Pipe - Roadway	2,700	LF	5330	144,450-
A-2	3-inch Diameter Sewer Forcemain Pipe - Stream Crossings	310	LF	71.50	22 165-
A-3	3-inch Sewer Valve and Connection to Existing Forcemain	2	EΑ	3,500-	7.000-
A-4	3-inch Diameter In-line Flushing Cleanout Assembly	1	EΑ	5,200-	5,200-
A-5	3-inch Diameter Flushing Cleanout Assembly (Terminal)	1	ΕA	4.900=	4.900=
A-6	2-Inch Diameter Sewer Forcemain Pipe	2,200	LF	5250	115 500-
A-7	2-inch Diameter In-line Flushing Cleanout Assembly	2	EA	4,900=	9.800-
		Su	b-tota	l Sewer Utilities:	309,015-
	B. Restoration				
8-1	Mobilization/De-mobifization (paid 50% up front and 50% at final only once per entire project)	1	LS	14,000-	14,000=
		;	Sub-to	otal Restoration:	14,000:
	C. Contingency				
0-1	Pavement Restoration, complete	100	S.Y.	80-	8,000-
		S	ub-tot	al Contingency:	8,000
	Summation of Sub-totals = TOTAL BID COSTS:		7,	331,0	015-

Notes:

1) Item C-1 is a contingency item to be utilized only if, where and when specifically authorized by the County.

2) Quantities are for total bid tabulation cost calculation only. The County reserves the right to adjust the quantities of work. Unit costs will be applicable for .50% to +100% of the bid quantities for prices bid per "linear foot" and "square yard" items. There shall be no limit to adjustment for prices bid for "as each" items. Contractor shall be paid for actual quantities furnished and/or installed at the unit costs bid.

Schummer Inc.

Alluniu , Mesident

August 2021

1

www.jwse.com

Sewer .	ring work: Gum Point Road Low-Pressure (LP)
The following represents the TOT attached as the following page:	AL BID PRICE as itemized on the BID SCHEDULE
TOTAL BID PRICE:	× 331,015=
BIDDER'S NAME	Schummer Inc.
BIDDER'S ADDRESS	PO Box 360
	MAYO, Md. 21106
BIDDER'S TELEPHONE	410-956-8080
BIDDER'S E-MAIL ADDRESS	schummer ince aol.com
	RAYMOND T. Schummer, PRSIdary
DATE: Sept. 13, 2021	Name of Person/Company Officer Submitting Bid
	Signature of Person/Company Officer Submitting Bid



Bid Bond

CONTRACTOR:

(Name, legal status and address)
Schummer, Inc.
P.O. Box 360
Mayo, MD 21106

OWNER:

(Name, legal status and address)
Worcester County Commissioners
One West Market Street, Room 1103
Snow Hill, MD 21863
BOND AMOUNT: \$ 5% of amount bid

PROJECT:

(Name, location or address, and Project number, if any)

Gum Point Road Low-Pressure (LP) Sewer Ocean Pines Service Area, Worcester County, MD

SURETY:

(Name, legal status and principal place of business)

North American Specialty Insurance Company 1200 Main Street, Suite 800 Kansas City, MO 64105

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

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(1699309426)

(Seal)

(Seal)

Signed and sealed this day of September, 2021.

Schummer, Inc.

(Title)

puractor as Principal)

Reymond J. Schummer, President

North American Specialty Insurance Company

(Surety)

(Title) Tina Grivas, Attorney-in-Fact

SWISS RE CORPORATE SOLUTIONS

NORTH AMERICAN SPECIALTY INSURANCE COMPANY WASHINGTON INTERNATIONAL INSURANCE COMPANY

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS. THAT North American Specialty Insurance Company, a corporation duly organized and existing under laws of the State of New Hampshire, and having its principal office in the City of Kansas City. Missouri, and Washington International Insurance Company, a corporation organized and existing under the laws of the State of New Hampshire and having its principal office in the City of Kansas City. Missouri, each does hereby make, constitute and appoint:

*	nereby make, constitute and appoint HREY, TINA GRIVAS, TODD GRA		C DALVIED DATE	ICIA M. HODGES BI	NCE E TALBOT
WESELT ALTOHIT	FREDERICK P. HIL				COCE E. TALBOT
		OINTLY OR SEVE			
obligatory in the nature of	y(s)-in-Fact, to make, execute, seal of a bond on behalf of each of said Con otherwise, provided that so bond of FIFTY N	inpanies, as surery, o	on contracts of surety tract or surety-ship ex	ship as are or may be i	required or permitted by
This Power of Attorne Directors of both North An on the 9 th of May, 2012:	ey is granted and is signed by thesin nerican Specialty Insurance Compa	nile under and by the ny and Washington	authority of the follo	owing Resolutions add ce Company at meetin	opted by the Boards of gs duly called and held
the Secretary or any Assista in the given Power of Attor	ny two of the Presidents, any Manag ant Secretary be, and each or any of trucy to execute on behalf of the Cor est to the execution of any such Pow	i then: hereby is auth mpany bonds, under	orized to execute a P takings and all contra	ower of Attorney qualicts of surety, and that	ifying the attorney named
certificate relating thereto l	ED, that the signature of such office by facsimile, and any such Power of when so affixed and in the future v	f Attorney or certific	ate bearing such facs	imile signatures or fac-	simile seal shall be
SEAL 1973 O	& Senior Vice Pr By Michael A. Itô, Senior Vice P:	resident of North American S	+	OLD WILL	SEAL S
IN WITNESS WHER official seals to be hereunte	REOF, North American Specialty In- o affixed, and these presents to be si	surance Company ar igned by their author	nd Washington Internized officers this <u>14</u>	ational Insurance Com	npany have caused their AY , 2019 .
		rican Specialty Insi 1 International Insi			
State of Illinois County of Cook	55:				
Washington International I Senior Vice President of W Company, personally know	MAY , 2019, before me, a Not Insurance Company and Senior View Vashington International Insurance Coving to me, who being by me duly swhent to be the voluntary act and decored.	e President of North Company and Senior vorn, acknowledged	American Specialty I Vice President of No that they signed the a	Insurance Company ar orth American Special	nd Michael A. Ito,
		Mc I Natary Public My Cama	UAL SEAL KENNY - State of Olimous riction Expens 04/2021	M. Kenny, Nota	ry Public
I. <u>Jeffrey Goldberg</u> , the International Insurance Co American Specialty Insura	e duly elected <u>Assistant Secreta</u> impany, do hereby certify that the al- ince Company and Washington Inte	have and foregoing i	s a true and correct e	ly Insurance Company opy of a Power of Att till in full force and eff	orney given by said North
IN WITNESS WHEREOF	7. I have set my hand and affixed the	e scals of the Compa	nies this 13 Haay of	September, 20	21
			Jeffrey Gustibe	erg, Vice President & Assistant S	ocretary of

Washington International Insurance Company & North American Specialty Insurance Company

BID FORM

Gum Point Road Low-Pressure (LP) Sewer Ocean Pines Service Area Worcester County, Maryland

This Bid Is Submitted To: Worcester County Commissioners, OWNER

The undersigned BIDDER proposes and agrees, if this Bid is accepted, to enter into an agreement with OWNER to perform and furnish all Work as specified or indicated in the Contract Documents for the Contract Price and within the Contract Time indicated in the Instruction to Bidders and in accordance with all other terms and conditions of the Contract Documents.

BIDDER accepts all of the terms and conditions of the Advertisement, Notice to Bidders, Instructions to Bidders and General Information, Special Conditions, Bid Item Descriptions. Bid Schedule, Bid Form and all Contract Document Provisions. This Bid shall be irrevocable for a period of ninety (90) days following Bid opening and shall be accompanied by a bid guarantee of 5% of the Bid Price, in a form acceptable to the County.

In submitting this Bid, BIDDER represents that:

(a) BIDDER has examined copies of all the Bidding Documents and the following Addenda (receipt of all which is hereby acknowledged):



- (b) BIDDER has familiarized itself with the nature and extent of the Contract Documents, Work, site, locality, and all local conditions and Laws and Regulations that in any manner may affect cost, progress, performance or furnishing of the Work.
- (c) BIDDER has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests and studies which pertain to the subsurface or physical conditions at the site or would otherwise affect the cost, progress, performance or furnishing of the Work at the Total Bid Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, and no additional examinations, investigations,

BID SCHEDULE GUM POINT ROAD LOW-PRESSURE (LP) SEWER OCEAN PINES SERVICE AREA

Item	Description	Qty	Unit	Unit Cost	Total Cost
	A. Sewer Utilities				
A-1	3-inch Diameter Sewer Forcemain Pine - Roadway	2,700	LF	42.	113,400
A-2	3-inch Diameter Sewer Forcemain Pipe - Stream Crossings	310	LF	65.00	20,150
A-3	3-inch Sewer Valve and Connection to Existing Forcemain	2	EA	15,000	30,000
A-4	3-inch Diameter In-line Flushing Cleanout Assembly	1	EA	12,000	12,000
A-5	3-inch Diameter Flushing Cleanout Assembly (Terminal)	1	EA	10,000	10,000
۸-6	2-inch Diameter Sewer Forcemain Pipe	2,200	LF	42.00	92,400
A-7	2-inch Diameter In-line Flushing Cleanout Asseπυλγ	2	EA	12,000	24,000
		S	ub-tota	il Sewer Utilities:	
	B. Restoration				
0.4	Mobilization/De-mobilization (paid 50% up front and 50% at final only	1	LS	15000	15,000
B-1	once per entire project)	i	12	12,000	-
			Sub-t	otal Restoration:	15,000
	C. Contingency				
C-1	Pavement Restoration, complete	100	S.Y.	200	20,000
			Sub-to	otal Contingency:	20,000
	Summation of Sub-totals = TOTAL BID COSTS:	\$	3	36,950.	00

Notes:

- 1) Item C-1 is a contingency item to be utilized only if, where and when specifically authorized by the County.
- 2) Quantities are for total bid tabulation cost calculation only. The County reserves the right to adjust the quantities of work. Unit costs will be applicable for -50% to +100% of the bid quantities for prices bid per "linear foot" and "square yard" items. There shall be no limit to adjustment for prices bid for "as each" items. Contractor shall be paid for actual quantities furnished and/or installed at the unit costs bid.

I/We submit this bid for the following work: Gum Point Road Low-Pressure (LP) Sewer

The following represents the TOTAL BID PRICE as itemized on the BID SCHEDULE

attached as the following page:

TOTAL BID PRICE:

BIDDER'S NAME

Drill Tech, Inc.

BIDDER'S ADDRESS

Chester MD 21419

BIDDER'S TELEPHONE

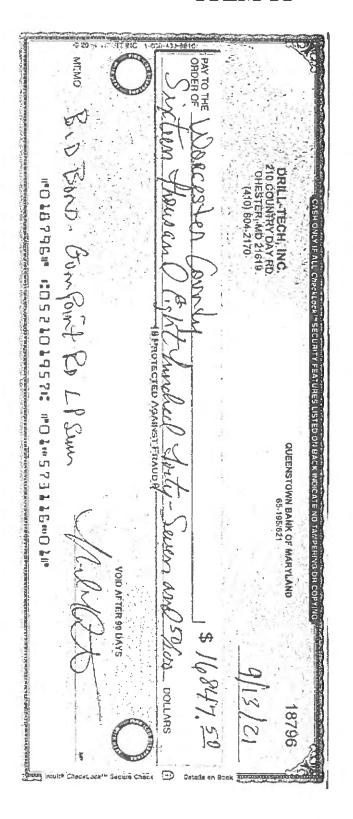
BIDDER'S E-MAIL ADDRESS

DATE:

9/13/2021

Signature of Person/Company Officer Submitting Bid

Bid



BID FORM

Gum Point Road Low-Pressure (LP) Sewer Ocean Pines Service Area Worcester County, Maryland

This Bid Is Submitted To: Worcester County Commissioners, OWNER

The undersigned BIDDER proposes and agrees, if this Bid is accepted, to enter into an agreement with OWNER to perform and furnish all Work as specified or indicated in the Contract Documents for the Contract Price and within the Contract Time indicated in the Instruction to Bidders and in accordance with all other terms and conditions of the Contract Documents.

BIDDER accepts all of the terms and conditions of the Advertisement, Notice to Bidders, Instructions to Bidders and General Information, Special Conditions, Bid Item Descriptions, Bid Schedule, Bid Form and all Contract Document Provisions. This Bid shall be irrevocable for a period of ninety (90) days following Bid opening and shall be accompanied by a bid guarantee of 5% of the Bid Price, in a form acceptable to the County.

In submitting this Bid, BIDDER represents that:

(a) BIDDER has examined copies of all the Bidding Documents and the following Addenda (receipt of all which is hereby acknowledged):

<u>Date</u> <u>Number</u> UNKNOWN (ADDED TO DOCS) 1

- (b) BIDDER has familiarized itself with the nature and extent of the Contract Documents, Work, site, locality, and all local conditions and Laws and Regulations that in any manner may affect cost, progress, performance or furnishing of the Work.
- (c) BIDDER has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests and studies which pertain to the subsurface or physical conditions at the site or would otherwise affect the cost, progress, performance or furnishing of the Work at the Total Bid Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, and no additional examinations, investigations,

- explorations, tests; reports or similar information or data are or will be required by BIDDER for such purposes.
- (d) BIDDER has reviewed and checked all information and data shown or indicated on the Contract Documents with respect to existing underground facilities at or contiguous to the site and assumes responsibility for the accurate location of said underground facilities. If additional examinations, investigations, explorations, tests, reports or similar information or data in respect of said underground facilities are or will be required by BIDDER in order to perform and furnish the Work at the Total Bid Price, within the Contract Time and in accordance with the other terms and conditions the Contract Documents, these activities and investigations shall be performed by the BIDDER at no additional cost the OWNER and with no additional delay to the Contract Time.
- (e) BIDDER has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.
- (f) BIDDER has given the Engineer written notice of all conflicts, errors or discrepancies that it has discovered in the Contract Documents and the written resolution thereof by the Engineer is acceptable to the BIDDER.
- (g) The Bid is genuine and not made in the interest of or on behalf or any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; BIDDER has not directly or indirectly induced or solicited any other BIDDER to submit a false or sham BID; BIDDER has not solicited or induced any person, firm or corporation to refrain from bidding; and BIDDER has not sought by collusion to obtain for itself any advantage over any other Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over OWNER.
- (h) A performance guarantee, in a form acceptable to the County, shall be required in the amount of 100% of the Bid Price. A sample bond form meeting the County's requirements is attached for the Bidder's convenience.

BID SCHEDULE GUM POINT ROAD LOW-PRESSURE (LP) SEWER OCEAN PINES SERVICE AREA

Item	Description	Qty	Unit	Unit Cost	Total Cost
	A. Sewer Utilities				
A-1	3-inch Diameter Sewer Forcemain Pipe - Roadway	2,700	LF	99.00	267,300.00
A-2	3-inch Diameter Sewer Forcemain Pipe - Stream Crossings	310	LF	245.00	75,950.00
A-3	3-inch Sewer Valve and Connection to Existing Forcemain	2	EA	5,100.00	10,200.00
A-4	3-inch Diameter In-line Flushing Cleanout Assembly	1	EA	14,100.00	14,100.00
A-5	3-inch Diameter Flushing Cleanout Assembly (Terminal)	1	EA	10,900.00	10,900.00
A-6	2-inch Diameter Sewer Forcemain Pipe	2,200	LF	102.00	224,400.00
A-7	2-Inch Diameter In-line Flushing Cleanout Assembly	2	EA	9,965.00	19,930.00
		Sı	ıb-tota	ıl Sewer Utilities:	622,780.00
B-1	B. Restoration Mobilization/De-mobilization (paid 50% up front and 50% at final only once per entire project)	1	LS	49,500.00	49,500.00
			Sub-t	otal Restoration:	49,500.00
C-1	C. Contingency Pavement Restoration, complete	100	s.y. Sub-to	500.00	50,000.00
	Summation of Sub-totals = TOTAL BID COSTS:		· · · · · · · · · · · · · · · · · · ·		722,280.00

Notes:

¹⁾ Item C-1 is a contingency item to be utilized only if, where and when specifically authorized by the County.

²⁾ Quantities are for total bid tabulation cost calculation only. The County reserves the right to adjust the quantities of work. Unit costs will be applicable for -50% to +100% of the bid quantities for prices bid per "linear foot" and "square yard" items. There shall be no limit to adjustment for prices bid for "as each" items. Contractor shall be paid for actual quantities furnished and/or installed at the unit costs bid.

I/We submit this bid for the following work: Gum Point Road Low-Pressure (LP) Sewer

The following represents the TOTAL BID PRICE as itemized on the BID SCHEDULE attached as the following page:

TOTAL BID PRICE:	ed twenty two mousand, Two nunored, Eighty Dollars and NO Cents
BIDDER'S NAME	Chesapeake Turf LLC
BIDDER'S ADDRESS	5652 N Nithsdale Drive
	Salisbury, MD 21801
BIDDER'S TELEPHONE	410-341-4363
BIDDER'S E-MAIL ADDRESS	debbie@chesapeaketurf.com
DATE: 09/13/2021	Greg Tucker Name of Person/Company Officer Submitting Bio Signature of Person/Company Officer Submitting Bid

Bond No. 13819 02-20



Bid Bond

CONTRACTOR:

(Name, legal status and address) Chesapeake Turf, ELC 5652 N Nithsdale Dr. Salisbury MD 21801

OWNER:

(Name, legal status and address) Worcester County Commissioners 1 West Market Street Room 1103 Snow Hill MD 21863

BOND AMOUNT: Five Percent (5%) of Total Amount 8id (5%)

(Name, location or address, and Project number, if any) Mcrcester County MD Sewer Gum Point Road Low-Pressure Sewer

SURETY:

(Name, legal status and principal place of business; SureTec Insurance Company 2103 CityWest Blvd, Suite 1300 Houston, TX 77042

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be shall be subcontractor. he deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

Som Shall and the LLC When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project. any provision in this Bond conflicting with said statutory or legal requirement shall be deemed delete therefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. Their so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law

Signed and stalled this

day of September, 2021

(Witness,

Chesaceake Turf, LLC

Nun Miller Sureffec Insurance Company

Suren

(Title)

CAUTION: You should sign an original AIA Contract Document, on which this text appears in Italian

changes will not be obscured.

AIA Document A31019 - 2010, Copyright © 1963, 1978 and 2010 by The American Institute of Architects . All rights reserved, RIARNING: This MA Document is protected by U.S. Copyright Law and International Treaties. Unauthorized reproduction or distribution of this Als. Document, or any portion of it, may result in severe civil and criminal penalties, and will be prosecuted to the maximum extent Education of the law. Purchasers are committed to reproduce ten (10) copies of this document when completed. To report copyright violations of Alg Corporation of the Corporatio The American Institute of Architects, legal counsel, copyright@aia.org. Series Series

Init.

O(Seal)(Seal)

POA# 4610010

JOINT LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That SureTec Insurance Company, a Corporation duly organized and existing under the laws of the State of Texa's and having its principal office in the County of Harris, Texas and Markel insurance Company (the "Company"), a corporation duly organized and existing under the laws of the state of Illinois, and having its principal administrative office in Glen Allen, Virginia, does by these presents make, constitute and appoint:

Edin R. Zukanovic, Joshua A. Etemadi

Their true and lawful agent(s) and attorney(s)-in-fact, each in their separate capacity if more than one is named above, to make, execute, seal and deliver for and on their own behalf, individually as a surety or jointly, as co-sureties, and as their act and deed any and all bonds and other undertaking in suretyship provided, however, that the penal sum of any one such instrument executed hereunder shall not exceed the sum of:

Fifty Million and 00/100 Dollars (\$50,000,000.00)

This Power of Attorney is granted and is signed and sealed under and by the authority of the following Resolutions adopted by the Board of Directors of SureTec Insurance Company and Markel Insurance Company:

"RESOLVED, That the President, any Senior Vice President, Vice President, Assistant Vice President, Secretary, Assistant Secretary, Treasurer or Assistant Treasurer and each of them hereby is authorized to execute powers of attorney, and such authority can be executed by use of facsimile signature, which may be attested or acknowledged by any officer or attorney, of the company, qualifying the attorney or attorneys named in the given power of attorney, to execute in behalf of, and acknowledge as the act and deed of the SureTec Insurance Company and Markel Insurance Company, as the case may be, all bond undertakings and contracts of suretyship, and to affix the corporate seal thereto."

IN WITNESS WHEREOF, Markel Insurance Company and SureTectinsurance Company have caused their official seal to be hereunto affixed and these presents to be signed by their duly authorized officers on the 8th day of March , 2021.

SureTec Insurance Company

State of Texas County of Harris:

Lindey Jennings, Vice President

On this 8th day of March , 2021 A. D., before me, a Notary Public of the State of Texas, in and for the County of Harris, duly commissioned and qualified, came THE ABOVE OFFICERS OF THE COMPANIES, to me personally known to be the individuals and officers described in, who executed the preceding instrument, and they acknowledged the execution of same, and being by melduly sworn, disposed and said that they are the officers of the said companies aforesaid, and that the seals affixed to the proceeding instrument are the Corporate Seals of said Companies, and the said Corporate Seals and their signatures as officers were duly affixed and subscribed to the said instrument by the authority and direction of the said companies, and that Resolutions adopted by the Board of Directors of said Companies referred to in the preceding instrument is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my Official Seal at the County of Harris, the day and year first above written.

SEARCH CHAVE Noticey Recific, 90 th . Filtras Natary 10# 10#11778-0 My Characterina Espires. SEPTEMBER 16, 212

My commission expires 9/10/2024

We, the undersigned Officers of SureTec Insurance Company and Markel insurance Company do herby certify that the original POWER OF ATTORNEY of which the foregoing is a full, true and correct copy is still in full force and effect and has not been revoked. MIIIII

IN WITNESS WHEREOF, we have hereunto set our hands, and affixed the Seals of said Companies, on the _13th_ day of

September

Mackel Insu

Andrew Marquis, Assist

Mi. Brent Beaty, Assistant Secretary

Any Instrument Issued in excess of the penalty stated above is totally void and without any validity. 4610010 For verification of the authority of this Power you may call (713/312-0800 on any attainess day between 8:30 AM and 5:00 PM CST. 202NY



DEPARTMENT OF PUBLIC WORKS

6113 TIMMONS ROAD SNOW HILL, MARYLAND 21863

DALLAS BAKER JR., P.E.

JOHN S. ROSS, P.E. DEPUTY DIRECTOR

TEL: 410-632-5623 FAX: 410-632-1753

DIVISIONS

MAINTENANCE TEL: 410-632-3766 FAX: 410-632-1753

ROADS TEL 410-632-2244 FAX 410-632-0020

SOLID WASTE TEL: 410-632-3177 FAX 410-632-3000

FLEET MANAGEMENT TEL: 410-632-5675 FAX: 410-632-1753

WATER AND WASTEWATER TEL: 410-641-5251 FAX: 410-641-5185

MEMORANDUM

TO:

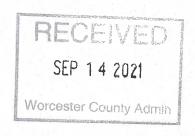
Weston Young, P.E., Chief Administrative Officer

FROM: Dallas Baker, Jr., P.E., Director Sella Bela

DATE: September 14, 2021 SUBJECT: Tipping Fee Waiver

Public Works, Solid Waste Division has received a request to waive tipping fees from the Maryland Coastal Bays Program for a community shoreline and bay trash clean up day on September 26, 2021. The program utilizes local volunteers from businesses, student organizations, community groups, and watermen to remove trash and other debris from the shoreline and from within the bay itself. A local business is donating the use of a roll off dumpster. Maryland Coastal Bays Program hosted an inaugural event last year and removed several tons of debris. When transported to the landfill, the tipping fees came to approximately \$500. This year, the event organizers are requesting the waiver of those fees.

cc: Mike Mitchell





BILLY BIRCH DIRECTOR

ONE WEST MARKET STREET, ROOM 1002

SNOW HILL, MARYLAND 21863-1193

TEL: 410-632-1311 FAX: 410-632-4686

To: Weston Young, Chief Administrative Officer

From: Billy Birch, Director of Emergency Services (

Re: Royal Plus PPE/Storage Lease Renewal 2022

Date: 14 September 2021

The Department of Emergency Services is requesting an over expenditure approval in the amount of \$44,000 to renew our lease agreement with Royal Plus for 2022. This lease is directly related to our county needs (and our partners: Health Department, Jail, Law Enforcement, Fire & Rescue, county departments, nursing homes, Board of Ed, ect.) regarding storage of PPE and response equipment.

Further, I believe this expense would be allowed under ARPA if it is approved by the commissioners.

I am available to answer any questions at your convenience.

Attachments (1)

LEASE

This Lease is entered on <u>2-15-2020</u> between Royal Plus LLC ("Lessor") and the County Commissioners of Worcester County, Maryland ("Lessee").

Lessor and Lessee agree as follows:

1. Premises

Lessor leases to Lessee approximately 7124 square feet of space in the building located at 201 Belt Street, Snow Hill, Maryland 21863 that is specifically depicted in the attached Exhibit A ("Premises").

2. Term

Initial Term: The initial term of this lease is one year beginning on 12-15-2020 and ending on 12-14-2021 ("Initial Term"), after which the Lease will convert to a month-to-month term.

3. Rent and Fees

- 3.1. Base rent is \$3205.80 per month or \$38,469.60 per year.
- 3.2. Rent for the Initial Term will be paid in full at the commencement of the Initial Term. After the Initial Term ends, any monthly rent will be paid on the first day of each month.

4. Possession:

Exclusive possession of the Premises will be granted to Lessee. Lessor must keep the Premises secure from entry by anyone other than Lessee. The Premises must be delivered to Lessee broom-clean and vacant.

5. Utilities

Gas and electric will be paid by Lessee at a rate of \$.70 per square foot for a total of \$4,986.80 per year. A dehumidifier will be provided during summer months to maintain relative humidity. All other utilities are Lessee's responsibility.

6. Damage of Property

If the Premises becomes untenable because fire, storm, earthquake, or other casualty not the fault of Lessee, this agreement will terminate as of the date of the damage, unless Lessor repairs the Premises within 45 days of the damage, and Lessee may remove its property from the Premises.

7. Maintenance:

Lessor must keep the Premises in good repair for Lessee's intended use.

8. Indemnification and Liability Limitation

Lessor must indemnify Lessee against all claims, losses, damages, or demands (including all related expenses for investigation and defense, including court costs, expert fees, and reasonable attorneys' fees) related to its or its agents' negligent or intentional acts. This provision will survive the expiration or termination of this Lease indefinitely. No money judgement exceeding the actual amount of rent owed by Lessee under this Agreement may be obtained by Lessor.

9. Insurance

Lessee must provide insurance on its personal property for its protection and at its own expense. Lessor is responsible for maintaining insurance on the building during the term of this Agreement in amounts sufficient to protect property and persons, but not including Lessee's personal property.

10. Permitted Activities

Lessee may do the following at the Premises:

Storage of goods for governmental purposes and related activities.

11. Default:

If Lessor defaults on any obligation of this agreement and the default continues for more than 90 days after receipt of notification by Lessee, Lessee may terminate the agreement with no further obligations. If this agreement is terminated before the end of the Initial Term, Lessee must reimburse Lessor any rent paid in advance of the early termination date.

12. Notices

Notice under the Lease must be by certified mail (postage-prepaid) to the following addresses.

Lessee:

Royal Plus LLC 201 Belt Street Snow Hill, MD, 21863

Phone & Fax: 443.783-1373; 410.632.2005 Matt Odachowski: matt@royalplus.com Denise Odachowski: denise@royalplus.com

Page 2 of 4

County:

1 W. Market Street, Room 1103 Snow Hill, Maryland 21863

13. Hazardous Materials:

Lessee warrants that the Premises is in compliance with all environmental laws and regulations. Before delivering possession of the Premises to Lessee, Lessor must remove any hazardous materials from the Premises.

14. Amendments

All amendments of this Lease must be in writing and signed by all parties.

15. Applicable Law

This Lease is governed by the laws of the State of Maryland and Worcester County. Lessee must comply with all applicable law.

16. Entire Agreement

This Lease is the entire agreement between the parties and supersedes all earlier related communications.

17. Third Party Beneficiaries

Nothing in this Lease gives any rights to any unnamed third persons.

18. Successors and Assigns

This Lease is binding upon the successors and assigns of the parties.

19. Severability

If a court finds any term of this Lease to be invalid, the remaining terms will be unaffected and construed as if the Lease did not contain the invalid term.

20. No Waiver

The failure of either party to enforce any term of this Lease is not a waiver.

21. Attorney's Fees

Lessor must pay to Lessee all reasonable attorneys' fees and court costs that Lessee incurs enforcing this Lease, including for any landlord/tenant action. Attorneys' fees and court costs will be considered rent.

Page 3 of 4

The Parties agree to this Lease on the date stated above.

Attest:

County Commissioners of
Woreester County, Maryland

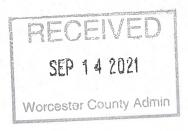
Harold L. Higgins
Chief Administrative Officer

Witness

Royal Plus, LLC
Lessor

Matthew J. Odachowski,
Managing Member

Page 4 of 4





BILLY BIRCH DIRECTOR

ONE WEST MARKET STREET, ROOM 1002

SNOW HILL, MARYLAND 21863-1193

TEL: 410-632-1311 FAX: 410-632-4686

To:

Weston Young, Chief Administrative Officer

From: Billy Birch, Director of Emergency Services

Re:

Mobile Satellite Trailer Purchase

Date: 14 September 2021

The Department of Emergency Services is requesting approval to procure a trailer designed to provide resilient remote voice and data connectivity to support mobile testing & vaccination services in the amount of \$110,000.00 which may be covered with remaining CARES act funding.

Over the last year conducting ad-hoc mass testing and vaccination it has been determined that such efforts are greatly streamlined and risk is reduced using an outdoor drive-thru model. To that end the County has made extensive past procurements with CARES funding supporting outdoor drive-thru operations including drive-thru tents, portable heating and cooling for these structures, mobile power infrastructure, mobile signage and advisory radios for traffic flow, and rehabilitation of a Class A motor home to provide staff work and break areas. The one remaining component where weakness remains is in providing reliable telecommunications infrastructure.

The proposed procurement of the ECT-14 unit will provide for large area data coverage via wired and WIFI distribution via terrestrial, LTE, and Satellite technology. This unit also offers full featured telephone PBX services, onboard servers, and self-contained power, site security cameras, and an indoor work space for support staff. This unit will be used to provide COVID testing and vaccination sites with the required connectivity to vaccine registration systems and support site communications and is integral to future COVID clinic success. Additionally, this unit will strengthen the counties ability to operate in disasters anywhere a network is needed.

The proposed unit is deeply discounted by the manufacturer as it was used as a "trade show demo" and is available for immediate delivery. By contrast soliciting construction of such a unit would be expected to result in 6-12 month delivery time. As a result of the above factors, it is recommended to move forward with this procurement in the interest of time and efficiency.

I am available to answer any questions at your convenience.

Attachments (1)



= 0

TRADE SHOW ECT-14

The best pricing we've ever offered on this model emergency trailer.

COVID-19 HAS TAKEN A LOT FROM US.

At the end of 2019, we built an ECT-14 to accompany the MobilSat team to tradeshows across the nation. Then COVID struck. We are now offering this vehicle for sale with *no lead time* and at a price that won't last long. This ECT-14 features a DataSat 1200 auto-deploy satellite antenna, Winegard Rayzar HDTV antenna, LED scene lighting, and a pneumatic mast with a Sidewinder PTZ camera. Simply put, this is the best deal you will find for this caliber of emergency communication trailer.

Despite all of the negatives that COVID gave us over the last year, it provided some opportunities. This is an opportunity you simply can't miss.



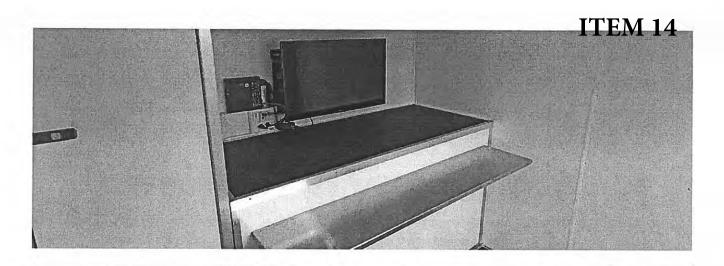
THE ECT-14 EMERGENCY COMMUNICATIONS TRAILER

Take mobile communications and emergency response to the next level. Boasting a 1.2 meter satellite internet antenna, 2 internal workstations, a 30' pneumatic mast with a Sidewinder PTZ camera, and wraparound LED scene lighting, this trailer covers all the bases for emergency response communications, while leaving room for future upgrades or additions as the situation requires.

View Full Feature List

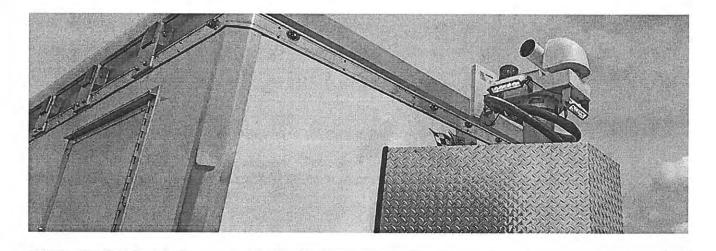


Privacy - Terms



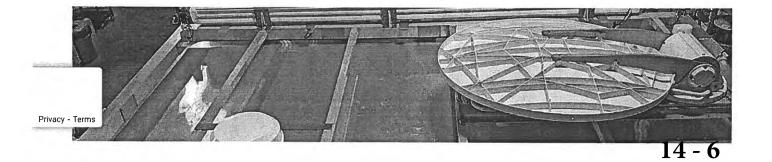
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- support@mobilsat.com
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1996 - 2021

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ITEM 14



Account Name

Worcester County MD EMS

Prepared By

Steve Samuels

Phone

(757) 312-8300

Email

ssamuels@mobilsat.com

Contact Name

James Hamilton

Email

jhamilton@co.worcester.md.us

Quote Number

00010318

Expiration Date 9/30/2021

	Sales Price	Total Price
	\$110,000.00	\$110,000.00
Subtotal		\$110,000.00
Total Price		\$110,000.00
Grand Total		\$110,000.00
	Total Price	\$110,000.00 Subtotal Total Price



Memorandum

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

From: Robert J. Mitchell, Director, Environmental Programs

On Behalf of Worcester County Sewer Committee

Subject: Request for Allocation of EDUs for Sea Oaks Village, LLC

Date: September 13, 2021

Please be advised we received a completed application from Hugh Cropper, representing Sea Oaks Village, LLC (owner) for the allocation of eighteen (18) equivalent dwelling unit (EDU's) of sanitary sewer service from the Mystic Harbour Sanitary Service Area (MHSSA) to serve Phase II of this development. Phase II included 76 townhomes and recreation facilities and was allocated 29 EDUs in July of 2021 to be assigned to 29 of those 76 units. This request would be for an additional 18 units under this second, sub-phase of the development. The subject property contains the Sea Oaks Village, is identified on Tax Map 26 as Parcel 274. The request was subsequently reviewed by the Worcester County Sewer Committee at our meeting on September 9, 2021.

On behalf of the committee, I offer the following staff report for your consideration with regard to this request.

Summary of Request: West OC Properties, LLC is requesting an allocation of eighteen (18) equivalent dwelling unit (EDUs) of sewer service from the MHSSA to serve the proposed Phase II construction of eighteen residential homes within the Sea Oaks Village development located on Worcester County Tax Map 26 Parcel 274, which has been subsequently subdivided as the community has progressed through development stages. The subject property, currently sits on the westerly side of Stephen Decatur Highway (Rt 611), approximately 2,000 feet south of the Sunset Avenue intersection, is currently zoned R-2 Multi-Family Residential (35.71 acres) and C-1, Neighborhood Commercial (4.219 acres), and is currently designated S-1 in the County Master Water and Sewerage Plan which indicates an area of existing or planed sewer service to be built within 2 years, but does not guarantee service or obligate the provision of services in that time frame. Applicant will also be required to purchase corresponding water service from the Mystic

Harbour water system if the sewer EDUs are allocated to this project. Project was reviewed by the Technical Review Committee (TRC) at their meeting on April 14, 2021.

According to our calculations, in order to serve the proposed sub-phase of Phase II development of eighteen (18) homes, eighteen (18) sewer EDUs are required.

Current Available Capacity - North: After a recent revision and return of some EDUs to the northern district, there are currently 73 available EDUs allocated in Area 1 (north of the airport) for the following uses: Vacant or Multi-Lot properties (21 EDUs), Infill and Intensification (24 EDUs), Commercial (11 EDUs), and Single Family Dwellings (17 EDUs). Granting the request for Sea Oaks Village would require the allocation of 24% (18 of 73) of the total remaining EDUs in Area 1.

Background on Original Allocation of New Sewer Capacity in the Mystic Harbour: The expansion of the Mystic Harbour WWTP and Funding From USDA in 2008 was predicated upon the need for infill and intensification of properties along the Route 50 commercial corridor and vicinity, service to vacant or multi-lot properties, single family dwellings converting from septic systems to public sewer, and commercial properties. The Worcester County Planning Commission recommended a rating system to rank priority allocations of the additional EDUs with highest priority for (1) infill lots, (2) expansion of existing facilities, (3) replacement of septic tanks, and (4) new development. The initial request addressed priority 1 as infill of the previously undeveloped properties in West Ocean City.

Previous Allocation of EDUs to this Property: This property is currently allocated ninety-two (92) Mystic water EDUs and sewer EDU's for Phases I and II of the development.

Options for Commissioners' Action on the Request:

Note – All options are based on an allocation of 29 Mystic sewer EDUs based on flow rates.

Option 1 - Approve the allocation for a total of 18 EDUs to the property by utilizing eighteen (18) sewer EDUs from the <u>Vacant or Multi-Lot</u> category from Area 1. Owner will also need to connect to Mystic water and purchase eighteen (18) water EDUs to compliment the sewer allocation required.

Option 2 - Deny the request for allocation of eighteen (18) Mystic sewer EDUs to this property.

The Sewer Committee will be available to answer any questions which you may have with regard to this application in order for the County Commissioners to make the most informed decision on this request.

Attachments

cc: Water and Sewer Committee

LAW OFFICES

BOOTH CROPPER & MARRINER

A PROFESSIONAL CORPORATION

CURTIS H. BOOTH HUGH CROPPER IV THOMAS C. MARRINER* ELIZABETH ANN EVINS LYNDSEY J. RYAN LISA D. SPARKS**

9923 STEPHEN DECATUR HIGHWAY, D-2
OCEAN CITY, MARYLAND 21842

(410) 213-2681

FAX (410) 213-2685

EASTON OFFICE

130 N. WASHINGTON ST. EASTON, MD 21601 (410) 822-2929 FAX (410) 820-6586

WEBSITE www.bbcmlaw.com

August 10, 2021

*ADMITTED MD & DC **ADMITTED MD, DC & VA

> Mr. Weston S. Young, P.E., CAO Worcester County Commissioners One West Market Street, Room 1103 Snow Hill, Maryland 21863

> > RE: Sea Oaks Village, LLC, Mystic Harbour Sanitary Service Area

Dear Mr. Young:

As you will recall, on November 20, 2018, Phase I, Step II, Floating Zone, was approved by the Worcester County Commissioners for the Sea Oaks Village RPC. The Phase I Subdivision/Site Plan was recorded on July 17, 2020, for 59 residential units, which included a swimming pool and other residential amenities.

This is a mixed-use project, consistent with the Worcester County Comprehensive Plan. On December 5, 2019, the Planning Commission approved a Major Site Plan for contractors' shops (12,000 square feet) and retail (11,480 square feet).

On April 14, 2021, the Technical Review Committee considered Phase II of Sea Oaks Village RPC, consisting of 76 townhome units with additional ball courts. Those comments are attached.

Phase I required 63 EDU's (59 EDU's for the 59 residential units; 4 EDU's for the commercial) which were allocated by the Worcester County Commissioners.

Most recently, on July 6, 2021, the Worcester County Commissioners allocated an additional 29 EDU's, for an additional 29 townhome units in the first sub-phase of Phase II.

This is an application for an additional 18 EDU's, for the second sub-phase of Phase II.

August 10, 2021 Page Two

If the additional 18 EDU's are granted, this will leave 29 building units on the Master Plan which have not been allocated EDU's.

When I wrote to you back in May, roads and infrastructure were in the process of being installed. Building permits had been issued for commercial and residential units.

Now, the residential units are well under construction. There is a very, very strong demand for these residential units in West Ocean City. There is a waiting list to purchase the units, from both locals seeking reasonably priced housing, and people looking for vacation homes.

The approval of the additional 18 EDU's will be provide Worcester County citizens with much needed housing opportunities.

The applicant respectfully requests that the allocation of 18 EDU's for the Sea Oaks Village RPC be granted by the Worcester County Commissioners.

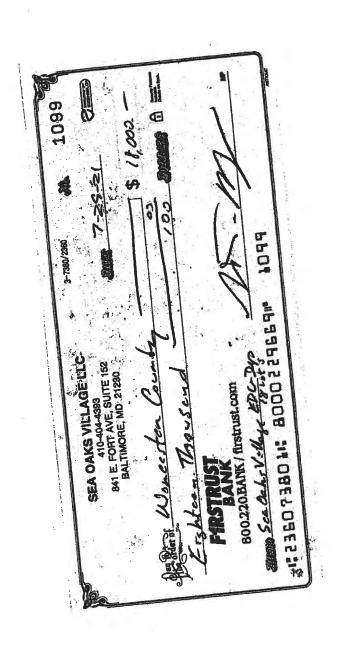
Respectfully submitted,

Q

Hugh Cropper IV Attorney for Sea Oaks Village, LLC

HC/tgb Enclosures

CC: Lisa D. Sparks, Attorney at Law Margaret Witherup, Attorney at Law Steve Murphy, Sea Oaks Village, LLC Chris Reda, Sea Oaks Village, LLC



Worcester County - Department of Public Works - Water and Wastewater Division Mystic Harbour Sewer Service Application

Name: Sea Oaks Village, LLC	Date: August , 2021
Mailing address: 841 E. Fort Avenue,	
Address of service location: Stephen Dec	atur Hwy, Ocean City, mo 21842
Property identification (acct # & map/parcel): Y	Map 26; Plo Parcel 274, 10-296900
Type of project (circle one below):	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Single Family Minor Site Plan Major Site	e Plan Residential Planned Community
Type of service requested (circle one): Residen	
	ge and number of seats in restaurant (if applicable):
EDU's/gallons assigned to property:	EDU's to be purchased:
If developer new construction, will you be provid	ling the meter (circle one): Yes No N/A
Name & license number of licensed plumber prov	viding connection from meter to building:
Name & phone number of person to contact with Hugh Cropper IV 410-213-26	
Signature:	Date: August 2021
Minor Site Plans- Copy of TRC report or docume Major Site Plans- Copy of TRC report. Residential Planned Community- Copy of Planni NOTICE: Please review attached Resolution Notand the time frame in which the EDUs must be ut allocation and utilization. If mains are to be instated Water Project Agreement' will be required.	ing Commission's findings/recommendation for Step 1. 17-19 which details the EDU allocation process ilized or returned to the County for future
OFFICE USE ONLY:	
Date received: F	Зу:
	Date:
	Date:
	Date:
FEES PAID: Deposit \$1,000 per EDU X (EDU Remaining Balance \$7,756 per EDU X	J's) = \$
Date received: By:	
RETURN TO: Worcester County Treasurer's Office	ICY ATTACHED AND INCORPORATED.

Real Property Data Search

Search Result for WORCESTER COUNTY

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					As of 01/01/20	20	As of	1/2020		s of 7/01/2021	
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Improven	nents		0		0						
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Preferent	ial Land:		0		0						
					Transfer Inform	ation					
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Type: AR	MS LENGTI	VACANT	•	De	Deed1: /07082/ 00402				Deed2:		
Seller: TA	YLOR ROB	ERT J & O	THERS	Da	Date: 01/19/2017				Price: \$440,000		
Type: NON-ARMS LENGTH OTHER			De	Deed1: /06926/ 00161				Deed2:			
Seller: PARKER EUGENE R JR & BRUCE A MOORE			A Da	Date: 06/16/1986				Price: \$185,000			
Type: AR	MS LENGTH	IMPROV	ED	De	ed1: WCL /011	85/ 00284			Deed2:		
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RESOLUTION NO. 17-19

RESOLUTION CREATING THE MYSTIC HARBOUR SANITARY SERVICE AREA SEWER EDU ALLOCATION PROCESS

WHEREAS, the Mystic Harbour Wastewater Treatment Plant (WWTP) was upgraded and expanded in 2014 to provide additional sanitary sewer treatment capability to serve residential and commercial needs of properties within the Mystic Harbour Sanitary Service Area (SSA); and

WHEREAS, the upgrade and expansion resulted in a total of 200,000 gallons per day of additional sewage treatment capacity in the Mystic Harbour WWTP which created a total of 666 new Equivalent Dwelling Units (EDUs) of sewer capacity at a rate of 300 gallons per day per EDU which are now available in the Mystic Harbour SSA; and

WHERRAS, the planning documents included in the latest approved Worcester County Water and Sewerage Master Plan amendment regarding the Mystic Harbour SSA identified a number of goals for the additional capacity and included a chart (attached hereto) allocating the new EDUs to different areas within the Mystic Harbour SSA for different purposes; and

WHEREAS, on March 15, 2016, the Worcester County Commissioners reviewed and approved an implementation policy for the newly available sewer EDUs in the Mystic Harbour/West Ocean City SSA Overlay Area; and

WHEREAS, upon the recommendation of the Worcester County Water and Sewer Committee, the County Commissioners have determined that it is prudent to have an allocation process in place for all 666 new sewer EDUs in the Mystic Harbour SSA, not just those simed at the Overlay Area, to include County Commissioner approval of future allocations.

NOW, THEREPORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that the following Mystic Harbour Sanitary Service Area EDU Allocation Process is hereby adopted:

- 1. The allocation of Mystic Harbour Sanitary Service Area sewer EDUs shall only be approved for properties with an existing demonstrated need and in connection with either a permit or plan application specifying how and where the capacity will be allocated:
 - A. The project must apply to the County Commissioners for the EDU allocation while the project is pending as follows:
 - i. Single Family Dwellines and change of use commercial spaces The property owner or their representative must apply for and receive any needed EDU allocation prior to receiving any permit for the project. EDU(s) must be paid for in full at time of the first permit application.
 - ii. Minor Site Plans and other projects requiring administrative approvals The project must have completed the Technical Review Committee process (when required) or the granting of an administrative waiver before applying to the County Commissioners for EDU allocation. The project must have EDU allocations prior to the project applying for final signature approval with the Zoning Administrator. A deposit shall be required upon application as detailed in

Page 1 of 3

- Section 1B hereof. The remaining balance to purchase the EDUs shall be paid prior to any project permit being issued.
- iii. Major Site Plans The project must have completed the Technical Review
 Committee process before applying to the County Commissioners for EDU
 allocation. The project must have EDU allocations prior to the project applying
 for final site plan approval with the Planning Commission. A deposit shall be
 required upon application as detailed in Section 1B hereof. The remaining
 balance to purchase the EDUs shall be paid prior to any project permit being
 issued.
- iv. Residential Planued Community (RPC) Concurrent with Step 1 of the RPC approval process, the project shall apply to the County Commissioners for EDU allocation. The project cannot move to Step 2 of the RPC approval process without sufficient EDUs being allocated. A deposit shall be required upon application as detailed in Section 1B hereof.
- B. Included with the application shall be a \$1,000 deposit per EDU applied for. If the County Commissioners deny the allocation or if the Planning Commission fails to approve the site plan, the deposit shall be returned. If the County Commissioners approve the allocation and if the Planning Commission approves the site plan or RPC, the deposit is non-refundable.
- C. If the project approvals expire, the project shall lose its allocation of EDUs. The County shall return the amount paid to purchase the EDUs less the non-refundable deposit.
- D. If after one year of the project having EDUs allocated to it, a building permit has still not been issued for the project, an additional deposit of \$1,000 per EDU per year shall be required for each year of additional reservation of service up to a maximum of five years. No reservation shall be allowed beyond five years. The additional deposit shall be paid not less than 60 days prior to the anniversary date of the original allocation approval. If the additional deposit is not paid as required or if five years clapses, the EDU allocation shall be null and void and all prior deposits shall be forfeited.
- E. Applications shall be submitted to: Worcester County Administration, Government Center - Room 1103, One West Market Street, Snow Hill, MD 21863.
- 2. There shall be no transfers of sewer allocations permitted in the Mystic Harbour Sanitary Service Area (MHSSA) by property owners who have excess capacity allocated to their properties. In the event that excess sewer capacity exists on a property as a result of changes or modifications to the original development plan, any and all excess capacity shall revert to the MHSSA two years after the issuance of the certificate of occupancy for the last building shell in the project. The property owner shall only be entitled to the return of the amount of the original price paid to the County for the HDUs less the non-refundable deposit. The property owner shall be notified in writing of the forfeiture of the unused capacity. Such notice shall be sent by registered mail to the property owner(s) address as identified on the tax assessment rolls as maintained by the Maryland Department of Assessments and Taxation.
- The current equity contribution in fiscal year 2018 (FY18) for each Mystic Harbour Sanitary Service Area sewer EDU is \$7,700, with quarterly debt service payments of \$54 per EDU

thereafter until the debt is paid in full. The equity contribution will be recalculated each fiscal year to include the debt service from the prior year. Quarterly debt service payments may be adjusted in the future to pay for additional debt incurred by the Mystic Harbour Sanitary Service Area.

4. Upon allocation of the EDUs, accessibility charges as established in the annual budget for the Mystic Harbour Sanitary Service Area shall become due and payable on a quarterly basis. The current accessibility charge is \$150 per quarter per EDU. Accessibility charges are non-refundable should the applicant fail to utilize the allocated EDUs.

AND, BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.

PASSED AND ADOPTED this 19th day of September 2017.

Harfid E. Higgins - Kelly Shanahan Chief Administrative Officer: ASSISTAL (Ac COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

Madison J. Buncing, Jr., President

Blanc Gerney

11-1 315

Adithony W Berlino, Jr.

Vames C. Church

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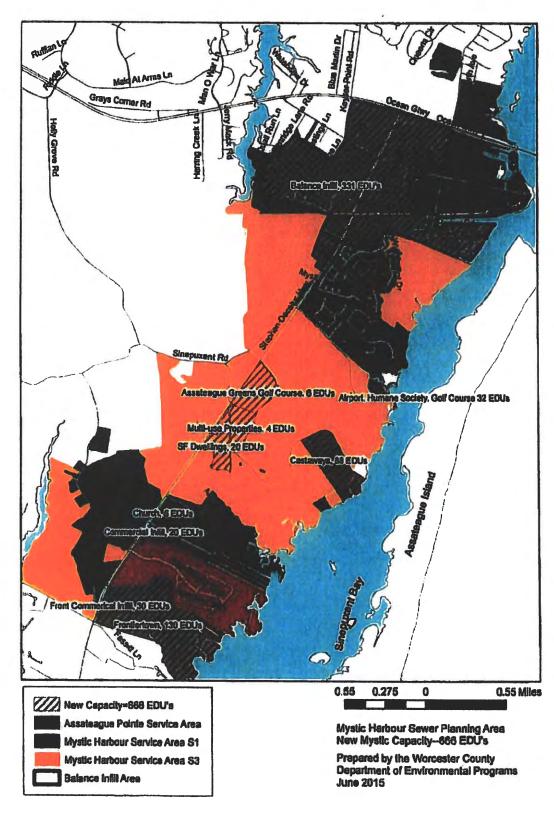
Maria 22

Merrill W. Lockfaw, Jr.

Joseph M. Mitrecio

North of Airport, North of Antique		Current		1		1
Road, East and West of Route 611 - "Area 1"	Original Allocation	Adjusted Allocation	Sold and In	Sold and Not In Service	Remaining Allocation	Footnotes
Infili and intensification of		74	1	-	ALTON ME.	1 againtee
Properties in "Area 1"	154	114	0	81	33 -	3, 10, 12, 13, 14
Vacant or Multi-lot Properties in						1-1-1-1
"Area 1"	80	80	0	30	50	13
Single Family Dwellings	17	17	0	0	17	
Commercial Properties in			1			4, 5, 7, 8, 11,
"Area 1"	80	80	43	33	4	13, 14, 17, 18
Subtotal EDUs in "Area 1"	331	291	43	144	104	
Airport and South of Airport, East of Route 611 - "Area 2"			,			
Commercial Infili South of Airport	20	20	0	20	0	15, 16
Vacant or Multi-lot Properties	4	4	1	2	. 1	6, 16
Assateague Greens Executive Golf						
Course/Range-9-holes	6	6	0	0	6	l
Ocean City Airport, Clubhouse and				ſ		
Humane Society	32	32	32		0	1
Church	5	5	0	0	5	<u> </u>
Single Family Dwellings	20	20	0	1	19	9
Castaways Campground	88	88	88		0	2
Frontier Town Campground	130	200	166	34	0	3, 10
Commercial Portion of Frontier						
Town Campground	30	0			0	
Subtotal EDUs in "Area 2"	335	375	287	57	31	
TOTAL EDUs	666	666	330	201	135	

- 1 Transferred 32 EDUs to Town of Ocean City on June 3, 2014 as part of the Eagles Landing Spray Irrigation MOU.
- 2 Sold 88 EDUs to Castaways Campground on July 3, 2014.
- 3 Sold 166 EDUs to Frontier Town Campground on March 30, 2017 by transferring 30 EDUs from Frontier Town Commercial allocation and 6 EDUs from "infili and intensification of properties in Area 1" allocation as agreed by Commissioners on September 19, 2017.
- 4 Sold 14 EDUs to Park Place on May 16, 2017.
- 5 Hampton Inn bought 40 EDUs from Mitch Perker and bought an additional 13 EDUs from the County on August 28, 2017.
- 6 Approved the sale of 2 EDU's to Victor H. Birch Property on March 20, 2018.
- 7 Approved the sale of 1 EDU to Eugene Parker Trust Property on April 3, 2018.
- 8 Approved the sale of 3 EDU's to L & B Ocean City, LLC Properties on April 3, 2018.
- 9 Approved the sale of 1 EDU to Michael Jay Deem Property on April 17, 2018.
- 10 Water and Sewerage Plan Amendment 34 EDUs from "(nfill and intensification of properties in Area 1" to Frontier Yown Campground for Expansion approved on June 19, 2018 by County Commissioners (Resolution No. 18-17).
- 11 Approved the sale of 9 EDUs to Stockyard Inc. Property on June 19, 2018.
- 12 Approved the sale of 27 EDUs to GCR Development, LLC Property on July 3, 2018.
- 13 Approved the sale of 63 EDUs (29-Infill, 30-vacant, 4-commercial) to Sea Oaks, LLC property on Sept 18, 2018. Pending MDE approval.
- 14 Approved the sale of 45 EDUs (25-infill, 20-commercial) to ODIE-1, LLC (Alamo Motel) property on October 23, 2018.
- 15 Approved the sale of 6 EDUs to Assateague Island Farm, LLC property on January 22, 2019, subject to various conditions.
- 16 Approved the sale of 15 EDUs to ES Adkins and Company property (14 commercial infill, 1 vacant) on February 19, 2019.
- 17 Approved the sale of additional 7 EDUs to Stockyard inc. Property on July 16, 2019.
- 18 Approved the sale of additional S EDUs to Stockyard Inc. Property on December 3, 2019.



TECHNICAL REVIEW COMMITTEE

STAFF PERSON: Kristen M. Tremblay DATE OF MEETING: April 14, 2021								
PROJECT:	Sea Oaks Village RPC - Phase 2 (Residential Planned Community (RPC) Site							
	Plan Review) Concept plan approval (establishment of the RPC floating zone) of Phase 2 of Sea Oaks Village, consisting of 76 townhome units and 'ball courts.' Located at the west side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road. Tax Map 26, Parcel P/O 274, Tax District 10, C-1 Neighborhood Commercial and R-3							
	Multifamily Residential, Sea Oaks Village, LLC, owner; Carpenter Engineering,							
	LLC, Engineer.							
APPLICANT	(S) IN ATTENDANCE:							
TRC MEMB	ERS IN ATTENDANCE:							
	Tremblay, Zoning Administrator							
	White, DRP Specialist							
	Miller, Building Plans Reviewer III							
	Mitchell, Environmental Programs							
	Marsh, Environmental Programs							
	Bradford, Environmental Programs							
	Birch, Environmental Programs							
	Gerthoffer, Environmental Programs							
	Mathers, Environmental Programs							
	Owens, Fire Marshal							
	Adkins, County Roads Berdan, County Roads							
	Wilson, State Highway Admin.							
	Conner, State Highway Admin.							
	Ross, W & WW, DPW							
	Clayville, Planning Commission Rep.							
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~								
	rms of ZS 315, this application is considered to be a major residential planned							
	his Step I of the proposed Concept Master Plan must be reviewed by the Technical							
	mittee prior to submission to the Planning Commission. A subsequent review and							

approval after a public hearing must also be held by the County Commissioners at a later date. Step II shall follow a similar process before Step III may be conducted (consisting of an implementation plan and subdivision approval).



**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

### WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE - Staff Report

April 14, 2021

### Project:

Sea Oaks Village Residential Planned Community (RPC Overlay Zone) Phase II - Request for concept plan approval for townhome units and associated 'ball courts,' in the 'Seaside Architectural Style,' on the west side of Stephen Decatur Highway (MD Route 611), north of Sinepuxent Road, Tax Map 26, Parcel 274, Tax District 10, R-3 Multi-family Residential District and C-1 Neighborhood Commercial District.

Background: Phase I, Step II (Floating Zone Establishment), was approved by the Worcester County Commissioners on November 20, 2018. The Sea Oaks Village (Phase 1) Subdivision was recorded with the Clerk of Courts on July 17, 2020. Additionally, a commercial major site plan approval for 'contractor shops' (12,000 square feet) and 'retail' (11,480 square feet) was approved by the Planning Commission on December 5, 2019. A building permit application has recently been received by the Department.

**Prepared by:** Kristen M. Tremblay

**Contact:** ktremblay@co.worcester.md.us

### General Procedure:

1. The Technical Review Committee (TRC) shall meet with the applicants and shall review the residential planned community (RPC) application, including the Step I concept plan and required written statement. The TRC shall, subsequent to the meeting and review, identify areas of concern and issues to be addressed by the Planning Commission. It shall report its findings and recommendations to the applicants and to the Planning Commission in writing in a report known as the "Technical Review Committee Report." The TRC may solicit other agency comments prior to making its report and may require additional information, studies or reports. The TRC shall review the submission and present its report within ninety (90) days after receipt of the applicant's submission of a complete application, unless extended by the Planning Commission.

- 2. The Planning Commission shall then meet with the applicant to review the submission and the TRC Report and may as a group visit the site of the proposed project. The Planning Commission shall produce findings based on the items considered under Subsections (k)(2)A1(ix)a through (k)(2)A1(ix)g of the zoning ordinance. The Planning Commission shall also produce a recommendation to the County Commissioners as to approval or disapproval of the RPC application, which may address the areas identified in the TRC Report and such other areas of concern and such requirements as the Planning Commission may deem necessary and appropriate to advise the County Commissioners. The Planning Commission shall submit its recommendation within ninety (90) days after receipt of the TRC Report, unless extended by the County Commissioners.
- 3. The County Commissioners shall consider the application and recommendation and hold a <u>public hearing</u> within ninety (90) days of receipt of the Planning Commission's recommendation, unless extended by the County Commissioners. The hearing shall have the same procedural formalities as a map amendment as described in section § ZS 1-113(c) of the zoning ordinance. Notice of such public hearing shall be as required in section § ZS 1-114.
- 4. The County Commissioners shall review the application, TRC Report and Planning Commission's recommendation and shall, following the public hearing, approve or disapprove the application and, if approved, establish the residential planned community floating zone. Failure of the County Commissioners to reach a formal decision to approve or disapprove the application within six (6) months of the public hearing shall constitute a denial of the application. In granting an approval, the County Commissioners may impose conditions which shall become a part of the approval regulating the RPC. In addition, the County Commissioners may require independent reports of consultants, at the expense of the developer, prior to Step I concept plan approval.
- 5. Any RPC approved by the County Commissioners must be unconditionally accepted as approved, in writing, by the applicant requesting such use within ninety (90) days after approval by the County Commissioners. Failure to so accept, in writing, any such residential planned community so approved by the County Commissioners shall be considered a rejection and abandonment by the applicant of the approval, and thereafter any such RPC so approved shall be null and void and of no effect whatsoever. Any transfers of the property shall be subject to the approved plan. Step I concept plan approval by the County Commissioners shall be considered a reclassification and subject to appeal as such.
- 6. Step I approval shall automatically expire and terminate unless the Step II approval is obtained within one (1) year from the date of Step I approval. The County Commissioners may extend the Step I approval for a maximum of one (1) additional year, provided the one (1) year extension is requested not less than sixty (60) days prior to the expiration of the Step I approval and granted prior to expiration as well.
- 7. Step II master plan approval. Upon completion of Step I, an applicant shall develop and submit to the TRC and the Planning Commission a detailed plan which shall serve as a master plan for the entire project and which shall be in accordance with the Step I approval

*Any questions relative to the review process should be directed to Kristen M. Tremblay at <a href="https://ktremblay@co.worcester.md.us">ktremblay@co.worcester.md.us</a>

<u>Project Specific Comments</u>: This project is subject to, but not limited to, the following sections of the Zoning and Subdivision Control Article:

§ZS1-209	C-1 Neighborhood Commercial District
§ZS1-207	R-3 Multi-Family Residential
§ZS1-305	Lot Requirements Generally
§ZS1-306	Access to Structures
§ZS1-315	Residential Planned Communities
§ZS1-326	Classification of Highways
§ZS1-327	Additional Setbacks from Drainage Ditches and Stormwater Management Facilities

### Major Residential Planned Community Concept Master Plan Corrections Required:

- 1. Please note that the Site Plan Approval for the Phase I Commercial contractor shops and retail will expire on December 5, 2021 if building permits have not yet been obtained. The Department may provide an extension of up to twelve (12) months, however the extension application must be made at least sixty (60) days prior to expiration. A Building Permit Application for the Commercial has been received and is in process.
- 2. Please provide a slightly more visible, distinct delineation between phases prior to Step II submission.
- 3. Please note that the Planning Commission will be reviewing the minimum lot area, setbacks, lot width, and road frontage requirements during Step II, if Step I is approved by the County Commissioners. Also, please indicate the maximum heights of all structures proposed at that time.
- 4. While the number of units is to be addressed more specifically during Step II of the RPC process, if it is going to be presented on the Step I concept master plan, please verify the number of townhome units proposed as provided as there appears to be a discrepancy between the number counted and the number indicated in the notes section.
- 5. Common Use Open Space Calculations:
  - a. A minimum of thirty percent (30%) of the total site acreage must be provided:
    - i. Parcel is 39.98 acres; 12 acres have been provided (equivalent to 30%)
  - b. A minimum of fifty percent (50%) of the required open space (6 acres) must be retained in its natural state and not used to satisfy the requirements for passive or active recreation. No more than fifty percent (50%) of this may be private wetlands.
    - i. Six (6) acres required; 3.76 acres upland provided and not used for passive or active recreation; remainder (17.923 acres) is wetlands (only 2.24 acres may be applied towards this standard). Requirement met.
  - c. A minimum of ten percent (10%) of the required open space must be for active recreation (1.2 acre required).
    - i. 1.56 acres of upland is provided for *active* recreation (12.8%). Exceeds ten percent (10%) minimum.

Sea Oaks Village RPC Phase II Step I – TRC Staff Report
Page 3 of 5

- d. A minimum of twenty percent (20%) of the required open space must be for passive recreation (2.4 acres required).
  - i. 2.4 acres of upland is provided for passive recreation. Requirement met.
- 6. Section ZS1-315(d)(2)(B)(5)(iv), requires that all open space and areas for active and passive recreation be dedicated, developed and perpetually protected. Please indicate the mechanism for its long-term protection.
- 7. Please provide a preliminary capacity and availability analysis of water and wastewater facilities for the proposal to be served by existing public utilities.
- 8. Please provide a narrative of the previous Master Plan approval along with an update of construction completed to-date as well as an estimated timeframe for construction of both Phase I and Phase II.
- 9. A written narrative must be provided which addresses the following (Section §ZS1-315(k)(2)(A)(1)(ix) which may be placed on the site plan or as an attached letter:
  - a. The RPC's conformance with the goals, objectives and recommendations of the Comprehensive Plan, compliance with the zoning regulations and other established development policy guidelines, and with the Comprehensive Plan, zoning regulations, development policy guidelines and annexation policies of any municipality within one (1) mile of the proposed project's boundaries.
  - b. The general location of the site, a description of existing and anticipated land use in the immediate vicinity and the residential planned community's compatibility with those land uses.
  - c. The availability and adequacy of public facilities, services and utilities to meet the needs of the RPC and the long-term implications the project would have on subsequent local development patterns and demand for public facilities and services.
  - d. The consistency of the RPC with the general design standards as contained in Subsections (i)(1) through (i)(5) hereof.
  - e. The relationship of the RPC's proposed construction schedule, including any phasing, and the demand for and timely provision of public facilities, services and utilities necessary to serve the project.
  - f. The capacity of the existing road network to provide suitable vehicular access for the RPC, the appropriateness of any existing or proposed improvements to the transportation network, the adequacy of the pedestrian and bicycle circulation, and the proposed means of connectivity of the project to surrounding residential, commercial and recreational development and uses.
  - g. The relationship of the proposed method of wastewater disposal and provision of potable water service with the goals, objectives and recommendations of the Comprehensive Plan, Comprehensive Water and Sewer Plan, and other established policy guidelines.

### 10. Phase I:

a. Staff would also like to know what is proposed for the northeast portion of the first phase.

### Other Items for Consideration:

If approval of Step I is granted by the County Commissioners, the following will need to be addressed prior to the submission of any Step II materials:

- 1. The master plan shall conform to the regulations as set forth in the zoning ordinance and include any details and specifications as may be required by the TRC and the Planning Commission. The master plan shall include, at a minimum, the following:
  - a. An accurate topographic and boundary line survey of the project site, including the survey location of the perimeter of all forested areas, existing significant trees, the one-hundred-year floodplain line, the Critical Area boundary line, where applicable, the tidal and nontidal wetland lines and their buffers, location of important habitat or sensitive areas, and source water and aquifer recharge areas and a location map showing its relationship to surrounding properties.
  - b. Proposed extent of forest clearing, wetland and buffer impacts, Critical Area buffer impacts or variances, and the proposed percentage of impervious area.
  - c. The use, type, size and location of proposed structures, particularly with regard to the provision of mixed uses and clustering.
  - d. The general size, arrangement and location of any lots and proposed building groups.
  - e. The pattern of existing and proposed access points, public and private roads, vehicular travelways, parking, pedestrian and bicycle paths, internal and external circulation and connectivity, particularly to surrounding residential, commercial and recreational development and uses, and the intended design and construction standards.
  - f. The general location, type and size of proposed landscaping.
  - g. The location of existing and proposed water and wastewater facilities, including how and when such facilities are to be provided.
  - h. Architectural drawings, elevations, sketches or models illustrating the general design, character and pedestrian-scale of the proposed structures and a written description of how they relate to the architectural style and landscape design in the existing County towns, villages, and surrounding development.
  - i. The general location of recreational and open space areas and areas reserved or dedicated for public uses, such as schools, community centers, libraries, fire stations and park sites, and any open space to be owned and maintained by a property owners' association. Areas proposed for active and passive recreation shall be shown, along with a description of the facilities and equipment to be provided in these areas.
  - j. The existing topography and drainage pattern and the proposed stormwater management system showing basic topographic changes.
  - k. Statistical data on the total size of the project area, density computations, proposed number of residential units by type, compliance with area limitations and requirements for uses, area in streets, area in parking and parking tabulation and any other similar data pertinent to a comprehensive evaluation of the proposed development.
  - A detailed time schedule for the implementation and construction of the development and, if appropriate, a plan for phasing the construction of the RPC, showing the general geographical coverage of future plats or plans, their approximate sequence of submission, each of which must meet pertinent requirements either on their own or in conjunction with prior phases.



Department of Environmental Programs
Environmental Programs Division

#### Memorandum

To: Technical Review Committee (TRC) for April 14, 2021 Meeting

From: Environmental Programs Staff

Subject: Minor Site Plan: Sea Oaks Village RPC - Phase 2; TM 26 P 274

Date: April 9, 2021

Environmental Programs comments are based on the plans submitted. These comments are subject to change every time a change is made to the plans that affect water and/or sewage for this site.

- 1. Environmental Programs requires a \$60 fee for any Technical Review Committee projects submitted on public water & sewer. This fee will need to be submitted prior to Signature Approval being given on this project.
- 2. The proposed pool could require an EDU, depending on the treatment unit for the backwash.
- 3. The proposed construction will require the acquisition of Mystic sanitary sewer capacity. To do that, an application and deposit must be presented to Ms. Michelle Carmean, Enterprise Fund Controller, who will begin the processing for a Mystic Sewer allocation to be reviewed by the County Commissioners for approval.
- 4. We again note that natural gas main extensions & service conversions are currently completed in this area & gas is available.
- 5. The Plumbing Code is the 2018 International Plumbing Code (IPC) illustrated.
- 6. The Gas Code is the International Fuel Gas Code (IFGC), 2018 edition, for natural gas.
- 7. Plumbing permits, & potentially gas permits, will be required.
- 8. Please note the source of public water & sewer on the site plan. This would be the Mystic Harbour Sanitary Area.

#### Citizens and Government Working Together

9. All additional water & sewer EDUs will need to be purchased & completely paid for prior to this office giving final approval & signature on the plat.

**WORCESTER COUNTY** DEPARTMENT OF PUBLIC WORKS **WATER & WASTEWATER DIVISION** INTEROFFICE MEMORANDUM

TO:

Kristen M. Tremblay, Zoning Administrator

**Development Review and Permitting** 

FROM:

John S. Ross, P.E., Deputy Director of Public Works

April 9, 2021

DATE:

April 9, 2021

SUBJECT:

TRC Meeting - April 14, 2021

#### **Residential Planned Communities**

Sea Oaks Village RPC - Phase 2 (Tax Map 26, Parcel P/O 274)

C-1 Neighborhood Commercial & R-3 Multifamily Residential, Tax District 10

Description: Concept plan approval (establishment of the RPC floating zone) of Phase 2 of Sea Oaks Village, consisting of 76 townhome units and 'ball courts.'

Location:

West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road.

Owner:

Sea Oaks Village, LLC

841 E. Fort Avenue, Suite 152

Baltimore, MD 21230

Engineer:

Carpenter Engineering, LLC

P.O. Box 3460

Ocean City, MD 21843

#### Comments:

1. Ensure adequate EDUs are assigned to the project

2. Reserve further comments for final utilty design drawings

CC: John H. Tustin, P.E. Director



## Morcester County

## DEPARTMENT OF PUBLIC WORKS 6113 TIMMONS ROAD

Snow Hill, Maryland 21863

JOHN H. TUSTIN, P.E. DIRECTOR

JOHN S. ROSS, P.E. DEPUTY DIRECTOR

TEL: 410-632-5623 FAX: 410-632-1753

DIVISIONS

MAINTENANCE TEL: 410-632-3766 FAX: 410-632-1753

ROADS TEL: 410-632-2244 FAX: 410-632-0020

SOLID WASTE TEL: 410-632-3177 FAX: 410-632-3000

FLEET MANAGEMENT TEL: 410-632-3675 FAX: 410-632-1753

WATER AND WASTEWATER TEL: 410-641-5251 FAX: 410-641-5185

#### **MEMORANDUM**

TO: FROM: DATE: Kristen Tremblay, Zoning Administrator

Frank J. Adkins, Roads Superintendent (FA)
April 6, 2021

SUBJECT: TRC Meeting - April 14, 2021

#### Section 1-315 Residential Planned Communities

#### A. Sea Oaks Village – Phase 2

1. All roads to be built to the "Approved Private Road" specifications per Resolution 20-2 as approved by the Worcester County Commissioners.

 Any structures, drainage easements, drainage ponds, drainage pipes, or utilities inside or outside the right-of-way will not be the responsibility of Worcester County DPW - Roads Division.

3. A road construction bond will need to be posted and in place prior to construction. All road stabilization must meet 95% compaction and require 24 hour notice before paving begins.

4. A geo-tech must be on-site during all phases of road construction. Copies of all written reports from the geo-tech must be submitted to Worcester County DPW – Roads Division on a daily basis and prior to any approvals.

5. A pre-construction meeting is required before construction begins.

cc: John H. Tustin, P.E.

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ONE WEST MARKET STREET, ROOM 1003 SNOW HILL, MARYLAND 21863-1194

TEL: 410-632-5666

FAX: 410-632-5684

#### TECHNICAL REVIEW COMMITTEE COMMENTS

PROJECT: Sea Oaks Village - Phase II

LOCATION: Tax Map 26; Parcel 274 CONTACT: Sea Oaks Village, LLC MEETING DATE: April 14, 2021 TRC #: 2021124

**COMMENTS BY: Matthew Owens** 

**Chief Deputy Fire Marshal** 

As you requested, this office has reviewed plans for the above project. Construction shall be in accordance with applicable Worcester County and State of Maryland fire codes. This review is based upon information contained in the submitted TRC plans only, and does not cover unsatisfactory conditions resulting from errors, omissions or failure to clearly indicate conditions. A full plan review by this office is required prior to the issuance of a building permit. The following comments are noted from a fire protection and life safety standpoint.

#### Scope of Project

The proposed phase II of Sea Oaks consisting of 76 townhouse lots and "ball courts".

#### **General Comments**

- 1. A water supply for fire protection shall be identified indicating the following:
  - a. Water Source
  - b. Engineering study for reliability of water source
  - c. Size (in gallons) of water source
  - d. Replenishment of water supply
  - e. Diameter of in ground pipe
  - f. Number of hydrants
  - g. Location of hydrants
  - h. Roadway width and surface types
  - i. Distance from hydrant to roadway
- 2. If public water source, approved plans by the public works department.
- 3. Water source plans must be approved prior to recording of plat.

Worcester County Fire Marshal's Office – Technical Review Committee Comments Project: Sea Oaks Village – Phase II

Page 2

Review #: 2021124

- 4. Fire hydrants shall be located within 3 ft. of curb line. Placement of fire hydrants shall be coordinated with this office prior to installation.
- 5. Obstructions shall not be placed or kept near fire hydrants, fire department inlet connections, or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately visible and accessible.
- 6. All underground water mains and hydrants shall be installed, completed, and in service prior to construction work or as soon as combustible material accumulates, which ever comes first. A stop work order will be issued if fire hydrants are not in service prior to construction work start.
- 7. Fire Lanes shall be provided at the start of a project and shall be maintained throughout construction. Fire lanes shall be not less than 20 ft. in unobstructed width, able to withstand live loads of fire apparatus, and have a minimum of 13 ft. 6 in. of vertical clearance. Fire lane access roadways must be established prior to construction start of any structure in the project. Failure to maintain roadways throughout the project will be grounds to issue stop work orders until the roadway access is corrected.
- 8. Coordinate 9-1-1 addressing with Worcester County Department of Emergency Services (410) 632-1311.

#### **Specific Comments**

- 1. A fire hydrant shall be located within 100 feet of fire department connection for sprinkler system.
- 2. Multifamily units shall be protected by an automatic sprinkler system. Plans shall be submitted and approved by this office prior to the installation of such system.
- 3. Provide the appropriate code compliant fire rated separation between units.
- 4. Complete set of building plans shall be submitted and approved prior to start of construction.
- 5. No further comments at this time.



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

March 26, 2021

Ms. Kristen Tremblay, Zoning Administrator Department of Developing, Review, and Planning Worcester County Government Center One West Market Street, Room 1201 Snow Hill MD 21863

Dear Ms. Tremblay:

Thank you for the opportunity to review the concept plan for the proposed Sea Oaks development, located on the west side of MD 611, north of Sinepuxent Road, in Worcester County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the plans, and we are pleased to respond.

This site plan proposes the construction of 76 townhome units and associated 'ball courts.' This project is currently undergoing the Commercial Access Permit Review process, in which the District Office is still awaiting the second plan review submission. After having been in contact with Carpenter Engineering LLC., the design engineering group drafting this project, the attached access and pavement marking revisions were agreed upon, which are required to be reflected in the revised plan review submission to the District Office. No work can be initiated in the State right of way until a Commercial Access Permit has been issued through this Office.

If you have any questions or require additional information please contact Mr. Daniel Wilson, Access Management Regional Engineer, at 410-677-4048, by using our toll-free number (in Maryland only) at 1-800-825-4742 (x4048), or via email at dwilson12@mdot.maryland.gov. He will be happy to assist you.

Sincerely,

Danisl Wilson / for

James W. Meredith District Engineer

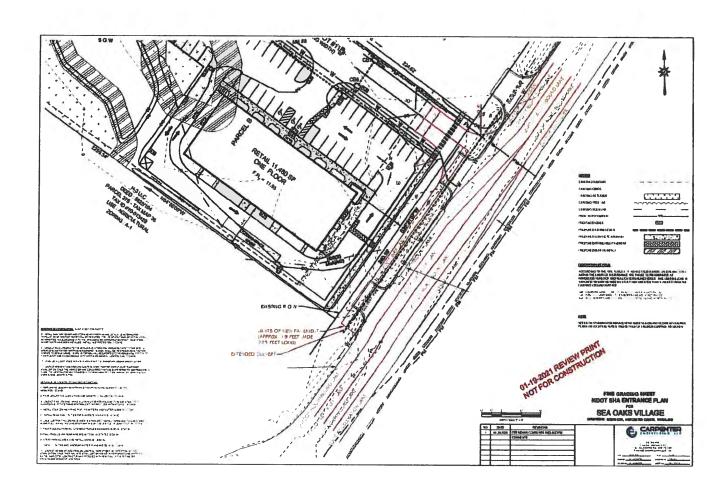
Attachment

cc: Mr. Dallas Baker, Assistant District Engineer, D-1 Project Development, MDOT SHA

Mr. Jeff Fritts, D-1 Access Management Inspector, MDOT SHA

Mr. Rodney Hubble, Resident Maintenance Engineer, Snow Hill Shop, MDOT SHA Mr. Tony Turner, Asst. Resident Maintenance Engineer, Snow Hill Shop, MDOT SHA

Mr. Daniel Wilson, D-1 Access Management Regional Engineer, MDOT SHA





## Worcester County

Department of Environmental Programs **Natural Resources Division** 

#### Memorandum

To:

**Technical Review Committee** 

From:

David Mathers, Natural Resources Planner (pm)



**Subject:** 

Forest Conservation & Stormwater Management Review

Date:

March 24, 2021

Date of Meeting:

April 14, 2021

**Project:** 

Sca Oaks Village RPC - Phase 2

Location:

Stephen Decatur Highway; Tax Map: 26; Parcel: 274

Owner/Developer:

Sea Oaks Village, LLC

Engineer:

Carpenter Engineering, LLC

This project is exempt from the Worcester County Forest Conservation Law per NR 1-403(b)(15). The area of forested non-tidal wetland, including any regulated buffer, is greater than or equal to the area of reforestation and afforestation required. The Forestry Calculation sheet and summary of approved non-tidal wetland impacts must be included on all plans and plats to ensure that all stages of the project support this exemption. Furthermore, a voluntary easement is recommended for all remaining forested non-tidal wetlands. If changes are made, and reforestation/afforestation requirements are greater than the area of remaining forested non-tidal wetlands, compliance with the Forest Conservation Law will be required.

This project is subject to the Worcester County Stormwater Ordinance. The project has obtained Stormwater Concept Plan approval. Site Development Plan approval must be received prior to this project being reviewed by the Planning Commission. All projects with a limits of disturbance (LOD) over one acre shall be required to file for a General Permit/Notice of Intent (NOI) for construction activity through Maryland Department of Environment. This is mandated through the Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES). Any permits to be issued by Worcester County for disturbance that exceeds one acre will not be issued without NOI authorization being obtained prior to.



LAND PRESERVATION PROGRAMS CHARLEMATER ASSAURCESSESSES SEDIMENT AND ENGSION CONTROL SHORELINE CONSTRUCTION AGRICULTURAL PRESERVATION ADMISSION BOARD

## **ENVIRONMENTAL PROGRAMS** Worcester County

GOVERNMENT CENTER ONE WEST MARKET STREET, ROOM 1906 **SNOW HILL, MARYLAND 21863** TEL:410.632,1220 / FAX: 410.632,2012

WELL & SEPTIC WATER & SEWER PLANNING SALE SAMES & GAS **CWITCAL AREAS** FOREST CONSERVATION COMMUNITY HYGIENE

#### **MEMORANDUM**

DATE:

March 11, 2020

TO:

**Applicant** 

FROM:

Jenelle Gerthoffer, Natural Resources Administrator

SUBJECT:

Stormwater/Sediment Erosion Control Plan/Permit

Please note, if a Stormwater plan is approved by this office and does not include phasing, the corresponding permit can only receive Stormwater Final approval once all improvements are completed and the entire site is stabilized. This includes properties which have multiple Building or Zoning permits associated with the Stormwater plans. If a Stormwater Bond is required per the permit, the bond will only be released once a Stormwater Final approval takes place.

Additionally, if pervious pavement (i.e. asphalt, concrete) is proposed as a Stormwater Best Management Practice (BMP), an engineer will be required to ensure that this BMP is installed per the approved plan and the correct sequence is detailed on approved plans. Furthermore, all site disturbance must be stabilized prior to beginning the BMP installation process to avoid any contamination or performance issues. If components of the BMP become contaminated. excavation may be required. A detail/schematic must be site specific and reflect how associated sub drains are connected to piping and also illustrate all material being used in subgrade when using this BMP.

If you have any questions, please feel free to contact the Natural Resources Administrator, Jenelle Gerthoffer, at (410) 632-1220, ext. 1147.



LAND PRESERVATION PROGRAM STORMWATER MANAGEMENT SECIMENT AND EROSION CONTROL SHORELINE COMMISSION ACRICULTURAL DRESERVATION ADVISORY BOARD

## Worcester County

**GOVERNMENT CENTER** ONE WEST MARKET STREET, ROOM 1306 SNOW HILL, MARYLAND 21863 TEL:410.632.1220 / FAX: 410.632.2012

WELL & SEPTIC WATER & SEWER PLANNING **PLUMBING & GAS** CRITICAL AREAS/FORESTRY COMMUNITY HYGIENE

#### **MEMORANDUM**

DATE:

March 24, 2021

TO:

Worcester County Technical Review Committee

FROM:

Joy S. Birch, Natural Resources Specialist III

RE:

April 14, 2021 - Technical Review Committee Meeting

Sea Oaks - Request for Concept Plan Approval for Establishment of the RPC Floating Zone of Phase II of Sea Oaks Village, consisting of 76 townhome units and ball courts, West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 27, Lot 3A, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood Commercial Districts. Sea Oaks Village, LLC, owner/ R.D. Hand & Associates, Inc., land planner / Carpenter Engineer, LLC, engineer.

Critical Area: According to the plan provided dated October 16, 2018 the property and project boundaries are not located within the Atlantic Coastal Bays Critical Area (ACBCA) program; therefore, we have no comments.

#### Storm Water Management & Erosion and Sediment Control:

Storm Water Management & Erosion and Sediment Control:

Final Storm water Approval has been obtained.

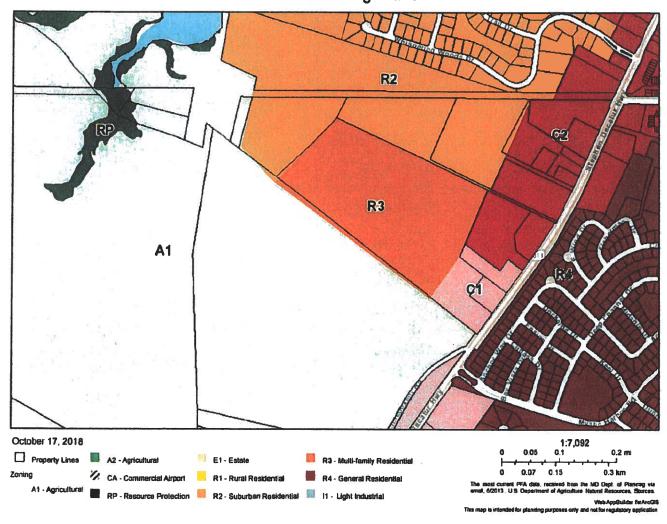
#### General Provisions:

- All Erosion and Sediment controls should comply with the 2011 Maryland Standards and Specifications for Erosion and Sediment Control.
- All Storm water Management practices shall be designed to meet the requirements of the 2007 Maryland Storm water Management Act.
- All projects over one (1) acre shall be required to file for a General Permit / Notice of Intent (NOI) for construction activity through Maryland Department of

Environment. This is mandated through the Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES). Any permits to be issued by Worcester County for disturbance that exceeds one acre will not be issued without NOI authorization being obtained prior to.

cc; File;
R. D. Hand & Associates, Inc.;
Jenelle Gerthoffer, NR Administrator;
David Bradford, NR Deputy Director.

## Sea Oaks Village RPC





DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING

#### Worcester County

ZOMMG DIVISION BUILDING DIVISION DATA RESEARCH DIVISION GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
YEL:410.632,1200 / FAX: 410.632,3008
http://www.co.worcester.ind.vs/degaturents/dro

ADMINISTRATIVE DIVISION
CLISTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

August 4, 2020

R.D. Hand & Associates, Inc. 12302 Collins Road Bishopville, MD 21813

Re: Sea Oaks Village Commercial - Proposed construction of a 12,000 square foot building for contractor shops and an 11,480 square foot retail building, Westerly side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential District and C-1 Neighborhood Commercial district (RPC Overlay Zone)

Dear Mr. Hand:

This is to confirm that the Worcester County Planning Commission, during its regular business meeting held on Thursday, December 5, 2019, reviewed the site plan for the above referenced project. Based upon its review, the Planning Commission granted site plan approval subject to addressing various comments. The Department reviewed a revised site plan and on behalf of the board, approves the site plan as revised.

This site plan approval shall expire twenty-four (24) months after the date of such approval, on December 5, 2021, unless building permits have been obtained for the construction in accordance herewith. The Department may grant a maximum of three extensions for up to twelve (12) months each based upon the criteria found in §ZS 1-325(g)(5). The extension application must be made at least sixty (60) days prior to the expiration of the site plan approval. The monitoring of the site plan approval period and the request for extensions is the sole responsibility of the property owner/developer, not the Department.

A copy of the approved site plan is enclosed for your records. The approval of this site plan does not constitute a building permit and does not authorize any construction or use of land as shown on the site plan. Once a building/use of land permit is obtained, Planning Commission approval shall authorize construction only in accordance with the approved site plan. Deviation from the approved site plan or

failure to abide by any above-referenced restrictions or conditions shall be considered a violation of the Zoning Code and may result in the issuance of civil infraction.

Upon satisfactory completion of the installation of all required improvements shown on the approved site plan, the developer shall submit to the Department two (2) copies of the completed as-built site plan. Such shall be submitted at least one (1) week prior to the anticipated occupancy of any building for the review and approval by the Department for conformity with the approved site plan and the ordinances and regulations of the County agencies and for verification that the as-built plan accurately represents actual improvements on the site. No building shall be occupied until all requirements and conditions of the site plan approval have been complied with or completion thereof bonded to the County Commissioners in accordance with bonding procedures as may be adopted from time to time by the County Commissioners or otherwise approved for occupancy by the County Planning Commission. Upon satisfactory completion of the required improvements and the submission of an asbuilt site plan, the Department shall furnish a certificate of approval to the developer covering all required improvements on the site.

Please do not hesitate to contact me with any questions you may have concerning this matter.

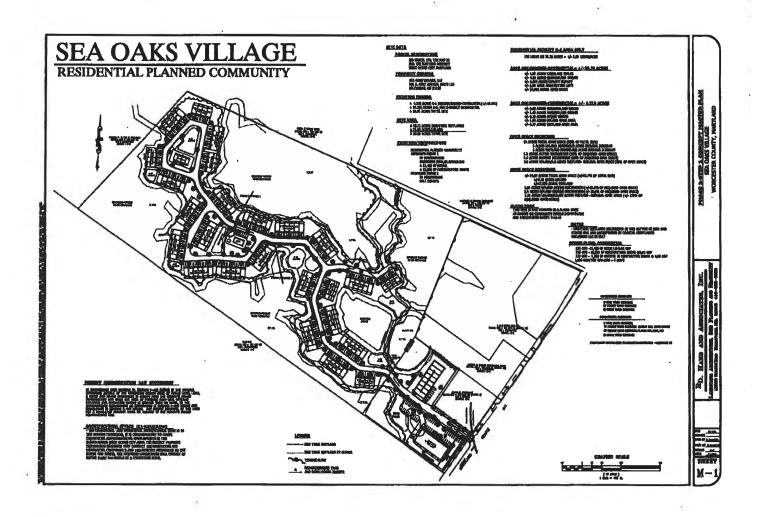
Sincerely.

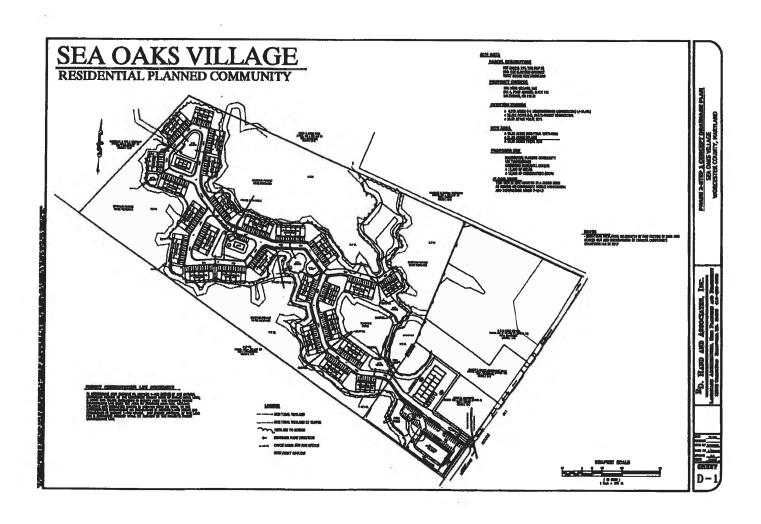
Jennifer K. Keener, AICP

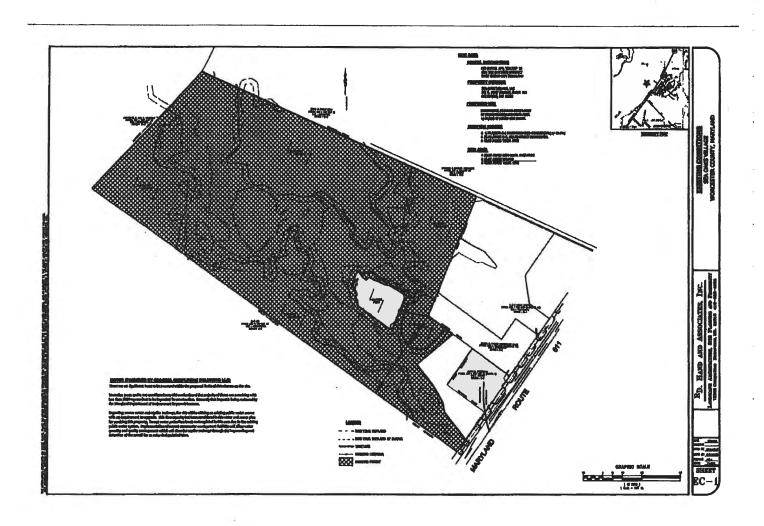
**Deputy Director** 

#### **Enclosure**

cc: Steve Murphy, owner
Carpenter Engineering, Inc.
Fisher Architecture, LLC
Hugh Cropper, IV, Esquire
file









#### 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: Weston S. Young, Chief Administrative Officer

DATE: September 15, 2021

RE: American Rescue Plan Act (ARPA) Work Session

As requested at the September 7, 2021 meeting, a work session will be held at the September 21, 2021 meeting to discuss the ARPA funding that Worcester County received. Previous correspondence is attached for reference.

ARPA, being federal funding, will require that the County follows all the federal guidelines in the disbursement of the funds. Unfortunately, we are still awaiting the Final Rule from the US Department of Treasury (Treasury), which is the critical guidance needed for compliance. What is known is that the larger counties over 250,000 residents have already been required to submit a Recovery Plan. In the Recovery Plan, the Treasury is asking for disclosure on use of funds by expenditure category, promoting equity, community engagement, goals, timeline, and intended outcome. This disclosure of community engagement and performance measures is much different than CARES, and it is highly recommended that we have a public hearing on ARPA funding prior to issuance of any funding.

To be prepared for required Treasury disclosures, we will need potential recipients of ARPA funds to submit a Project Narrative and a Budget Narrative. These narratives need to be specific to the amount of ARPA funds being requested and have quantifiable outcomes that can be tracked. It is also important to note that ARPA funds cannot be used as matching funds to another federal grant. There may be some exceptions to this, but as mentioned above, staff are still waiting for the Final Rule from Treasury to clarify this. Once staff has detailed project requests with goals and a budget we can present that to the public for comment.

Since the September 7, 2021 meeting, we have received a request from Choptank Electric/Choptank Fiber for \$3M of ARPA funding to provide fiber to homes in the County. Their request is also attached to this memo and they will be in attendance at the work session.

To discuss the Maryland Broadband Cooperative's request recommended by staff in the previous memo, representatives from the Cooperative will be present to answer questions.

In addition to the above recommendation to have a public hearing on use of ARPA funding, it may also be advantageous to wait until the end of the year to award funds, as by then we could potentially have the Final Rule from the Treasury, we should know the details of the proposed federal infrastructure package, and the status of the Rural Digital Opportunity Fund and National Telecommunications and Information Administration broadband grants applied for to benefit the County.

# ARPA Broadband Application Example ITEM 16

Applicant Name	Project Name
Federal Employer Identification Number	Amount of Grant Requested
Contact Name and Title	Grant Manager, If Different Than Primary Applicant
Amount of Matching Funds Pledged	Source of Matching Funds
Amount of iviationing Funds Fledged	Source of Matching Funds
Telephone Number	Type of Proposed Broadband Service (FTTH, Cable, DSL, Fixed Wireless)
Email Address	Type of Proposed Project (Last-mile, Middle-mile, backbone, other)
Brief Project Description	
Upon completion, will the project reliably meet or exceed 100 Mbps dowload and between at least 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical? Required by Iterim Final Rule, 31 CRF. (yes/no)	Timeline to Complete the Project
Maximum Proposed Download Transmission Speed	Maximum Proposed Upload Transmission Speed
Maximum Proposed Download Speed to Customer Location	Maximum Proposed Upload Speed to Customer Location

## **ITEM 16**

City, Town, and/or Community Served by This Project	List of the Broadband Service Providers, if Any, Currently Serving the Area Proposed
List of Current of Pending Boardband Projects, if Any, in the Area Proposed	Does proposed project provide access to unserved or underserved locations as defined as lacking access to a wireline connection capable of reliably delivering at least minimum speeds of 25 Mbps download and 3 Mbps upload. Require by Interim Final Rule, 31 CRF. (yes/no)
Expected Number of un/underserved Business Locations that will have access to the improved broadband service	Expected Number of un/underserved Residential Locations that will have acess to the improved broadband service

Please attach a budget narritive and additional details regarding the project costs and match. Include price estimates for any equipment the applicant intends to purchase. The applicant must show that the grant funds requested will be used for the sole purpose of implementing the proposed broadband project and service in the un/underserved areas covered by the application.

#### Weston S. Young

From: Valerie Connelly <valeriec@choptankelectric.coop>

Sent: Monday, September 13, 2021 11:52 AM

**To:** Weston S. Young

**Subject:** *EXTERNAL*:Worcester County ARPA grant

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

#### Weston -

With this email, Choptank Electric/Choptank Fiber would like to officially request \$3 million of the county ARPA grant allocation for the purpose of installing fiber-to-the-home broadband service to families in Worcester County. As you know, Choptank has considerable assets already on the ground in Worcester (including 142 miles of backbone fiber and 7 substations) and has pre-stocked fiber supplies at our warehouse in the region. We have an asset base, cash flow and line-of-credit that make us a dependable partner for broadband success. Choptank has been a reliable utility provider to the residents in the County for decades. We contribute hundreds of thousands of dollars annual to the local economy, including over \$635,000 annually in real estate and personal property tax. We want to work with you and the Commissioners to assure the same reliable broadband service to our unserved members throughout the county.

We plan to attend the Commission meeting on September 21st. We would appreciate the opportunity to discuss this request with the Commissoners at the formal session and/or during the work session to discuss ARPA financial support for broadband projects. If the work session occurs prior to the 21st, please let us know so that we can arrange to participate. Thank you.



#### Valerie T. Connelly

Vice President of Government Affairs & Public Relations Choptank Electric Cooperative D: (410) 479.8651

D: (410) 479.8651 C: (443) 690.2411

www.choptankelectric.coop











#### 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: Weston S. Young, Chief Administrative Officer

DATE: September 1, 2021

RE: ARPA Funding Follow-Up Discussion

At the July 6, 2021 Commissioners' meeting, we discussed how best to use the first half of the American Rescue Plan Act (ARPA) funds that we have received. A motion was made to use the funding for broadband installation throughout the county and to fund to our volunteer fire departments.

In the two months since that meeting, staff has completed more research as well as attended MACo and NACo events on these topics. As stated in the attached memo, this first of two funding allocations totals \$5,077,000. Of that, \$512,500 has been allocated to the Lewis Road Sewer project. The remaining \$4,564,500 is what staff would like direction on and has provided recommendations below.

#### **Funding Fire/EMS Departments**

In regards to funding the volunteer fire departments, ARPA has a provision called Aid to Nonprofit Organizations that would likely be the best avenue to meet the parameters of the law. Within that, the two directions to comply with ARPA that best fit the needs of the departments is through Economic Impact and Behavioral Health. We've reached out to the departments to obtain the amount of revenue loss they've experienced during the pandemic and are still reviewing that information. Further, there has been a request for funding for mental health resiliency training for Worcester County public safety personnel. The approximate cost of this training is \$60,000 and it would be voluntarily offered to all Worcester County first responders.

Staff recommends that the Commissioners fund the mental health resiliency training as well as set an amount per company that can be applied for to the County, pending appropriate receipts and reporting guidelines set by the US Treasury.

#### **Funding Broadband Fiber**

As noted in the attached ARPA memo dated June 30, 2021, we have two Internet Service Providers (ISPs) looking to install broadband throughout Worcester County. We also received a request for funding from the Maryland Broadband Cooperative (MBC), whose efforts and infrastructure benefit all parties, including our emergency communications. The approximate cost of the three MBC projects is \$820,000.

Of the two ISPs, Talkie Communications, Inc. (Talkie) has been aggressively pursuing grants and currently has the potential to bring in nearly \$26 million in grant monies towards our estimated \$52 million of need. However, until that grant money is awarded, Talkie is requesting that we provide ARPA funding to help expand their installation efforts faster and further.

#### **ITEM 16**

Staff recommends funding the full request of the MBC with the remaining funding going to Talkie for broadband in Commissioner-identified needed areas.

#### **Other Considerations**

In addition to the various projects included in the June 30 memo, we have received two additional requests since that time. The Sheriff's Office has submitted a request of \$324,401.25 to acquire an Armored Rescue Vehicle to provide protection to public safety personnel when dealing with mental health related incidents, among other benefits. Their justification is attached and, if approved, staff believes the Behavioral Health provision mentioned above could potentially be used to justify the expense. We have also heard from Economic Development that a few businesses could use more help due to economic impacts due to COVID. The extent of need has not been determined at this point.

We expect to receive the other half of ARPA funding in June of 2022.

TEL: 410-632-1194 FAX: 410-632-3131

E-MAIL: admin@co.worcester.md.us WEB: www.co.worcester.md.us



OFFICE OF THE

HAROLD L. HIGGINS, CPA CHIEF ADMINISTRATIVE OFFICER ROSCOE R. LESLIE COUNTY ATTORNEY

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DIANA PURNELL

COMMISSIONERS

Morcester County

ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

## **MEMORANDUM**

TO:

**Worcester County Commissioners** 

FROM:

Weston S. Young, Incoming Chief Administrative Officer

DATE:

June 30, 2021

RE:

American Rescue Plan Act of 2021 (ARPA) Funds

Earlier this month we received the first half of the ARPA funds directed to Worcester County, totaling \$5,077,000. The second half of the funding will be received in approximately a year from now. The deadline to spend all funds is December 31, 2024.

These funds may be utilized by the county only if it meets one of the following criteria:

- Respond to the public health emergency with respect to the COVID-19 or its negative economic impacts
- 2. Provide premium pay to eligible workers of the county
- 3. For the provision of government services to the extent of the reduction in revenue, or
- 4. Make necessary investments in water, sewer or broadband infrastructure.

Similarly, with the funds received through the Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES), we will have to file periodic reports and coordinate with our state and federal contacts on expenditures. We have currently fully expended all available CARES funding.

I believe it is prudent to discuss how we intend to allocate the first half of the ARPA funding. Each request, if granted, should be done so conditionally pending it is vetted through our state and federal contacts. Failure to comply with the provisions of the ARPA guidance will require the county to repay the U.S. Treasury.

We have had several conversations regarding the need for broadband throughout the county and efforts have been made by the Director of IT to identify and work with Internet Service Providers (ISPs) to accomplish this goal. While there are various factors that can impact costs of installing broadband (aerial versus underground with conduit, crossing railroads or waterbodies, right of way available, etc.), we've calculated a rough estimate that a mile of broadband will cost \$100,000. We have two ISPs openly interested in providing this service throughout our county and any funds dedicated to this effort will be

competitively distributed. We also have a specific request from Maryland Broadband Cooperative, detailed below, that is also a key part in our broadband effort.

To date, we have allocated \$512,500 at the June 15, 2021 Commissioners' Meeting to assist with the Lewis Road sewer expansion project. This leaves \$4,564,500 in the first half of our ARPA funds.

We have received the following requests for use of our ARPA funds:

#### **County Water and Sewer Projects**

Ocean Pines Sanitary Service Area (SSA) – Pines Plaza Commercial Area = \$150,000 (estimated)

Ocean Pines SSA – Gum Point Road Community = \$200,000

Ocean Pines SSA – St. Martins by the Bay = \$50,000 to \$100,000

Mystic Harbour SSA – Solids Handling Equipment = \$200,000

Pages 3-4

Mystic Harbour SSA – Design of Interconnection to Riddle Farm = \$50,000

Newark SSA – Water Tower Debt Paydown = \$300,000 (estimated)

#### **Maryland Broadband Cooperative**

Upgrade Berlin Point-of-Presence (POP) = \$240,000

Establish Network Diversity = \$340,000

Pages 5-6

Create a New POP in Worcester = \$240,000

#### **Worcester County Health Department**

Mental Health Clinic – Reduction in Revenue = \$464,667

Page 7

Dental Health Clinic – Reduction in Revenue = \$81,022

#### **Specific Fire Department Requests**

Ambulance for Showell = \$275,172

Rescue Boat for Stockton = \$35,000

Pages 8-9

#### **County Projects**

Jail HVAC Ventilation Project = \$5,000,000

Pages 10-15

Tyler Technology Online Permitting Program = \$557,375

I have included the requests that I have received as of the date of this memo. By only focusing on the first half of the ARPA funding we can address future issues in the coming year. As mentioned above, I suggest any requests granted are done so conditional on approval.

TABLE 1: ARPA WATER AND SEWER PROJECT LISTING

Project Number	Sanitary Service Area and/or Sub Area	Funding Specifics		
		Project Detail	Funding Request	
1	Landings – Lewis Road Community	Use of funds to pay down the USDA loan for the sewer connection project to assist the community with lower annual sewer O&M costs as a result of the provision of this debt relief.	\$500,000 Approved 6/15/21	
2	Landings – Lewis Road Community	One time only grant to existing community members with septics for assistance with sewer connection and septic closure costs	\$70,000 (could alternatively be from general fund) Approved 6/15/21	
3	Ocean Pines – Pines Plaza Commercial Area	Assistance with paydown of the remaining balance on the General Fund loan to help fund the extension to the subarea of public water and sewer.	\$150,000 (estimated)	
4	Ocean Pines – Gum Point Road Community	Assistance with paydown of the remaining balance on the General Fund loan to help fund the extension to the subarea of public sewer.	\$200,000	
5	Ocean Pines – St.  Martins By the Bay  Community	Assistance with the extension of public water to the community.	\$50,000 to 100,000 seed money for estm. \$780k project— provided community accepts USDA grant/loan package	
6	Mystic Harbour	Assistance with solids handling equipment upgrades – in FY 22-FY 26 CIP	\$200,000 assistance money – out of a \$3.2MM project cost estimate	
7	Mystic Harbour	Design engineering costs for interconnection of Mystic and Riddle Farm	\$50,000	

## **ITEM 16**

Project Number	Sanitary Service Area and/or Sub Area	Funding Specifics	
		Project Detail	Funding Request
		water systems to provide redundancy for all of the northern County water system to produce a shovel ready project for funding applications.	
8	Newark	Pay down the debt on the water tower loan to reduce operating expenses for the service area's water bills.	\$300,000 (estimated)

#### Weston S. Young

From:

**Brian Jones** 

Sent:

Monday, June 21, 2021 2:56 PM

To:

Weston S. Young

**Subject:** 

FW: *EXTERNAL*:Thanks for the Meeting

Weston,

I just got an updated request from Maryland Broadband COOP. The email is self-explanatory.

**Thanks** 

#### Brian K. Jones

Director

Worcester County Department of Information Technology



bjones@co.worcester.md.us Direct 410-632-9301 (W) 410-632-5610 X1522

From: Drew VanDopp <dvandopp@mdbc.us>

Sent: Monday, June 21, 2021 2:53 PM

To: Brian Jones <br/>
<br/>
Subject: *EXTERNAL*:Thanks for the Meeting

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

Brian,

Good afternoon. I wanted to thank you for taking the time to meet with me on Monday the 14th to discuss all the exciting things Maryland Broadband has going on in Worcester County. And, quite obviously, I appreciated your perspective on the transformational projects Worcester County has under review as well. It's an extraordinary time for broadband in the state of Maryland, but as we have for more than a decade, I am highly confident Maryland Broadband and Worcester County will continue to partner on projects that inure to the benefit of your communities and the fulfilment or our missions.

In case we want to revisit anything in the future, I thought I'd share my notes on the update I provided. Please feel free to add or edit as you see fit.

## **ITEM 16**

- 1. Cell Service Expansion: We've been carrying highspeed circuits filled with cell traffic out of Worcester County for almost ten years. I think we're up to 13 sites in Worcester County now from Pocomoke to Bishopville. However, what I think is great is the growth in capacity we're seeing. We started with 2 towers, for one cell carrier, at 50Mbs. Now we're carrying traffic for 3 cell carriers, a fourth is interested, and most of the towers have upgraded to 1Gig with plans to expand up to as much as 10Gig. That's 10Gig capacity at each tower. More on that later.
- 2. New RDOF Circuits: As you know, Talkie Communications has embarked on their builds in the County to support their responsibilities related to the FCC's RDOF program. Talkie is a member, and as the middle-mile transport network across the state, and one of the major fiber owners in the area, Maryland Broadband is working closely with Talkie on a network design to help them reach every corner of Worcester County.
- 3. Network Diversity: We are in conversations with DPL about completing a diverse fiber path through Delaware. Completing this project would insulate all of our services in Worcester County from fiber cuts that occur south of Cambridge.
- 4. Optical Network Upgrade: The demand for greater capacity is exploding, not just for cell services as I mentioned earlier, but for all of our transport products. We would like to upgrade our backhaul network equipment to meet these demands, and have a strategy for deploying 100Gig capabilities ubiquitously across the network. In Worcester County we want to upgrade our Point-of-Presence (POP) in Berlin, and depending on Talkie's growing needs, we may place a second POP in or near Pocomoke. As we upgrade our network, which could benefit every member ISP operating in Worcester County, there may be an opportunity for the County to assist. We're asking counties that have unobligated CARES ACT grant funds, if they could grant some small portion of those monies to us so that we can upgrade our equipment and capabilities supporting their county. If that is something you think the County might be interested in helping with allow me share some cost details.
  - i. Costs for equipment and service capability upgrades in each of our POPs is approximately \$240,000 per location. Therefore we would request grant funds of \$240,000 for the existing Berlin POP, and an additional \$240,000 for any new POPs in Pocomoke or elsewhere that may be requested as part of the Worcester County's overall plan with the service providers.
  - ii. Also, as mentioned in 3 above, we'd like to complete the goal of physical diversity off the shore for all services in Worcester County; including ISPs, Healthcare providers, NG-911 and Cell Service. We estimate this cost at \$340,000 to cover a new POP between Ocean City and Elkton, as well as a mile long fiber build.
  - iii. In sum our request for grant funds is as follows:

1. Upgrade Berlin POP \$240,000

Establish Diversity \$340,000 or \$580,000 in total
 New Worcester POP \$240,000 or \$820,000 in total

Again, it was great to talk with you. Let me know if there is anything you need me to do to help with this process.

Thanks you,

Drew

Drew Van Dopp President & CEO MDBC 410-341-MDBC(6322) 443-783-3983 m 410-341-6327 f

#### Weston S. Young

From: Rebecca Jones -MDH- <rjones@maryland.gov>

**Sent:** Friday, June 4, 2021 4:05 PM

**To:** Weston S. Young; Harold Higgins; Phil Thompson; Candace Savage; Kathy Whited

Cc: David Beach -MDH-

**Subject:** *EXTERNAL*:ARPA Request

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

Good Afternoon All-

Thank you for the opportunity to submit our ARPA funding request for consideration. Based on the review of our fee for service programs, our Mental Health Clinic and our Dental Clinic have been the most severely impacted during this past year due to COVID. We are projecting the following losses:

Mental Health Clinic: \$464,667

Dental Clinic: \$81,022

We are the largest Behavioral Health provider in the county offering services to children, youth and adults. Our Dental Clinic provides services to children and adolescents up to 21 years of age.

Please let me know if you have any additional questions.

Take care and I hope you have a great weekend!

#### Becky

__

Rebecca L. Jones RN, BSN, MSN Health Officer Worcester County Health Department 6040 Public Landing Road Snow Hill, Maryland 21863 Phone: 410-632-1100 ext. 1030

Fax: 410-632-1119

Email: rjones@maryland.gov

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**Term Proposal** February 5, 2021



**Jack Jackson** 144 Freedom Blvd Yorktown, VA 23692 (757) 234-7424

## **Showell Volunteer Fire Dompany, MD**

Freedom Financial is pleased to present the following term sheet. Lease-Purchase terms are for discussion purposes only and subject to acceptance of financial documentation and credit approval. Please note that rates are not locked and are subject to adjustment at time of transaction funding date. Lease-Purchase must qualify for Federal Income Tax Exempt status for the lessee.

Equipment:

(1) Dodge 5500 4X2 Road Rescue Ambulance

Unit Cost:

\$275,172

Down Payment:

\$0

Amount Financed:

\$275,172

Frequency of Payments: Annual

First Payment Due:

(1) Year after Loan Commencement

Term:

5 Years

7 Years

Payments:

\$61,741.65

\$45,931.05

Rate:

3.96%

4.05%

Freedom Financial is providing this information for discussion purposes only in anticipation of engaging in a commercial, arm's length transaction. Freedom Financial is not acting as a municipal advisor, financial advisor or fiduciary to any person or entity. Please consult with your own legal, accounting, tax, financial, and other advisors to the extent you deem appropriate.

#### Weston S. Young

From:

Charles Jerscheid <stocktonchief251@gmail.com>

Sent:

Tuesday, June 29, 2021 10:26 PM

To:

Weston S. Young

Cc:

Neil Payne"

**Subject:** 

*EXTERNAL*:Grant money

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

Weston the project is something we the Stockton vfc have had on back burner especially with the issues that have been presented over the last year

As you may be aware our rescue boat is a 1980 Boston whaler 16 ft it actually belonged to the greenbackville fire department. They gave it to us about 9 years ago because they didn't have the ability to run it and maintain it. We placed in service at that time as rescue boat 2.

We are 1 of 2 boats on the south end of the county. And actuality boat 2 and 4 are the only boats on trailers in the county.

As you know I reached out to state senator caroza to see about possible grants and or possibly of getting a older boat from DNR. We are looking to get a bit bigger vessel to accommodate and handle potential increase in calls and people associated with the river boat as well as our water area in the back bays.

We would be asking for \$35,000.00 dollars what ever we did not use we would return to the county to be redistributed. We also would upon purchase or recieving of a newer boat offer our current boat to the pocomoke fire department for them to have if they so wanted.

We would run and assist any agency within the county as well as our mutual aid areas.

Thank you for your assistance in this matter.

#### Weston S. Young

From:

Bill Bradshaw

Sent:

Tuesday, June 29, 2021 4:05 PM

To:

Weston S. Young

Subject:

**RE: ARPA Jail Ventilation** 

#### Weston:

The current estimate for the Phase 2 improvements for the jail is \$11.9 million from Gipe. This principally includes new Heating & Ventilating systems for the original housing units and work release areas, roof replacement (1980's vintage roof), HVAC for remaining corridors (majority were conditioned in phase 1), exterior steel coating, building HVAC controls, HVAC addition in the 2008 Multipurpose room and adjacent corridor, kitchen area door replacements, and smoke alarm systems replacements in affected areas.

Based on preliminary understanding of grant applicability for current COVID relief and recovery/infrastructure projects, ventilation improvements may be included. The work currently estimated includes \$5.0 to \$5.5 million in ventilation improvements for the housing units. This project would increase ventilation in the original housing units to current standards. This requires removal and replacement of ductwork, roof H&V equipment and associated equipment.

The current design and specifications are at 95% complete. We can structure the bids for breakout as needed but we will need to provide direction.

I hope this helps with your memo as the housing units H&V equipment is 40 years old. There is no space temperature control in the individual housing units. Please let me know if there are further questions.

Thanks.

From: Weston S. Young

Sent: Tuesday, June 29, 2021 2:08 PM

To: Bill Bradshaw <bbradshaw@co.worcester.md.us>

Subject: RE: ARPA Jail Ventilation

Thank you! I'm planning on working on the ARPA memo tonight, so this will be helpful.

From: Bill Bradshaw

Sent: Tuesday, June 29, 2021 2:01 PM

To: Weston S. Young < weston.young@co.worcester.md.us >

Subject: RE: ARPA Jail Ventilation

Yes I have a decent estimate from Gipe so we will break that out today. Thanks.

From: Weston S. Young < weston.young@co.worcester.md.us>

Sent: Tuesday, June 29, 2021 1:47 PM

To: Bill Bradshaw <br/>bbradshaw@co.worcester.md.us>

Subject: ARPA Jail Ventilation

Bill:



Quoted By:

**Steve Simmons** 

Date:

12/9/2020

Quote Expiration:

12/31/2020

Quote Name:

Worcester County - ERP - EnerGov

Quote Number:

2019-87840-2

Quote Description:

EnerGov

#### **Sales Quotation For**

Worcester County

1 W Market St

Snow Hill, MD 21863-1085

Phone +1 (410) 632-1194

SaaS			0	ne Time Fees	
Description	# Years	Annual Fee	Impl. Hours	Impl. Cost Data	a Conversion
Additional:					
EnerGov Advanced Automation Bundle	1	\$6,735.00	40	\$7,000.00	\$0.00
MyCivic Bundle (Limited Use)	1	\$8,250.00	40	\$7,000.00	\$0.00
	TOTAL:	\$14,985.00	80	\$14,000.00	\$0.00

#### **Tyler Software and Related Services**

Description	License	Impl. Hours	Impl. Cost	Data Conversion	Module Total	Year One Maintenance
Additional:						
EnerGov Citizen Self Service - Community Development	\$30,000.00	32	\$5,600.00	\$0.00	\$35,600.00	\$6,600.00
EnerGov Community Development Suite (30)	\$90,000.00	760	\$133,000.00	\$30,550.00	\$253,550.00	\$19,800.00
EnerGov Core Foundation Bundle	\$5,500.00	24	\$4,200.00	\$0.00	\$9,700.00	\$1,210.00
EnerGov e-Reviews	\$54,000.00	104	\$18,200.00	\$0.00	\$72,200.00	\$11,880.00
EnerGov iG Workforce Apps (10)	\$10,000.00	32	\$5,600.00	\$0.00	\$15,600.00	\$2,200.00
EnerGov Report Toolkit	\$5,000.00	0	\$0.00	\$0.00	\$5,000.00	\$1,100.00
EnerGov View Only License	\$699.00	0	\$0.00	\$0.00	\$699.00	\$1,54.00
Tyler 311/Incident Management	\$24,750.00	80	\$14,000.00	\$0.00	\$38,750.00	<b>16</b> - <b>1</b> / \$5,445.00

#### **Tyler Software and Related Services**

Description	License	Impl. Hours	Impl. Cost	Data Conversion	Module Total	Year One Maintenance
Tyler Content Manager SE - EnerGov Community Development - G	\$0.00	0	\$0.00	\$8,000.00	\$8,000.00	\$0.00
Tyler GIS (30)	\$15,000.00	0	\$0.00	\$0.00	\$15,000.00	\$3,300.00
Tyler System Management Services Contract	\$0.00	0	\$0.00	\$0.00	\$0.00	\$11,902.00
Sub-Total:	\$234,949.00		\$180,600.00	\$38,550.00	\$454,099.00	\$63,591.00
Less Discount:	<u>\$23,425.00</u>		<u>\$0.00</u>	\$0.00	\$23,425.00	<u>\$0.00</u>
TOTAL:	\$211,524.00	1032	\$180,600.00	\$38,550.00	\$430,674.00	\$63,591.00

#### **Other Services**

Description	Quantity	Unit Price	Unit Discount	Extended Price
EnerGov Community Development Forms Library (5 Forms)	1	\$8,925.00	\$0.00	\$8,925.00
Project Management	112	\$175.00	\$0.00	\$19,600.00
TCM Conversion - Implementation	32	\$175.00	\$0.00	\$5,600.00
TOTAL:				\$34,125.00

Summary	One Time Fees	<b>Recurring Fees</b>
Total Tyler Software	\$211,524.00	\$63,591.00
Total SaaS	\$0.00	\$14,985.00
Total Tyler Services	\$267,275.00	\$0.00
Total 3rd Party Hardware, Software and Services	\$0.00	\$0.00
Summary Total	\$478,799.00	\$78,576.00
Contract Total	\$557,375.00	

## **Detailed Breakdown of Conversions (included in Contract Total)**

Description	Uni	t Price	Unit Discount	Extended Price
EnerGov Community Development - Conversion	\$30,5	550.00	\$0.00	\$30,550.00
Tyler Content Manager SE - EnerGov Community Development	\$8,0	00.00	\$0.00	\$8,000.00
	TOTAL:			\$38,550.00

		O	ne Time Fees	
# Years	Annual Fee	Impl. Hours	Impl. Cost Dat	a Conversion
1	\$11,000.00	0	\$0.00	\$0.00
0	\$20,000.00	96	\$16,800.00	\$0.00
TOTAL:	\$31,000.00	96	\$16,800.00	\$0.00
	1	1 \$11,000.00 0 \$20,000.00	# Years Annual Fee Impl. Hours  1 \$11,000.00 0  0 \$20,000.00 96	1 \$11,000.00 0 \$0.00 0 \$20,000.00 96 \$16,800.00

#### **Optional Tyler Software & Related Services**

Description	License	Impl. Hours	Impl. Cost	Data Conversion	Module Total	Year One Maintenance
Additional:  Tyler Content Manager SE - EnerGov Business  Management - G	\$0.00	0	\$0.00	\$7,000.00	\$7,000.00	\$0.00
TOTAL:	\$0.00	0	\$0.00	\$7,000.00	\$7,000.00	\$0.00

#### **Optional Conversion Details (Prices Reflected Above)**

Description		Unit Price	Unit Discount	Extended Price
Tyler Content Manager SE - EnerGov	Business Management	\$7,000.00	\$0.00	\$7,000.00
		TOTAL:		\$7,000.00
	tract or amendment thereto, pricing for optional in the Effective Date of the contract, whichever is I			
Customer Approval:	Date:			
Print Name:	P.O. #:			
All primary values quoted in US Dollar	rs			

#### **Tyler Discount Detail**

Description	License	License Discount	License Net	Maintenance	Year One Maint	Year One Maint
				Basis	Discount	Net

Additional:

**Tyler Discount Detail** 

Description	License	License Discount	License Net	Maintenance Basis	Year One Maint Discount	Year One Maint Net
EnerGov Citizen Self Service - Community	\$30,000.00	\$3,000.00	\$27,000.00	\$6,600.00	\$0.00	\$6,600.00
Development						
EnerGov Community Development Suite (30)	\$90,000.00	\$9,000.00	\$81,000.00	\$19,800.00	\$0.00	\$19,800.00
EnerGov Core Foundation Bundle	\$5,500.00	\$550.00	\$4,950.00	\$1,210.00	\$0.00	\$1,210.00
EnerGov e-Reviews	\$54,000.00	\$5,400.00	\$48,600.00	\$11,880.00	\$0.00	\$11,880.00
EnerGov iG Workforce Apps (10)	\$10,000.00	\$1,000.00	\$9,000.00	\$2,200.00	\$0.00	\$2,200.00
EnerGov Report Toolkit	\$5,000.00	\$500.00	\$4,500.00	\$1,100.00	\$0.00	\$1,100.00
EnerGov View Only License	\$699.00	\$0.00	\$699.00	\$154.00	\$0.00	\$154.00
Tyler 311/Incident Management	\$24,750.00	\$2,475.00	\$22,275.00	\$5,445.00	\$0.00	\$5,445.00
Tyler GIS (30)	\$15,000.00	\$1,500.00	\$13,500.00	\$3,300.00	\$0.00	\$3,300.00
Tyler System Management Services Contract	\$0.00	\$0.00	\$0.00	\$11,902.00	\$0.00	\$11,902.00
TOTAL:	\$234,949.00	\$23,425.00	\$211,524.00	\$63,591.00	\$0.00	\$63,591.00

#### Weston S. Young

**From:** Richard Bowers <RBowers@oceancitymd.gov>

Sent: Tuesday, August 3, 2021 1:56 PM

To: Weston S. Young
Cc: 'David A Fitzgerald'

**Subject:** *EXTERNAL*:Worcester County Public Safety Fire Responder Behavioral Health Program

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

Good afternoon County Administrator Young,

As we discussed via email, I am requesting funding in the ARPA funds for mental health resiliency training for all Worcester County public safety personnel.

There is a provision within the ARPA legislation to specifically fund mental health education and training for public safety personnel.

The goal here is to reach all interested Worcester County public safety personnel with 3 hour sessions during the next three years. The educational and training sessions are optional and offered at no cost to any Worcester County public safety personnel.

I would like to share some statistics with you to paint the picture of where we are with the mental health of our first response personnel.

#### **Divorce Rates**

- The average rate of divorce for police officers is 14.47%
- Men in fire services average about 19.6% divorce rate where women are at 40%.
- Dispatchers have a divorce rate of 46.6%

## The majority of first responders have been exposed to trauma

- 46% have experienced anxiety
- 27% of first responders have been formally diagnosed with depression

### **Stress and Physical Impact**

- Occupational stress is considered one of the strongest factors in the development of hypertension, the significance of which is evident in the 75% prevalence rate of prehypertension and hypertension among first responders.
- "Police officers, firefighters and correctional officers have the highest rates of obesity of all professions"

1

#### **ITEM 16**

 According to the Wall Street Journal, 40.7% of police, firefighters and correctional officers are obese versus other jobs at 14.2%."

#### Sudden cardiac deaths

The 22 sudden cardiac deaths in 2019, with onset while the victim was on duty, mark the fourth consecutive year that the toll has been below 30, but they still account for the largest share of on-duty deaths. These are cases in which the onset of symptoms occurred while the victim was on duty and death occurred immediately or shortly thereafter.

#### **PTSD**

- 1 in 4 of active-duty and retired officers suffer from post-traumatic stress; but most don't even realize it.
- Approximately 7% to 37% of firefighters and paramedics meet criteria for PTSD.
- The rate of PTSD across telecommunicators is somewhere between 18 percent and 24 percent, as this percentage of individuals report enough symptoms of PTSD that they would likely receive a diagnosis if they were formally evaluated.

Characteristics of Police Officers who have committed suicide:

- Average age of officers dying by suicide was 42
- Average time on the job for officers dying by suicide was 16 years
- 15% 18% (150,000) of officers suffered from Post-Traumatic Stress
- 91% of suicides were by male officers
- 63% of officers dying by suicide were single

Total suicide for Police in 2021 is 84

Fire Fighter Suicide rates 2019 114 (I am looking for more current data for 2020/2021)

Bottom line is that we have a public safety personnel problem that needs to be addressed with education and training. Behind the Lines Training can provide educational and training to focus on building resiliency for our first responders. COVID has chipped away at our resiliency and Heather Brown LCSW can provide and deliver the needed training over the next three years.

Cost: 60,000 over three years (20,000 each year) Includes professional training presenters and social networking with refreshements. We would prorate the program for 2021 if we were to begin late fall early winter and carry into part of 2024 for the grant completion and delivery of the education and training. He cost would naturally fluctuate down if not all the forcasted public safety personnel attended the training. I estamiated about 1300 total plus or minus Worcester County Public Safety Personnel in the entire service.

Should there be a need for additional information or specifics, please let me know. This education and training is for all Worcester County Public Safety personnel – Career/Volunteer Fire/EMS, Sheriffs, Communications personnel.

Matthew Crisafulli Sheriff



Douglas Dods Chief Deputy

13 August 2021

Weston Young Assistant County Administrative Officer Worcester County Government Center Snow Hill, MD 21863

SUBJECT: Funding for Armored Rescue Vehicle

Mr. Young,

As you know, grants to assist with the purchase of the needed Armored Rescue Vehicle (ARV) have become elusive to find. Regardless, the need is still present. Public Safety in the County have experienced an increase in mental health related incidents, both violent and ones with a progression to violence, with and without weapons. The frequency of these incidents have dramatically increased during the COVID 19 Pandemic due to a number of various reasons.

Given the relationship described above, we are requesting the funding for the ARV be from American Rescue Plan Act (ARPA) funds assigned to Worcester County.

This purchase will enable the Public Safety organizations to safely help our residents who are in emotional crisis and are also in possession of weapons. It will also allow for the protection from physical harm to health care providers by just the presence of the ARV (if health provider requests it) and the safe extraction (and medical care if needed) of the health care provider.

I have attached the original memo to Ms. Whited for the ARV funding in FY22 operational budget for detailed justification.

Please feel free to contact me if additional discussion/data is needed.

Douglas A Dods

Colonel

Chief Deputy Sheriff

# "Proud to Protect, Ready to Serve"

Matthew Crisafulli Sheriff



Douglas A. Dods Chief Deputy

DATE: 02/23/2021 TO: Kathy Whited

CC:

FROM: Colonel D. Dods

**SUBJECT:** Request for funding to purchase Armored Rescue Vehicle for FY22

#### **REMARKS:**

The communities of Worcester County and the surrounding areas face a number of significant threats to their residents and critical infrastructure. These threats, such as terrorism, natural disasters, violent crime and mass shootings require our first responders to be constantly prepared for any critical incidents that may occur in the area. Major weather events in the area, such as Hurricane Sandy in 2012, which forced numerous evacuations in the county and caused extensive flooding and damage to the Ocean City beach front, show the severity of the threats facing the region.

To better help prepare for such incidents, the Worcester County Sheriff's Office sustains the highly trained Sheriff's Tactical Armed Response (STAR) Team to respond to all high risk critical call outs that occur within the county. In order for the team to effectively carry out our mission to protect the citizens and critical infrastructure of the region, we must have sufficient equipment to do the job. At this time, however, we lack access to a response vehicle capable of meeting our needs for responding to catastrophic incidents such as natural disasters and terrorist attacks, performing rescues in adverse conditions or for protecting the team and civilians from ballistic attacks. Though we have the training and experience to protect against, mitigate the effects of, respond to and recover from such events, we lack suitable equipment to sustain our capabilities to do so.

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Matthew Crisafulli Sheriff



Douglas A. Dods Chief Deputy

As the STAR team is responsible for responding to all incidents that exceed the capability of patrol within our jurisdiction, including terrorist attacks, hostage situations and mass shooting incidents, we hereby request \$324,401.25 in funding to purchase a tactical multipurpose Response and Rescue Vehicle.

This vehicle offers hardened walls and blast proof windows that protect passengers from the types of ballistic and projectile threats seen in recent terrorist attacks, allowing our team to deploy directly into hot zones to respond to ongoing emergencies. On top of this, the vehicle offers 4-wheel drive capability, run flat tires and the potential to reach highway speeds, helping us to respond to calls throughout our entire jurisdiction quickly in all road conditions. These capabilities will allow us to work off road when responding to calls in the many rural and remote areas of the county, while still allowing us to respond quickly to incidents taking place in more densely populated communities such as Snow Hill and Ocean City. The off-road capabilities, along with the vehicle's heightened ground clearance will enable us to maneuver over road debris in the aftermath of natural disasters such as hurricanes and flash floods and to navigate flood prone roadways along the Pocomoke River or the county's extensive coast line. The vehicle can carry up to 12 operators in full tactical gear and can fit up to 20 civilians in need of rescue or evacuation from violent incidents or natural disasters.

In addition to the vehicle's rugged body and durable tires, it also includes several other features that will help the team perform our duty. This Includes:

- 2 remote control spotlights that are capable of providing lighting in darkened areas and assisting us in search and rescue operations.
- A 14 foot hydraulic ram that can be attached to the front of the vehicle to allow officers to breach barricaded structures without exposing any personnel to potential gunfire.
- A Chemical Agent Resistant Coating (CARC) that will enable the vehicle to be decontaminated after exposure to hazardous materials, allowing it to be used in response to HazMat emergencies.

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Douglas A. Dods Chief Deputy

- An inside/outside intercom system will allow negotiators to communicate with armed suspects from the safety of the vehicle.
- An AC/DC power inverter that can provide life saving energy in the event of a terrorist attack on the energy grid or a loss of power resulting from a natural disaster.
- A high capacity winch will assist us in rescue situations and will allow us to remove obstacles from roadways to mitigate delays in response time.
- A 4 way camera can be attached to the hydraulic ram to penetrate barricaded structures. This will allow the team to see inside barricaded areas to make sure there is no threat to officers, suspects or hostages before attempting an entry.

In addition to protecting officers and civilians from ballistic attack, the Rescue and Response Vehicle will also increase our cooperative efforts with other area first responders, improving our ability to respond to terrorist attacks, natural disasters or other mass casualty events. With this vehicle, we will be able to provide better protection while EMS units attempt to treat the wounded in volatile areas. The vehicle's various features will also allow us to work with paramedics and area fire units in performing rescues in adverse conditions, such as during hurricanes when standard emergency response vehicles aren't able to deploy due to high winds, or in the storms aftermath when our fire trucks and ambulances aren't able to access affected areas due to flooding or debris.

Considering how many recent terrorist attacks in the United States have involved individuals carrying out mass shootings in crowded areas, the ability to utilize a vehicle capable of protecting officers and civilians from ballistic attacks could not be more important to Law Enforcement Terrorism Prevention (LETP) efforts. Additionally, the vehicle can also support LETP efforts by acting as a mobile means of target hardening. Due to its many protective features, the vehicle

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Douglas A. Dods Chief Deputy

can be used to protect outdoor events from the type of vehicle based attacks that have been seen both domestically and internationally over the past several years. As such terrorist incidents can be the work of either individual extremists or larger organizations, these LETP capabilities can be used to combat lone wolf attacks as well as to disrupt Complex Coordinated Terrorist Attacks (CCTAs).

The existing capabilities of the Worcester County Sheriff's Office support the goals we are hoping to achieve with the purchase of this equipment. STAR is a type II tactical unit that conducts 2 regular 10 hour training sessions per month as well as an annual 40 hour training session and quarterly active shooter training scenarios. The team consists of 14 tactical operators and includes a 3 man unit of marksmen. When needed the team deploys with a separate unit of tactical paramedics. Once received, this vehicle will be made available to all of the above listed personnel during tactical assignments.

STAR has jurisdiction throughout Worcester County, a 695 square mile region with 52,276 residents. This includes responding to all of the smaller communities and unincorporated areas of the county as well as most of the larger communities such as Snow Hill, a 3.41 square mile municipality with 4,866 residents. Through mutual aid agreement, the team responds jointly with the Ocean City SWAT Team to all calls that occur in that city (9.65 square miles with 6,944 residents) and can also be called on to respond to emergencies and support local tactical units in any of our neighboring counties.

There are numerous critical infrastructure points in and around Worcester County that this vehicle could protect from terrorist attacks or other threats. This includes:

• The Ocean City Municipal Airport is a 578 acre facility with 2 runways.

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Douglas A. Dods Chief Deputy

- The county has 17 schools, with 4 high schools, 4 middle schools, 5 elementary schools, 1 alternative school and 3 private schools.
- Atlantic General Hospital is a 45 bed facility with an ER and radiology equipment.
- The South Ocean City Boardwalk is a 2.25 mile long tourist destination.
- The Harry W. Kelley Memorial Bridge is a 4 lane draw bridge carrying 21,491 vehicles per day on US Route 50.
- The Assawoman Bay Bridge is a 2 lane bridge carrying 18,062 residents per day on MD Route 90.
- The county has numerous ocean front beaches that are major destinations and bring in over 8 million tourists each summer.
- Hardwire has a manufacturing facility in the county that produces ballistic shields and equipment.

STAR has been involved in numerous high risk call outs that show this jurisdiction's vulnerability. This includes a number of armed barricaded gunman and hostage situations that forced the team to approach isolated buildings and to engage in prolonged standoffs with armed individuals, such as a 2020 incident in which a suspect fired on one of our patrol officers before barricading in his home and engaging us in an 18 hour standoff, as well as annual issues with an unlicensed car rally that brings thousands of individuals into Ocean City and which required over 3,500 arrests during last year's event. Such events show the need for our area to obtain a rescue vehicle that offers protection from ballistic and explosive threats and 4 wheel drive capability in order to protect our operators and civilians during all incidents.

Ocean City suffers from a very high violent crime rate and the entire county lies in a region that is considered "High Risk for Flooding Damage" (AttomData 2018 U.S. Natural Disaster Housing Risk Report). Despite these facts, the only

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vehicle that STAR currently has access to when performing tactical operations is a standard box truck. While this vehicle does provide the team with space to transport men and equipment on call outs, it lacks any protection from ballistic or projectile attacks, increasing the risk of serious injury or death to operators and civilians during critical incidents. In addition, the vehicle lacks 4 wheel drive capabilities, preventing us from utilizing it on calls in remote and rural areas or from using it in response to natural disasters in the area and severely reducing its effectiveness as a rescue vehicle. Considering the recent terrorist attacks and mass shooting incidents in such places as Colorado Springs, San Bernardino, Orlando, Las Vegas and Parkland, this lack of capability fails to prepare our team to respond

to and protect our citizens from the type of serious threats that could face our county at any time.

With the acquisition of a new Rescue and Response Vehicle, STAR will be better equipped to handle calls throughout our jurisdiction and will have better protection to help prepare us for any type of attack that may occur within the region. With the safety provided by the trucks' hardened walls and windows we will be able enter hot zones to protect our officers, rescue civilians and increase the likelihood of a quick and positive resolution to incidents, while also being better prepared to assist our fellow first responders by performing rescues and evacuations and providing aid in the immediate aftermath of natural disasters in areas that may be inaccessible using standard equipment. There have been incidents that were resolved peacefully just by the presence of the vehicle.

To sustain the capabilities supporting this project, we will provide our team with regular training on this vehicle so that we can build and maintain a high level of proficiency. Our department will maintain the vehicle so that it remains in a constant state of operational readiness and we will use our own resources to provide regular upkeep so that the vehicle lasts its expected 10-15 years.

Multiple federal government agencies have complimented the effectiveness

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of this type of vehicle in responding to critical incidents. They affirm its capability to protect responding personnel and citizenry during HazMat and mass casualty incidents. Furthermore, these agencies and law enforcement agencies throughout the country currently use these vehicles as a key tool to prevent acts of terrorism. The Worcester County Sheriff's Office STAR Team needs this equipment so that we will be able to protect against, mitigate the effects of, respond to and recover from terrorism and natural disasters. This investment will increase integration among first responders allowing us to protect against the widest variety of hazards so that we can fulfill our duty to safeguard our immediate and surrounding communities.

Attached are photos of Delaware State Police ARV that was used to move personnel to a shoots fired call. Had this been the vehicle currently in use by the STAR Team, the driver, assistant drive and at least 1 member of the Team sitting behind the driver would have been seriously injured if not killed.

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#### Memorandum

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

From: Robert J. Mitchell, LEHS, REHS/RS

Director, Environmental Programs

Subject: Critical Area Bill

Local Legislation Comprehensively Updating and Combining the Atlantic

Coastal Bays and Chesapeake Bay Critical Area Ordinances

Date: September 13, 2021

Attached you will find a copy of the above referenced bill to complete the comprehensive update of our local Atlantic Coastal Bays and Chesapeake Bay Critical Area codes, which also involves the combination of the two programs into a single code. This legislation was prepared to update the code to reflect changes in state law since the ordinances were last comprehensively updated. This was also done to simplify the program for our citizens and contractors.

The attached memorandum from our Natural Resources Administrator, Jenelle Gerthoffer, details the path forward that we presented to the County Commissioners in their meeting on September 6, 2021. If the Commissioners intend to introduce this bill, we would recommend a two (2) month period for the bill to be reviewed by the public with public listening sessions held in the north and south of the county. The bill will be posted on the county website with a contact provided to allow for comments on the proposed legislation. Comments will be accepted via faxed, written, or email format. Staff will address each of these and summarize these for the Commissioner's review before the proposed hearing. This recommendation would place the hearing date within the November 2021 legislative meeting's agenda.

We have attached this hard copy bill in addition to a digital copy shared with County Administration and our County Attorney. We have also attached a road map for the legislation changes and a short powerpoint slide presentation for the Commissioner's review. A draft ad will be forwarded to County Administration for review. The bill's text has strike-and-replace for deletions and all additions of language are presented in caps.

As stated previously, the bill simply codifies the combination of our existing programs and provides updates in accordance with state law changes that are already enforced by staff. It does not address or include any additional regulations over and above that which we already must apply, or have agreed to in prior local amendments to this code. I would therefore respectfully recommend that the County Commissioners introduce this bill at their upcoming legislative session.

If you have any questions or need any additional information please let us know. Both myself and members of my staff will be available to discuss this matter with you and the County Commissioners at your convenience.

#### Attachments

cc: Roscoe Leslie

> David Bradford Jenelle Gerthoffer Katherine Munson



#### Memorandum

To:

Robert Mitchell, Director

From:

Jenelle Gerthoffer, Natural Resources Administrator (16)

**Subject:** 

Comprehensive Update of the Atlantic Coastal Bays and Chesapeake Bay Critical Area

Codes

Date:

**September 13, 2021** 

The Natural Resources Division has finished drafting the Comprehensive Update of the Worcester County Atlantic Coastal Bays and Chesapeake Bay Critical Area programs, which includes the combination of the two programs into a simplified code. This Comprehensive update has been reviewed by Worcester County Natural Resources and contracted reviewer, Worcester County Attorney (past and present), and the State Critical Area Commission. All changes made reflect what is currently enforced by the Department through the Code of Maryland Regulations (COMAR) and will reflect the Model Ordinance written by the State Critical Area Commission, with language adapted to blend with Worcester County's Code of Public Local Laws.

The Division introduced the Comprehensive update to the Planning Commission in February of 2021 and then again on September 2, 2021. At this point, the Department is requesting an introduction of the Bill at the September legislative session. After the introduction of the Bill, this Division recommends scheduling at least two workgroups, one in the Southern area and another in the Northern area of the County, for public inquiries and comments. The draft Bill will also be posted on the Department's website to provide for public comments to be forwarded online. Suggestions received at the public workgroups and online comments will be addressed individually by staff in a document that will be given to the County Commissioners in advance of the public hearing. We are suggesting a two month period before a public hearing on the Bill is held during the November 2021 legislative session. After approval from the Worcester County Commissioners, the Division is required to formally submit to the Critical Area Commission who will also hold a hearing on the update. Should you have any questions or concerns, please feel free to contact me.

cc: David Bradford, Deputy Director of Environmental Programs

Worcester County Critical Area Code Update

Roadmap for Changes and Updates- 9/13/2021

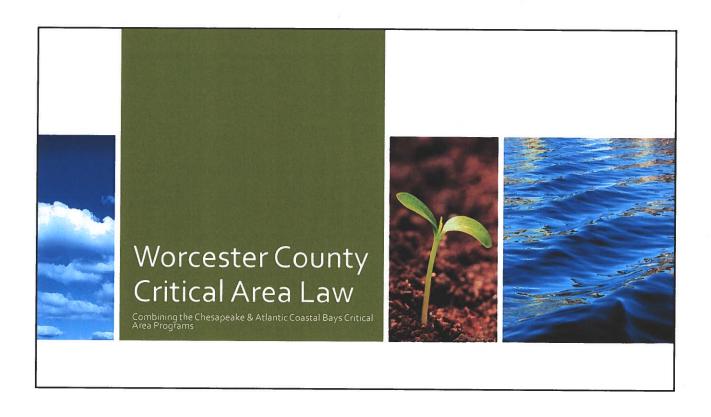
Code Section	Summary of Code Amendment and Justification Notes and Comments	omments
NR 3-101 Intent; Purpose; Findings; Severability	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations.	
NR 3-102 Definitions	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations (i.e. provide definition for lot coverage which took the place of the term impervious surface). Definition for "Special Events" added per text amendment.	
NR 3-103 Development in the Critical Area	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations	
NR 3-104 The Buffer	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations.	
NR 3-105 Grandfathered Uses Structures and Density	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections.	
NR 3-106 Intensely Developed Areas	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations.	
NR 3-107 Limited Development Areas	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations. Some language changes made to reflect new terminology (i.e. lot coverage vs impervious surface)	
NR 3-108 Resource Conservation Areas	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections.  Special Event text amendment language added.	
NR 3-109 Implementation of the Critical Area Provisions	Changes made to combine the Chesapeake and Atlantic Coast Bays sections and to update current State regulations.	
NR 3-110 Amendment and	Changes made to update current State regulations.	

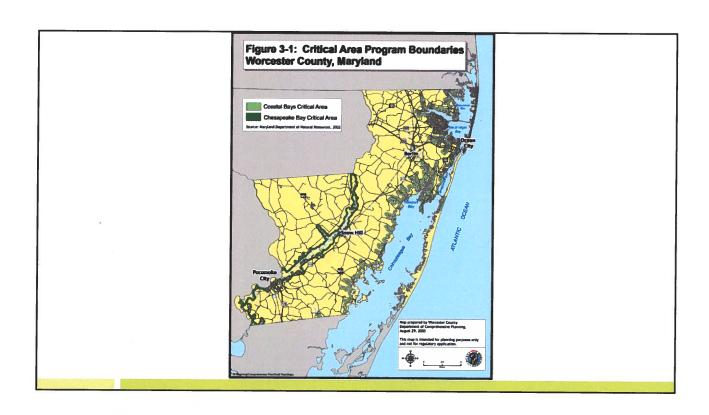
# Worcester County Critical Area Code Update

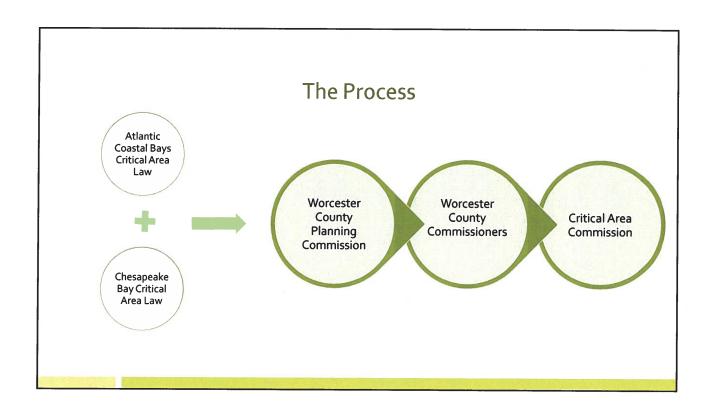
Refinements	
NR 3-111 Variances	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations, including After the Fact variance requests, per COMAR
NR 3-112 Growth Allocation	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations.
NR 3-113 Intrafamily Transfers	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections.
NR 3-114 Administration and Enforcement	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations. Unauthorized clearing section originally from NR 3-116(g) moved to this section as it makes more sense to be placed within the enforcement section.
NR 3-115 Cutting and Clearing of Trees/ Lot Consolidation and Reconfiguration	This section was entirely placed within NR 3-114, then Lot Consolidation and Reconfiguration section (from COMAR) was added to the Worcester County Code; therefore, the language in this section is completely new and added to update to current State regulations.
NR 3-116 Forest and Woodland Protection	Parts of this section were deleted because they are not in COMAR. Other parts of this section (g-Enforcement) were placed in NR 3-114 as it makes more sense to be placed within the enforcement section.
NR 3-117 Commercial Timber Harvesting	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations.
NR 3-118 Surface Mining	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations.
NR 3-119 Agriculture	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections.
NR 3-120 Habitat Protection	No changes.
NR 3-121 Threatened and Endangered Species and Species in Need of Conservation	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections. Removed section on Bald Eagles as they are no longer considered an endangered species.
NR 3-122	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections.

Worcester County Critical Area Code Update

Plant and Wildlife	Removed "wetlands" from section because this is now under the jurisdiction of
Habitat Protection	MDE.
Plan	
NR 3-123	Changes made to combine the Chesapeake and Atlantic Coastal Bays Sections
Anadromous Fish	and to update current State regulations.
Propagation Waters	
NR 3-124	Changes made to combine the Chesapeake and Atlantic Coastal Bays.
Water Dependent	
Facilities	
NR 3-125	No changes.
Individual Private	
Piers and Docks	
NR 3-126	This is a completely new section, taken from COMAR/State regulations.
Non-water Dependent	
Structures on Piers	
NR 3-127	This section was renumbered from NR 3-126. Changes made to combine the
Shore Erosion	Chesapeake and Atlantic Coastal Bays sections and to update current State
Protection Works	regulations.
NR 3-127 (old code	This section was removed because MDE now oversees all Non-Tidal Wetlands.
section)	
NR 3-128	This is a new section based on recent regulations passed by the Critical Area
Renewable Energy	Commission on April 1, 2021.
Generating Systems	

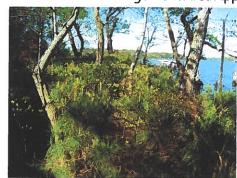






# The Buffer (NR 3-104)

- Include need for expanded Buffer within the RCA.
- Include Buffer Establishment, as already enforced, from the Model Code.
- Include Buffer Mitigation ratios, as already enforced, from the Model Code.
- Provide a reference to the Buffer Management Area Appendix.



# Lot Coverage (NR 3-107)

- The percentage of a total lot or parcel that is:
  - Occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway;
  - Or covered with a paver, walkway gravel, stone, shell, impermeable decking, a paver, permeable pavements, or other manmade material;
  - The ground area covered or occupied by a stairway or impervious deck.



## Variances (NR 3-111)

- Added language from the Model Ordinance for After-the-Fact variance request.
- Samples of recent ATF variance requests in 2020:
  - Request for an ATF patio and walkway in the IDA in a 15' BMA (Isle of Wight)→ this request was granted
  - Request for an ATF patio in the IDA in a 15'BMA (Ocean Pines) → this request was granted
  - Request for an ATF stone wall and patio in the LDA in a 100' Buffer (Bishopville)→ this
    request was granted



# Growth Allocation (NR 3-112)

- What is a Growth Allocation → A request to change a specific acreage of upland from a
  Resource Conservation Area (RCA) to a Limited Development Area (LDA) or to change a
  specific acreage of upland from Limited Development Area (LDA) to Intensely Developed
  Area (IDA)
- An applicant must meet specific requirements for a request (see NR 3-112(b)(1-8))
- When a growth allocation is proposed in the RCA, a 300 foot naturally vegetated buffer is required per COMAR (and this Code update)

Natural Resources

Planning County Critical Area Commission

Commi

## NR 3-120 to NR 3-123

- Significant Habitat Areas within the Chesapeake Bay Critical Are:
  - Pocomoke Sand Ridge
  - Poorhouse Branch
- Natural Heritage Areas within the Chesapeake Bay Critical Area:
  - Hickory Point Cypress Swamp
  - Lower Nassawango Creek
  - Mataponi



# Critical Area Map Update

- In 2008, legislation was passed and signed into law that required the State to work with local governments to update the Critical Area Maps.
- DNR must prepare a Statewide Base maps that includes a State determined shoreline, landward boundary of tidal wetlands, and the 1,000 foot Critical Area boundary, all of which is integrated into a GIS map.
- Process: Worcester County's mapping update was started in July of 2021.
- The State is working in conjunction with the Eastern Shore Regional GIS Cooperative (ESRGC), a local outreach entity of Salisbury University.

## The Critical Areas and the Comprehensive Plan

- Channel growth and development away from habitats of threatened and endangered species
- Continue to work with Coastal Bays Sensitive Areas task force and other initiatives aimed at identifying and protecting sensitive species
- Preserve and provide natural areas that are large and circular with a minimum dimension of 300 feet as a general rule for habitat protection
- Preserve existing and create forested riparian corridors

#### COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 21-

BY:

INTRODUCED:

#### A BILL ENTITLED

AN ACT Concerning

Natural Resources - Atlantic Coastal Bays WORCESTER COUNTY Critical Area LAW

For the purpose of repealing and reenacting AMENDING the Worcester County CHESAPEAKE AND Atlantic Coastal Bays Critical Area Law to amend this Resource Protection Program for UPDATE AND COMBINE the CHESAPEAKE AND Atlantic Coastal Bays and their tributaries to comply with State law.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND that Subtitle I - Coastal Bays Critical Area, of Title 3 - Land and Water Resources of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

#### Title 3

#### LAND AND WATER RESOURCES

# SUBTITLE I Atlantic Coastal Bays WORCESTER COUNTY Critical Area LAW

- § NR 3-101. Intent; purpose; findings; severability.
- (a) Intent. IN 1984, THE MARYLAND GENERAL ASSEMBLY PASSED THE CHESAPEAKE BAY CRITICAL AREA ACT IN RESPONSE TO GROWING CONCERN OVER THE DECLINE OF THE QUALITY AND PRODUCTIVITY OF THE WATERS OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES. In 2002 the Maryland General Assembly passed the Atlantic Coastal Bays Protection Act for the purpose of preserving, protecting, and improving the water quality and natural habitats of the Atlantic Coastal Bays and their tributaries. The Legislature has determined that the CHESAPEAKE AND Atlantic Coastal Bays require especially sensitive consideration with regard to development. It is the intent of the County Commissioners to establish a local Program to implement the requirements of the Act THESE ACTS.
  - (1) NOTWITHSTANDING ANY PROVISION IN THIS ORDINANCE, OR THE LACK OF A PROVISION IN THIS ORDINANCE, ALL OF THE REQUIREMENTS OF NATURAL RESOURCES ARTICLE 8-1801 THROUGH 8- 1817 AND COMAR TITLE 27 SHALL APPLY TO, AND BE APPLIED BY, [COUNTY] AS MINIMUM STANDARDS.
  - (2) IN THE CASE OF CONFLICTING PROVISIONS, THE STRONGER PROVISION APPLIES.

- (b) <u>Purpose.</u> It is the purpose of the County Commissioners in enacting this Subtitle:
  - (1) To establish a Resource Protection Program for the CHESAPEAKE AND Atlantic Coastal Bays and their tributaries by fostering more sensitive development activity for certain shoreline areas so as to minimize damage to water quality and natural habitats;
  - (2) To implement the Resource Protection Program; and
  - (3) To authorize, ordain, and impose a critical area protection program to provide for reasonable restrictions, reasonably enforced on properties in the Atlantic Coastal Bays Critical Area.
- (c) <u>Findings.</u> The County Commissioners find and declare that:
  - (1) The CHESAPEAKE AND Atlantic Coastal Bays and their tributaries are natural resources of great significance to the County;
  - (2) The shoreline and adjacent lands constitute a valuable, fragile, and sensitive part of this estuarine system, where human activity can have a particularly immediate and adverse impact on water quality and natural habitats;
  - (3) The capacity of these shoreline and adjacent lands to withstand continuing demands without further degradation to water quality and natural habitats is limited;
  - (4) Studies have documented that the quality and productivity of the waters of the CHESAPEAKE AND Atlantic Coastal Bays and their tributaries have declined due to the cumulative effects of human activity that have caused increased levels of pollutants, nutrients, and toxins in the bay systems and declines in more protective land uses such as forestland and agricultural land in the watershed.
  - Those portions of the Atlantic Coastal Bays and their tributaries within Maryland are particularly stressed by the continuing population growth and development activity concentrated in the Ocean City, West Ocean City, Ocean Pines, St. Martins Neck, South Point, and Maryland Route 611 Corridor areas. THOSE PORTIONS OF THE CHESAPEAKE BAY AND THEIR TRIBUTARIES WITHIN MARYLAND ARE PARTICULARLY STRESSED BY THE CONTINUING POPULATION GROWTH AND DEVELOPMENT ACTIVITY CONCENTRATED IN THE SNOW HILL, BERLIN, AND POCOMOKE AREAS;
  - (6) The quality of life for the citizens of Worcester County would be enhanced through the restoration of the quality and productivity of the waters of the CHESAPEAKE AND Atlantic Coastal Bays and their tributaries;
  - (7) The preservation of the CHESAPEAKE AND Atlantic Coastal Bays and their tributaries is dependent, in part, on minimizing further adverse impacts to the water quality and natural habitats of the shoreline and adjacent lands;
  - (8) The cumulative impact of current development practices is inimical to these purposes;
  - (9) It is in the County's interest for the benefit of current and future generations to foster

more sensitive development activity in a consistent and uniform manner along shoreline areas of the CHESAPEAKE AND Atlantic Coastal Bays and their tributaries so as to minimize damage to water quality and natural habitats; and

- (10) It is the public policy of the County Commissioners of Worcester County that, where possible, a setback of one hundred feet from the mean high water line of tidal waters, the edge of the bank of tributary streams, and the landward extent of tidal wetlands be provided on all lots and for all structures and other improvements created or erected after the effective date of this Subtitle. To that end it is hereby declared that any private restriction or covenant heretofore or hereinafter enacted which has the effect of precluding, impeding or encumbering the ability of the owner of a lot to maximize a yard setback on the waterfront and/or wetlands side of a lot in order to achieve the setback of one hundred feet or as much thereof that may be reasonable is hereby declared void as against public policy, provided zoning minimums are met.
- (11) Because of the limited distance between the headwaters of the watershed of the CHESAPEAKE AND Atlantic Coastal Bays and the Bays themselves, upstream activities have a direct impact on the quality and function of the water bodies of the Atlantic Coastal Bays Critical Area. Therefore, additional protections of certain areas beyond the limits of the Atlantic Coastal Bays Critical Area are necessary.
- (12) Existing State regulations do not require mitigation for impacts to nontidal wetlands and their associated buffers under all circumstances. Therefore, the County Commissioners find it advisable to provide for additional protection for impacts to nontidal wetlands and their buffers beyond the limits of the Atlantic Coastal Bays Critical Area but within the watershed of that Critical Area.
- (d) <u>Goals.</u> The goals of the Atlantic Coastal Bays Critical Area Law are to accomplish the following:
  - (1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or runoff from surrounding lands;
  - (2) Conserve fish, wildlife, and plant habitat; and
  - (3) Establish land use policies for development in the Atlantic Coastal Bays Critical Area, which accommodate growth as well as address the environmental impacts that the number, movement, and activities of people may have on the area.
- (e) <u>Citing.</u> This Subtitle may be cited as the "Worcester County <del>Atlantic Coastal Bays</del> Critical Area Law."
- (f) <u>Territory affected.</u> Within Worcester County, the <u>Atlantic Coastal Bays</u> Critical Area shall mean all lands and waters defined in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland, as from time to time amended. They include:
  - (1) All waters of and lands under the CHESAPEAKE AND Atlantic coastal bays and their tributaries to the head of tide as indicated by the more restrictive of either the State Wetlands Maps or the 1989 Maryland Department of Natural Resources—wetland maps and all state and private wetlands designated under Title 16 of the Environment Article, Annotated Code of Maryland, as from time to time amended, and including all land and water areas within one thousand feet beyond the landward boundaries of state or private wetlands and the heads of tides designated under Title 16 of the Environment Article, Annotated Code of Maryland, as from time to time amended. The boundaries of the

Atlantic Coastal Bays Critical Area and the limits of each of the land classification designations will be as shown on maps adopted by resolution of the County Commissioners after a duly advertised public hearing in accordance with the provisions of § ZS 1-114 of the Worcester County Zoning Ordinance and approved by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

- (2) Nontidal wetlands and their buffers beyond the limits established in subsection (f)(1) hereof only as provided for in § NR 3-127 of this Subtitle.
- (g) <u>REGULATED ACTIVITIES AND APPLICABILITY</u>. Except as provided herein, the requirements of this Subtitle shall not apply to: EXCEPT AS PROVIDED IN SUBSECTION (H) AND (I) THE PROVISIONS OF THIS ORDINANCE SHALL APPLY AS FOLLOWS:
  - (1) THE DEPARTMENT SHALL REVIEW A PERMIT OR LICENSE FOR A DEVELOPMENT OR REDEVELOPMENT ACTIVITY IN THE CRITICAL AREA FOR COMPLIANCE WITH THIS SUBTITLE PRIOR TO ISSUANCE OF THAT PERMIT OR LICENSE.
  - (2) DEVELOPMENT AND REDEVELOPMENT ACTIVITIES REVIEWED SHALL INCLUDE, BUT ARE NOT LIMITED TO, DEVELOPMENT OR REDEVELOPMENT, GRADING, SEDIMENT AND EROSION CONTROL, TIMBER HARVESTING, SHORELINE EROSION CONTROL, INSTALLATION OF A SEPTIC SYSTEM AND DRAIN FIELD, OPERATION OF A WASTE COLLECTION OR DISPOSAL FACILITY, OPERATION OF A COMMERCIAL OR PRIVATE MARINA OR OTHER WATER-RELATED COMMERCIAL OR INDUSTRIAL OPERATION (WHETHER PUBLIC OR PRIVATE), MINING (WHETHER SURFACE OR SUBSURFACE) OR QUARRYING, FARMING OR OTHER AGRICULTURE-RELATED ACTIVITIES SHALL HAVE SUCH PERMITS OR LICENSES ISSUED BY THE DEPARTMENT.
- (h) <u>APPLICABILITY EXCEPTIONS.</u> Except as provided herein, the requirements of this Subtitle shall not apply to THE FOLLOWING TYPES OF DEVELOPMENT IN THE ATLANTIC COASTAL BAYS:
  - (1) The initial development of a planned unit development or residential planned community for which the following were issued prior to June 1, 2002 and which is subdivided into recorded and legally buildable lots:
    - A. A valid Step III approval in accordance with the provisions of the Zoning and Subdivision Control Article and at least three of the following State permits:
      - i. Groundwater or surface water discharge permit.
      - ii. Nontidal wetlands permit.
      - iii. Water quality certification permit.
      - iv. Water appropriation permit.
    - B. Any planned unit development as described in subsection (hg)(1)(A) above

which includes an inland marina built after April 8, 2002 shall meet the following requirements, except for those dwelling units immediately adjacent to tidal waters of the inland marina:

- i. At least eighty-five percent (85%) of the dwelling units in the planned unit development shall comply with the 100-foot Buffer requirements contained herein; and
- ii. No dwelling unit may have a buffer of less than fifty feet from existing or proposed tidal waters, tidal wetlands or tributary streams.
- (2) A fairground or racetrack in an A-1 Agricultural District as defined by the Zoning and Subdivision Control Article which received special exception approval for that use prior to January 1, 2002 only for the purpose of making improvements consistent with said special exception.
- (3) The initial development of a Young Men's Christian Association (YMCA) facility located on property identified on the Atlantic Coastal Bays Critical Area Maps adopted pursuant to § NR 3-103(b) hereof provided that prior to July 1, 2003:
  - A. The property described in subsection (g)(3) above has been acquired by the YMCA; and
  - B. Three of the four following State permits has been issued to the YMCA:
    - i. Groundwater or surface water discharge permit.
    - ii. Nontidal wetlands permit.
    - iii. Water quality certification permit.
    - iv. Water appropriation permit.
- (h) (i) Applicability to pending approvals. The provisions of this subtitle shall not apply to the granting of an approval or activity pursuant thereto for the initial development of land pursuant to any approval listed herein as limited herein and strictly subject to the time limitations hereof.

	Approval	Date of approval/issuance (On or before)	Limitation
	§ ZS 1-325 site plan approval	Effective date of this subtitle (JUNE 1, 2002 IN THE ATLANTIC COASTAL BAYS CRITICAL AREA)	A building permit is issued and construction commenced as evidenced by the placement of the building foundation within six months of the date of adoption of this law. Growth allocation is deducted where necessary.
394	Building permit, zoning permit, shoreline construction,	Effective date of this subtitle (JUNE 1, 2002 IN THE	Notwithstanding the provisions of zs 1-115(g) if the work described in any permit as described in this subsection

application accepted for review	ATLANTIC COASTAL BAYS CRITICAL AREA)	has not begun within 6 months of the effective date of this law, such permit shall expire. Thereafter no work shall begin until the applicant has filed for and received a new permit which may only be issued in conformance with the requirements of this subtitle. For the purposes of this subsection the placement and approval of the building foundation shall be considered "beginning of construction".
Special exception by the Board of Zoning Appeals	Effective date of this law (JUNE 1, 2002 IN THE ATLANTIC COASTAL BAYS CRITICAL AREA)	A building permit is issued and construction commenced as evidenced by the placement of the building foundation within 12 months of the date of adoption of this law. Growth allocation is deducted where necessary.
Preliminary plat	JUNE 1, 2002 IN THE ATLANTIC COASTAL BAYS CRITICAL AREA	All provisions except density limitations shall apply. Plat recorded within one year from the date of adoption of this law. Growth allocation is deducted where necessary.

- (i) (j) <u>Underlying zoning</u>. This subtitle is supplemental and is applicable in addition to underlying zoning and land use provisions of this Code and other applicable land use laws and regulations. Where such provisions are in conflict with the provisions of this subtitle, the stricter provisions shall prevail, provided, however, that the minimum requirements of this subtitle must always be met even when a stricter standard is applicable.
- (i) (k) Severability. Should any section or provision of this Subtitle be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Subtitle as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

#### § NR 3-102. Definitions.

(a) <u>Applicability.</u> The following words have the following meanings for the purposes of implementing the CHESAPEAKE AND Atlantic Coastal Bays Critical Area Law but shall not be applicable to other portions of the Code of Public Local Laws of Worcester County, Maryland:

ABATEMENT - THE ACT OF PUTTING AN END TO A LAND ALTERATION OR DEVELOPMENT ACTIVITY OR REDUCING THE DEGREE OR INTENSITY OF THE ALTERATION OR ACTIVITY.

ACCESSORY STRUCTURE - A STRUCTURE THAT IS DETACHED FROM THE PRINCIPAL STRUCTURE, LOCATED ON THE SAME LOT AND CUSTOMARILY INCIDENTAL AND SUBORDINATE TO A PRINCIPAL STRUCTURE.

ADDITION -CONSTRUCTION THAT INCREASES THE SIZE OF A STRUCTURE.

AFFORESTATION - The establishment of a tree crop on an area from which it has always or very long been absent or the planting of open areas which are not presently in forest cover.

AGRICULTURE - All methods of production and management of livestock, crops, vegetation, and soil. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products.

AGRICULTURAL EASEMENT - A non-possessory interest in land which restricts the conversion of use of the land, preventing non-agricultural uses.

ANADROMOUS FISH - Fish that travel upstream (from their primary habitat in the ocean) to freshwater in order to spawn.

ANADROMOUS FISH PROPAGATION WATERS - Those streams that are tributary to the CHESAPEAKE AND Atlantic Coastal Bays where the spawning of anadromous species (e.g., rockfish or striped bass, yellow perch, white perch, shad, and river herring) occurs or has occurred.

AQUACULTURE - (a) Farming or culturing of finfish, shellfish, other aquatic plants or animals or both, in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments; (b) Activities include hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings, and growing areas; and (c) Cultivation methods include, but are not limited to, seed or larvae development and grow-out facilities, fish ponds, shellfish rafts, racks and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas. For the purpose of this definition, related activities such as wholesale and retail sales, processing, and product storage facilities are not considered aquacultural practices.

AREAS WITH SPECIES IN NEED OF CONSERVATION - Those areas where these species, as designated by the Secretary of the Department of Natural Resources, are found or have historically been found and their surrounding habitats.

AREAS OF THREATENED AND ENDANGERED SPECIES - Those areas where these species, as designated by the Secretary of the Department of Natural Resources, are found or have historically been found and their surrounding habitats.

ATLANTIC COASTAL BAYS - Means and includes the Assawoman Bay, Isle of Wight Bay, Sinepuxent Bay, Newport Bay, Chincoteague Bay, associated smaller bays forming parts thereof and other bodies of water between Assateague Island and Ocean City on the east and the mainland on the west and including their tidal tributaries.

ATLANTIC COASTAL BAYS CRITICAL AREA - All waters of and lands under the Atlantic Coastal Bays and their tributaries to the head of tide as indicated on the State Wetlands Maps and all State and private wetlands designated under Title 16 of the Environment Article, Annotated Code of Maryland, as from time to time amended, and including all land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 16 of the Environment Article, Annotated Code of Maryland, as from time to time amended.

BARREN LAND - Unmanaged land having sparse vegetation.

BAYSIDE MIXED USE DISTRICT - An area of existing large bayside parcels that are essentially undeveloped with permanent structures, suitable for large-scale mixed use development and offer the opportunity for well-planned, efficient, and diversified unified development and that received approval for the establishment of a residential planned community floating zone prior to June 1, 2002.

BEST MANAGEMENT PRACTICES (BMPs) - Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment. Agricultural BMPs include, but are not limited to, strip cropping, terracing, contour stripping, grass waterways, animal waste structures, ponds, minimal tillage, grass and naturally vegetated filter strips, and proper nutrient application measures.

BONA FIDE INTRAFAMILY TRANSFER - A transfer to a member of the owner's immediate family of a portion of the owner's property for the purpose of establishing a residence for that family member.

BUFFER - An existing, naturally vegetated area or an area established in native vegetation and managed to protect aquatic, wetland, shoreline, and terrestrial environments from manmade disturbances.

BUFFER - AN AREA THAT BASED ON CONDITIONS AT THE TIME OF DEVELOPMENT, IS IMMEDIATELY LANDWARD FROM MEAN HIGH WATER OF TIDAL WATERWAYS, THE EDGE OF BANK OF A TRIBUTARY STREAM, OR THE EDGE OF A TIDAL WETLAND; AND THE AREA EXISTS OR MAY BE ESTABLISHED IN, NATURAL VEGETATION TO PROTECT A STREAM, TIDAL WETLAND, TIDAL WATERS OR TERRESTRIAL ENVIRONMENTS FROM HUMAN DISTURBANCE. THE BUFFER INCLUDES AN AREA OF AT LEAST 100-FEET, EVEN IF THAT AREA WAS PREVIOUSLY DISTURBED BY HUMAN ACTIVITY, AND ALSO INCLUDES ANY EXPANSION FOR CONTIGUOUS AREAS, INCLUDING A STEEP SLOPE, HYDRIC SOIL, HIGHLY ERODIBLE SOIL, NONTIDAL WETLAND, OR A NONTIDAL WETLAND OF SPECIAL STATE CONCERN AS DEFINED IN COMAR 26.23.01.01.

BUFFER MANAGEMENT PLAN - A NARRATIVE, GRAPHIC DESCRIPTION, OR PLAN OF THE BUFFER THAT IS NECESSARY WHEN AN APPLICANT PROPOSES A DEVELOPMENT ACTIVITY THAT WILL AFFECT A PORTION OF THE BUFFER, AFFECT BUFFER VEGETATION, OR REQUIRE THE ESTABLISHMENT OF A PORTION OF THE BUFFER IN VEGETATION. BUFFER MANAGEMENT PLAN INCLUDES A MAJOR BUFFER MANAGEMENT PLAN, A MINOR BUFFER MANAGEMENT PLAN, OR A SIMPLIFIED BUFFER MANAGEMENT PLAN AS DESCRIBED IN WITH COMAR 27.01.09.01-3.

CANOPY TREE - A tree that, when mature, commonly reaches a height of at least 35 feet.

CLEARCUTTING - The removal of an entire stand of trees in one cutting with tree reproduction obtained by natural seeding from adjacent stands or from trees that were cut, from advanced regeneration or stump sprouts, or from the planting of seeds or seedlings by man.

CLUSTER DEVELOPMENT - A residential development in which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat or other open space uses on the remainder.

COLONIAL NESTING WATER BIRDS - Herons, egrets, terns, glossy ibis, and other such birds that for the purpose of nesting congregate (that is, "colonize") in a limited number of areas which can be susceptible to local disturbances.

COMAR - The Code of Maryland Regulations.

COMMERCIAL HARVESTING - A commercial operation that would alter the existing composition or profile, or both, of a forest, including all commercial cutting operations done by companies and private individuals for economic gain.

COMMISSION - The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

COMMISSIONERS - The County Commissioners of Worcester County.

COMMUNITY PIERS - Boat docking facilities associated with subdivisions or similar residential areas and with townhouse, condominium, apartment, and other multiple family dwelling units. Individual private piers are excluded from this definition.

COMPREHENSIVE or MASTER PLAN - A compilation of policy statements, goals, standards, maps and pertinent data relative to the past, present and future trends of the local jurisdiction including, but not limited to, its population, housing, economics, social patterns, land uses, water resources and their use, transportation facilities and public facilities prepared by or for the Planning Commission and County Commissioners.

CONSERVATION EASEMENT - A non-possessory interest in land which restricts the manner in which the land may be developed in an effort to preserve natural resources for future use.

CONSISTENT WITH - MEANS THAT A STANDARD OR FACTOR WILL FURTHER, AND NOT BE CONTRARY TO, THE FOLLOWING ITEMS IN THE COMPREHENSIVE PLAN:

- (1) POLICIES;
- (2) TIMING OF THE IMPLEMENTATION OF THE PLAN OF DEVELOPMENT AND REZONING;
- (3) DEVELOPMENT PATTERNS;
- (4) LAND USES; AND
- (5) DENSITIES OR INTENSITIES.

CONSOLIDATION - A COMBINATION OF ANY LEGAL PARCEL OF LAND OR RECORDED LEGALLY BUILDABLE LOTS INTO FEWER LOTS OR PARCELS THAN ORIGINALLY EXISTED. CONSOLIDATION INCLUDES ANY TERM USED BY THE COUNTY FOR A DEVELOPMENT APPLICATION THAT PROPOSES TO COMBINE LEGAL PARCELS OF LAND OR RECORDED, LEGALLY BUILDABLE LOTS INTO FEWER PARCELS OR LOTS THAN THE NUMBER THAT EXISTED BEFORE THE APPLICATION, A LOT LINE ABANDONMENT, A BOUNDARY LINE ADJUSTMENT, A REPLATTING REQUEST, AND A LOT LINE ADJUSTMENT.

COVER CROP - The establishment of a vegetative cover to protect soils from erosion and to restrict pollutants from entering the waterways. Cover crops can be dense, planted crops of grasses or legumes, or crop residues such as corn, wheat, or soybean stubble, which maximize

infiltration and prevent runoff from reaching erosive velocities.

CRITICAL AREA - MEANS ALL LANDS AND WATERS DEFINED IN §8-1807 OF THE NATURAL RESOURCES ARTICLE, ANNOTATED CODE OF MARYLAND. CRITICAL AREA INCLUDES:

- (1) ALL WATERS OF AND LANDS UNDER THE CHESAPEAKE BAY AND ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES TO THE HEAD OF TIDE;
- (2) ALL STATE AND PRIVATE WETLANDS DESIGNATED UNDER TITLE 16 OF THE NATURAL RESOURCES ARTICLE, ANNOTATED CODE OF MARYLAND;
- (3) ALL LAND AND WATER AREAS WITHIN 1,000 FEET BEYOND THE LANDWARD BOUNDARIES OF STATE OR PRIVATE WETLANDS AND THE HEADS OF TIDES DESIGNATED UNDER TITLE 16 OF THE NATURAL RESOURCES ARTICLE, ANNOTATED CODE OF MARYLAND; AND
- (4) MODIFICATION TO THESE AREAS THROUGH INCLUSIONS OR EXCLUSIONS PROPOSED BY LOCAL JURISDICTIONS AND APPROVED BY THE COMMISSION AS SPECIFIED IN §8-1807 OF THE NATURAL RESOURCES ARTICLE, ANNOTATED CODE OF MARYLAND.

CRITICAL HABITAT - Habitat necessary for the survival of threatened or endangered species or species in need of conservation.

DENSITY - The number of dwelling units within a defined and measurable area expressed in units per acre.

DEPARTMENT - The county department designated by the County Commissioners to administer and enforce this Title.

DEVELOPED WOODLANDS - AN AREA OF TREES OR OF TREES AND NATURAL VEGETATION THAT IS INTERSPERSED WITH RESIDENTIAL, COMMERCIAL, INDUSTRIAL OR RECREATIONAL DEVELOPMENT. Those areas of one acre or more in size which predominantly contain trees and natural vegetation and which also include residential, commercial, or industrial structures and uses.

DEVELOPER - A PERSON WHO UNDERTAKES DEVELOPMENT ACTIVITY AS DEFINED IN THIS ORDINANCE; OR A PERSON WHO UNDERTAKES DEVELOPMENT ACTIVITY AS DEFINED IN THE CRITERIA OF THE COMMISSION.

DEVELOPMENT - Any activity that materially affects the condition or use of dry land, land underwater, or any structure.

DEVELOPMENT ACTIVITIES - The construction or substantial alteration of residential, commercial, industrial, agricultural, institutional, or transportation facilities or structures.

DEVELOPMENT ENVELOPE - INCLUDES AN INDIVIDUALLY OWNED LOT, THE LOT COVERAGE ON THAT INDIVIDUALLY OWNED LOT, A ROAD, A UTILITY, A STORMWATER MANAGEMENT MEASURE, AN ONSITE SEWAGE DISPOSAL MEASURE, ANY AREA SUBJECT TO HUMAN USE SUCH AS AN ACTIVE

RECREATION AREA, ANY REQUIRED BUFFERS, AND ANY ADDITIONAL ACREAGE NECESSARY TO MEET THE REQUIREMENTS OF THIS TITLE.

DISTURBANCE - ANY ALTERATION OR CHANGE TO THE LAND, INCLUDING ANY AMOUNT OF CLEARING, GRADING, OR CONSTRUCTION ACTIVITY. DISTURBANCE DOES NOT INCLUDE GARDENING OR MAINTENANCE OF AN EXISTING GRASS LAWN.

DOCUMENTED BREEDING BIRD AREAS - Forested areas where the occurrence of interior dwelling birds, during the breeding season, has been demonstrated as a result of on-site surveys using standard biological survey techniques.

DWELLING UNIT — A single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. A dwelling unit may include living quarters for a domestic or other employee or tenant, an in-law or accessory apartment, a guest house, or a caretaker residence.

ECOSYSTEM - A more or less self-contained biological community together with the physical environment in which the community's organisms occur.

ENDANGERED SPECIES - Any species of fish, wildlife, or plants that have been designated as such by regulation by the Secretary of the Department of Natural Resources. Designation occurs when the continued existence of these species as viable components of the State's resources are determined to be in jeopardy. This includes any species determined to be an "endangered" species pursuant to the Federal Endangered Species Act, 16 USC §1531 et seq., as from time to time amended.

ESTABLISHMENT - THE PLANTING OR REGENERATION OF NATIVE VEGETATION THROUGHOUT THE BUFFER.

EXCESS STORMWATER RUN-OFF - All increases in stormwater resulting from:

- (1) An increase in the imperviousness of the site, including all additions to buildings, roads, driveways, and parking lots;
- (2) Changes in permeability caused by compaction during construction or modifications in contours, including the filling or drainage of small depression areas;
- (3) Alteration of drainageways, or regrading of slopes;
- (4) Destruction of forest or developed woodlands; or
- (5) Installation of collection systems to intercept street flows or to replace swales or other drainageways.

EXPANDED NONTIDAL WETLAND BUFFER - A regulated area one hundred feet in width surrounding a nontidal wetland, measured from the outer edge of a nontidal wetland, and established by the Maryland Department of the Environment as nontidal wetlands of special State concern.

FISHERIES ACTIVITIES - Commercial water-dependent fisheries facilities including structures for the packing, processing, canning, or freezing of finfish, crustaceans, mollusks, and

amphibians and reptiles and also including related activities such as product storage facilities, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquacultural operations but not including wholesale and retail sales.

FOREST - A BIOLOGICAL COMMUNITY DOMINATED BY TREES AND OTHER WOODY PLANTS COVERING A LAND AREA OF 10,000 SQUARE FEET OR GREATER. FOREST INCLUDES AREAS THAT HAVE AT LEAST 100 TREES PER ACRE WITH AT LEAST 50% OF THOSE TREES HAVING TWO-INCH OR GREATER DIAMETER AT 4.5 FEET ABOVE THE GROUND AND FOREST AREAS THAT HAVE BEEN CUT, BUT NOT CLEARED. FOREST DOES NOT INCLUDE ORCHARDS. A biological community dominated by trees and other woody plants covering a land area of one acre or more. This also includes forests that have been cut, but not cleared.

FOREST INTERIOR DWELLING BIRDS - Species of birds that require relatively large forested tracts in order to breed successfully, including but not limited to various species of flycatchers, warblers, vireos, and woodpeckers.

FOREST MANAGEMENT - The protection, manipulation, and utilization of the forest to provide multiple benefits, such as timber harvesting, water transpiration, wildlife habitat, etc.

FOREST PRACTICE - The alteration of the forest, either through tree removal or replacement, in order to improve the timber, wildlife, recreational, or water quality values.

FULLY ESTABLISHED - THE BUFFER CONTAINS AS MUCH DIVERSE, NATIVE VEGETATION AS NECESSARY TO SUPPORT A FIRM AND STABLE RIPARIAN HABITAT CAPABLE OF SELF-SUSTAINING GROWTH AND REGENERATION.

GRANDFATHERED PARCEL OR GRANDFATHERED LOT - MEANS A PARCEL OF LAND THAT WAS CREATED OR A LOT CREATED THROUGH THE SUBDIVISION PROCESS AND RECORDED AS A LEGALLY BUILDABLE LOT PRIOR TO DECEMBER 1, 1985, IN THE CHESAPEAKE BAY CRITICAL AREA AND JUNE 1, 2002, IN THE ATLANTIC COASTAL BAYS CRITICAL AREA.

GROWTH ALLOCATION - The number of acres of land in the Atlantic Coastal Bays Critical Area that a local jurisdiction may use to create new Intensely Developed Areas and Limited Development Areas.

GROWTH ALLOCATION ENVELOPE - ALL OF THE PROPOSED COMPONENTS OF A GROWTH ALLOCATION THAT ARE NECESSARY TO SERVE THE PROPOSED DEVELOPMENT, INCLUDING AN INDIVIDUALLY OWNED LOT, LOT COVERAGE, A ROAD, A UTILITY, A STORMWATER MANAGEMENT MEASURE, AN ON-SITE SEWAGE DISPOSAL MEASURE, AN ACTIVE RECREATION AREA, AND ADDITIONAL ACREAGE NEEDED TO MEET THE DEVELOPMENT REQUIREMENTS OF THE CRITICAL AREA CRITERIA.

HABITAT PROTECTION PLAN - A PLAN THAT PROVIDES FOR THE PROTECTION AND CONSERVATION OF THE SPECIES AND HABITATS IDENTIFIED AS HABITAT PROTECTION AREAS IN THE CRITICAL AREA. THE PLAN SHALL BE SPECIFIC TO THE SITE OR AREA WHERE THE SPECIES OR ITS HABITAT IS LOCATED AND SHALL ADDRESS ALL ASPECTS OF A PROPOSED DEVELOPMENT ACTIVITY THAT MAY AFFECT THE CONTINUED PRESENCE OF THE SPECIES. THESE INCLUDE BUT ARE NOT LIMITED TO, CUTTING, CLEARING, ALTERATIONS OF NATURAL HYDROLOGY, AND INCREASES IN LOT COVERAGE. IN DEVELOPING THE PLAN, AN APPLICANT SHALL COORDINATE WITH THE DEPARTMENT OF NATURAL RESOURCES TO ENSURE THAT THE PLAN IS ADEQUATE TO PROVIDE FOR LONG-TERM

CONSERVATION AND CAN BE EFFECTIVELY IMPLEMENTED ON THE SPECIFIC SITE.

HAZARDOUS TREE - A TREE WITH A STRUCTURAL DEFECT, SUCH AS A CRACK, CANKER, WEAK BRANCH UNION, DECAY, DEAD WOOD, ROOT DAMAGE, OR ROOT DISEASE, THAT DECREASES THE STRUCTURAL INTEGRITY OF THE TREE AND WHICH, BECAUSE OF ITS LOCATION, IS LIKELY TO FALL AND CAUSE PERSONAL INJURY OR PROPERTY DAMAGE, INCLUDING ACCELERATION OF SOIL EROSION; OR BASED ON ITS LOCATION IN THE LANDSCAPE, A HEALTHY TREE THAT, WITH CONTINUED NORMAL GROWTH, WILL DAMAGE AN EXISTING PERMANENT STRUCTURE OR SIGNIFICANTLY INCREASE THE LIKELIHOOD OF SOIL EROSION. "HAZARDOUS TREE" DOES NOT INCLUDE A TREE FOR WHICH THE LIKELIHOOD OF PERSONAL INJURY, PROPERTY DAMAGE, OR SOIL EROSION CAN REASONABLY BE ELIMINATED OR SIGNIFICANTLY DIMINISHED WITH ROUTINE AND PROPER ARBORICULTURAL PRACTICES, SUCH AS REGULAR WATERING, APPLICATION OF FERTILIZER OR MULCH, AND PRUNING; OR BY RELOCATION OF PROPERTY THAT IS LIKELY TO BE DAMAGED.

HIGHLY ERODIBLE SOILS - Those soils with a slope greater than fifteen percent (15%) or those soils with a K value greater than 0.35 and with slopes greater than five percent (5%).

HISTORIC WATERFOWL STAGING AND CONCENTRATION AREA - An area of open water and adjacent marshes where waterfowl gather during migration and throughout the winter season. These areas are historic in the sense that their location is common knowledge and because these areas have been used regularly during recent times.

HOME IMPROVEMENT - THE ADDITION TO OR ALTERATION, CONVERSION, IMPROVEMENT, MODERNIZATION, REMODELING, REPAIR, OR REPLACEMENT OF A BUILDING OR PART OF A BUILDING THAT IS USED OR DESIGNED TO BE USED AS A RESIDENCE OR DWELLING PLACE OR A STRUCTURE ADJACENT TO THAT BUILDING; OR AN IMPROVEMENT TO LAND ADJACENT TO THE BUILDING.

CONSTRUCTION, IMPROVEMENT, OR REPLACEMENT, ON LAND ADJACENT TO THE BUILDING, OF A DRIVEWAY, FALL-OUT SHELTER, FENCE, GARAGE, LANDSCAPING, DECK, PIER, PORCH, OR SWIMMING POOL; A SHORE EROSION CONTROL PROJECT, AS DEFINED UNDER § 8-1001 OF THE NATURAL RESOURCES ARTICLE, FOR A RESIDENTIAL PROPERTY; CONNECTION, INSTALLATION, OR REPLACEMENT, IN THE BUILDING OR STRUCTURE, OF A DISHWASHER, DISPOSAL, OR REFRIGERATOR WITH AN ICEMAKER TO EXISTING EXPOSED HOUSEHOLD PLUMBING LINES; INSTALLATION IN THE BUILDING OR STRUCTURE, OF AN AWNING, FIRE ALARM, OR STORM WINDOW; AND WORK DONE ON INDIVIDUAL CONDOMINIUM UNITS.

HYDRIC SOILS - Soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on or in those soils.

HYDROPHYTIC VEGETATION - Plants cited in "Vascular Plant Species Occurring in Maryland Wetlands" (Dawson, F. et al., 1985) which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in wet habitats).

INCLUDES - Includes or including by way of illustration and not by way of limitation.

INITIAL DEVELOPMENT - In a planned unit development or residential planned community, the original construction of those uses as originally contemplated on the Step I and Step II plans

which require approval of a § ZS 1-325 site plan in accordance with the Worcester County Zoning Ordinance and subsequently shown on such approved § ZS 1-325 site plan or for single-family residential structures, the residential structure itself as originally approved and not including any uses or structures accessory to the residential structure, unless authorized by a building or zoning permit in conjunction with the original residential structure.

IMMEDIATE FAMILY - A father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter.

IN-KIND REPLACEMENT - THE REMOVAL OF A STRUCTURE AND THE CONSTRUCTION OF ANOTHER STRUCTURE THAT IS SMALLER THAN OR IDENTICAL TO THE ORIGINAL STRUCTURE IN USE, FOOTPRINT AREA, WIDTH, AND LENGTH.

INTENSELY DEVELOPED AREA (IDA)- AN AREA OF AT LEAST TWENTY (20) ACRES OR THE ENTIRE UPLAND PORTION OF THE CRITICAL AREA WITHIN A MUNICIPAL CORPORATION, WHICHEVER IS LESS, WHERE: RESIDENTIAL, COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL DEVELOPED LAND USES PREDOMINATE; AND A RELATIVELY SMALL AMOUNT OF NATURAL HABITAT OCCURS. THESE AREAS INCLUDE AN AREA WITH A HOUSING DENSITY OF AT LEAST FOUR (4) DWELLING UNITS PER ACRE; AN AREA WITH PUBLIC WATER AND SEWER SYSTEMS WITH A HOUSING DENSITY OF MORE THAN THREE (3) DWELLING UNITS PER ACRE.

INTRAFAMILY TRANSFER - the subdivision of a parcel of land for the purpose of transferring title to an immediate family member that would otherwise not be allowed by the density limitations of the resource conservation area.

INVASIVE SPECIES - A TYPE OF PLANT THAT IS NON-NATIVE TO THE ECOSYSTEM UNDER CONSIDERATION AND WHOSE INTRODUCTION CAUSES, OR IS LIKELY TO CAUSE, ECONOMIC OR ENVIRONMENTAL HARM OR HARM TO HUMAN HEALTH.

K VALUE - The soil erodibility factor in the Universal Soil Loss Equation. It is a value that has been experimentally determined.

LAND-BASED AQUACULTURE - The raising of fish or shellfish in any natural or man-made, enclosed, or impounded water body.

LAND CLASSIFICATION AREA - The designation of land in the Atlantic Coastal Bays Critical Area in accordance with the criteria adopted by the County Commissioners as an intensely developed area or district, a limited development area or district, or a resource conservation area or district.

LAND CLEARING - Any activity that removes the vegetative ground cover.

LANDWARD EDGE - THE LIMIT OF A SITE FEATURE THAT IS FARTHEST AWAY FROM A TIDAL WATER, TIDAL WETLAND, OR TRIBUTARY STREAM.

LARGE SHRUB - A SHRUB THAT, WHEN MATURE, REACHES A HEIGHT OF AT LEAST SIX (6) FEET.

LEGALLY DEVELOPED - ALL PHYSICAL IMPROVEMENTS TO A PROPERTY THAT EXISTED BEFORE CRITICAL AREA COMMISSION APPROVAL OF A LOCAL PROGRAM, OR WERE PROPERLY PERMITTED IN ACCORDANCE WITH THE PROVISIONS OF THE WORCESTER COUNTY CRITICAL AREA PROGRAMS IN EFFECT AT THE TIME OF CONSTRUCTION.

LIMIT OF DISTURBANCE - THE AREA OF A DEVELOPMENT OR REDEVELOPMENT ACTIVITY THAT INCLUDES TEMPORARY DISTURBANCE AND PERMANENT DISTURBANCE.

LIMITED DEVELOPMENT AREA (LDA) - AN AREA: WITH A HOUSING DENSITY RANGING FROM ONE DWELLING UNIT PER FIVE (5) ACRES UP TO FOUR (4) DWELLING UNITS PER ACRE; WITH A PUBLIC WATER OR SEWER SYSTEM; THAT IS NOT DOMINATED BY AGRICULTURAL LAND, WETLAND, FORESTS, BARREN LAND, SURFACE WATER, OR OPEN SPACE; OR THAT IS LESS THAN TWENTY (20) ACRES AND OTHERWISE QUALIFIES AS AN INTENSELY DEVELOPED AREA UNDER THE DEFINITION IN THIS CHAPTER.

LIVING SHORELINE - A SUITE OF STABILIZATION AND EROSION CONTROL MEASURES THAT PRESERVE THE NATURAL SHORELINE AND ARE DESIGNED TO MINIMIZE SHORELINE EROSION, MAINTAIN COASTAL PROCESS, AND PROVIDE AQUATIC HABITAT. MEASURES MUST INCLUDE MARSH PLANTINGS AND MAY INCLUDE THE USE OF SILLS, SAND CONTAINMENT STRUCTURES, BREAKWATERS, OR OTHER NATURAL COMPONENTS.

LOCAL SIGNIFICANCE - DEVELOPMENT OF A MINOR SCALE, WHICH CAUSES ENVIRONMENTAL OR ECONOMIC CONSEQUENCES THAT ARE LARGELY CONFINED TO THE IMMEDIATE AREA OF THE PARCEL OF LAND ON WHICH IT IS LOCATED; DOES NOT SUBSTANTIALLY AFFECT THE CRITICAL AREA PROGRAM OF THE COUNTY; AND IS NOT CONSIDERED TO BE MAJOR DEVELOPMENT AS DEFINED IN THIS TITLE.

LOT COVERAGE - THE PERCENTAGE OF A TOTAL LOT OR PARCEL THAT IS: OCCUPIED BY A STRUCTURE, ACCESSORY STRUCTURE, PARKING AREA, DRIVEWAY, WALKWAY, OR ROADWAY; OR COVERED WITH A PAVER, WALKWAY GRAVEL, STONE, SHELL, IMPERMEABLE DECKING, A PAVER, PERMEABLE PAVEMENT, OR OTHER ANY MANMADE MATERIAL. LOT COVERAGE INCLUDES THE GROUND AREA COVERED OR OCCUPIED BY A STAIRWAY OR IMPERMEABLE DECK, BUT DOES NOT INCLUDE: A FENCE OR WALL THAT IS LESS THAN ONE FOOT IN WIDTH THAT HAS NOT BEEN CONSTRUCTED WITH A FOOTER; A WALKWAY IN THE BUFFER OR EXPANDED BUFFER, INCLUDING A STAIRWAY, THAT PROVIDES DIRECT ACCESS TO A COMMUNITY OR PRIVATE PIER; A WOOD MULCH PATHWAY; OR A DECK WITH GAPS TO ALLOW WATER TO PASS FREELY.

MAJOR DEVELOPMENT - DEVELOPMENT OF A SCALE THAT MAY CAUSE STATE-WIDE, REGIONAL, OR INTER-JURISDICTIONAL, ENVIRONMENTAL OR ECONOMIC EFFECTS IN THE CRITICAL AREA, OR WHICH MAY CAUSE SUBSTANTIAL IMPACTS ON THE CRITICAL AREA PROGRAM OF A LOCAL JURISDICTION. THIS DEVELOPMENT INCLUDES, BUT IS NOT LIMITED TO, AIRPORTS, POWER PLANTS, WASTEWATER TREATMENT PLANTS, HIGHWAYS, REGIONAL UTILITY TRANSMISSION FACILITIES, PRISONS, HOSPITALS, PUBLIC HOUSING PROJECTS, PUBLIC BEACHES, AND INTENSELY DEVELOPED PARK AND RECREATION FACILITIES.

MARINA - Any facility for the mooring, berthing, storing, or securing of watercraft, but not including community piers, piers serving single-family dwellings, and other non-commercial boat docking and storage facilities.

MATURE TREE - A large woody plant having one or several self-supporting stems or trunks and numerous branches that reach a height of at least twenty feet at maturity.

MEAN HIGH WATER LINE (MHWL) - The average level of high tides at a given location.

MITIGATION - Creation, restoration, or enhancement of forest or other plant communities that were or will be lost due to regulated activities.

MODIFIED BUFFER AREA (MBA) - AN AREA OFFICIALLY MAPPED BY THE COUNTY AND APPROVED BY THE CRITICAL AREA COMMISSION AS A MODIFIED BUFFER AREA, WHERE IT HAS BEEN SUFFICIENTLY DEMONSTRATED THAT THE EXISTING PATTERN OF RESIDENTIAL, INDUSTRIAL, COMMERCIAL, INSTITUTIONAL, OR RECREATIONAL DEVELOPMENT PREVENTS THE BUFFER FROM FULFILLING ITS WATER QUALITY AND HABITAT FUNCTIONS, AND WHERE DEVELOPMENT IN ACCORDANCE WITH SPECIFIC BMA PROVISIONS CAN BE PERMITTED IN THE BUFFER WITHOUT A VARIANCE.

NATURAL FEATURES - Components and processes present in or produced by nature, including, but not limited to, soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, flood plains, aquatic life, and wildlife.

NATURAL FOREST VEGETATION - VEGETATION CONSISTING OF CANOPY TREES, UNDERSTORY TREES, SHRUBS, AND HERBACEOUS PLANTS THAT ARE TYPICALLY FOUND IN RIPARIAN AREAS IN THE STATE OF MARYLAND. AREAS OF NATURAL FOREST VEGETATION PLANTED TO MEET THE MITIGATION REQUIREMENTS IN THIS ORDINANCE SHALL RESEMBLE THE STRUCTURE AND SPECIES COMPOSITION OF NATURAL FORESTS.

NATURAL HERITAGE AREA - Any community of plants or animals which is considered to be among the best Statewide examples of its kind and is designated by regulation by the Secretary of the Department of Natural Resources.

NATURAL VEGETATION - Those plant communities that develop in the absence of human activities.

NATURE DOMINATED - A condition where landforms or biological communities, or both, have developed by natural processes in the absence of human activities.

NEW DEVELOPMENT - THAT FOR PURPOSES OF IMPLEMENTING SPECIFIC PROVISIONS OF THIS SUBTITLE, NEW DEVELOPMENTS (AS OPPOSED TO REDEVELOPMENT) MEANS A DEVELOPMENT ACTIVITY THAT TAKES PLACE ON A PROPERTY WITH PRE-DEVELOPMENT IMPERVIOUSNESS (IN IDA) OR LOT COVERAGE (LDA AND RCA) OF LESS THAN 15 PERCENT AS OF DECEMBER 1, 1985 IN THE CHESAPEAKE BAY CRITICAL AREA AND JUNE 1, 2002 IN THE ATLANTIC COASTAL BAYS CRITICAL AREA.

NON-WATER DEPENDENT PROJECT - A TEMPORARY OR PERMANENT STRUCTURE THAT, BY REASON OF ITS INTRINSIC NATURE, USE, OR OPERATION, DOES NOT REQUIRE LOCATION IN, ON, OR OVER STATE OR PRIVATE WETLANDS.

- (1) NON-WATER DEPENDENT INCLUDES:
  - A. A DWELLING UNIT ON A PIER;
  - B. A RESTAURANT, A SHOP, AN OFFICE, OR ANY OTHER COMMERCIAL BUILDING OR USE ON A PIER;

- C. A TEMPORARY OR PERMANENT ROOF OR COVERING ON A PIER;
- D. A PIER USED TO SUPPORT A NON-WATER-DEPENDENT USE; AND
- E. A SMALL–SCALE RENEWABLE ENERGY SYSTEM ON A PIER, INCLUDING:
  - I. A SOLAR ENERGY SYSTEM AND ITS PHOTOVOLTAIC CELLS, SOLAR PANELS, OR OTHER NECESSARY EQUIPMENT;
  - II. A GEOTHERMAL ENERGY SYSTEM AND ITS GEOTHERMAL HEAT EXCHANGER OR OTHER NECESSARY EQUIPMENT; AND
  - III. A WIND ENERGY SYSTEM AND ITS WIND TURBINE, TOWER, BASE, OR OTHER NECESSARY EQUIPMENT.
- (2) A NON-WATER DEPENDENT PROJECT DOES NOT INCLUDE:
  - A. A FUEL PUMP OR OTHER FUEL–DISPENSING EQUIPMENT ON A PIER;
  - B. A SANITARY SEWAGE PUMP OR OTHER WASTEWATER REMOVAL EQUIPMENT ON A PIER; OR
  - C. AN OFFICE ON A PIER FOR MANAGING MARINA OPERATIONS, INCLUDING MONITORING VESSEL TRAFFIC, REGISTERING VESSELS, PROVIDING DOCKING SERVICES, AND HOUSING ELECTRICAL OR EMERGENCY EQUIPMENT RELATED TO MARINA OPERATIONS.

NON-POINT SOURCE POLLUTION - Pollution generated by diffuse land use activities rather than from an identifiable or discrete facility. It is conveyed to waterways through natural processes, such as rainfall, storm runoff, or groundwater seepage rather than by deliberate discharge.

NON-RENEWABLE RESOURCES - Resources that are not naturally regenerated or renewed.

NONTIDAL WETLANDS - An area that is inundated or saturated by surface water or groundwater at a frequency or duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. The determination of whether an area is a nontidal wetland shall be made in accordance with the publication known as the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, published in 1989 and as may be amended. Nontidal wetlands do not include tidal wetlands regulated under Title 16 of the Environment Article of the Annotated Code of Maryland.

NONTIDAL WETLANDS BUFFER - A regulated area no less than twenty-five feet in width surrounding a nontidal wetland, measured from the outer edge of the nontidal wetland.

NONTIDAL WETLANDS OF SPECIAL STATE CONCERN - The areas designated based on criteria in COMAR 26.23.01.04, as from time to time amended, and listed in COMAR 26.23.06.01, as from time to time amended, as having an exceptional ecological or educational value of Statewide significance.

OFFSETS - Structures or actions that compensate for undesirable impacts.

OPEN SPACE - Land and water areas retained in an essentially undeveloped state.

OVERBURDEN - The strata or material in its natural state, before its removal by surface mining, overlying a mineral deposit or in between mineral deposits.

PALUSTRINE - All nontidal wetlands dominated by trees, shrubs, persistent emergent plants, or emergent mosses or lichens and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts is below one-half part per one thousand parts of water.

PERMANENT DISTURBANCE - A MATERIAL, ENDURING CHANGE IN THE TOPOGRAPHY, LANDSCAPE, OR STRUCTURE THAT OCCURS AS PART OF A DEVELOPMENT OR REDEVELOPMENT ACTIVITY. "PERMANENT DISTURBANCE" INCLUDES:

- (1) CONSTRUCTION OR INSTALLATION OF ANY MATERIAL THAT WILL RESULT IN LOT COVERAGE;
- (2) CONSTRUCTION OF A DECK;
- (3) GRADING OR CLEARING (EXCEPT WHERE IT MEETS THE DEFINITION OF TEMPORARY DISTURBANCE); AND
- (4) THE INSTALLATION OF A SEPTIC SYSTEM, IN A FOREST OR DEVELOPED WOODLAND ON A GRANDFATHERED LOT, IF CLEARING IS REQUIRED.

PERSON - AN INDIVIDUAL, PARTNERSHIP, CORPORATION, CONTRACTOR, PROPERTY OWNER, OR ANY OTHER PERSON OR ENTITY.

PHYSIOGRAPHIC FEATURES - The soils, topography, land slope and aspect, and local climate that influence the form and species composition of plant communities.

PIER - Any pier, wharf, dock, walkway, bulkhead, breakwater, piling, or other similar structure. "Pier" does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of State or private wetlands.

PLANT HABITAT - A community of plants commonly identifiable by the composition of its vegetation and its physiographic characteristics.

PORT - A facility or area established or designated by the State or local jurisdiction for purposes of waterborne commerce.

PRINCIPAL STRUCTURE - THE PRIMARY OR PREDOMINANT STRUCTURE ON ANY LOT OR PARCEL. FOR RESIDENTIAL PARCELS OR LOTS, THE PRINCIPAL STRUCTURE IS THE PRIMARY DWELLING.

PROGRAM – The CHESAPEAKE AND Atlantic Coastal Bays Critical Area Protection Program of the County, including all laws, resolutions, maps, and plans necessary for the implementation,

application, and enforcement of this Subtitle.

(1) "Program" includes any amendments to the Program.

PROGRAM AMENDMENT - Any change OR PROPOSED CHANGE to the adopted Program that IS NOT DETERMINED BY THE CHAIRMAN OF THE CRITICAL AREA COMMISSION TO BE A PROGRAM REFINEMENT the County Commissioners determine will result in a use of land or water in the Atlantic Coastal Bays Critical Area in a manner not provided for in the adopted Program.

(1) "Program amendment" includes a change to a zoning map that is not consistent with the method for using the growth allocation contained in the adopted Program.

PROGRAM REFINEMENT - Any change OR PROPOSED CHANGE to the adopted Program that the County Commissioners determine will result in a use of land or water in the Atlantic Coastal Bays Critical Area in a manner consistent with the adopted Program. CHAIRMAN OF THE CRITICAL AREA COMMISSION DETERMINES WILL RESULT IN A USE OF LAND OR WATER IN THE CHESAPEAKE BAY CRITICAL AREA OR ATLANTIC COASTAL BAYS CRITICAL AREA IN A MANNER CONSISTENT WITH THE ADOPTED PROGRAM, OR THAT WILL NOT SIGNIFICANTLY AFFECT THE USE OF LAND OR WATER IN THE CRITICAL AREA. PROGRAM REFINEMENT MAY INCLUDE:

- (1) A CHANGE TO AN ADOPTED PROGRAM THAT RESULTS FROM STATE LAW;
- (2) A CHANGE TO AN ADOPTED PROGRAM THAT AFFECTS LOCAL PROCESSES AND PROCEDURES;
- (3) A CHANGE TO A LOCAL ORDINANCE OR CODE THAT CLARIFIES AN EXISTING PROVISION; AND
- (4) A MINOR CHANGE TO AN ELEMENT OF AN ADOPTED CRITICAL AREA PROGRAM THAT IS CONSISTENT WITH THE PROVISIONS OF STATE CRITICAL AREA LAW AND ALL THE CRITERIA OF THE COMMISSION.
- - C. A change in the Program text to correct omissions or to provide clarification to the adopted Program.

PROJECT APPROVAL - The approval of development, other than development by the State or local government, in the Atlantic Coastal Bays Critical Area by the appropriate local approval authority. The term includes approval of subdivision plats and site plans, the inclusion of areas within floating zones, issuance of variances, special exceptions or expansions of nonconformities; and issuance of zoning permits. The term does not include building permits.

PROPERTY OWNER - A PERSON HOLDING TITLE TO A PROPERTY OR TWO OR MORE PERSONS HOLDING TITLE TO A PROPERTY UNDER ANY FORM OF JOINT OWNERSHIP.

PUBLIC WATER-ORIENTED RECREATION - Shore-dependent recreation facilities or activities provided by public agencies that are available to the general public.

RECLAMATION - The reasonable rehabilitation of disturbed land for useful purposes, and the protection of the natural resources of adjacent areas, including water bodies.

RECONFIGURATION - A CHANGE OF THE CONFIGURATION OF AN EXISTING LOT OR PARCEL LINE OF ANY LEGAL PARCEL OF LAND OR RECORDED LEGALLY BUILDABLE LOT. RECONFIGURATION INCLUDES A LOT LINE ADJUSTMENT, A BOUNDARY LINE ADJUSTMENT, AND A REPLATTING REQUEST.

REDEVELOPMENT - The process of developing land which is or has been developed.

REFORESTATION - The establishment of a forest through artificial reproduction or natural regeneration.

REGULATED ACTIVITY - With the exception of an agricultural or forestry activity, any of the following activities which are directly undertaken or originate in a nontidal wetland or within the buffer or expanded buffer of a nontidal wetland:

- (1) Removal, excavation or dredging of soil, sand, gravel, minerals, organic matter, or materials of any kind;
- (2) Changing existing drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics:
- (3) Disturbance of the water level or water table by drainage, impoundment or other means;
- (4) Dumping, discharging of material, or filling with material, including the driving of piles or placing of obstructions;
- (5) Grading or removal of material that would alter existing topography; or
- (6) Destruction or removal of plant life that would alter the character of a nontidal wetland.

RENEWABLE RESOURCE - A resource that can renew or replace itself and, therefore, with proper management, can be harvested indefinitely.

RESOURCE CONSERVATION AREA (RCA) - AN AREA THAT IS CHARACTERIZED BY NATURE DOMINATED ENVIRONMENTS, SUCH AS WETLANDS, SURFACE WATER, FORESTS, AND OPEN SPACE; AND RESOURCE-BASED ACTIVITIES, SUCH AS AGRICULTURE, FORESTRY, FISHERIES, OR AQUACULTURE. RESOURCE CONSERVATION AREAS INCLUDE AREAS WITH A HOUSING DENSITY OF LESS THAN ONE DWELLING PER FIVE (5) ACRES.

RESOURCE UTILIZATION ACTIVITIES - ANY ACTIVITIES ASSOCIATED WITH THE UTILIZATION OF NATURAL RESOURCES SUCH AS AGRICULTURE, FORESTRY, SURFACE MINING, AQUACULTURE, AND FISHERIES ACTIVITIES.

RESTORATION - THE ACT OF RETURNING A SITE OR AREA TO AN ORIGINAL STATE OR ANY ACTION THAT REESTABLISHES ALL OR A PORTION OF THE ECOLOGICAL STRUCTURE AND FUNCTIONS OF A SITE OR AREA.

RIPARIAN HABITAT - A habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines, or wetlands.

SEASONALLY FLOODED WATER REGIME - A condition where surface water is present for extended periods, especially early in the growing season, and when surface water is absent, the water table is often near the land surface.

SELECTION - The removal of single, scattered, mature trees or other trees from uneven-aged stands by frequent and periodic cutting operations.

SHORELINE EROSION PROTECTION WORKS - Those structures or measures constructed or installed to prevent or minimize erosion of the shoreline in the Atlantic Coastal Bays Critical Area.

SIGNIFICANTLY ERODING AREAS - Areas that erode two feet or more per year.

SPECIAL EVENTS - PERSONAL OR BUSINESS SOCIAL ENGAGEMENTS OR OTHER ACTIVITIES CONDUCTED ON A FARM WHERE GUESTS ASSEMBLE FOR PARTIES, WEDDING EVENTS, BIRTHDAY OR ANNIVERSARY CELEBRATIONS, CHILDREN'S PARTIES, CORPORATE AND EMPLOYEE APPRECIATION PARTIES, OR OTHER SIMILAR EVENTS FOR COMPENSATION, DURING WHICH FOOD AND BEVERAGES MAY BE SERVED TO GUESTS AND MUSIC OR OTHER ENTERTAINMENT IS ALLOWED.

SPECIES IN NEED OF CONSERVATION - Those fish and wildlife species whose continued existence as part of the State's resources are in question and which may be designated by regulation by the Secretary of Natural Resources as in need of conservation pursuant to the requirements of Natural Resources Articles, §§ 10-2A-903 and 4-2A-03, Annotated Code of Maryland, as from time to time amended.

SPOIL PILE - The overburden and reject materials as piled or deposited during surface mining.

SOIL CONSERVATION AND WATER QUALITY PLANS - Land-use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. It is a document containing a map and related plans that indicate:

- (1) How the landowner plans to treat a farm unit;
- (2) Which best management practices the landowner plans to install to treat undesirable conditions; and
- (3) The schedule for applying those Best Management Practices.

STEEP SLOPES - Slopes of fifteen percent (15%) or greater incline.

SUBWATERSHED - A smaller geographic section of a larger watershed unit with a typical drainage area generally of between two and fifteen square miles and whose boundaries include all the land area draining to a point where two second-order streams combine to form a third-order. For the purposes of this Subtitle, the five subwatersheds of Worcester County's Atlantic Coastal

Bays are those of the Assawoman Bay, the Isle of Wight Bay, Sinepuxent Bay, Newport Bay, and Chincoteague Bay.

STRUCTURE - ANYTHING CONSTRUCTED OR ERECTED ON OR OVER LAND OR WATER THAT MAY OR MAY NOT RESULT IN LOT COVERAGE.

SUBSTANTIAL ALTERATION - ANY REPAIR, RECONSTRUCTION, OR IMPROVEMENT OF A PRINCIPAL STRUCTURE, WHERE THE PROPOSED TOTAL FOOTPRINT IS AT LEAST 50 PERCENT GREATER THAN THAT OF THE EXISTING PRINCIPAL STRUCTURE.

SUPPLEMENTAL PLANTING PLAN - A DESCRIPTION AND LANDSCAPE SCHEDULE THAT SHOWS THE PROPOSED SPECIES TYPE, QUANTITY, AND SIZE OF PLANTS TO BE LOCATED WITHIN A BUFFER IF NATURAL REGENERATION DOES NOT MEET THE REQUIRED STEM DENSITY.

SURFACE MINING – THE EXCAVATION, DIGGING OR DREDGING FOR SAND, GRAVEL, SOIL AND OTHER MINERALS. IT SHALL INCLUDE SAND AND GRAVEL PITS, BORROW PITS, CLAY PITS, QUARRIES, SURFACE MINES AND THE PROCESSING OR COMPOUNDING OF PRODUCTS COMPOSED OF ON-SITE MATERIALS. IT SHALL NOT INCLUDE CONCRETE OR ASPHALT MIXING PLANTS OR MATERIAL REMOVED FROM A DEVELOPMENT SITE AS PART OF A NORMAL CUT AND FILL OPERATION.

TEMPORARY DISTURBANCE - A SHORT-TERM CHANGE IN THE LANDSCAPE THAT OCCURS AS PART OF A DEVELOPMENT OR REDEVELOPMENT ACTIVITY. TEMPORARY DISTURBANCE INCLUDES:

- (1) STORAGE OF MATERIALS THAT ARE NECESSARY FOR THE COMPLETION OF THE DEVELOPMENT OR REDEVELOPMENT ACTIVITY;
- (2) CONSTRUCTION OF A ROAD OR OTHER PATHWAY THAT IS NECESSARY FOR ACCESS TO THE SITE OF THE DEVELOPMENT OR REDEVELOPMENT ACTIVITY, IF THE ROAD OR PATHWAY IS REMOVED IMMEDIATELY AFTER COMPLETION OF THE DEVELOPMENT OR REDEVELOPMENT ACTIVITY AND THE AREA IS RESTORED TO ITS PREVIOUS VEGETATIVE CONDITION;
- (3) GRADING OF A DEVELOPMENT SITE, IF THE AREA IS RESTORED TO ITS PREVIOUS VEGETATIVE CONDITION IMMEDIATELY AFTER COMPLETION OF THE DEVELOPMENT OR REDEVELOPMENT ACTIVITY; AND
- (4) LOCATING A SEPTIC SYSTEM ON A LOT CREATED BEFORE LOCAL PROGRAM APPROVAL IF THE SEPTIC SYSTEM IS LOCATED IN EXISTING GRASS OR CLEARING IS NOT REQUIRED.

TEMPORARY DISTURBANCE DOES NOT INCLUDE A VIOLATION.

THINNING - A forest practice used to accelerate tree growth of quality trees in the shortest interval of time by the selective removal of certain trees.

THREATENED SPECIES - Any species of fish, wildlife, or plants designated as such by regulation by the Secretary of the Department of Natural Resources which appear likely, within

the foreseeable future, to become endangered, including any species of wildlife or plant determined to be a "threatened" species pursuant to the Federal Endangered Species Act, 16 USC §1531 et seq., as from time to time amended.

TOPOGRAPHY - The existing configuration of the earth's surface, including the relative relief, elevation, and position of land features.

TRANSITIONAL HABITAT - A plant community whose species are adapted to the diverse and varying environmental conditions that occur along the boundary that separates aquatic and terrestrial areas.

TRANSPORTATION FACILITIES - Anything that is built, installed, or established to provide a means of transport from one place to another.

TREE - A LARGE, WOODY PLANT HAVING 1 OR SEVERAL SELF-SUPPORTING STEMS OR TRUNKS AND NUMEROUS BRANCHES THAT REACH A HEIGHT OF AT LEAST 20 FEET AT MATURITY.

TRIBUTARY STREAMS - A PERENNIAL STREAM OR INTERMITTENT STREAM WITHIN THE CRITICAL AREA THAT HAS BEEN IDENTIFIED BY SITE INSPECTION OR IN ACCORDANCE WITH LOCAL PROGRAM PROCEDURES APPROVED BY THE CRITICAL AREA COMMISSION. Those perennial and intermittent streams in the Atlantic Coastal Bays Critical Area, which are so noted on the most recent U.S. Geological Survey 7.5 minute topographic quadrangle maps (scale 1:24,000) or more detailed maps or studies at the discretion of the local jurisdictions.

UNDERSTORY - THE LAYER OF FOREST VEGETATION TYPICALLY LOCATED UNDERNEATH THE FOREST CANOPY.

UNDERSTORY TREE - A TREE THAT, WHEN MATURE, REACHES A HEIGHT BETWEEN 12 AND 35 FEET.

UNWARRANTED HARDSHIP - A situation wherein without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

UTILITY TRANSMISSION FACILITIES - Fixed structures that convey or distribute resources, wastes, or both, including, but not limited to, electrical lines, water conduits, and sewer lines.

WASH PLANT - A facility where sand and gravel is washed during processing.

WATER-BASED AQUACULTURE - The raising of fish and shellfish in any natural, open, free-flowing water body.

WATER-DEPENDENT FACILITIES - Those structures or works associated with industrial, maritime, recreational, educational, or fisheries activities that require location at or near the shoreline within the Buffer specified in § NR 3-104 of this Subtitle. An activity is water-dependent if it cannot exist outside the Buffer and is dependent on the water by reason of the intrinsic nature of its operation. SUCH ACTIVITIES INCLUDE, BUT ARE NOT LIMITED TO, PORTS, THE INTAKE AND OUTFALL STRUCTURES OF POWER PLANTS, WATER-USE INDUSTRIES, MARINAS, AND OTHER BOAT DOCKING STRUCTURES, PUBLIC BEACHES AND OTHER PUBLIC WATER-ORIENTED RECREATION AREAS, AND FISHERIES ACTIVITIES.

WATER-USE INDUSTRY - An industry that requires location near the shoreline because it utilizes surface waters for cooling or other internal purposes.

WATERFOWL - Birds which frequent and often swim in water, nest and raise their young near water, and derive at least part of their food from aquatic plants and animals.

WATERSHED - The area of land that drains into a specific body of water.

WILDLIFE CORRIDOR - A strip of land having vegetation that provides habitat and safe passage for wildlife.

WILDLIFE HABITAT - Those plant communities and physiographic features that provide food, water and cover, nesting, and foraging or feeding conditions necessary to maintain populations of animals in the Atlantic Coastal Bays Critical Area.

### § NR 3-103. Development in the Atlantic Coastal Bays Critical Area.

- (a) Generally. In order to accommodate already existing land uses and growth in the Atlantic Coastal Bays Critical Area while providing for the conservation of habitat and the protection of water quality, the County Program has set out three land classification areas within the Atlantic Coastal Bays Critical Area, which are as follows: the Intensely Developed Areas (IDAs), the Limited Development Areas (LDAs), and the Resource Conservation Areas (RCAs).
  - (1) While any intense development should be directed outside of the Atlantic Coastal Bays
     Critical Area, future intense development activities, when proposed in the Atlantic

     Coastal Bays Critical Area, shall be directed towards the Intensely Developed Areas.
  - (2) Additional low-intensity development may be permitted in the Limited Development Areas but shall be subject to strict regulation to prevent adverse impacts on habitat and water quality.
  - (3) Development shall be limited in the Resource Conservation Area, which shall be chiefly designated for agriculture, forestry, fisheries activities, other resource utilization activities, and for habitat protection.
- (b) Implementation. For the purposes of implementing these regulations the County Commissioners have determined, based on land uses and development in existence on DECEMBER 1, 1985 FOR THE CHESAPEAKE BAY AND ON June 1, 2002 FOR THE ATLANTIC COASTAL BAYS, which land areas fall within the three types of land classification areas in accordance with COMAR Title 27, as from time to time amended, and as described in this Program. These three types of land classification areas are designated on maps on file in the Department or its successor.
  - (1) OFFICIAL CRITICAL AREA OVERLAY DISTRICT MAP(S) SHALL BE MAINTAINED IN FORCE AS PART OF THE OFFICIAL ZONING MAPS REFERRED TO IN THE COUNTY'S ZONING ORDINANCE. THE OFFICIAL CRITICAL AREA MAP(S) DELINEATE THE EXTENT OF THE CRITICAL AREA OVERLAY DISTRICT THAT SHALL INCLUDE:
    - A. ALL WATERS OF AND LANDS UNDER THE CHESAPEAKE BAY AND ITS TRIBUTARIES TO THE HEAD OF TIDE AS INDICATED ON THE STATE WETLANDS MAPS AND ALL STATE AND PRIVATE WETLANDS DESIGNATED UNDER TITLE 9 OF THE NATURAL RESOURCES

ARTICLE, ANNOTATED CODE OF MARYLAND;

- B. ALL LAND AND WATER AREAS WITHIN ONE THOUSAND FEET BEYOND THE LANDWARD BOUNDARIES OF STATE OR PRIVATE WETLANDS AND THE HEADS OF TIDES DESIGNATED UNDER TITLE 9 OF THE NATURAL RESOURCES ARTICLE, ANNOTATED CODE OF MARYLAND; AND
- C. ALL WATERS OF AND LANDS UNDER THE ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES TO THE HEAD OF TIDE AS INDICATED ON THE STATE WETLANDS MAPS AND ALL STATE AND PRIVATE WETLANDS DESIGNATED UNDER TITLE 16 OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND, AS FROM TIME TO TIME AMENDED, AND INCLUDING ALL LAND AND WATER AREAS WITHIN ONE THOUSAND FEET BEYOND THE LANDWARD BOUNDARIES OF STATE OR PRIVATE WETLANDS AND THE HEADS OF TIDES DESIGNATED UNDER TITLE 16 OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND, AS FROM TIME TO TIME AMENDED.
- (2) WITHIN THE DESIGNATED CRITICAL AREA OVERLAY DISTRICT, ALL LAND IS ASSIGNED ONE OF THE FOLLOWING LAND MANAGEMENT AND DEVELOPMENT AREA CLASSIFICATIONS, BASED ON LAND USES AND DEVELOPMENT IN EXISTENCE ON DECEMBER 1, 1985 [IN THE CHESAPEAKE BAY CRITICAL AREA AND JUNE 1, 2002, IN THE ATLANTIC COASTAL BAYS CRITICAL AREA.
  - A. INTENSELY DEVELOPED AREA (IDA).
  - B. LIMITED DEVELOPMENT AREA (LDA).
  - C. RESOURCE CONSERVATION AREA (RCA).
- (3) THE CRITICAL AREA OVERLAY DISTRICT MAP MAY BE AMENDED BY THE COUNTY COMMISSIONERS IN COMPLIANCE WITH AMENDMENT PROVISIONS IN THIS SUBTITLE, CRITICAL AREA LAW, NATURAL RESOURCES ARTICLE 8, SUBTITLE 18, AND COMAR TITLE 27 CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS.
- (c) Application and interpretation of land classification area boundaries.
  - (1) Where uncertainty exists about the boundaries of land classification areas as shown on the official Atlantic Coastal Bays Critical Area maps due to errors in map and/or overlay registration, the following rules shall apply:
    - A. Where a known upland lot or parcel is shown as being tidally influenced, the land classification area of the closest upland lot or parcel shall apply.
    - B. Where a land classification area district boundary, as shown on the maps does not exactly coincide with the actual property line in existence as of the date of adoption of this Subtitle, it shall be deemed to coincide with the property line.
  - (2) For development activities on properties bisected by the Atlantic Coastal Bays Critical Area line which have at least fifty percent (50%) of their land area contained within the

Atlantic Coastal Bays Critical Area, the entire property may be developed in accordance with this Subtitle if the owner so chooses and, if so, the requirements of Subtitle 4 (Forest Conservation) of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland shall not apply.

- (d) Activities not permitted except in Intensely Developed Areas. Certain new development, redevelopment or expanded activities or facilities, because of their intrinsic nature or because of their potential for adversely affecting habitats or water quality, may not be permitted in the Atlantic Coastal Bays Critical Area except in Intensely Developed Areas under regulations of this section and only after the activity or facility has demonstrated to all appropriate local and State permitting agencies that there will be a net improvement in water quality to the adjacent body of water. These activities include the following:
  - (1) Non-maritime heavy industry;
  - (2) Transportation facilities and utility transmission facilities, except those necessary to serve permitted uses, or where regional or interstate facilities must cross tidal waters (utility transmission facilities do not include power plants); or
  - (3) Permanent sludge handling, storage, and disposal facilities, other than those associated with wastewater treatment facilities. However, agricultural or horticultural use of sludge under appropriate approvals when applied by an approved method at approved application rates may be permitted in the Atlantic Coastal Bays Critical Area, except in the 100-foot Buffer;
- (e) Activities not permitted. Certain new development activities or facilities, or the expansion of certain existing facilities, because of their intrinsic nature or because of their potential for adversely affecting habitat and water quality, may not be permitted in the Atlantic Coastal Bays Critical Area unless no environmentally acceptable alternative exists outside of the Atlantic Coastal Bays Critical Area, and these development activities or facilities are needed in order to correct an existing water quality or wastewater management problem. These include:
  - (1) Solid or hazardous waste collection or disposal facilities, including transfer stations;
  - (2) Sanitary landfills; or
  - (3) Sewage sludge composting, storage or disposal facilities, or land application.
- (f) Continuation of existing permitted facilities. Existing, permitted facilities of the type noted in § NR 3-103(d)(1) and (2) hereof shall be subject to the standards and requirements of the Department of the Environment, under COMAR Title 26, as from time to time amended.
- (g) REASONABLE ACCOMMODATIONS FOR THE NEEDS OF DISABLED CITIZENS. THE BOARD OF APPEALS MAY MAKE REASONABLE ACCOMMODATIONS TO AVOID DISCRIMINATION ON THE BASIS OF A PHYSICAL DISABILITY. REASONABLE ACCOMMODATIONS FOR THE NEEDS OF DISABLED CITIZENS MAY BE PERMITTED IN ACCORDANCE WITH THE EVIDENTIARY REQUIREMENTS SET FORTH IN THE FOLLOWING PARAGRAPHS.
  - (1) AN APPLICANT SHALL HAVE THE BURDEN OF DEMONSTRATING BY A PREPONDERANCE OF THE EVIDENCE THAT:
    - A. THE ALTERATIONS WILL BENEFIT PERSONS WITH A DISABILITY WITHIN THE MEANING OF THE AMERICANS WITH DISABILITIES ACT;

- B. LITERAL ENFORCEMENT OF THE REQUIREMENTS OF THIS CHAPTER WOULD RESULT IN DISCRIMINATION BY VIRTUE OF SUCH DISABILITY OR DEPRIVE A DISABLED RESIDENT OR USER OF THE REASONABLE USE AND ENJOYMENT OF THE PROPERTY;
- C. A REASONABLE ACCOMMODATION WOULD REDUCE OR ELIMINATE THE DISCRIMINATORY EFFECT OF THE REQUIREMENTS OR RESTORE THE DISABLED RESIDENT'S OR USER'S REASONABLE USE OR ENJOYMENT OF THE PROPERTY;
- D. THE ACCOMMODATION REQUESTED WILL NOT SUBSTANTIALLY IMPAIR THE PURPOSE, INTENT, OR EFFECT, OF THE PROVISIONS OF THIS ORDINANCE AS APPLIED TO THE PROPERTY; AND
- E. THE ACCOMMODATION WOULD:
  - i. BE ENVIRONMENTALLY NEUTRAL WITH NO GREATER NEGATIVE IMPACT ON THE ENVIRONMENT THAN THE LITERAL ENFORCEMENT OF THE STATUTE, ORDINANCE, REGULATION OR ANOTHER REQUIREMENT; OR
  - ii. ALLOW ONLY THE MINIMUM ENVIRONMENTAL CHANGES NECESSARY TO ADDRESS THE NEEDS RESULTING FROM THE PARTICULAR DISABILITY OF THE APPLICANT/APPELLANT.
- (2) THE BOARD OF APPEALS SHALL DETERMINE THE NATURE AND SCOPE OF ACCOMMODATION UNDER THIS SECTION AND MAY AWARD DIFFERENT OR OTHER RELIEF THAN REQUESTED AFTER GIVING DUE REGARD TO:
  - A. THE STANDARDS GIVEN IN THIS SECTION;
  - B. THE PURPOSE, INTENT, OR EFFECT OF THE REQUIREMENTS FROM WHICH RELIEF IS REQUESTED; AND
  - C. THE SIZE, LOCATION, NATURE, AND TYPE OF ACCOMMODATION PROPOSED AND WHETHER ALTERNATIVES EXIST, WHICH COULD ACCOMMODATE THE NEED WITH LESS ADVERSE EFFECT.
- (3) THE BOARD OF APPEALS MAY REQUIRE, AS A CONDITION OF APPROVAL, THAT UPON THE TERMINATION OF THE NEED FOR ACCOMMODATION, THAT THE PROPERTY BE RESTORED TO COMPLY WITH ALL APPLICABLE PROVISIONS OF THIS ORDINANCE. APPROPRIATE BONDS MAY BE COLLECTED, OR LIENS PLACED IN ORDER TO ENSURE THE COUNTY'S ABILITY TO RESTORE THE PROPERTY SHOULD THE APPLICANT FAIL TO DO SO.

#### § NR 3-104. The 100-Foot Buffer.

- (a) <u>Identification of the Buffer</u>. A 100 foot Buffer is hereby established from the mean high water line of tidal waters, the edge of the bank of tributary streams, and the landward extent of tidal wetlands.
- (a) <u>APPLICABILITY AND DELINEATION.</u> AN APPLICANT FOR A DEVELOPMENT

ACTIVITY OR A CHANGE IN LAND USE SHALL APPLY ALL OF THE REQUIRED STANDARDS AS DESCRIBED BELOW. THE BUFFER SHALL BE DELINEATED IN THE FIELD AND SHALL BE SHOWN ON ALL APPLICATIONS AS FOLLOWS:

- (1) A BUFFER OF AT LEAST 100 FEET IS DELINEATED, AND EXPANDED AS DESCRIBED IN A(3), BASED ON EXISTING FIELD CONDITIONS LANDWARD FROM:
  - A. THE MEAN HIGH WATER LINE OF A TIDAL WATER;
  - B. THE EDGE OF EACH BANK OF A TRIBUTARY STREAM; AND
  - C. THE UPLAND BOUNDARY OF A TIDAL WETLAND.
  - (2) APPLICATIONS FOR A SUBDIVISION OR DEVELOPMENT ACTIVITY ON LAND LOCATED WITHIN THE RCA REQUIRING SITE PLAN APPROVAL AFTER JULY 1, 2008, SHALL INCLUDE A MINIMUM BUFFER OF AT LEAST 200 FEET FROM A TIDAL WATERWAY OR TIDAL WETLANDS. IN THE FOLLOWING INSTANCES, THE 200-FOOT BUFFER DOES NOT APPLY AND THE BUFFER SHALL BE DELINEATED IN ACCORDANCE WITH A(1) AND A(3):
    - (A) THE APPLICATION FOR SUBDIVISION OR SITE PLAN APPROVAL WAS SUBMITTED BEFORE JULY 1, 2008, AND LEGALLY RECORDED (SUBDIVISIONS) OR RECEIVED APPROVAL (SITE PLANS), BY JULY 1, 2010; OR
    - (B) THE APPLICATION INVOLVES THE USE OF GROWTH ALLOCATION.
  - (3) THE BUFFER SHALL BE EXPANDED BEYOND 100 FEET AS DESCRIBED IN A(1) ABOVE, AND BEYOND 200 FEET AS DESCRIBED IN §A(2) ABOVE, TO INCLUDE THE FOLLOWING CONTIGUOUS LAND FEATURES:
    - A. A STEEP SLOPE AT A RATE OF FOUR FEET FOR EVERY ONE PERCENT (1%) OF SLOPE OR THE ENTIRE STEEP SLOPE TO THE TOP OF THE SLOPE, WHICHEVER IS GREATER;
    - B. A NONTIDAL WETLAND TO THE UPLAND BOUNDARY OF THE NONTIDAL WETLAND;
    - C. THE BUFFER THAT IS ASSOCIATED WITH A NONTIDAL WETLAND OF SPECIAL STATE CONCERN AS STATED IN COMAR §26.23.06.01; AND/OR
    - D. FOR AN AREA OF HYDRIC SOILS OR HIGHLY ERODIBLE SOILS, THE LESSER OF:
      - (I) THE LANDWARD EDGE OF THE HYDRIC OR HIGHLY ERODIBLE SOILS; OR
      - (II) THREE HUNDRED FEET WHERE THE EXPANSION AREA INCLUDES THE MINIMUM BUFFER.
- (b) <u>General requirements.</u> The functions of the Buffer with regard to the protection of the Atlantic Coastal Bays CRITICAL AREA include the following:

- (1) Provide for the removal or reduction of sediments, nutrients and potentially harmful or toxic substances in runoff entering the Bays and their tributaries;
- (2) Minimize the adverse effects of human activities on wetlands, shoreline, stream banks, tidal waters, and aquatic resources;
- (3) Maintain an area of transitional habitat between aquatic and upland communities;
- (4) Maintain the natural environment of streams; and
- (5) Protect riparian wildlife habitat.
- (c) DEVELOPMENT ACTIVITIES IN THE BUFFER. THE DEPARTMENT MAY AUTHORIZE DISTURBANCE TO THE BUFFER FOR THE FOLLOWING ACTIVITIES, PROVIDED MITIGATION IS PERFORMED IN ACCORDANCE WITH SUBSECTION (E), AND AN APPROVED BUFFER MANAGEMENT PLAN IS SUBMITTED AS REQUIRED PER SUBSECTION (H) OF THIS PART:
  - (1) A NEW DEVELOPMENT OR REDEVELOPMENT ACTIVITY ASSOCIATED WITH A WATER-DEPENDENT FACILITY AS DESCRIBED IN § NR 3-124.
  - (2) IN ACCORDANCE WITH COMAR 26.24.02, A SHORE EROSION CONTROL MEASURE UNDER COMAR 26.24.04 AND THIS SUBTITLE.
  - (3) A DEVELOPMENT OR REDEVELOPMENT ACTIVITY APPROVED IN ACCORDANCE WITH THE VARIANCE PROVISIONS OF THIS SUBTITLE.
  - (4) A NEW DEVELOPMENT OR REDEVELOPMENT ACTIVITY ON A LOT OR PARCEL THAT WAS CREATED BEFORE JANUARY 1, 2010, IN THE ATLANTIC COASTAL BAYS, OR DECEMBER 1, 1985, IN THE CHESAPEAKE COASTAL BAYS WHERE:
    - A. THE BUFFER IS EXPANDED FOR HIGHLY ERODIBLE SOIL ON A SLOPE LESS THAN FIFTEEN (15) PERCENT OR IS EXPANDED FOR A HYDRIC SOIL, AND THE EXPANDED BUFFER OCCUPIES AT LEAST 75% OF THE LOT OR PARCEL;
    - B. THE DEVELOPMENT OR REDEVELOPMENT IS LOCATED IN THE EXPANDED PORTION OF THE BUFFER AND NOT WITHIN THE 100-FOOT BUFFER; AND
    - C. MITIGATION OCCURS AT A 2:1 RATIO BASED ON THE LOT COVERAGE OF THE PROPOSED DEVELOPMENT ACTIVITY THAT IS IN THE EXPANDED BUFFER.
  - (5) A SEPTIC SYSTEM ON A LOT CREATED BEFORE DECEMBER 1, 1985, IN THE CHESAPEAKE BAY CRITICAL AREA AND JUNE 1, 2002, IN THE ATLANTIC COASTAL BAYS CRITICAL AREA, WHERE MITIGATION IS PROVIDED AT A 1:1 RATIO FOR THE AREA OF CANOPY CLEARED OF ANY FOREST OR DEVELOPED WOODLAND.

- (ed) <u>Standards.</u> The following criteria apply to land use activities within the Buffer:
  - (1) The Buffer shall be established at a minimum distance of one hundred feet landward from the mean high water line of tidal waters, the edge of the bank of tributary streams, and the landward edge of tidal wetlands; within the Atlantic Coastal Bays Critical Area.
  - (2) The Buffer shall be expanded beyond one hundred feet to include contiguous sensitive areas such as steep slopes, hydric soils or highly erodible soils whose development or disturbance may impact streams, wetlands or other aquatic environments. In the case of contiguous slopes of fifteen percent (15%) or greater the Buffer shall be expanded four feet for every one percent (1%) of slope or to the top of the slope, whichever is greater in extent. Buffer expansion for steep slopes is not required when the slopes are wholly within the 100-foot Buffer.
  - (3) The Buffer shall also be required along both sides of all drainage ditches if adjacent agricultural lands do not have in place Best Management Practices cited and approved under the Agricultural Protection Section of this Subtitle. The Buffer may be used to establish wildlife corridors as defined under this Program.
  - (4) New development activities including structures, roads, parking areas and other LOT COVERAGE impervious surfaces, mining and related facilities or septic systems may allowed in the Buffer except for those necessarily associated with water-dependent facilities approved under § NR 3-124 of this Subtitle.
  - (5) The Buffer shall be maintained in natural vegetation, but may include planted vegetation where necessary to protect, stabilize or enhance the shoreline. When lands are proposed to be developed or converted to new uses, the Buffer shall be established. In establishing the Buffer, management measures shall be undertaken to provide forest vegetation that ensures the Buffer functions as set forth in this section.
  - (6) APPLICATIONS FOR A SUBDIVISION OR DEVELOPMENT ACTIVITY ON LAND LOCATED WITHIN THE RESOURCE CONSERVATION AREA (RCA) REQUIRING SITE PLAN APPROVAL AFTER JULY 1, 2008, SHALL INCLUDE A MINIMUM BUFFER OF AT LEAST TWO HUNDRED (200) FEET FROM A TIDAL WATERWAY OR TIDAL WETLANDS. IN THE FOLLOWING INSTANCES, THE 200-FOOT BUFFER DOES NOT APPLY, AND THE BUFFER SHALL BE DELINEATED IN ACCORDANCE WITH (1)A AND B:
    - A. THE APPLICATION FOR SUBDIVISION OR SITE PLAN APPROVAL WAS SUBMITTED BEFORE JULY 1, 2008, AND LEGALLY RECORDED (SUBDIVISIONS) OR RECEIVED APPROVAL (SITE PLANS), BY JULY 1, 2010; OR
    - B. THE APPLICATION INVOLVES THE USE OF GROWTH ALLOCATION.
- (e) Buffer management areas (BMAs). The County Commissioners may designate and map certain areas as Buffer management areas. These maps and the associated Buffer management plan shall be adopted by resolution of the County Commissioners after a duly advertised public hearing in accordance with § ZS 1-114 of the Worcester County Zoning Ordinance. Any measures approved as outlined herein shall be subject to the approval of the Critical Area Commission of the Chesapeake and Atlantic Coastal Bays.

- (de) <u>Tree cutting in the Buffer.</u> The Buffer shall be managed to achieve or enhance the standards stated in § NR 3-104(c) hereof. Cutting of trees or clearing of vegetation within the Buffer shall be prohibited except that:
  - (1) Cutting of trees or removal of natural vegetation may be permitted where necessary to provide access to private piers, or to install, repair or construct a shore erosion protection device or measure, or a water-dependent facility, providing the device, measure or facility has received all necessary State and Federal permits. Such cutting of trees or removal of natural vegetation shall be in accordance with the following:
    - A. Access shall be provided in such a manner as to minimize clearing within the Buffer.
    - B. Access shall not be in excess of six feet in width.
    - C. The trees or vegetation cleared shall be replaced within the 100-foot Buffer on a two to one basis.
  - (2) Individual trees may be cut for personal use providing that this cutting does not impair the water quality or existing habitat value or other functions of the Buffer as set forth in the policies of this plan and provided that the trees are replaced within the Buffer on an equal basis for each tree cut.
  - (32) Individual trees may be removed, which are dead, diseased, or which are in danger of falling and causing damage to dwellings or other structures, or which are in danger of falling and therefore causing the blockage of streams, or resulting in accelerated shore erosion.
  - (43) Horticultural practices may be used to maintain the health of individual trees.
  - (54) Other cutting techniques may be undertaken within the Buffer and under the advice and guidance of the State Departments of Agriculture and Natural Resources if necessary to preserve the forest from extensive pest or disease infestation or threat from fire.
  - (65) Notwithstanding any other provisions of this Subtitle, tree cutting or clearing in the Buffer may be permitted with a Critical Area site plan where the applicant demonstrates that Buffer impacts have been minimized for the initial development of a lot or parcel legally existing as of DECEMBER 1, 1985 FOR THE CHESAPEAKE BAY AND June 1, 2002 FOR THE ATLANTIC COASTAL BAYS when done in conjunction with a valid and approved forest conservation plan approved prior to the date of adoption of this Subtitle.

#### (gf) BUFFER ESTABLISHMENT.

- (1) THE REQUIREMENTS OF THIS REGULATION APPLY TO:
  - A. A DEVELOPMENT OR REDEVELOPMENT ACTIVITY THAT OCCURS ON A LOT OR PARCEL THAT INCLUDES A BUFFER TO TIDAL WATERS, A TIDAL WETLAND, OR A TRIBUTARY STREAM IF THAT DEVELOPMENT OR REDEVELOPMENT ACTIVITY IS LOCATED OUTSIDE THE BUFFER; AND
  - B. THE APPROVAL OF A SUBDIVISION THAT INCLUDES A BUFFER TO TIDAL WATERS, A TIDAL WETLAND, OR A TRIBUTARY STREAM.

- (2) THE REQUIREMENTS OF THIS REGULATION DO NOT APPLY TO AN IN-KIND REPLACEMENT OF A STRUCTURE.
- (3) THE DEPARTMENT SHALL REQUIRE AN APPLICANT TO ESTABLISH THE BUFFER IN VEGETATION IN ACCORDANCE WITH THE TABLE BELOW AND SUBSECTION (GF)(5) AND TO PROVIDE A BUFFER MANAGEMENT PLAN UNDER SUBSECTION (K) WHEN AN APPLICANT APPLIES FOR:
  - A. APPROVAL OF A SUBDIVISION;
  - B. CONVERSION FROM ONE LAND USE TO ANOTHER LAND USE ON A LOT OR A PARCEL; OR
  - C. DEVELOPMENT ON A LOT OR A PARCEL CREATED BEFORE JANUARY 1, 2010.
- (4) WITHIN THE INTENSLEY DEVELOPED AREA, LIMITED DEVELOPMENT AREA, OR RESOURCE CONSERVATION AREA, WHEN THE BUFFER IS NOT FULLY FORESTED OR IS NOT FULLY ESTABLISHED IN EXISTING, NATURALLY OCCURRING WOODY OR WETLAND VEGETATION, AN APPLICANT SHALL ESTABLISH THE BUFFER TO THE EXTENT REQUIRED IN THE FOLLOWING TABLE:

# TABLE (gf)(5). BUFFER ESTABLISHMENT REQUIREMENTS.

		LOT CREATED AFTER	
	LOT CREATED BEFORE JUNE	JUNE 1, 2002, IN THE	
	1, 2002, IN, THE ATLANTIC	ATLANTIC COASTAL BAYS	
	COASTAL BAYS CRITICAL	CRITICAL AREA or	
	AREA or DECEMBER 1, 1985, IN	DECEMBER 1, 1985, IN THE	
DEVELOPMENT	THE CHESAPEAKE BAY	CHESAPEAKE BAY	
CATEGORY	CRITICAL AREA	CRITICAL AREA	
	ESTABLISH THE BUFFER		
DEVELOPMENT ON A	BASED ON THE TOTAL	FULLY ESTABLISH THE	
VACANT LOT	SQUARE FOOTAGE OF LOT	BUFFER	
VACANT LOT	COVERAGE OUTSIDE THE	BUFFER	
	BUFFER		
SUBDIVISION	FULLY ESTABLISH THE BUFFER		
NEW LOT WITH AN	ESTADI ISU TUE DI IEEED DASED ON THE TOTAL SOLIADE		
EXISTING DWELLING	ESTABLISH THE BUFFER BASED ON THE TOTAL SQUARE FOOTAGE OF LOT COVERAGE OUTSIDE THE BUFFER		
UNIT			
CONVERSION OF LAND			
USE ON A PARCEL OR	FULLY ESTABLISH THE BUFFER		
LOT TO ANOTHER LAND			
USE	St.		
ADDITION, ACCESSORY	ECTADI ICII THE DI EEED DACED ON NET COLLARE FOOTA CE		
STRUCTURE, OR	ESTABLISH THE BUFFER BASED ON NET SQUARE FOOTAGE INCREASE IN LOT COVERAGE OUTSIDE THE BUFFER		
REDEVELOPMENT	INCREASE IN LOT COVERAGE OUTSIDE THE BUFFER		
SUBSTANTIAL	ESTABLISH THE BUFFER BASED ON TOTAL SQUARE		
ALTERATION	FOOTAGE OF LOT COVERAGE OUTSIDE THE BUFFER		

- (6) ANY LOT COVERAGE REMOVED FROM THE BUFFER MAY BE DEDUCTED FROM THE TOTAL CUMULATIVE AMOUNT OF ESTABLISHMENT REQUIRED IF:
  - A. THE LOT COVERAGE EXISTED BEFORE JUNE 1, 2002 IN THE
    ATLANTIC COASTAL BAY CRITICAL AREA OR DECEMBER 1, 1985 IN
    THE CHESAPEAKE BAY CRITICAL AREA_OR WAS ALLOWED BY
    LOCAL PROCEDURES; AND
  - B. THE TOTAL AREA IS STABILIZED.
- (h) MITIGATION FOR IMPACTS TO THE BUFFER. AN APPLICANT FOR A DEVELOPMENT ACTIVITY THAT INCLUDES DISTURBANCE TO THE BUFFER SHALL MITIGATE FOR IMPACTS TO THE BUFFER AND SHALL PROVIDE A BUFFER MANAGEMENT PLAN IN ACCORDANCE WITH THE STANDARDS SET FORTH IN THIS SUBSECTION.
  - (1) ALL AUTHORIZED DEVELOPMENT ACTIVITIES SHALL BE MITIGATED BASED ON THE RATIOS NOTED IN THE TABLE BELOW, IN ADDITION TO THE AREA OF CANOPY COVERAGE REMOVED FOR AN INDIVIDUAL TREE, DEVELOPED WOODLAND OR FOREST:

# TABLE (h)(1) BUFFER MITIGATION RATIOS.

	MITIGATION RATIO	
ACTIVITY	PERMANENT	TEMPORARY
	DISTURBANCE	DISTURBANCE
SEPTIC ON A LOT CREATED BEFORE LOCAL	NOT APPLICABLE	0
PROGRAM APPROVAL IF LOCATED IN		
EXISTING GRASS OR IF CLEARING IS NOT		
REQUIRED	,	
SEPTIC SYSTEM IN A FOREST OR DEVELOPED	1:1	NOT APPLICABLE
WOODLAND ON A LOT CREATED BEFORE		
LOCAL PROGRAM APPROVAL IF CLEARING IS		30
REQUIRED		
SHORE EROSION CONTROL	1:1	1:1
RIPARIAN WATER ACCESS	2:1	1:1
WATER-DEPENDENT FACILITY	2:1	1:1
VARIANCE	3:1	1:1

- (2) ALL VIOLATIONS IN THE BUFFER SHALL BE MITIGATED AT A RATIO OF 4:1 FOR THE AREA OF PERMANENT DISTURBANCE IN THE BUFFER.
- (3) ANY LOT COVERAGE REMOVED FROM THE BUFFER MAY BE DEDUCTED FROM THE TOTAL CUMULATIVE AMOUNT OF MITIGATION REQUIRED IF:
  - A. THE LOT COVERAGE EXISTED BEFORE THE DATE OF LOCAL PROGRAM ADOPTION OR WAS ALLOWED BY LOCAL PROCEDURES; AND

- B. THE TOTAL AREA IS STABILIZED.
- (4) PLANTING FOR MITIGATION SHALL BE PLANTED ONSITE WITHIN THE BUFFER. IF MITIGATION PLANTING CANNOT BE LOCATED WITHIN THE BUFFER, THE DEPARTMENT MAY ALLOW PLANTING IN THE FOLLOWING ORDER OF PRIORITY:
  - A. ON-SITE AND ADJACENT TO THE BUFFER; AND
  - B. ON-SITE ELSEWHERE IN THE CRITICAL AREA.
- (5) THE INSTALLATION OR CULTIVATION OF NEW LAWN OR TURF IN THE BUFFER IS PROHIBITED.
- (iI) BUFFER PLANTING STANDARDS. AN APPLICANT THAT IS REQUIRED TO PLANT THE BUFFER TO MEET ESTABLISHMENT OR MITIGATION REQUIREMENTS SHALL APPLY THE FOLLOWING PLANTING CREDITS AND STANDARDS:
  - (1) IF PLANTING TO MEET A MITIGATION REQUIREMENT, THE FOLLOWING COMBINATION OF PLANTINGS MAY BE USED:
    - A. IF REQUIRED TO PLANT LESS THAN ONE (1) ACRE, THE ENTIRE REQUIREMENT MUST BE MET USING LANDSCAPE STOCK, AS NOTED IN TABLE (I)(1).
    - B. IF REQUIRED TO PLANT ONE (1) ACRE OR MORE, AT LEAST 50% OF THE PLANTING REQUIREMENT MAY BE MET IN LANDSCAPE STOCK PER TABLE (I)(1), AND THE REMAINDER MAY BE MET IN FLEXIBLE STOCK PER TABLE (I)(2).
  - (2) IF PLANTING TO MEET AN ESTABLISHMENT REQUIREMENT, THE FOLLOWING COMBINATION OF PLANTINGS MAY BE USED:
    - A. IF REQUIRED TO PLANT LESS THAN ¼ ACRE, THE ENTIRE REQUIREMENT MUST BE MET USING LANDSCAPE STOCK PER TABLE (I)(1).
    - B. IF REQUIRED TO PLANT AT LEAST ¼ ACRE AND UP TO 1 ACRE, AT LEAST 25% OF THE REQUIREMENT MUST BE MET USING LANDSCAPE STOCK PER TABLE (I)(1) AND THE REMAINDER MAY BE MET IN FLEXIBLE STOCK PER TABLE (I)(2).
    - C. IF REQUIRED TO PLANT MORE THAN ONE (1) ACRE, AT LEAST 10% OF THE REQUIREMENT MUST BE MET USING LANDSCAPE STOCK PER TABLE (I)(1)AND THE REMAINDER MAY BE MET IN FLEXIBLE STOCK PER TABLE (I)(2).
  - (3) A VARIANCE TO THE PLANTING AND MITIGATION STANDARDS OF THIS ORDINANCE IS NOT PERMITTED.
- (†J) PLANTING CREDITS.

(1) IF REQUIRED TO PLANT USING LANDSCAPE STOCK, THE FOLLOWING PLANTING SIZES AND CREDIT SHALL BE USED:

TABLE (Ii)(1) LANDSCAPE STOCK CREDIT.

VEGETATION TYPE	MINIMUM SIZE	MAXIMUM CREDIT	MAXIMUM
	ELIGIBLE FOR	ALLOWED	PERCENTAGE OF
	CREDIT	(SQUARE FEET)	LANDSCAPE STOCK
			CREDIT
Canopy TREE	2-INCH CALIPER	200	NOT APPLICABLE
Canopy TREE	34-INCH CALIPER	100	NOT APPLICABLE
Understory Tree	¾-inch caliper	75	Not Applicable
LARGE SHRUB	3 feet high	50	30%
SMALL SHRUB	18 inches high	25	20%
HERBACEOUS	1 quart OR BASED	2	10%
PERENNIAL	ON THE AREA		
_	COVERED BY		
	PLUGS OR SEED		
	MIX		
PLANTING	1 CANOPY TREE;	300	NOT APPLICABLE
CLUSTER FOR	AND 3 LARGE		
BUFFER	SHRUBS OR 6		
ESTABLISHMENT	SMALL SHRUBS	*	
OR MITIGATION	OF SIZES LISTED		
OF LESS THAN ½	ABOVE		
ACRE	TIDO V E		
PLANTING	2 UNDERSTORY	350	NOT APPLICABLE
CLUSTER FOR	TREES; AND 3	330	HOT ALLECABLE
BUFFER	LARGE SHRUBS OR	1.8	
ESTABLISHMENT	6 SMALL SHRUBS		
OR MITIGATION OF	OF SIZES LISTED	-	
LESS THAN ½ ACRE	ABOVE		
LLOS IIIIII /271CICL	TIDOVE		

- A. THE DEPARTMENT MAY AUTHORIZE AN APPLICANT TO INCREASE THE PERCENTAGE OF LARGE SHRUBS, SMALL SHRUBS, OR HERBACEOUS PERENNIALS IF:
  - i. THE BUFFER HAS EXISTING CANOPY COVERAGE OF AT LEAST 50 PERCENT; OR
  - ii. THERE ARE VERIFIED SITE CONSTRAINTS THAT PRECLUDE CANOPY PLANTINGS, INCLUDING SEVERELY ERODING SLOPES, SALTWATER INTRUSION, PREDOMINATELY SANDY SOILS, OR UNCONSOLIDATED FILL.
- (2) THE FOLLOWING FLEXIBLE PLANTING STOCK MAY BE USED IF AUTHORIZED UNDER SECTION E(1) OR (2) OF THIS PART:

TABLE (i)(2) FLEXIBLE PLANTING STOCK.

			MINIMUM
A 900	=		FINANCIAL
			ASSURANCE
STOCK SIZE OF TREES	REQUIRED # OF	SURVIVABILITY	PERIOD AFTER
ONLY	STEMS/ACRE	REQUIREMENT	PLANTING
BARE-ROOT SEEDLINGS OR			
WHIP	700	50 PERCENT	5 YEARS
½-INCH TO 1-INCH			
CONTAINER GROWN TREES	450	75 PERCENT	2 YEARS
MORE THAN 1-INCH		8	
CONTAINER GROWN TREES	350	90 PERCENT	2 YEARS

- (K) REQUIRED SUBMITTAL OF BUFFER MANAGEMENT PLANS. AN APPLICANT THAT IS REQUIRED TO PLANT THE BUFFER TO MEET ESTABLISHMENT OR MITIGATION REQUIREMENTS SHALL SUBMIT A BUFFER MANAGEMENT PLAN IN ACCORDANCE WITH COMAR 27.01.09.01-3. THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY TO MAINTAINING AN EXISTING GRASS LAWN OR AN EXISTING GARDEN IN THE BUFFER.
  - (1) ANY PERMIT FOR A DEVELOPMENT ACTIVITY THAT REQUIRES BUFFER ESTABLISHMENT OR BUFFER MITIGATION WILL NOT BE ISSUED UNTIL A BUFFER MANAGEMENT PLAN IS APPROVED BY THE DEPARTMENT.
  - (2) AN APPLICANT MAY NOT OBTAIN THE FINAL APPROVAL OF A SUBDIVISION APPLICATION UNTIL THE BUFFER MANAGEMENT PLAN HAS BEEN REVIEWED AND APPROVED BY THE DEPARTMENT.
  - (3) THE DEPARTMENT MAY NOT APPROVE A BUFFER MANAGEMENT PLAN UNLESS:
    - A. THE PLAN INDICATES THAT ALL PLANTING STANDARDS UNDER SUBSECTION (3-104 (I)) WILL BE MET; AND
    - B, APPROPRIATE MEASURES ARE IN PLACE FOR THE LONG-TERM PROTECTION AND MAINTENANCE OF ALL BUFFER AREAS.
  - (4) FOR A BUFFER MANAGEMENT PLAN THAT IS THE RESULT OF AN AUTHORIZED DISTURBANCE TO THE BUFFER, A PERMIT AUTHORIZING FINAL USE AND OCCUPANCY WILL NOT BE ISSUED UNTIL THE APPLICANT:
    - A. COMPLETES THE IMPLEMENTATION OF A BUFFER MANAGEMENT PLAN; OR
    - B. PROVIDES FINANCIAL ASSURANCE TO COVER THE COSTS FOR:
      - I. MATERIALS AND INSTALLATION; AND
      - II. IF THE MITIGATION OR ESTABLISHMENT REQUIREMENT IS AT LEAST 5,000 SQUARE FEET, LONG-TERM SURVIVABILITY REQUIREMENTS AS SET FORTH IN COMAR 27.01.09.01-2.

- (5) CONCURRENT WITH RECORDATION OF A SUBDIVISION PLAT, AN APPLICANT SHALL RECORD A PROTECTIVE EASEMENT FOR THE BUFFER.
- (6) IF AN APPLICANT FAILS TO IMPLEMENT A BUFFER MANAGEMENT PLAN, THAT FAILURE SHALL CONSTITUTE A VIOLATION OF THIS SUBTITLE. A PERMIT FOR ANY DEVELOPMENT ACTIVITY WILL NOT BE ISSUED FOR A PROPERTY THAT HAS A VIOLATION.
- (7) AN APPLICANT SHALL POST A SUBDIVISION WITH PERMANENT SIGNS PRIOR TO FINAL RECORDATION IN ACCORDANCE WITH COMAR 27.01.09.01-2.
- (8) BUFFER MANAGEMENT PLANS THAT INCLUDE NATURAL REGENERATION SHALL FOLLOW THE PROVISIONS OF COMAR 27.01.09.01-4.
- (L) FEE-IN-LIEU OF BUFFER MITIGATION. A FEE-IN-LIEU FOR MITIGATION WILL BE COLLECTED IF THE PLANTING REQUIREMENTS OF SUBSECTION (E) CANNOT BE FULLY MET ONSITE, IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
  - (1) FEE-IN-LIEU MONIES SHALL BE COLLECTED AND HELD IN A SPECIAL FUND, WHICH MAY NOT REVERT TO THE WORCESTER COUNTY'S GENERAL FUND;
  - (2) FEE-IN-LIEU SHALL BE ASSESSED AT \$1.50 PER SQUARE FOOT OF REQUIRED BUFFER MITIGATION;
  - (3) A PORTION OF FEE-IN-LIEU MONEY CAN BE USED FOR MANAGEMENT AND ADMINISTRATIVE COSTS; HOWEVER, THIS CANNOT EXCEED 20% OF THE FEES COLLECTED; AND
  - (4) FEE-IN-LIEU MONIES SHALL BE USED FOR THE FOLLOWING PROJECTS:
    - A. TO ESTABLISH THE BUFFER ON SITES WHERE PLANTING IS NOT A CONDITION OF DEVELOPMENT OR REDEVELOPMENT;
    - B. FOR WATER QUALITY AND HABITAT ENHANCEMENT PROJECTS AS APPROVED BY THE CRITICAL AREA COMMISSION OR BY AGREEMENT BETWEEN WORCESTER COUNTY AND THE CRITICAL AREA COMMISSION.
- (M) Buffer management areas (BMAs). The County Commissioners may designate and map certain areas as Buffer management areas. These maps and the associated Buffer management plan shall be adopted by resolution of the County Commissioners after a duly advertised public hearing in accordance with § ZS 1-114 of the Worcester County Zoning Ordinance. Any measures approved as outlined herein shall be subject to the approval of the Critical Area Commission of the Chesapeake and Atlantic Coastal Bays. FOR BMAS WITHIN THE ATLANTIC COASTAL BAYS CRITICAL AREA, REFERENCE APPENDIX ADOPTED BY WORCESTER COUNTY COMMISSIONERS ON MARCH 18, 2003.

# § NR 3-105. Grandfathered uses structures and density.

(a) <u>Continuation of existing uses.</u> The Department shall permit the continuation, but not necessarily

the intensification or expansion, of any permitted use or structure legally existing on the date of Program approval unless the use has been discontinued for more than one year or is otherwise restricted by existing local ordinances. If any existing use or structure does not conform with the provisions of the Program, its intensification or expansion may be permitted only in accordance with the variance procedures outlined in § NR 3-111 of this Subtitle.

- (b) Residential density. Except as herein provided, the Department shall permit the types of land described in the following subsections to be developed notwithstanding the density provisions of this Subtitle provided it is in accordance with the following subsections.
  - (1) A vacant single lot or parcel of land legally existing as of the date of adoption of this Subtitle, DECEMBER 1, 1985 IN THE CHESAPEAKE BAYS CRITICAL AREA AND JUNE 1, 2002 IN THE ATLANTIC COASTAL BAYS CRITICAL AREA, may be improved with a single-family dwelling provided that the lot or parcel is brought into conformance with the terms of this Subtitle to the extent possible, including the consolidation or reconfiguration of adjoining lots owned by the same individual or entity and the measures proposed are approved by the Commission.
  - (2) IT IS ON LAND WHERE DEVELOPMENT ACTIVITY HAS PROGRESSED TO THE POINT OF THE POURING OF FOUNDATION FOOTINGS OR THE INSTALLATION OF STRUCTURAL MEMBERS.
  - (2-3) Vacant land that was subdivided into recorded and legally buildable lots which received final plat approval as described in the Zoning and Subdivision Control Article after June 1, 2002 but prior to the effective date of this Subtitle may be improved with a single-family dwelling provided that development of the land conforms to the requirements of this Subtitle and COMAR Title 27, as from time to time amended, or the area of land is deducted from the County's growth allocation.

    IT IS A LEGAL PARCEL OF LAND, NOT BEING PART OF A RECORDED OR APPROVED SUBDIVISION, THAT WAS RECORDED AS OF DECEMBER 1,

APPROVED SUBDIVISION, THAT WAS RECORDED AS OF DECEMBER 1, 1985 IN THE CHESAPEAKE BAY CRITICAL AREA; JUNE 1, 2002 IN THE ATLANTIC COASTAL BAYS CRITICAL AREA, AND LAND THAT WAS SUBDIVIDED INTO RECORDED, LEGALLY BUILDABLE LOTS, WHERE THE SUBDIVISION RECEIVED THE COUNTY'S FINAL APPROVAL PRIOR TO JUNE 1, 1984 IN THE CHESAPEAKE BAY CRITICAL AREA; JUNE 1, 2002 IN THE ATLANTIC COASTAL BAYS CRITICAL AREA IF:

- A. AT THE TIME OF DEVELOPMENT, THE LAND IS BROUGHT INTO CONFORMANCE WITH THE CRITICAL AREA PROGRAM INSOFAR AS POSSIBLE, INCLUDING MEETING THE LOT CONSOLIDATION AND RECONFIGURATION REQUIREMENTS OF NR 3-115, IF APPLICABLE; OR
- B. WITHIN THE CHESAPEAKE BAYS CRITICAL AREA, THE LAND HAS RECEIVED A BUILDING PERMIT SUBSEQUENT TO DECEMBER 1, 1985, BUT PRIOR TO LOCAL PROGRAM APPROVAL.
- (4) IT IS ON LAND THAT WAS SUBDIVIDED INTO RECORDED, LEGALLY BUILDABLE LOTS, WHERE THE SUBDIVISION RECEIVED THE COUNTY'S FINAL APPROVAL BETWEEN JUNE 1, 1984 AND DECEMBER 1, 1985 IN THE CHESAPEAKE BAY CRITICAL AREA AND JUNE 1, 2002 IN THE ATLANTIC COASTAL BAYSCRITICAL AREA; AND
- (5) IT IS ON LAND THAT WAS SUBDIVIDED INTO RECORDED, LEGALLY

BUILDABLE LOTS, WHERE THE SUBDIVISION RECEIVED THE FINAL APPROVAL AFTER DECEMBER 1, 1985 IN THE CHESAPEAKE BAY CRITICAL AREA AND JUNE 1, 2002 IN THE ATLANTIC COASTAL BAY CRITICAL AREA, AND PROVIDED THAT EITHER DEVELOPMENT OF ANY SUCH LAND CONFORMS TO THE IDA, LDA OR RCA REQUIREMENTS IN THIS CHAPTER OR THE AREA OF THE LAND IS COUNTED AGAINST THE GROWTH ALLOCATION PERMITTED UNDER THIS ORDINANCE.

- (36) WITHIN THE ATLANTIC COASTAL BAYS, a planned unit development in a bayside mixed use district that receives final site plan approval and/or for which a subdivision plat has been recorded after June 1, 2002 but prior to the effective date of this Subtitle may be developed provided that:
  - A. Development of the land conforms to the requirements of this Subtitle and Title 27 of the Code of Maryland Regulations, as from time to time amended, and the land area is deducted from the County's growth allocation in accordance with § NR 3-112 hereof and COMAR 27.01.02.06, as from time to time amended; or
  - B. The land is:
    - i. Designated as an Intensely Developed Area;
    - ii. Exempted from the Buffer designation in COMAR 27.01.09, as from time to time amended, pursuant to § NR 3-104(e) hereof; and
    - iii. Part of a project that complies with Title 4, Subtitle 2 of the Environment Article of the Annotated Code of Maryland as may be amended from time to time.

#### § NR 3-106. Intensely Developed Areas.

- (a) <u>Description.</u> Intensely Developed Areas are areas where residential, commercial, institutional, and/or industrial uses predominate and where relatively little natural habitat occurs or remains. At the time of the initial mapping, these areas shall have at least one of the following features:
  - (1) Housing density equal to or greater than four dwelling units per acre;
  - (2) Industrial, institutional or commercial uses are concentrated in the area; or
  - (3) Public sewer and water collection and distribution systems are currently serving the area, and housing density is greater than three dwelling units per acre.
  - (4) In addition, these features shall be concentrated in an area of at least twenty adjacent acres or that entire upland portion of the Atlantic Coastal Bays Critical Area within the boundary of a municipality, whichever is less., UNLESS:
    - A. THE COMMISSION HAS APPROVED AN ALTERNATIVE STANDARD FOR DESIGNATION OF AN INTENSELY DEVELOPED AREA; AND
    - B. THE AREA IS PART OF A GROWTH ALLOCATION APPROVED BY THE COMMISSION.
- (b) <u>General requirements.</u> In addition to the 100-foot Buffer, new or expanded development or

redevelopment within Intensely Developed Areas shall:

- (1) Improve the quality of runoff from developed areas that enter the Atlantic Coastal Bays Critical Area or its tributary streams;
- (2) Accommodate additional development of the type and intensity designated by the County Commissioners in this Subtitle provided that water quality is not impaired;
- (3) Minimize the expansion of Intensely Developed Areas into portions of the Atlantie Coastal Bays Critical Area designated as Habitat Protection Areas and Resource Conservation Areas under this Program;
- (4) Conserve and enhance Habitat Protection Areas to the extent possible within Intensely Developed Areas; and
- (5) Use retrofitting measures to the extent feasible to address existing stormwater management problems.
- (c) <u>Development standards.</u> The following criteria are hereby adopted for Intensely Developed Areas:
  - (1) All plans shall be assessed for their impacts on water quality and other biological resources.
  - (2) Roads, bridges, or utilities may not be located in any Habitat Protection Area unless no feasible alternative exists. All roads, bridges, and utilities that must cross a Habitat Protection Area shall be located, designed, constructed, and maintained so as to provide maximum erosion protection and minimize negative impacts to wildlife, aquatic life, and their habitats and maintain hydrologic processes and water quality.
  - (3) Best Management Practices shall be considered and, where appropriate, implemented as part of all plans for development or redevelopment.
  - (4) Development and redevelopment shall be subject to the Habitat Protection Area requirements prescribed in § NR 3-120 through 3-123 of this Subtitle.
  - (5) Stormwater shall be addressed in accordance with the following provisions:
    - A. The county shall require, at the time of development or redevelopment, that technologies as required by applicable State and local ordinances be applied by anyone undertaking development activities in order to minimize adverse impacts to water quality caused by stormwater. The technologies shall be developed in accordance with the guidelines published by the Chesapeake Bay Critical Area Commission.
    - B. In the case of redevelopment, if the technologies do not reduce pollutant loadings measured by use of the keystone pollutant method by at least ten percent (10%) below the level of pollution on the site prior to redevelopment, then offsets shall be provided to achieve a ten percent (10%) reduction.
    - C. In the case of new development, offsets as determined by the Department shall be used if they reduce pollutant loadings by at least ten percent (10%) of the predevelopment levels.

- D. Offsets may be located either on or off site, provided that water quality benefits are equivalent, that the benefits are obtained within the same watershed, and that the benefits can be determined through the use of modeling, monitoring or other computation of mitigation measures as specified in the "10% Rule Compliance—Urban Stormwater Quality Guidance for Maryland Chesapeake Bay Critical Area" (Kumble, Peter, et al, 1993). CRITICAL AREA 10% RULE GUIDANCE MANUAL FALL 2003 AND AS MAY BE SUBSEQUENTLY AMENDED.
- (6) WITHIN THE ALANTIC COASTAL BAYS CRITICAL AREA, proposed development sites shall provide a forest or developed woodland cover of at least fifteen percent (15%) after development, which may be comprised all or in part of typical landscaping as approved by the Department, with the following exceptions:
  - A. Development of a single lot for the purpose of constructing a dwelling intended for the use of the owner, a child or grandchild of the owner, if the development does not result in the cutting, clearing or grading of more than forty thousand square feet of forest and the lot was legally recorded prior to July 31, 1994; or
  - B. Development of a single lot that is part of a project that has otherwise complied with the Forest Conservation Act.
- (7) If practicable, permeable areas shall be established in vegetation and whenever possible, redevelopment shall reduce existing levels of pollution.
- (8) Areas of public access to the shoreline, such as foot paths, scenic drives and other public recreational facilities and open spaces, should be maintained and, if possible, encouraged to be established within Intensely Developed Areas.
- (9) Ports and industries which use water for transportation and derive economic benefits from shore access shall be located near existing port facilities. The County Commissioners may identify other sites for planned future port facility development and use if this use will provide significant economic benefit to the State or County and is consistent with the provisions of the Water Dependent Facilities Section of this Subtitle and other State and Federal regulations.
- (10) To the extent practicable, future development in the Atlantic Coastal Bays Critical Area shall use cluster development as a means to reduce impervious areas LOT COVERAGE and to maximize areas of natural vegetation.
- (11) When the cutting or clearing of trees in forests and developed woodland areas is associated with current or planned development activities, the following shall be required:
  - A. Development activities shall be designed and implemented to minimize destruction of forest and woodland vegetation; and
  - B. Development activities shall address the protection of existing forests and developed woodlands identified as Habitat Protection Areas in the Habitat Protection Section of this Subtitle.

#### § NR 3-107. Limited Development Areas.

(a) <u>Description.</u> Limited Development Areas are those areas that are currently developed in low or

moderate-intensity uses. They also contain areas of natural plant and animal habitats. The quality of runoff from these areas has not been substantially altered or impaired. At the time of the initial mapping, these areas shall have at least one of the following features:

- (1) Housing density ranging from one dwelling unit per five acres up to four dwelling units per acre;
- (2) Areas not dominated by agricultural, wetland, forest, barren land, surface water, or open space;
- (3) Areas meeting the conditions of an Intensely Developed Area but comprising less than twenty acres; or
- (4) Areas having public sewer or public water, or both.
- (b) <u>General requirements.</u> In addition to the <del>100 foot</del> Buffer, the <del>Atlantic Coastal Bays</del> Critical Area law hereby incorporates the following requirements for Limited Development Areas. New or expanded development or redevelopment shall take place in such a way as to:
  - (1) Maintain or, if possible, improve the quality of runoff and groundwater entering the Atlantic Coastal Bays and their tributaries;
  - (2) Maintain, to the extent practicable, existing areas of natural habitat; and
  - (3) Accommodate additional low or moderate-intensity development if:
    - A. This development conforms to the water quality and habitat protection criteria in subsection 3-107(c) hereof; and
    - B. The overall intensity of development within the Limited Development Areas is not increased beyond the level established in a particular area so as to change its prevailing character as identified by density and land use established in the area at the time of adoption of this Subtitle.
- (c) <u>Development standards</u>. The following criteria apply for Limited Development Areas:
  - (1) For all development activities in the Limited Development Areas, the applicant shall identify any environmental or natural feature described below and shall meet all of the following standards of environmental protection:
    - A. Adherence to the provisions of § NR 3-104 and 3-120 through 3-123 of this Subtitle.
    - B. Roads, bridges, or utilities may not be located in any Habitat Protection Area unless no feasible alternative exists. All roads, bridges, and utilities that must cross a Habitat Protection Area shall be located, designed, constructed, and maintained so as to provide maximum erosion protection and minimize negative impacts to wildlife, aquatic life, and their habitats and maintain hydrologic processes and water quality.
    - C. All development activities that must cross or affect streams shall be designed to:
      - 1. Reduce increases in flood frequency and severity that are attributable to development;

- 2. Retain tree canopy so as to maintain stream water temperature within normal variation;
- 3. Provide a natural substrate for stream beds; and
- 4. Minimize adverse water quality and quantity impacts of stormwater.
- D. All development sites receiving project approval shall incorporate a wildlife corridor system that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site in order to provide continuity of existing wildlife and plant habitats with offsite habitats. The wildlife corridor system may include Habitat Protection Areas identified in this Subtitle. The Department shall ensure the maintenance of the wildlife corridors by requiring the establishment of conservation easements, restrictive covenants, or similar instruments approved by the County Commissioners through which the corridor is preserved by public or private groups, including homeowners associations, land trusts, nature trusts, and other organizations.
- (2) For the cutting or clearing of trees in forests and developed woodland areas which are associated with current or planned development activities, but not including building permits for individual lots, in a Limited Development Area, the Department shall:
  - A. Require that the applicant seek the comments of and comply with the recommendations of the Maryland Department of Natural Resources to the extent possible when planning development on forested land;
  - B. Design and implement development activities to minimize the destruction of woodland vegetation, and;
  - C. Provide protection for forests and developed woodlands identified as Habitat Protection Areas in this Subtitle.
  - D. Planting associated with the required replacement of forest or developed woodland shall be performed prior to the issuance of any zoning certificate or certificate of use and occupancy or shall be bonded in accordance with the provisions of § ZS 1-124 of the Worcester County Zoning Ordinance.
  - E. IF AN APPLICANT IS AUTHORIZD TO CLEAR LESS THAN TWENTY (20) PERCENT OF A FOREST OR DEVELOPED WOODLANDS ON A LOT OR PARCEL, THE APPLICANT SHALL REPLACE THE FOREST OR DEVELOPED WOODLANDS AT A RATE OF ONE (1) TIMES THE ENTIRE AREAL EXTENT OF THE FOREST OR DEVELOPED WOODLAND CLEARED;
  - F. IF AN APPLICANT IS AUTHORIZED TO CLEAR MORE THAN TWENTY (20) PERCENT OF A FOREST OR DEVELOPED WOODLANDS ON A LOT OR PARCEL, THE APPLICANT SHALL REPLACE THE FOREST OR DEVELOPED WOODLANDS AT 1.5 TIMES THE ENTIRE AREAL EXTENT OF THE FOREST OR DEVELOPED WOODLANDS CLEARED, INCLUDING THE FIRST TWENTY (20) PERCENT OF THE FOREST OR DEVELOPED WOODLANDS CLEARED;
  - G. AN APPLICANT MAY NOT CLEAR MORE THAN THIRTY (30) PERCENT OF A FOREST OR DEVELOPED WOODLANDS ON A LOT OR PARCEL

UNLESS THE VARIANCE IS GRANTED AND THE APPLICANT REPLACES FOREST OR DEVELOPED WOODLANDS AT A RATE OF THREE (3) TIMES THE ENTIRE AREAL EXTENT OF THE FOREST OR DEVELOPED WOODLANDS CLEARED.

- H. IF AN APPLICANT IS AUTHORIZED TO CLEAR ANY PERCENTAGE OF FOREST OR DEVELOPED WOODLAND THE REMAINING PERCENTAGE SHALL BE MAINTAINED THROUGH RECORDED, RESTRICTIVE COVENANTS OR SIMILAR INSTRUMENTS APPROVED BY THE COUNTY.
- (3) For the alteration of forest and developed woodland in the Limited Development Area, the following requirements shall apply:

- -

- A. The total acreage in forest coverage within the County in the Atlantic Coastal Bays Critical Area shall be maintained or preferably increased;
- B. All forests that are allowed to be cleared or developed shall be replaced in the Atlantic Coastal Bays Critical Area on not less than an equal area basis on sites with similar characteristics to those on which the original forests were growing;
- C. No more than twenty percent (20%) of any forest or developed woodland may be removed from forest use, except as provided in paragraph (c)(4) below. The remaining eighty percent (80%) shall be maintained through recorded, restrictive covenants or similar instruments approved by the County Commissioners; and
- D. Developed woodland vegetation shall be conserved to the greatest extent practicable.
- (4) For replacement of forest and developed woodland, if more than twenty percent (20%) is to be removed from forest use, an applicant may clear or develop not more than thirty percent (30%) of the total forest area provided that the afforested area shall consist of one and a half times the total surface acreage of the disturbed forest or developed woodland area, or both.
- (53) In addition, applicants seeking project approval shall adhere to the following criteria for forest and woodland development:
  - A. A performance bond in an amount determined by the Department to ensure satisfactory replacement as required by paragraph (c)(2) (3) and (4) above shall be posted, if necessary;
  - B. A stormwater management permit and sediment and erosion control plan approval shall be required before forest or developed woodland is cleared;
  - C. Forests which have been cleared before obtaining a stormwater management permit and sediment and erosion control plan approval or that exceed the maximum area allowed in paragraph (c)(2) above shall be replanted at three times the areal extent of the cleared forest;
  - D. If the areal extent of the site limits the application of the reforestation guidelines in paragraph (c)(2) (3), (4) and (5) above, alternative provisions or reforestation guidelines may be permitted by the Department if they are consistent with the intent of the Forest and Woodland element of this Subtitle to conserve the forest

and developed woodland resources of the Atlantic Coastal Bays Critical Area. Alternative provisions may include use of a forest mitigation bank if the provisions are adequate to ensure the restoration or establishment of an equivalent forest area;

- E. If no forest exists on the proposed development site, this site shall be planted to provide a forest or developed woodland cover of at least fifteen percent (15%);
- F. All forests designated on development plans shall be maintained to the extent practicable, through conservation easements, restrictive covenants or other protective instruments approved by the County Attorney;
- G. The applicant shall designate, subject to the approval of the Department, a new forest area on a part of the site not forested; and
- H. The afforested area shall be maintained as forest cover through easements, restrictive covenants, or other protective instruments approved by the County Commissioners.
- (64) Projects which receive Forest Conservation Plan approval in accordance with the provisions of Subtitle 4 (Forest Conservation) of the Worcester County Code of Public Local Laws prior to JUNE 1, 2002 FOR THE ATLANTIC COASTAL BAYS the date of adoption of this Subtitle may develop under the terms of that Forest Conservation Plan approval with a Critical Area site plan where the applicant demonstrates that resource impacts have been minimized, notwithstanding the provisions of § NR 3-107(c)(1) through (5) above.
- (75) Development on slopes greater than fifteen percent (15%), as measured before development, shall be prohibited unless the project is the only effective way to maintain or improve the stability of the slope and is consistent with the policies in Section 3-107(b) above.
- (8) Except as otherwise provided in this subsection, for stormwater runoff, LOT COVERAGE impervious areas shall be limited to fifteen percent (15%) of the site.
  - A. If a parcel or lot of one-half acre or less in size existed on or before DECEMBER 1, 1985, IN THE CHEAPEAKE BAY, OR June 1, 2002, IN THE ATLANTIC COASTAL BAYS, then LOT COVERAGE IS manmade impervious surfaces are limited to twenty-five percent (25%) of the parcel or lot.
  - B. If a parcel or lot greater than one-half acre and less than one acre in size existed on or before DECEMBER 1, 1985, IN THE CHEAPEAKE BAY, OR June 1, 2002, IN THE ATLANTIC COASTAL BAYS, then LOT COVERAGE IS manmade impervious surfaces are limited to fifteen percent (15%) of the parcel or lot.
  - C. If an individual lot one acre or less in size is part of a subdivision approved after DECEMBER 1, 1985, IN THE CHEAPEAKE BAY, OR June 1, 2002, IN THE ATLANTIC COASTAL BAYS, then manmade impervious surfaces of the lot COVERAGE may not exceed twenty five percent (25%) of the lot and the total impervious surfaces of the entire subdivision may not exceed fifteen percent (15%)EXCEED FIFTEEN (15%) OF THE INDIVIDUAL LOT; HOWEVER THE TOTAL LOT COVERAGE FOR THE ENTIRE SUBDIVISION MAY NOT EXCEED FIFTEEN PERCENT (15%).

- D. Impervious surface LOT COVERAGE limits provided in subsections (c)(8)A through C above may be exceeded, upon findings by the Director of the Department or his designee that IF all of the following conditions exist:
  - 1. THE LOT OR PARCEL IS LEGALLY NONCONFORMING. A LOT OR PARCEL LEGALLY DEVELOPED AS OF JULY 1, 2008 MAY BE CONSIDERED LEGALLY NONCONFORMING FOR THE PURPOSES OF LOT COVERAGE REQUIREMENTS;
  - 2. LOT COVERAGE ASSOCIATED WITH NEW DEVELOPMENT ACITIVITIES New impervious surfaces on the property have been minimized;
  - 32. For a lot or parcel one-half acre or less in size, total LOT COVERAGE impervious surface area does not exceed impervious surface LOT COVERAGE limits in subsection (c)(8)A by more than twenty-five percent (25%) or five hundred (500) square feet, whichever is greater;
  - 43. For a lot or parcel greater than one-half acre and less than one acre in size, total LOT COVERAGE impervious surface area does not exceed LOT COVERAGE impervious surface limits in subsection (c)(8)B or five thousand, four hundred and forty-five (5,445) square feet, whichever is greater;
  - 54. Water quality impacts associated with runoff from new impervious surfaces LOT COVERAGE can be and have been minimized through site design considerations or the use of best management practices to improve water quality; and
  - 65. The property owner performs on-site mitigation to offset potential adverse water quality impacts from the new impervious surfaces LOT COVERAGE.
- E. THE FOLLOWING TABLE SUMMARIZES THE LIMITS SET FORTH IN PARAGRAPHS A THROUGH D ABOVE:

LOT/PARCEL SIZE (SQUARE	LOT COVERAGE	
FEET)	LIMIT	
0-8,000	25% OF PARCEL + 500 SF	
8,001-21,780	31.25% OF PARCEL	
21,780 – 36,300	5,445 SF	
36,301 – 43,560	15% OF PARCEL	

- F. IF THE DEPARTMENT MAKES THE FINDINGS SET FORTH IN SECTION E ABOVE AND AUTHORIZES AN APPLICANT TO USE THE LOT COVERAGE LIMITS SET FORTH IN THAT PARAGRAPH, THE APPLICANT SHALL:
  - (1) DEMONSTRATE THAT WATER QUALITY IMPACTS
    ASSOCIATED WITH RUNOFF FROM THE DEVELOPMENT
    ACTIVITIES THAT CONTRIBUTE TO LOT COVERAGE HAVE

BEEN MINIMIZED THROUGH SITE DESIGN CONSIDERATIONS OR THE USE OF BEST MANAGEMENT PRACTICES TO IMPROVE WATER QUALITY; AND

- (2) THE PROPERTY OWNER PERFORMS ON-SITE MITIGATION, IN THE FORM OF PLANTINGS, TO OFFSET POTENTIAL ADVERSE WATER QUALITY IMPACTS FROM THE NEW LOT COVERAGE.
- (3) IF THE APPLICANT CANNOT PROVIDE APPROPRIATE STORMWATER TREATMENT AND PLANTINGS DUE TO SITE CONSTRAINTS, THEN THE COUNTY MAY REQUIRE THE PROPERTY OWNER TO PAY A FEE TO THE COUNTY IN LIEU OF PERFORMING THE ON-SITE MITIGATION. SUCH A FEE IS ESTABLISHED BY RESOLUTION OF THE COUNTY COMMISSIONERS AND MAY BE AMENDED FROM TIME TO TIME. THE COUNTY SHALL USE ALL FEES COLLECTED UNDER THIS PROVISION TO FUND PROJECTS THAT IMPROVE WATER QUALITY WITHIN THE CRITICAL AREA, CONSISTENT WITH THE COUNTY'S CRITICAL AREA PROGRAM AND ZONING ORDINANCE.
- (9) To reduce the extent of impervious areas LOT COVERAGE and maximize areas of natural vegetation, cluster development shall be considered when planning for future development.
- (10) Development may be allowed on soils having development constraints if the development includes mitigation measures that adequately address the identified constraints, and that will not have significant adverse impacts on water quality or plant, fish, or wildlife habitat.
- (d) <u>Complementary State laws and regulations</u>. In applying this <del>Atlantic Coastal Bays</del> Critical Area Law, the Program refers to all of the following complementary existing State laws and regulations:
  - (1) For soil erosion and sediment control (COMAR 26.17.01, as from time to time amended):
    - A. In order to prevent soil erosion and sedimentation, a Soil Erosion and Sedimentation Control Plan shall be required whenever a development within the Atlantic Coastal Bays Critical Area will involve any clearing, grading, transporting, or other form of disturbance to land by the movement of earth. This plan shall be consistent with the requirements of Natural Resources Article §§ 8-1101 through 8-1108 and Environment Article §§ 4-103 through 4-108 and § 4-116, Annotated Code of Maryland, as from time to time amended, and local ordinances, as may be amended from time to time. Sediment control practices shall be appropriately designed to reduce adverse water quality impacts.
    - B. The Program requires erosion control as the basis of sediment control plans within the Atlantic Coastal Bays Critical Area.
  - (2) For stormwater runoff (COMAR 26.17.02, as from time to time amended):
    - A. Post-development discharges may not cause downstream property, watercourses, channels, or conduits to receive stormwater runoff at a higher volume or rate than would have resulted from a 10-year storm at the predevelopment state.

- B. All stormwater storage facilities shall be designed with sufficient capacity to achieve the water quality goals of this Section and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state.
- C. Stormwater management measures shall be consistent with the requirements of Environment Article 4-201 et seq., Annotated Code of Maryland, as may be amended from time to time.

# § NR 3-108. Resource Conservation Areas.

- (a) <u>Description.</u> Resource Conservation Areas are areas characterized by nature-dominated environments (including, but not limited to, wetlands, forests, abandoned fields) and resource-utilization activities (including, but not limited to, agriculture, forestry, fisheries activities or aquaculture). At the time of the initial mapping, these areas shall have at least one of the following features:
  - (1) Existing density is less than one dwelling unit per five acres; or
  - (2) The dominant land use is in agriculture, wetland, forest, barren land, surface water, and/or open space.
- (b) <u>General requirements.</u> In addition to the <del>100 foot</del> Buffer, the <del>Atlantic Coastal Bays</del> Critical Area Law hereby incorporates the following requirements for Resource Conservation Areas. New or expanded development or redevelopment in these areas shall take place in such a way as to:
  - (1) Conserve, protect and enhance the overall ecological values of the Atlantic Coastal Bays Critical Area, its biological productivity and its diversity;
  - (2) Provide adequate breeding, feeding and wintering habitats for those wildlife populations that require the CHESAPEAKE AND Atlantic Coastal Bays, their tributaries or coastal habitats in order to sustain populations of those species;
  - (3) Conserve the land and water resource base that is necessary to maintain and support land uses such as agriculture, forestry, fisheries activities and aquaculture; and
  - (4) Conserve the existing developed woodlands and forests for the water quality benefits that they provide.
- (c) <u>Development standards</u>. The following criteria apply for Resource Conservation Areas:
  - (1) Land use management practices shall be consistent with the policies and criteria for the Habitat Protection Area Section, the Agricultural Section, and the Forest and Woodlands Protection Section of this Subtitle.
  - (2) Agricultural and conservation easements shall be encouraged in Resource Conservation Areas.
  - (3) Land within the Resource Conservation Area may be developed for residential uses at a density not to exceed one dwelling unit per twenty acres. Within this limit of overall density, minimum lot sizes shall be as prescribed by the terms of the Zoning and Subdivision Control Article. Such mechanisms as cluster development, maximum lot size provisions, and/or additional means to maintain the land area necessary to support the protective uses will be encouraged by the County Commissioners and implemented as

necessary.

- (4) Existing industrial and commercial facilities, including those that directly support agriculture, forestry, aquaculture, or residential development, not exceeding the density specified in Section 3-108(c)(2) above, shall be allowed in Resource Conservation Areas.
- (5) New commercial, industrial, and institutional uses shall not be permitted in Resource Conservation Areas. Additional land may not be zoned or used for industrial, commercial, or institutional development except as provided by § NR 3-108(d) and § NR 3-112 below. Non-industrial activities which support surface mining, agriculture, and forestry may be established or expanded, provided they conform with the other requirements of this Subtitle.
- (6) The Department shall ensure that the overall acreage of forest and woodland within the Resource Conservation Areas does not decrease.
- (7) Development activity within the Resource Conservation Areas shall be consistent with the requirements for Limited Development Areas in this Subtitle as specified in § NR 3-107 hereof.
- (8) Nothing in this section shall limit the ability of a participant in the Agricultural Easement Program to convey real property impressed with such an easement to family members provided that no such conveyance will result in a density greater than one dwelling unit per twenty acres.
- (9) In calculating the one dwelling unit per twenty-acre density of development that is permitted on a parcel located within the Resource Conservation Area, the Department may permit the area of any private wetlands located on the property to be included under the following conditions:
  - A. The density of development on the upland portion of the parcel may not exceed one dwelling unit per eight acres; and
  - B. The area of private wetlands shall be estimated on the basis of vegetative information as designated on the State wetlands maps or by private survey approved by the Department and the State Department of Environment.
- (10) In consideration of additional dwelling units per lot or parcel as part of the primary dwelling unit, the County shall adhere to the following:
  - A. Within a Resource Conservation Area, the County may consider one additional dwelling unit per lot or parcel as part of the primary dwelling unit for the purpose of the density calculation under this subsection if the additional dwelling unit meets either of the following set of conditions:
    - 1. The additional dwelling unit is located within the primary dwelling unit, or its entire perimeter is within 100 feet of the primary dwelling unit, it does not exceed 900 square feet in total enclosed area, and it is served by the same sewage disposal system as the primary dwelling unit; or
    - 2. The additional dwelling unit is located within the primary dwelling unit, is built so that its construction does not increase the amount of impervious surface LOT COVERAGE already attributed to the primary dwelling unit, and it is served by the same sewage disposal system as the primary dwelling unit.

- B. An additional dwelling unit meeting all the criteria of this section that is separate from the primary dwelling unit may not be subdivided or conveyed separately from the primary dwelling unit.
- C. The provisions of this section apply to density calculations only and may not be construed to authorize the County to grant a variance, unless the variance is granted in accordance with the requirements and standards in this Subtitle for variances in the Atlantic Coastal Bays Critical Area.
- D. The County shall maintain records of all building permits issued under this section for additional dwelling units considered part of a primary dwelling unit and shall provide this information on a quarterly basis to the Critical Area Commission.
- (d) <u>Land use in the Resource Conservation Area</u>. In addition to the uses specified above, certain nonresidential uses may be permitted in Resource Conservation Areas if permitted by the terms of the Zoning and Subdivision Control Article and if it is determined by the Department that the proposed use is one of the following:
  - (1) A home occupation as an accessory use on a property used for residential purposes and as provided for in the County's Zoning Ordinance;
  - (2) A golf course, excluding principal buildings and/or structures such as the clubhouse, proshop, parking lot, etc.;
  - (3) A cemetery that is an accessory use to a church existing as of June 1, 2002 if impervious surfaces LOT COVERAGE are IS limited to 20,000 square feet or 15% of the site, whichever is less;
  - (4) A bed and breakfast facility located in a residential structure existing as of DECEMEBER 1, 1985, IN THE CHESAPEAKE COASTAL BAY, OR June 1, 2002, IN THE ATLANTIC COASTAL BAYS, and where meals are prepared only for guests staying at the facility;
  - (5) A gun club or skeet shooting range or similar use, excluding main buildings and/or structures, such as a clubhouse, snack bar, etc.;
  - (6) A daycare facility in a dwelling where the operators live on the premises, and there are no more than eight children;
  - (7) A group home or assisted living facility with no more than eight residents;
  - (8) A public or private non-commercial dock or pier and passive recreational areas. [Added 3-17-2015 by Bill No. 15-1]
    - A. Dock or pier and passive recreational areas may include:
      - 1. Floating platforms for the launching and retrieval of non-motorized watercraft;
      - 2. A pervious storage structure for non-motorized watercraft not to exceed twenty thousand square feet in area; and
      - 3. Passive recreation such as walking, hiking, bicycle paths and trails,

wildlife observation areas, and picnic areas.

- B. Dock or pier and passive recreational areas may not include principal uses and structures or accessory uses and structures, including but not limited to: gazebos, pavilions, clubhouses, restrooms, and parking areas.
- C. Lot coverage shall be limited to fifteen percent of the site.
- (9) An office and/or establishment utilized by a nonprofit environmental conservation and land preservation organization, subject to the following: [Added 4-19-2016 by Bill No. 16-3]
  - A. Organizations shall maintain a non-profit and/or tax-exempt status; and
  - B. The total use area shall not exceed twenty thousand square feet in area. Areas of passive recreation such as walking, hiking, bicycle paths and trails, wildlife observation areas, and picnic areas shall not be subject to this limitation.
- (10) SPECIAL EVENTS SHALL BE PERMITTED IN THE RCA IN THE ESTATE, AGRICULTURAL AND RESOURCE PROTECTION ZONING CLASSIFICATIONS, SUBJECT TO THE FOLLOWING ADDITIONAL STANDARDS:
  - A. ALL LOT COVERAGE PERTAINING TO THE SPECIAL EVENTS ACTIVITIES, INCLUDING, BUT NOT LIMITED TO, TEMPORARY STRUCTURES, TEMPORARY TENTS, PARKING AREAS (IMPROVED AND UNIMPROVED), AND OTHERWISE MUST OCCUR OUTSIDE THE BUFFER OR OTHER HABITAT PROTECTION AREA UNLESS THE LOT COVERAGE IS LEGALLY DEVELOPED EXISTED AT THE TIME OF SPECIAL EXCEPTION APPLICATION AND THE PROVISIONS OF SECTION NR 3-107(C)(8)(A-D) SHALL STILL APPLY.
  - B. A SCALED DRAWING OF THE SITE SHOWING THE LOCATION OF THE PROPOSED STRUCTURES AND DEMONSTRATING THE SITE REQUIREMENTS IN SECTION ZS 1-203(C)(21) FOR SPECIAL EVENTS, INCLUDING ANY TEMPORARY STRUCTURES, TEMPORARY TENTS AND TEMPORARY PARKING SPACES MUST BE SUBMITTED WITH THE SPECIAL EXCEPTION APPLICATION. THE SCALED DRAWING MUST DEMONSTRATE HOW THE SPECIAL EVENT USE WILL MINIMIZE IMPACTS TO NATURAL RESOURCES AND PROTECTS THE DEFINED LAND USES IN THE RCA FOUND IN THIS CHAPTER AND MUST ALSO DEPICT THE REQUIREMENTS LISTED UNDER SECTION NR 3-109(D)(1).
  - C) PROVISIONS PERTAINING TO LOT COVERAGE AND CLEARING LIMITS IN THE RCA CONTAINED IN THIS CHAPTER APPLY TO SPECIAL EVENT ACTIVITIES. SPECIAL EVENT ACTIVITIES SHALL BE IN CLOSE PROXIMITY TO EXISTING STRUCTURES AND FACILITIES ON THE PROPERTY TO MINIMIZE ADVERSE IMPACTS TO NATURAL RESOURCES AND ARE ACCESSORY TO THE PRINCIPAL USE OF THE PROPERTY.
  - D) THIS USE IS LIMITED TO ONLY PROPERTIES THAT ARE 25 ACRES OR GREATER IN SIZE AND ARE LIMITED TO NO MORE THAN 40 EVENTS PER CALENDAR YEAR. AN EVENT HAS A MAXIMUM DURATION OF TWO CONSECUTIVE DAYS CONSISTING OF 48 HOURS.

E) ALL LOT COVERAGE AND PROPOSED TEMPORARY STRUCTURES ASSOCIATED WITH THE SPECIAL EVENT MUST COMPLY WITH HABITAT PROTECTION AREAS, PER NR 3-120. THIS INCLUDES PROTECTION OF THE ONE HUNDRED FOOT BUFFER, THREATENED AND ENDANGERED SPECIES AND SPECIES IN NEED OF CONSERVATION, PLANT AND WILDLIFE HABITAT PROTECTION AREA INCLUDING NON-TIDAL WETLANDS, AND ANADROMOUS FISH PROPAGATION WATERS.

# § NR 3-109. Implementation of the Atlantic Coastal Bays Critical Area provisions.

- (a) Regulated activities and applicability. In shall be unlawful to pursue any new, expanded or intensified activities within the Atlantic Coastal Bays Critical Area, such as development or redevelopment, grading, clearing, sediment and erosion control, timber harvesting, shoreline erosion control, installation of a septic system and drain field, operation of a waste collection or disposal facility, operation of a commercial or private marina or other water-related commercial or industrial operation (whether public or private), mining (whether surface or sub-surface) or quarrying, farming or other agriculturally-related activities, without first obtaining approval by the Department after review under the provisions of this Subtitle.
- (b) Responsible agency. All applications for such County permits and licenses that are issued by the County shall be made to the pertinent department. The Department shall make available to all agencies involved in overseeing regulated activities a set of maps showing the location so that these agencies may identify affected properties subject to said referrals. Applications for timber harvesting shall be reviewed by the Department of Natural Resources through the District Forestry Board. Applications for mining and quarrying shall be reviewed by the Department and appropriate State agencies. Applications for farming or other agriculture-related activities shall be reviewed by the Department or the County Soil Conservation District, depending on the nature of the proposed activity.
- (c) <u>Process.</u> Upon receiving the referred application, the Department shall review the application for compliance of the activity with the requirements of this Subtitle. The <u>Atlantic Coastal Bays</u>
  Critical Area review includes, but is not limited to, evaluating the 100-foot Buffer, area of <u>impervious surface</u> LOT COVERAGE, area of forest cover, area of steep slopes, location of tidal or nontidal wetlands and their buffers, and the mitigation plan if required.
- (d) Application requirements. In order for the Department to make findings and specific recommendations as to the compliance of a project with the goals of the Atlantic Coastal Bays Critical Area Law, information on land and water disturbing activities must be submitted by the applicant. This information shall include an Atlantic Coastal Bays Critical Area site plan and a written Atlantic Coastal Bays Critical Area report.
  - (1) <u>Atlantic Coastal Bays Critical Area site plan.</u> The <u>Atlantic Coastal Bays</u> Critical Area site plan must be drawn to scale and shall include, but not be limited to, the following information:
    - A. Topography (if property is flat or gently sloping, state this on the plan).
    - B. Mean high water line.
    - C. Tidal wetlands (private and State).
    - D. Tributary streams.

- E. Nontidal wetlands.
- F. Soils.
- G. Forest cover (show individual trees or a tree line defining wooded areas).
- H. 100 foot CRITICAL AREA Buffer (drawn from mean high water, the edge of tidal wetlands or tributary streams).
  - i. The Buffer may be required to be expanded beyond 100-feet to include contiguous sensitive areas, such as steep slopes, hydric soils, or highly erodible soils, whose development or disturbance may impact streams, wetlands, or other aquatic environments.
- I. Habitat protection areas.
- J. All LOT COVERAGE impervious surfaces (including all structures, sidewalks, sheds, decks, driveways, pools, etc.) labeled as existing or proposed.
- K. All proposed clearing, grading, and disturbance (e.g., septic areas, wells, lawns, etc.).
- L. Computation of the amount of existing and proposed LOT COVERAGE impervious surfaces, existing forest cover and proposed clearing, and total area of disturbance.
- M. BUFFER MANAGEMENT PLAN, IF APPLICABLE.
- N. 10 PERCENT POLLUTION REDUCTION CALCULATIONS IF LOCATED IN AN INTENSELY DEVELOPED AREA (IDA).
- (2) <u>Atlantic Coastal Bays Critical Area report.</u> The Atlantic Coastal Bays Critical Area report must include a description of the project and an environmental assessment of the site. This report shall include but not be limited to the following information:
  - A. Forest cover, generally describing the size and species of trees and shrubs.
  - B. Shoreline condition, including any existing or proposed piers, bulkheads, revetments, or other shoreline stabilization methods.
  - C. Proposed or existing stormwater management measures.
  - D. Site topography and soil conditions, including any areas of erosion or run-off.
  - E. Proposed clearing, excavation, and grading.
  - F. Discussion of the proposed development, including the number of residential units, amount of proposed impervious surface LOT COVERAGE, proposed sewer treatment and water supply, and total square footage of clearing, grading, and disturbance.
  - G. Discussion of the proposed development's impacts on water quality and Habitat Protection Areas AND ANY PROPOSED OFFSET OR MITIGATION.

- H. Documentation of all correspondence and findings received from any County, State or Federal Agency.
- (e) NOTIFICATION OF PROJECT APPROVAL.
  - (1) CRITICAL AREA NOTIFICATION. THE DEPARTMENT SHALL SEND COPIES OF APPLICATIONS FOR ALL DEVELOPMENTS, SUBDIVISIONS, AND SITE PLANS WHOLLY OR PARTIALLY WITHIN THE CRITICAL AREA AS SPECIFIED IN COMAR 27.03.01.04 TO THE CRITICAL AREA COMMISSION FOR REVIEW AND COMMENT.
    - A. THE APPLICATION SHALL BE ACCOMPANIED BY A COMPLETED "PROJECT NOTIFICATION APPLICATION" FORM.
    - B. THE DEPARTMENT MAY NOT PROCESS AN APPLICATION THAT HAS BEEN SENT TO THE COMMISSION FOR NOTIFICATION UNTIL IT HAS RECEIVED NOTICE OF RECEIPT BY THE COMMISSION.
    - C. ANY ACTION BY THE COUNTY IN VIOLATION OF THESE PROCEDURES SHALL BE VOID.

## § NR 3-110. Amendments and refinements.

- (a) Generally. The regulations, restrictions, definitions, districts, classifications, and boundaries as set forth in this Subtitle may, from time to time be amended, supplanted, modified, or repealed by the County Commissioners with the eoneurrence- APPROVAL of the CRITICAL AREA Commission. The reclassification of any property, the relocation of any district boundary, the designation or future modification of any Buffer management area and its accompanying regulations, and the award of growth allocation shall be done by resolution of the County Commissioners after a duly advertised public hearing in accordance with the provisions of § ZS 1-114 of the Worcester County Zoning Ordinance and approval of the CRITICAL AREA Commission. Amendments to the text of this Subtitle shall be passed by the County Commissioners as public local laws according to legally required procedures and with the concurrence- APPROVAL of the CRITICAL AREA Commission.
- (b) <u>Applications and procedures</u>. Amendments and refinements shall be processed in the following manner:
  - (1) Proposals for any amendment or refinement may be made by any interested person who is a resident or taxpayer in the County or by any government agency of the County. Proposals shall be addressed to and filed with the County Commissioners in such form as they may prescribe. Applications shall only be accepted from January 1 to January 30 and July 1 to July 31 of each calendar year.
  - (2) Any application for growth allocation shall be reviewed by the Planning Commission but shall first be referred to the Department for review. Comments and recommendations shall be prepared by the Department for consideration by the Planning Commission in its review. The Planning Commission shall review the application in accordance with the provisions of § NR 3-112 hereof and forward a recommendation to the County Commissioners within a reasonable period of time as determined by the County Commissioners. Upon receipt of the Planning Commission's recommendation, the County Commissioners shall hold at least one public hearing in accordance with the

provisions of § NR 3-112(c)(4) et seq. hereof.

- (3) All amendments other than requests for growth allocation shall be reviewed and acted upon by the County Commissioners but shall first be referred to the Department for review.
  - A. Upon receipt of the application, the Department shall examine the application and information submitted therewith. If the application and information are insufficient for the purposes of review the Department may:
    - i. Return the application to the applicant with a letter describing the deficiencies in the submittal; or
    - ii. Request any additional information as may be necessary to review the application.
  - B. Any application returned as being insufficient may only be resubmitted within the application periods, as identified in § NR 3-110(b)(1) herein.
  - C. The Department shall review the application in a reasonable period of time as determined by the County Commissioners and forward a report and recommendation to the County Commissioners.
  - D. After receipt of the Department's recommendation, the County Commissioners shall hold at least one public hearing in relation to the proposed amendment, at which parties and interested citizens shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing and the nature of the proposed amendment shall be published in an official paper or a paper of general circulation in the County in accordance with the provisions of § ZS 1-114 of the Worcester County Zoning Ordinance. In the case of amendments to the text of this Subtitle, if no County Commissioner is willing to introduce the proposed amendment as a bill, it need not be considered, and a public hearing need not be held.
- (C) COMPREHENSIVE REVIEWS. WORCESTER COUNTY WILL REVIEW ITS ENTIRE PROGRAM AS CONTAINED IN THIS SUBTITLE AND PROPOSE ANY NECESSARY AMENDMENTS AT LEAST EVERY SIX (6) YEARS. THE ANNIVERSARY OF THE DATE THAT THE PROGRAM BECAME EFFECTIVE SHALL BE USED TO DETERMINE WHEN THE REVIEW SHALL BE COMPLETED. WITHIN SIXTY (60) DAYS AFTER THE COMPLETION OF THE REVIEW, THE COUNTY WILL SEND THE FOLLOWING INFORMATION IN WRITING TO THE COMMISSION:
  - (1) A STATEMENT CERTIFYING THAT THE REQUIRED REVIEW HAS BEEN ACCOMPLISHED;
  - (2) ALL NECESSARY REQUESTS FOR PROGRAM AMENDMENTS, PROGRAM REFINEMENTS, OR OTHER MATTERS THAT THE COUNTY WISHES THE COMMISSION TO CONSIDER;
  - (3) AN UPDATED RESOURCE INVENTORY; AND

- (4) A STATEMENT QUANTIFYING ACREAGES WITHIN EACH LAND CLASSIFICATION, THE GROWTH ALLOCATION USED, AND THE GROWTH ALLOCATION REMAINING.
- (D) OFFICIAL CRITICAL AREA MAP AMENDMENTS. EXCEPT FOR AMENDMENTS OR REFINEMENTS TO THIS SUBTITLE DEVELOPED DURING A SIX-YEAR COMPREHENSIVE REVIEW, AN AMENDMENT OF THE OFFICIAL CRITICAL AREA MAP MAY ONLY BE GRANTED BY THE COUNTY COMMISSIONERS UPON PROOF OF A MISTAKE IN THE EXISTING LAND USE AREA. THIS REQUIREMENT DOES NOT APPLY TO PROPOSED CHANGES TO THE OFFICIAL CRITICAL AREA MAP THAT MEET THE FOLLOWING CRITERIA:
  - (1) ARE WHOLLY CONSISTENT WITH THE LAND CLASSIFICATION IN THIS SUBTITLE OR
  - (2) PROPOSE THE USE OF GROWTH ALLOCATION IN ACCORDANCE WITH THE GROWTH ALLOCATION PROVISIONS OF THIS SUBTITLE.

# § NR 3-111. Variances.

- (a) Applicability. An Atlantic Coastal Bays A Critical Area Program variance may be granted to the terms of this Subtitle in accordance with the provisions of § ZS 1-116(c)(4) of the Worcester County Zoning Ordinance where, owing to special features of a site or other circumstances, implementation of this Program or a literal enforcement of provisions within the Program would result in unwarranted hardship to an applicant.
- (B) STANDING. IN ACCORDANCE WITH NATURAL RESOURCES ARTICLE, §8-1808(D)(2), ANNOTATED CODE OF MARYLAND, IF A PERSON MEETS THE THRESHOLD STANDING REQUIREMENTS UNDER FEDERAL LAW, THE PERSON SHALL HAVE STANDING TO PARTICIPATE AS A PARTY IN A LOCAL ADMINISTRATIVE PROCEEDING.
- (cb) <u>Standards.</u> The provisions for granting such a variance shall include evidence submitted by the applicant that the following standards are met:
  - (1) Special conditions or circumstances exist that are peculiar to the applicant's land or structure and a literal enforcement of provisions and requirements of the County's Atlantic Coastal Bays Critical Area Program would result in unwarranted hardship;
  - (2) A literal interpretation of the provisions of the County's Atlantic Coastal Bays Critical Area Program and related laws will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Atlantic Coastal Bays Critical Area;
  - (3) The granting of a variance will not confer upon an applicant any special privilege that would be denied by the County's Atlantic Coastal Bays Critical Area Program to other lands or structures within the Atlantic Coastal Bays Critical Area;
  - (4) The variance request is not based upon conditions or circumstances which are the result of actions by the applicant nor does the request arise from any condition relating to land or building use, either permitted or non-conforming on any neighboring property;
  - (5) The granting of a variance shall not adversely affect water quality or adversely impact

fish, wildlife or plant habitat within the Atlantic Coastal Bays Critical Area and the granting of the variance will be in harmony with the general spirit and intent of the County's Atlantic Coastal Bays Critical Area Program;

- (6) The Board of Zoning Appeals shall not make a decision relative to a request for such a

  variance without reviewing the comments of the Department and finding that the

  applicant has satisfied each of the provisions and standards contained herein.
- (de) <u>Process.</u> Applications for a variance shall be made in writing to the Board of Zoning Appeals on forms prescribed by the Department.
  - (1) THE BOARD OF ZONING APPEALS SHALL NOT MAKE A DECISION RELATIVE TO A REQUEST FOR SUCH A VARIANCE WITHOUT REVIEWING THE COMMENTS OF THE DEPARTMENT AND FINDING THAT THE APPLICANT HAS SATISFIED EACH OF THE PROVISIONS AND STANDARDS CONTAINED HEREIN.
  - (2) AFTER HEARING AN APPLICATION FOR A CRITICAL AREA PROGRAM VARIANCE, THE BOARD OF ZONING APPEALS SHALL MAKE FINDINGS REFLECTING ANALYSIS OF EACH STANDARD BEFORE MAKING A DECISION ON THE REQUESTED VARIANCE.
- (ed) <u>Board procedures.</u> The following procedures shall be adhered to by the Board of Zoning Appeals when considering variance requests to this Subtitle:
  - (1) In considering an application for a variance the Board of Zoning Appeals shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of Natural Resources Article, Title 8, Subtitle 18, COMAR Title 27, as from time to time amended, and the requirements of the County's Atlantic Coastal Bays Critical Area Program.
  - (2) If the variance request is based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed, the Board of Zoning Appeals may consider that fact., AND WHETHER THE APPLICATION HAS MET THE REQUIREMENTS OF SECTION (g) BELOW.
  - (3) An applicant has the burden of proof and the burden of persuasion to overcome the presumption of nonconformance established in subsection (1) hereof.
  - (4) Based on competent and substantial evidence, the Board of Zoning Appeals shall make written findings as to whether the applicant has overcome the presumption of nonconformance as established above.
  - (5) With due regard for the person's experience, technical competence, and specialized knowledge, the written findings may be based on evidence introduced and testimony presented by:
    - A. The applicant;
    - B. Any agency of the local, state or federal government; or

- C. Any other person deemed appropriate by the Board of Zoning Appeals.
- (fe) Appeals. Appeals from decisions concerning the granting or denial of a variance under these regulations shall be taken in accordance with all applicable laws and procedures of the County for variances. Variance decisions by the Board of Zoning Appeals may be appealed to the Circuit Court in accordance with the Maryland Rules of Procedure. Appeals may be taken by any person, firm, corporation, or governmental agency, including, but not limited to, the County Commissioners, aggrieved or adversely affected by any decision made under this section.
  - A. A PERSON WITH STANDING UNDER SUNSECTION (b) OF THIS CHAPTER MAY:
    - (1) PARTICIPATE AS A PARTY IN AN ADMINISTRATIVE
      PROCEEDING AT A BOARD OF APPEALS EVEN IF THE PERSON
      WAS NOT A PARTY TO THE ORIGINAL ADMINISTRATIVE
      PROCEEDING; AND
    - (2) PETITION FOR JUDICIAL REVIEW AND PARTICIPATE AS A PARTY EVEN IF THE PERSON WAS NOT A PARTY TO THE ACTION WHICH IS THE SUBJECT OF THE PETITION.
  - B. AN APPEAL MAY BE FILED BY:
    - (1) A PERSON AGGRIEVED OR ADVERSELY AFFECTED BY A DECISION MADE UNDER THIS CHAPTER, INCLUDING A GOVERNMENT AGENCY; AND
    - (2) THE CHAIRMAN, EVEN IF THE CHAIRMAN WAS NOT A PARTY TO OR IS NOT SPECIFICALLY AGGRIEVED BY THE ACTION OR DECISION.
  - C. A LOCAL JURISDICTION MAY NOT ISSUE A PERMIT FOR THE ACTIVITY THAT WAS THE SUBJECT OF THE VARIANCE APPLICATION UNTIL THE APPLICABLE 30-DAY APPEAL PERIOD HAS ELAPSED.
- (gf) <u>Conditions and mitigation.</u> The Board of Zoning Appeals shall impose conditions on the use or development of a property which is granted a variance as it may find reasonable to ensure that the spirit and intent of the <del>Atlantic Coastal Bays</del> Critical Area Law is maintained, including, but not limited to, the following:
  - (1) Adverse impacts resulting from the granting of the variance shall be mitigated AS RECOMMENDED BY THE NATURAL RESOURCE DIVISION, BUT NO by the planting of trees and shrubs on the site at an amount equal to not less than A THREE TO ONE BASIS. three times the square footage of the area of disturbance allowed by the variance or as recommended by the Department.
  - (2) New or expanded structures or impervious surfaces LOT COVERAGE shall be located the greatest possible distance from mean high water, the landward edge of tidal wetlands, tributary streams, nontidal wetlands, or steep slopes.
- (h) AFTER-THE-FACT REQUESTS.

- (1) THE BOARD OF ZONING APPEALS WILL NOT ACCEPT AN APPLICATION OF VARIANCE TO LEGALIZE A VIOLATION OF THIS SUBTITLE, INCLUDING AN UNPERMITTED STRUCTURE OR OTHER DEVELOPMENT ACTIVITY UNTIL THE DEPARTMENT:
  - A. ISSUES A NOTICE OF VIOLATION; AND
  - B. ASSESSES AN ADMINISTRATIVE OR CIVIL PENALTY FOR THE VIOLATION.
- (2) THE BOARD OF ZONING APPEAL MAY NOT APPROVE AN AFTER-THE-FACT VARIANCE UNLESS AN APPLICANT HAS:
  - A. FULLY PAID ALL ADMINISTRATIVE, CIVIL AND CRIMINAL PENALTIES IMPOSED UNDER NATURAL RESOURCES ARTICLE, §8-1808(C)(L)(III)14-15 AND (2)(I), ANNOTATED CODE OF MARYLAND;
  - B. PREPARED A RESTORATION OR MITIGATION PLAN, APPROVED BY THE LOCAL JURISDICTION, TO ABATE IMPACTS TO WATER QUALITY OR NATURAL RESOURCES AS A RESULT OF THE VIOLATION; AND
  - C. PERFORMED THE ABATEMENT MEASURES IN THE APPROVED PLAN IN ACCORDANCE WITH THIS SUBTITLE.
- (3) IF THE BOARD OF ZONING APPEALS DENIES THE REQUESTED AFTER-THE-FACT VARIANCE, THEN THE DEPARTMENT SHALL:
  - A. ORDER REMOVAL OR RELOCATION OF ANY STRUCTURE; AND
  - B. ORDER RESTORATION OF THE AFFECTED RESOURCES.
- (i) COMMISSION NOTIFICATION. WITHIN TEN (10) WORKING DAYS AFTER A WRITTEN DECISION REGARDING A VARIANCE APPLICATION IS ISSUED, A COPY OF THE DECISION WILL BE SENT TO THE CRITICAL AREA COMMISSION. THE DEPARTMENT MAY NOT ISSUE A PERMIT FOR THE ACTIVITY THAT WAS THE SUBJECT OF THE APPLICATION UNTIL THE APPLICABLE 30-DAY APPEAL PERIOD HAS ELAPSED.

## § NR 3-112. Growth allocation.

- (a) <u>Description.</u>
  - (1) FOR THE CHESAPEAKE COASTAL BAYS CRITICAL AREA. THE UPLAND AREA OF THE COUNTY WITHIN THE CRITICAL AREA COMPRISES ABOUT NINE THOUSAND EIGHT HUNDRED TWENTY NINE (9,829) ACRES. WITHIN THE CRITICAL AREA, TWO HUNDRED NINETY EIGHT AND SEVEN TENTHS (298.7) ACRES OF LAND WERE CLASSIFIED AS IDA OR LDA. THE REMAINING NINE THOUSAND FIVE HUNDRED THIRTY (9,530) ACRES WERE CLASSIFIED AS RCA. THE STATE CRITICAL AREA LAW PERMITTED THE COUNTY TO ALLOCATE FIVE PERCENT OF THIS AREA, OR FOUR HUNDRED SEVENTY SIX AND FIVE TENTHS (476.5) ACRES. FOR USE FOR FUTURE GROWTH AS EITHER IDA OR LDA. AMOUNT AVAILABLE FOR FUTURE

GROWTH ALLOCATION IS FOUR HUNDRED ELEVEN AND FIFTY TWO HUNDREDTHS (411.52) ACRES. THIS ACREAGE SHALL BE USED FOR THE EXPANSION OF EXISTING OR THE CREATION OF NEW LDAS AND IDAS UNDER THE FOLLOWING GENERAL GUIDELINES:

- (A) THE TOTAL AREA OF EXPANSION OF INTENSELY DEVELOPED OR LIMITED DEVELOPMENT AREAS, OR BOTH, SHALL NOT EXCEED FOUR HUNDRED SEVENTY SIX AND FIVE TENTHS (476.5) ACRES.
- (B) WHEN PERMITTING FUTURE EXPANSION OF INTENSELY DEVELOPED AND LIMITED DEVELOPMENT AREAS NEAR THE MUNICIPALITIES OF SNOW HILL AND POCOMOKE CITY, THE COUNTY SHALL NOTIFY THE APPROPRIATE LOCAL OFFICIALS TO ALLOW THEM AN OPPORTUNITY TO COMMENT ON HOW THE EXPANSION MAY AFFECT THESE MUNICIPALITIES.
- (2) FOR THE ATLANTIC COASTAL BAYS CRITICAL AREA. The upland area of the County within the Atlantic Coastal Bays Critical Area comprises about twenty-two thousand nine hundred and fifty-five (22,955) acres. Within the Atlantic Coastal Bays Critical Area, three thousand four hundred and sixty (3,460) acres of land are classified as Intensely Developed Area and three thousand one hundred sixteen (3,116) acres as Limited Development Area. The remaining sixteen thousand three hundred and seventy-nine (16,379) acres are classified as Resource Conservation Area. The Atlantic Coastal Bays Protection Act permits the County Commissioners to allocate five percent (5%) of this area, or eight hundred and nineteen (819) acres, for use for future growth as either Intensely Developed Areas or Limited Development Areas. This acreage shall be used for the expansion of existing or the creation of new Limited Development Areas and Intensely Developed Areas under the following general guidelines:
  - (A) The total area of expansion of Intensely Developed or Limited Development Areas, or both, shall not exceed eight hundred nineteen (819) acres.
  - (B) When permitting future expansion of Intensely Developed and Limited Development Areas within one mile of an incorporated municipality, the Department shall notify the appropriate local officials to allow them an opportunity to comment on how the expansion may affect the municipality.
  - (C) NO MORE THAN ONE-HALF OF THE ALLOCATED EXPANSION MAY BE LOCATED IN THE ATLANTIC COASTAL BAY RESOURCE CONSERVATION AREAS EXCEPT AS PROVIDED IN PARAGRAPH (C)(7) BELOW.
- (3) UP TO 150 ACRES OF GROWTH ALLOCATION MAY BE TRANSFERRED FROM THE ATLANTIC COASTAL BAYS CRITICAL AREA TO THE CHESAPEAKE BAY CRITICAL AREA, OR VICE-VERSA, PROVIDED THE REMAINING ACERAGE IN THE DESIGNATED POT IS INSUFFICIENT TO ALLOW APPROVAL OF THE GROWTH ALLOCATION PROPOSAL FOR WHICH THE COUNTY IS SEEKING APPROVAL.
- (b) <u>Requirements.</u> THE COUNTY COMMISSIONERS SHALL REQUIRE AN APPLICATION FOR A NEW INTENSELY DEVELOPED AREA OR LIMITED DEVELOPMENT AREA TO BE:

- (1) IN CONFORMANCE WITH THE REQUIREMENTS OF THIS CODE AND COMAR TITLE 27;
- (2) DESIGNATED ON THE LOCALLY APPROVAL CRITICAL AREA MAP THAT IS SUBMITTED AS PART OF THE APPLICATION TO THE CRITICAL AREA COMMISSION;
- (3) FOR A GROWTH ALLOCATION APPLICATION FOR A RESIDENTIAL SUBDIVISION, IN COMPLIANCE WITH THE REQUIREMENTS AND PROCEDURES UNDER ENVIRONMENT ARTICLE, §9-206, ANNOTATED CODE OF MARYLAND, AND LAND USE ARTICLE, TITLE 1, SUBTITLE 5, AND §5-104, ANNOTATED CODE OF MARYLAND; AND
- (4) CONSTITUTE AN AMENDMENT TO THIS PROGRAM SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING COMMISSION, THE COUNTY COMMISSIONERS AND THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS.
- (cb) <u>STANDARDS Requirements.</u> When locating new Intensely Developed or Limited Development Areas, the County Commissioners shall use these guidelines:
  - (1) New Intensely Developed Areas SHALL should be located in Limited Development Areas or adjacent to existing Intensely Developed Areas;
  - (2) New Limited Development Areas SHALL should be located adjacent to existing Limited Development Areas or Intensely Developed Areas;
  - (3) New Intensely Developed Areas shall be at least twenty acres in size unless:
    - A. They are contiguous to an existing Intensely Developed Area or Limited Development Area; or
    - B. They are a grandfathered commercial or industrial use that was permitted and legally existing as of the date of local Program approval. The amount of growth allocation deducted shall be equivalent to the area of the entire parcel or parcels subject to the growth allocation request.
  - (4) No more than one-half of the allocated expansion may be located in Resource Conservation Areas except as provided in paragraph (b)(9) below;
  - (5) New Intensely Developed Areas and Limited Development Areas SHALL should be located in such a manner as to minimize impacts to Habitat Protection Areas as specified in this Subtitle and in an area and in a manner that optimizes benefits to water quality;
  - (6) New Intensely Developed Areas should be located where they minimize their impacts on the defined land uses of the Resource Conservation Area;
  - (7) New Intensely Developed Areas and Limited Development Areas in the Resource Conservation Area SHALL should be located at least three hundred feet landward of the limits of tidal wetlands or tidal waters; , UNLESS THE COUNTY PROPOSES AND THE COMMISSION APPROVES ALTERNATIVE MEASURES FOR WATER QUALITY AND HABITAT THAT PROVIDE GREATER BENEFIT TO THE RESOURCES;

- (8) New Intensely Developed or Limited Development Areas shall conform to all criteria of the Department for such areas, shall be so designated on the County's Atlantic Coastal Bays Critical Area Maps and shall constitute an amendment to this Program subject to review and approval by the Planning Commission, the County Commissioners and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.
- (9) If the County Commissioners are unable to utilize a portion of its growth allocation as set out in paragraphs (b)(1) and (2) above within or adjacent to existing Intensely Developed or Limited Development Areas, then that portion of the allocated expansion which cannot be so located may be located in the Resource Conservation Areas in addition to the expansion allowed in (b)(4) above. An applicant shall be required to cluster any development in an area of expansion authorized under this paragraph.
- (d) FACTORS. IN REVIEWING MAP AMENDMENTS OR REFINEMENTS INVOLVING THE USE OF GROWTH ALLOCATION, THE COUNTY COMMISSIONERS SHALL CONSIDER THE FOLLOWING FACTORS:
  - (1). CONSISTENCY WITH WORCESTER COUNTY COMPREHENSIVE PLAN AND WHETHER THE GROWTH ALLOCATION WOULD IMPLEMENT ITS GOALS AND OBJECTIVES.
  - (2) FOR A MAP AMENDMENT OR REFINEMENT INVOLVING A NEW INTENSELY DEVELOPED AREA, WHETHER THE DEVELOPMENT IS:
    - (A) TO BE SERVED BY A PUBLIC WASTEWATER SYSTEM;
    - (B) HAVE AN ALLOWED AVERAGE DENSITY OF AT LEAST 3.5 UNITS PER ACRE;
    - (C). IF GREATER THAN 20 ACRES, BE LOCATED IN A PRIORITY FUNDING AREA; AND
    - (D) HAVE A DEMONSTRABLE ECONOMIC BENEFIT TO THE AREA;
  - (3) FOR A MAP AMENDMENT OR REFINEMENT INVOLVING A NEW LIMITED DEVELOPMENT AREA, WHETHER THE DEVELOPMENT IS:
    - (A) TO BE SERVED BY A PUBLIC WASTEWATER SYSTEM OR SEPTIC SYSTEM THAT USES THE BEST AVAILABLE NITROGEN REMOVAL TECHNOLOGY;
    - (B) A COMPLETION OF AN EXISTING SUBDIVISION;
    - (C) AN EXPANSION OF AN EXISTING BUSINESS; OR
    - (D) TO BE CLUSTERED;
  - (4) THE USE OF EXISTING PUBLIC INFRASTRUCTURE, WHERE PRACTICAL;
  - (5) CONSISTENCY WITH STATE AND REGIONAL ENVIRONMENTAL PROTECTION POLICIES CONCERNING THE PROTECTION OF THREATENED

- AND ENDANGERED SPECIES AND SPECIES IN NEED OF CONSERVATION THAT MAY BE LOCATED ON- OR OFF-SITE;
- (6) IMPACTS ON A PRIORITY PRESERVATION AREA, AS DEFINED UNDER § 2-518 OF THE AGRICULTURE ARTICLE;
- (7) ENVIRONMENTAL IMPACTS ASSOCIATED WITH WASTEWATER AND STORMWATER MANAGEMENT PRACTICES AND WASTEWATER AND STORMWATER DISCHARGES TO TIDAL WATERS, TIDAL WETLANDS, AND TRIBUTARY STREAMS; AND
- (8) ENVIRONMENTAL IMPACTS ASSOCIATED WITH LOCATION IN A COASTAL HAZARD AREA OR AN INCREASED RISK OF SEVERE FLOODING ATTRIBUTABLE TO THE PROPOSED DEVELOPMENT.
- (ee) <u>Process.</u> Applicants for growth allocation shall submit a request for growth allocation in accordance with the provisions of § NR 3-110 hereof which shall be accompanied by appropriate plans and environmental reports in accordance with the following process:
  - (1) All applications for growth allocation shall be submitted to the Department. Requests shall be accompanied by a concept plan and appropriate environmental reports and studies so as to provide sufficient information to permit the Planning Commission to review the application for consistency with the County's Atlantic Coastal Bays Critical Area regulations and the Comprehensive Plan. The subdivision history of parcels designated as Resource Conservation Area must be provided as part of the growth allocation application. The date of June 1, 2002, is the date used for the original Atlantic Coastal Bays Critical Area mapping and shall be used as a beginning point of analysis. THE DATE OF DECEMBER 1, 1985, IS THE DATE USED FOR THE ORIGINAL CHESAPEAKE BAY CRITICAL AREA MAPPING AND SHALL BE USED AS A BEGINNING POINT OF ANALYSIS.
  - (2) All applications for growth allocation shall be forwarded to the Planning Commission for review and shall include comments and recommendations from the staff. The Planning Commission shall consider the growth allocation request prior to making a recommendation on the proposal to the County Commissioners.
  - (3) The applicant shall address the Planning Commission's comments and recommendations And may revise the concept plan accordingly. The growth allocation request shall then be forwarded to the County Commissioners by the Planning Commission with a recommendation for either approval or denial.
  - (4) The County Commissioners shall hold a public hearing following due notice in accordance with § ZS 1-114 of the Zoning and Subdivision Control Article on the request for growth allocation and any revisions to the concept plan.
  - (5) The County Commissioners may establish conditions of approval that are consistent with the intent of the County's Atlantic Coastal Bays Critical Area Program.
  - (6) Upon approval of the growth allocation request by the County Commissioners, the County Commissioners shall send a request to the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays to utilize a portion of their growth allocation. The request shall be accompanied by pertinent plans and environmental reports and studies. Upon receipt of the request from the County Commissioners, the Critical Area

Commission for the Chesapeake and Atlantic Coastal Bays shall notify the County Commissioners regarding the processing of the request as an amendment or refinement to the County's Program. Refinements shall be acted on AT THE NEXT SCHEDULED CRITICAL AREA COMMISSION MEETING within thirty days of the Commission's notification to the County Commissioners of a complete submission. Amendments shall be acted on within ONE HUNDRED THIRTY ninety days of the Commission's notification of a complete submission.

- (7) Following approval of the growth allocation request by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, the County Commissioners shall implement the change and the applicant may proceed to the preparation of the final site plan or subdivision plat for recording in the County land records.
- (8) Prior to approving the final site plan or subdivision plat, the Planning Commission or their designee shall ensure that all conditions of approval are incorporated into the final plan, public works agreement, deed covenants, etc.
- (9) Final subdivision plats and site plans shall be processed in accordance with the requirements of this Subtitle and the County's subdivision regulations.
- (10) The County's official Atlantic Coastal Bays Critical Area maps shall be amended to reflect the new land classification area, and a copy of the new map shall be provided to the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.
- (11) As a condition of approval, the County Commissioners may require that any project approved for the use of growth allocation shall demonstrate that it is substantially completed within three years of the date of growth allocation approval by the Commission. Substantially completed is defined as projects in which all public improvements such as roads, sewer and/or water facilities, etc. have been built and approved as required by the County Commissioners.
- (12) A CONCEPTUAL SITE DEVELOPMENT PLAN AND ENVIRONMENTAL FEATURES MAP ARE REQUIRED, AND SHALL INCLUDE:
  - A. ALL REQUIREMENTS AS NOTED IN COMAR 27.01.02.06-1.B.
  - B. AN ENVIRONMENTAL REPORT IN ACCORDANCE WITH COMAR 27.01.02.06-2, INCLUDING THE FOLLOWING:
    - i. IF APPLICABLE, A BUFFER MANAGEMENT PLAN AND/OR HABITAT PROTECTION PLAN IN ACCORDANCE WITH COMAR 27.01.02.06-2.B AND C; AND
    - ii. IF APPLICABLE, THE PRELIMINARY STORMWATER
       MANAGEMENT PLAN FOR COMPLIANCE WITH THE 10%
       POLLUTANT REDUCTION RULE, INCLUDING ALL
       WORKSHEETS AND SUPPORTING DOCUMENTATION.
- (fd) <u>ADDITIONAL COUNTY Standards.</u> Applicants for growth allocation shall demonstrate that the following design standards will be met or exceeded by the proposed project:
  - (1) All requirements of the County's Atlantic Coastal Bays Critical Area Program, zoning ordinance, and subdivision regulations can be met.
  - (2) In addition to meeting the minimum requirements of the Atlantic Coastal Bays Critical

- Area regulations, the project design shall enhance the habitat value or improve water quality in the area.
- (3) For residential development, where possible, a community pier shall be provided rather than individual piers.
- (ge) <u>Deduction methodology.</u> The following standards shall be used to determine the area of growth allocation to be deducted when the designation of a parcel or a portion of a parcel is changed through the growth allocation process, ALSO STATED WITHIN COMAR 27.01.02.06-4:
  - (1) Subdivision of any lot of record existing as of DECEMBER 1, 1985, WITHIN THE CHESAPEAKE COASTAL BAY, OR AS OF June 1, 2002, WITHIN THE ATLANTIC COASTAL BAYS and which is classified as Resource Conservation Area or Limited Development Area, where all or part of the parcel is identified by the County Commissioners as a growth allocation area, shall result in the acreage of the entire parcel, excluding tidal wetlands, being deducted from the jurisdiction's growth allocation, unless the development envelope concept outlined in paragraph (ge)(2) below is used.
  - (2) In order to allow some flexibility in the use of growth allocation when development is only proposed on a portion of the property, the following methodology may be used for parcels designated as Resource Conservation Area. On a parcel proposed for the use of growth allocation, a single development envelope may be specified, and the acreage of the development envelope rather than the acreage of the entire parcel shall be deducted from the County's growth allocation if the development envelope meets the following criteria:
    - A. The development envelope shall include individually owned lots, required buffers, impervious surfaces LOT COVERAGE, roads, utilities, stormwater management measures, on-site sewage disposal measures, any areas subject to human use such as active recreation areas, and any additional acreage needed to meet the development requirements of the criteria. The required buffers refer to the minimum 100-foot Buffer and the 25-foot nontidal wetlands buffer.
    - B. Only one development envelope shall be established per parcel of land.
    - C. If a development envelope is proposed in the Resource Conservation Area, a minimum of twenty acres must remain outside of the development envelope, or the acreage of the entire parcel must be deducted. If the original parcel in the Resource Conservation Area is less than twenty acres, then the acreage of the entire parcel must be deducted. If there is a permanently protected Resource Conservation Area (an area protected by recorded easement) adjacent and contiguous to an undeveloped remainder which totals less than twenty acres and which together will result in a minimum twenty acre undeveloped area, then only that portion of the parcel which is to be developed has to be deducted.
    - D. The minimum twenty-acre undeveloped remainder outside of the development envelope may be developed at Resource Conservation Area density unless some type of permanent protection exists that restricts development.
  - (3) For growth allocation proposed in the Resource Conservation Area, a three hundred-foot naturally vegetated buffer is strongly encouraged IS REQUIRED, and where it is provided, it shall not be deducted even if the buffer does not meet the twenty-acre requirement.

## § NR 3-113. Intrafamily transfers.

- (a) <u>Applicability.</u> The Department shall permit bona fide intrafamily transfers to be made only from parcels of land that:
  - (1) Were of legal record on MARCH 1, 1986, WITHIN THE CHESAPEAKE BAY, OR June 1, 2002, WITHIN THE ATLANTIC COASTAL BAYS; and
  - (2) Are seven acres or more and less than sixty acres in size.
- (b) <u>Required subdivision.</u> A bona fide intrafamily transfer from a portion of a parcel of land shall be a subdivision of the parcel of land that is subject to approval under the Subdivision Regulations of the County.
- (c) <u>Approval of subdivision of parcels.</u> The Department may approve the subdivision of a parcel of land into the number of lots indicated in this subsection by means of a bona fide intrafamily transfer and may not approve any greater subdivision of the parcel of land or any portion of it as follows:
  - (1) A parcel that is seven acres or more and less than twelve acres in size may be subdivided into two lots.
  - (2) A parcel that is twelve acres or more and less than sixty acres in size may be subdivided into three lots.
  - (3) The lots may be created at different times.
- (d) <u>Conditions of approval.</u> As a condition of approval, the Department shall require that:
  - (1) Any deed for a lot that is created by a bona fide intrafamily transfer shall contain a covenant approved by the County Commissioners stating that the lot is created subject to the provisions of Natural Resources Article Section 8-1801, Annotated Code of Maryland, as from time to time amended; and
  - (2) A lot created by a bona fide intrafamily transfer may not be conveyed subsequently to any person other than a member of the owner's immediate family, except under provisions set forth in subsection (e) of this section.
  - (3) This subsection does not prevent the conveyance of the lot to a third party as security for a mortgage or deed of trust or any subsequent conveyance as a result of any bona fide foreclosure or sale of any such mortgage or deed of trust or other bona fide and valid legal lien.
- (e) Standards and procedures for the subsequent conveyance of lots created by intrafamily transfer to persons other than immediate family members. Prior to the conveyance of such lots to persons other than immediate family members, the current owner shall make application on forms prescribed by the Department in accordance with the following procedures:
  - (1) The request shall be accompanied by a title history of the parcel originally approved as an intrafamily transfer and any fee as established by prior resolution of the County Commissioners.
  - (2) The Department shall review the application and accompanying documents and provide a report and recommendation to the County Commissioners with regard to the consistency

of the application with the requirements and standards as established by this subsection.

- (3) The County Commissioners shall provide for an opportunity for the applicant to be heard and may, where determined necessary, hold a public hearing relative to the matter following due notice in accordance with § ZS 1-114 of the Zoning and Subdivision Control Article. In evaluating the request and prior to approving any such transfer, the County Commissioners shall make findings of fact with respect to the following:
  - A. The lot was created as part of a bona fide intrafamily transfer and not with the intent of subdividing the original parcel of land for purposes of ultimate commercial sale; and
  - B. A change in circumstances has occurred since the original transfer was made that is not inconsistent with this Subtitle and that warrants an exception; or
  - C. Other circumstances exist that are consistent with this Subtitle and with the Atlantic Coastal Bays Critical Area criteria to maintain land areas necessary to support the protective uses of agriculture, forestry, open space and natural habitats in Resource Conservation Areas and thus warrant an exception.
- (4) The County Commissioners, by resolution, may approve the request and may furthermore establish conditions of approval consistent with the intent of the Atlantic Coastal Bays Critical Area Program. Any resolution so passed by the County Commissioners shall be recorded in the land records of Worcester County and shall render null and void any previously recorded covenants limiting non-intrafamily transfers.

#### § NR 3-114. Administration and enforcement.

- (a) Responsible agencies. The responsibility for the administration and enforcement of this Subtitle shall be vested in such Department (hereinafter called the "Department") as designated or created for such purpose by the County Commissioners. The Department may be provided with such personnel and resources as the County Commissioners may direct. The Department may delegate to its personnel and other persons such duties and responsibilities in connection with the administration and enforcement of this Subtitle as are appropriate in the Department's judgement.
- (b) Enforcement provisions. Violation of any provision hereof or any program adopted hereunder shall be a civil infraction, and each day of a violation shall be a separate offense. Violators of the provisions of programs approved or adopted by the Commissioners shall be subject to prosecution or suit by the Commissioners, who may invoke the sanctions and remedies afforded by State or local law. The Commissioners may invoke any sanction or remedy available, in any court of competent jurisdiction in which the Commissioners would be authorized to prosecute or sue the violator. In addition to any other sanction or remedy available, the Commissioners may bring an action in equity to compel compliance or restrain noncompliance with the requirements of approved project plans and compel restoration of lands or structures to their condition prior to any modification which was done in violation of approved project plans. Notwithstanding any other provision of this section, whenever a development in the Atlantic Coastal Bays Critical Area is proceeding in violation of approved project plans and threatens to immediately and irreparably degrade the quality of tidal waters or fish, wildlife or plant habitat, the Commissioners may bring an action to restrain the violation and, as appropriate, to compel restoration of any land or water areas affected by the development.
- (c) RESPONSIBLE PERSONS. THE FOLLOWING PERSONS MAY EACH BE HELD JOINTLY

OR INDIVIDUALLY RESPONSIBLE FOR A VIOLATION: (1) PERSONS WHO APPLY FOR OR OBTAIN ANY PERMIT OR APPROVAL, (2) CONTRACTORS, (3) SUBCONTRACTORS, (4) PROPERTY OWNERS, (5) MANAGING AGENTS, OR (6) ANY PERSON WHO HAS COMMITTED, ASSISTED, OR PARTICIPATED IN THE VIOLATION.

- (d) RIGHT TO ENTER PROPERTY. EXCEPT AS OTHERWISE AUTHORIZED AND IN ACCORDANCE WITH THE PROCEDURES SPECIFIED HEREIN, THE DEPARTMENT OR ITS DESIGNEE MAY OBTAIN ACCESS TO AND ENTER A PROPERTY, IN ORDER TO IDENTIFY OR VERIFY A SUSPECTED VIOLATION, RESTRAIN A DEVELOPMENT ACTIVITY, OR ISSUE A CITATION IF WORCESTER COUNTY HAS PROBABLE CAUSE TO BELIEVE THAT A VIOLATION OF THIS SUBTITLE HAS OCCURRED, IS OCCURRING, OR WILL OCCUR. THE DEPARTMENT SHALL MAKE A REASONABLE EFFORT TO CONTACT A PROPERTY OWNER BEFORE OBTAINING ACCESS TO OR ENTERING THE PROPERTY. IF ENTRY IS DENIED, THE DEPARTMENT MAY SEEK AN INJUNCTION TO ENTER THE PROPERTY TO PURSUE AN ENFORCEMENT ACTION.
- (e) Additional penalties. In addition to any other penalty applicable under State or County law, a person who violates a provision of Natural Resources Article, Title 8, Subtitle 18, as from time to time amended, or the County's Atlantic Coastal Bays Critical Area Law is subject to a fine not exceeding \$10,000.00. In determining the amount of the penalty to be assessed under this subsection, the County may consider the following:
  - (1) BEFORE IMPOSING ANY CIVIL PENALTY, THE PERSON(S) BELIEVED TO HAVE VIOLATED THIS ORDINANCE SHALL RECEIVE: 1) WRITTEN NOTICE OF THE ALLEGED VIOLATION(S), INCLUDING WHICH, IF ANY, ARE CONTINUING VIOLATIONS; AND 2) AN OPPORTUNITY TO BE HEARD. THE AMOUNT OF THE CIVIL PENALTY FOR EACH VIOLATION, INCLUDING EACH CONTINUING VIOLATION, SHALL BE DETERMINED SEPARATELY. FOR EACH CONTINUING VIOLATION, THE AMOUNT OF THE CIVIL PENALTY SHALL BE DETERMINED PER DAY. IN DETERMINING THE AMOUNT OF THE PENALTY TO BE ASSESSED UNDER THIS SUBSECTION, THE COUNTY MAY CONSIDER THE FOLLOWING:
    - A. The gravity of the violation;
    - B. THE PRESENCE OR ABSENCE OF GOOD FAITH OF THE VIOLATOR;
    - C. Any willfulness or negligence involved in the violation; and
    - D. The environmental impact of the violation; AND
    - E. THE COST OF RESTORATION OF THE RESOURCE AFFECTED BY THE VIOLATION AND MITIGATION FOR DAMAGE TO THAT RESOURCE, INCLUDING THE COST TO THE COUNTY FOR PERFORMING, SUPERVISING, OR RENDERING ASSISTANCE TO THE RESTORATION AND MITIGATION.
  - (2) ADMINISTRATIVE CIVIL PENALTIES FOR CONTINUING VIOLATIONS SHALL ACCRUE FOR EACH VIOLATION, EVERY DAY EACH VIOLATION CONTINUES, WITH NO REQUIREMENTS FOR ADDITIONAL ASSESSMENTS, NOTICE, OR HEARINGS FOR EACH SEPARATE OFFENSE. THE TOTAL AMOUNT PAYABLE FOR CONTINUING VIOLATIONS SHALL BE THE AMOUNT ASSESSED PER DAY FOR EACH VIOLATION MULTIPLIED BY THE NUMBER OF DAYS THAT EACH VIOLATION HAS CONTINUED.

- (3) THE PERSON RESPONSIBLE FOR ANY CONTINUING VIOLATION SHALL PROMPTLY PROVIDE THE DEPARTMENT WITH WRITTEN NOTICE OF THE DATE(S) THE VIOLATION HAS BEEN OR WILL BE BROUGHT INTO COMPLIANCE AND THE DATE(S) FOR DEPARTMENT INSPECTION TO VERIFY COMPLIANCE. PENALTIES FOR CONTINUING VIOLATIONS MAY CONTINUE TO ACCRUE AS SET FORTH HEREIN UNTIL DEPARTMENT RECEIVES SUCH WRITTEN NOTICE AND VERIFIES COMPLIANCE BY INSPECTION OR OTHERWISE.
- (4) ASSESSMENT AND PAYMENT OF PENALTIES SHALL BE IN ADDITION TO AND NOT IN SUBSTITUTION FOR PAYMENT TO WORCESTER COUNTY FOR ALL DAMAGES, COSTS, AND OTHER EXPENSES CAUSED BY THE VIOLATION.
- (5) PAYMENT OF ALL PENALTIES ASSESSED SHALL BE A CONDITION PRECEDENT TO THE ISSUANCE OF ANY PERMIT OR OTHER APPROVAL REQUIRED BY THIS SUBTITLE.

## (f) UNAUTHORIZED CLEARING

- (1) FOR UNAUTHORIZED CLEARING, CUTTING, OR REMOVAL OF VEGETATION THAT DOES NOT EXCEED THE AREA THAT COULD BE AUTHORIZED IN ACCORDANCE WITH THIS SUBTITLE, FINES SHALL BE ASSESSED IN THE AMOUNT OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH DAY THE VIOLATION CONTINUES, AND REFORESTATION SHALL BE REQUIRED ON AN EQUAL AREA BASIS IF LESS THAN TWENTY PERCENT (20%) OF THE FOREST COVER IS REMOVED. FOR CLEARING BETWEEN TWENTY PERCENT (20%) AND THIRTY PERCENT (30%) OF THE EXISTING FOREST COVER, REFORESTATION SHALL BE REQUIRED AT A THREE TO ONE BASIS.
- (3) FOR UNAUTHORIZED CLEARING, CUTTING, OR REMOVAL OF VEGETATION THAT EXCEEDS THE AREA THAT COULD BE AUTHORIZED IN ACCORDANCE WITH THIS SUBTITLE, FINES SHALL BE ASSESSED AT FIVE HUNDRED DOLLARS (\$500.00) FOR EACH DAY THE VIOLATION CONTINUES AND REFORESTATION SHALL BE REQUIRED AT THREE TIMES THE TOTAL SURFACE ACREAGE OF FOREST CLEARED.
- (4) FOR UNAUTHORIZED DISTURBANCE INCLUDING CLEARING, CUTTING, OR REMOVAL OF VEGETATION IN THE BUFFER OR ANOTHER HABITAT PROTECTION AREA, FINES SHALL BE ASSESSED AT ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH DAY THE VIOLATION CONTINUES AND ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH SEPARATE OCCURRENCE OF DISTURBANCE IN THE BUFFER AND REFORESTATION SHALL BE REQUIRED AT FOUR TIMES THE TOTAL SURFACE ACREAGE OF FOREST CLEARED AND SUCH REPLANTINGS SHALL BE WITHIN THE BUFFER WHEREVER POSSIBLE. PLUS AN ADDITIONAL 1:1 FOR CANOPY COVERAGE REMOVED.
- (5) FINES COLLECTED FROM ENFORCEMENT ACTIONS IN THE ATLANTIC

  COASTAL BAYS CRITICAL AREA SHALL BE MAINTAINED IN A SEPARATE

  ACCOUNT TO BE USED BY THE COUNTY COMMISSIONERS FOR

  REFORESTATION OR OTHER HABITAT ENHANCING EFFORTS WITHIN THE

  SAME SUB WATERSHED OF THE ATLANTIC COASTAL BAYS CRITICAL

  AREA AS THE SITE.

- (6) IF A PERSON CUTS OR CLEARS OR PLANS TO CUT OR CLEAR TREES WITHIN THE ATLANTIC COASTAL BAYS CRITICAL AREA IN VIOLATION HEREOF OR ANY PROGRAM ADOPTED BY THE COMMISSIONERS, THE COMMISSIONERS MAY BRING AN ACTION:
  - A. TO REQUIRE THE PERSON TO REPLANT TREES WHERE THE CUTTING OR CLEARING OCCURRED IN EXCESS OF THAT AMOUNT APPROVED ON THE PLAN PREPARED BY THE STATE FORESTER, A REGISTERED PROFESSIONAL FORESTER OR A REGISTERED LANDSCAPE ARCHITECT;
  - B. TO RESTRAIN THE PLANNED VIOLATION; OR
  - C. FOR DAMAGES:
    - I. TO BE ASSESSED BY THE CIRCUIT COURT IN AN AMOUNT EQUAL TO THE ESTIMATED COST OF REPLANTING TREES; AND
    - II. TO BE PAID TO THE COMMISSIONERS BY THE PERSON FOUND TO HAVE VIOLATED THE PROVISIONS OF THIS SUBSECTION.
- (7) PREPARATION, APPROVAL, ETC. OF A PLAN TO REPLANT TREES. ON THE REQUEST OF THE COMMISSIONERS, THE STATE FORESTER, A REGISTERED PROFESSIONAL FORESTER OR A REGISTERED LANDSCAPE ARCHITECT MAY PREPARE, OVERSEE, AND APPROVE THE FINAL IMPLEMENTATION OF A PLAN TO REPLANT TREES IN ANY PART OF THE ATLANTIC COASTAL BAYS OR CHESAPEAKE BAY CRITICAL AREA WHERE TREES ARE CUT OR CLEARED IN VIOLATION OF THIS SUBSECTION.
- (g) VARIANCES PURSUANT TO A VIOLATION. WORCESTER COUNTY MAY ACCEPT AN APPLICATION FOR A VARIANCE REGARDING A PARCEL OR LOT THAT IS SUBJECT TO A CURRENT VIOLATION OR ANY PROVISIONS OF AN ORDER, PERMIT, PLAN, OR THIS SUBTITLE IN ACCORDANCE WITH THE VARIANCE PROVISIONS OF THIS SUBTITLE. HOWEVER, THE APPLICATION SHALL NOT BE REVIEWED, NOR SHALL A FINAL DECISION BE MADE, UNTIL ALL ABATEMENT, RESTORATION, AND MITIGATION MEASURES, A NOTICE OF VIOLATION, AND ADMINISTRATIVE OR CIVIL PENALTY HAVE BEEN ASSESED, IMPLEMENTED, AND INSPECTED BY THE DEPARTMENT.
- (h) PERMITS PURSUANT TO A VIOLATION. THE DEPARTMENT OR ANY COUNTY AGENCY OR BOARD WILL NOT ISSUE ANY PERMIT, APPROVAL, VARIANCE, OR SPECIAL EXCEPTION, UNLESS THE PERSON SEEKING THE PERMIT HAS:
  - (1) FULLY PAID ALL ADMINISTRATIVE, CIVIL, OR CRIMINAL PENALTIES AS SET FORTH IN SECTION (F) ABOVE;
  - (2) PREPARED A RESTORATION OR MITIGATION PLAN, APPROVED BY THE DEPARTMENT, TO ABATE IMPACTS TO WATER QUALITY OR NATURAL RESOURCES DUE TO THE VIOLATION;
  - (3) PERFORMED THE ABATEMENT MEASURES IN THE APPROVED PLAN IN

## ACCORDANCE WITH THIS SUBTITLE; AND

(4) UNLESS AN EXTENSION OF TIME IS APPROVED BY THE DEPARTMENT BECAUSE OF ADVERSE PLANTING CONDITIONS, WITHIN NINETY (90) DAYS OF THE ISSUANCE OF A PERMIT, APPROVAL, VARIANCE, OR SPECIAL EXCEPTION FOR THE AFFECTED PROPERTY, ANY ADDITIONAL MITIGATION REQUIRED AS A CONDITION OF APPROVAL FOR THE PERMIT, APPROVAL, VARIANCE, OR SPECIAL EXCEPTION SHALL BE COMPLETED.

## § NR 3-115. Cutting or clearing trees.

(a)	Supplemental applicability.
	(1) The provisions of this section are in addition to any other sanction, remedy, or penalty provided by law.
	(2) This section does not apply to any cutting or clearing of trees that is allowed under regulations adopted by the Commissioners under this Subtitle.
<del>(b)</del> —	Additional remedies. If a person cuts or clears or plans to cut or clear trees within the Atlantic Coastal Bays Critical Area in violation hereof or any program adopted by the Commissioners, the Commissioners may bring an action:
-	(1) To require the person to replant trees where the cutting or clearing occurred in excess of that amount approved on the plan prepared by the State Forester, a registered professional forester or a registered landscape architect;
	(2) To restrain the planned violation; or
	(3)—For damages:
	A. To be assessed by the Circuit Court in an amount equal to the estimated cost of replanting trees; and
	B. To be paid to the Commissioners by the person found to have violated the provisions of this subsection.
<del>(c)</del>	Actions by the Commissioners. The Commissioners may invoke the remedies available to the local jurisdiction under subsection (b) of this section in any court of competent jurisdiction.
<del>(d)</del>	Preparation, approval, etc. of a plan to replant trees. On the request of the Commissioners, the State Forester, a registered professional forester or a registered landscape architect may prepare, oversee, and approve the final implementation of a plan to replant trees in any part of the Atlantic Coastal Bays Critical Area where trees are cut or cleared in violation of this subsection.
§ NR	3-115. LOT CONSOLIDATION AND RECONFIGURATION.

(a) APPLICABILITY. THE PROVISIONS OF THIS SUBSECTION APPLY TO CONSOLIDATION OR A RECONFIGURATION OF ANY NONCONFORMING LEGAL GRANDFATHERED PARCEL OR LOT. THESE PROVISIONS DO NOT APPLY TO THE RECONFIGURATION OR CONSOLIDATION OF PARCELS OR LOTS WHICH ARE

CONFORMING OR MEET ALL REQUIREMENTS OF THIS SUBTITLE. NONCONFORMING PARCELS OR LOTS INCLUDE:

- (1) THOSE FOR WHICH A CRITICAL AREA VARIANCE IS SOUGHT OR HAS BEEN ISSUED; AND
- (2) THOSE LOCATED IN THE RESOURCE CONSERVATION AREA AND ARE LESS THAN TWENTY (20) ACRES IN SIZE.

# (b) PROCEDURE.

- (1) AN APPLICANT SEEKING A PARCEL OR LOT CONSOLIDATION OR RECONFIGURATION SHALL PROVIDE THE REQUIRED INFORMATION IN SECTION (C) BELOW TO THE DEPARTMENT.
- (2) THE DEPARTMENT MAY NOT APPROVE A PROPOSED PARCEL OR LOT CONSOLIDATION OR RECONFIGURATION WITHOUT MAKING WRITTEN FINDINGS IN ACCORDANCE WITH SECTION (D) BELOW AND COMAR 27.01.02.08.F.
- (3) THE DEPARTMENT SHALL ISSUE A FINAL WRITTEN DECISION OR ORDER GRANTING OR DENYING AN APPLICATION FOR CONSOLIDATION OR RECONFIGURATION. AFTER A FINAL WRITTEN DECISION OR ORDER IS ISSUED, THE DEPARTMENT SHALL SEND A COPY OF THE DECISION OR ORDER AND A COPY OF ANY APPROVED DEVELOPMENT PLAN WITHIN TEN (10) BUSINESS DAYS BY U.S. MAIL TO THE COMMISSION'S BUSINESS ADDRESS.
- (4) THE DEPARTMENT MAY NOT ISSUE A BUILDING PERMIT UNTIL THE APPEAL TIME HAS EXPIRED.
- (c) APPLICATION. AN APPLICATION FOR THE CONSOLIDATION OR RECONFIGURATION OF ANY NONCONFORMING LEGAL PARCEL OF LAND OR RECORDED LEGALLY BUILDABLE LOT SHALL CONTAIN AT LEAST THE FOLLOWING INFORMATION:
  - (1) THE DATE OF RECORDATION OF EACH LEGAL PARCEL OF LAND OR LEGALLY BUILDABLE LOT TO BE CONSOLIDATED OR RECONFIGURED;
  - (2) A PLAN DRAWN TO SCALE THAT SHOWS ALL EXISTING AND PROPOSED LOT OR PARCEL BOUNDARIES;
  - (3) INFORMATION SUFFICIENT FOR THE DEPARTMENT TO MAKE THE FINDINGS SET FORTH IN SECTION (D) BELOW; AND
  - (4) A TABLE THAT LISTS THE NUMBER OF ALL LEGAL PARCELS OF LAND OR RECORDED LEGALLY BUILDABLE LOT AND THE NUMBER OF PROPOSED LOTS OR PARCELS OR DWELLING UNITS TO BE DERIVED.
- (d) STANDARDS. THE DEPARTMENT SHALL REVIEW A PROPOSED LOT CONSOLIDATION OR RECONFIGURATION AND WILL MAKE WRITTEN FINDINGS THAT EACH ONE OF THE FOLLOWING STANDARDS HAS BEEN MET:

- (1) THE PROPOSED CONSOLIDATION OR RECONFIGURATION WILL RESULT IN NO GREATER NUMBER OF LOTS, PARCELS, OR DWELLING UNITS IN THE CRITICAL AREA THAN THE EXISTING CONFIGURATION WOULD ALLOW;
- (2) THE PROPOSED LOT CONSOLIDATION OR RECONFIGURATION WILL RESULT IN NO GREATER LOT COVERAGE THAN THE EXISTING CONFIGURATION WOULD ALLOW;
- (3) THE PROPOSED CONSOLIDATION OR RECONFIGURATION DOES NOT:
  - A. CREATE AN ADDITIONAL RIPARIAN LOT OR PARCEL, WATERFRONT LOT, OR ANY OTHER LOT OR PARCEL DEEDED WITH WATER ACCESS; OR
  - B. INTENSIFY OR INCREASE IMPACTS ASSOCIATED WITH RIPARIAN ACCESS.
- (4) THE PROPOSED CONSOLIDATION OR RECONFIGURATION DOES NOT CREATE:
  - A. A LOT OR PARCEL OR PORTION OF A LOT OR PARCEL THAT WILL SERVE DEVELOPMENT ACTIVITIES OUTSIDE THE CRITICAL AREA; OR
  - B. A RESOURCE CONSERVATION AREA LOT OR PARCEL THAT SERVES DEVELOPMENT ACTIVITIES IN THE INTENSELY DEVELOPED AREA OR LIMITED DEVELOPMENT AREA.
- (5) THE PROPOSED CONSOLIDATION OR RECONFIGURATION IDENTIFIES EACH HABITAT PROTECTION AREA, AND IF IMPACTS TO A HABITAT PROTECTION AREA ARE PROPOSED, THE PROPOSAL DEMONSTRATES THAT:
  - A. NO GREATER IMPACT TO A HABITAT PROTECTION AREA WOULD RESULT THAN THE IMPACT THAT WOULD HAVE RESULTED FROM THE EXISTING LOT CONFIGURATION;
  - B. ADVERSE IMPACTS TO A HABITAT PROTECTION AREA ARE MINIMIZED; AND
  - C. PROTECTIVE MEASURES AND RESTORATION MEASURES ARE INCLUDED THAT PROVIDE FOR THE LEAST POSSIBLE IMPACT;
- (6) THE PROPOSED CONSOLIDATION OR RECONFIGURATION PROVIDES:
  - A. STORMWATER MANAGEMENT FOR ALL PROPOSED DEVELOPMENT ACTIVITIES; AND
  - B. BENEFITS TO FISH, WILDLIFE, AND PLANT HABITAT THAT ARE IDENTIFIED.

- (a) <u>General requirements.</u> Recognizing the value of forested land for its water quality benefits and habitat protection while accommodating the utilization of forest resources, the following policies for forest and woodland protection should be adhered to wherever possible:
  - (1) Maintain and increase the forested vegetation in the Atlantic Coastal Bays Critical Area;
  - (2) Conserve forests and developed woodlands and provide for expansion of forested areas;
  - (3) Provide that the removal of trees associated with development activities shall be minimized and, where appropriate, shall be mitigated; and
  - (4) Recognize that forests are a protective land use and should be managed in such a manner so that maximum values for wildlife, water quality, timber, recreation, and other resources can be maintained, even when they are mutually exclusive.
- (b) <u>Identification.</u> The County Commissioners may identify and map forests and developed woodlands within the <u>Atlantic Coastal Bays</u> Critical Area and may identify and map habitat protection areas as described in § NR 3-104 and 3-121 through 3-123 hereof. A more detailed evaluation of forest resources on specific sites shall be accomplished as part of the environmental analysis required prior to site plan and subdivision approval.
- (c) Requirements for the protection of riparian and forest habitat. The purpose of the following requirements is to protect habitat:
  - (1) Vegetation within the 100-foot Buffer shall be maintained in its natural condition along all streams to provide wildlife corridors and for water quality protection.
  - (2) A minimum 100-foot Buffer shall extend landward from the mean high water line of tidal water, the banks of tributary streams, and the landward boundary of tidal wetlands. This area is to be conserved for wildlife protection and water quality protection.
  - (3) Nontidal wetland forests shall be left in a natural state for wildlife and water quality protection.
  - (4) Forest areas utilized as breeding areas by forest interior dwelling birds and other wildlife species shall be conserved.
  - (5) Existing riparian forests that are documented breeding areas shall be conserved.
- (d) Process. If a forest is to be developed or to be harvested, a site-specific field investigation shall be conducted to determine if important sensitive species are present and to make sure that appropriate protection measures are incorporated into the development plan or Timber Harvest Plan. The Department may seek a recommendation of the Department of Natural Resources based on an evaluation of the site and the proposed development. In general, the following measures are required:
  - (1) Minimize forest and woodlands disturbance from off-road vehicles, public use or logging from May through August of each year;
  - (2) Focus all development on the periphery of the forest or woodlands;
  - (3) Retain the forest canopy as well as shrub understory;

	(4)	Retain snag and mature seed trees as dens for woodpeckers and as nests for bald eagles;
	(5)	Discourage the creation of small clearings and expansion of forest edge habitats;
	(6)	Encourage re-establishment of native forests and woodlands; and
	(7)	Adopt harvest techniques to maintain or improve habitat.
(e)		irements for the establishment or replacement of forest. The following policies shall be used forestation and reforestation:
	(1)	The replacement or establishment of forests or developed woodlands should ensure a diversified plant community and should include canopy trees, understory trees, shrubs, and herbaceous plants.
	(2)	Native species must be used for all reforestation and afforestation, except as otherwise approved by the Department, but in no case shall less than seventy-five percent (75%) of the plant material be native species.
<del>(f)</del> —	use if water	ex protection standards for timber for personal use. Individual trees may be cut for personal of the trees cut are replaced on an equal basis and provided the cutting does not impair the quality or existing habitat value or other functions of the Buffer set forth in § NR 3-104.  In a constant of trees and natural vegetation within the Buffer shall be prohibited except
	<del>(1)</del>	Cutting of trees or removal of natural vegetation may be permitted where necessary to provide pedestrian access of no more than six feet in width to private piers, or to install or construct a shore crosion protection device or measure, or a water dependent facility, providing the device, measure or facility has received all necessary County, State and Federal permits.
	<del>(2)</del>	Individual trees may be removed, which are in danger of falling and causing damage to dwellings or other structures, or which are in danger of falling and therefore causing the blockage of streams, or resulting in accelerated shore erosion.
	(3)	Horticultural practices may be used to maintain the health of individual trees.
	(4)	Other cutting techniques may be undertaken within the Buffer and under the advice and guidance of the State Departments of Agriculture and Natural Resources if necessary to preserve the forest from extensive pest or disease infestation or threat from fire.
<del>(g)</del>	cuttin	recement. Unauthorized clearing, cutting, or removal of vegetation; unauthorized clearing, e.g., or removal of vegetation in the Buffer; and clearing, cutting, or removal of vegetation in s of the area permitted to be cleared by this Subtitle is considered a civil infraction.
	(1)	For unauthorized clearing, cutting, or removal of vegetation that does not exceed the area that could be authorized in accordance with this Subtitle, fines shall be—assessed in the amount of five hundred dollars (\$500.00) for each day the violation continues, and reforestation shall be required on an equal area basis if less than twenty percent (20%) of the forest cover is removed. For clearing between twenty percent (20%) and thirty percent (30%) of the existing forest cover, reforestation shall be required at a three to one basis.  For unauthorized clearing, cutting, or removal of vegetation that exceeds the area
	(2)	1 of anauthorized elearning, eatthing, of removal of vegetation that exceeds the area

that could be authorized in accordance with this Subtitle, fines shall be assessed—at five——hundred dollars (\$500.00) for each day the violation continues and reforestation shall be——required at three times the total surface acreage of forest cleared.
(3) For unauthorized clearing, cutting, or removal of vegetation in the Buffer or another  Habitat Protection Area, fines shall be assessed at one thousand dollars (\$1,000.00) for each day the violation continues and one thousand dollars (\$1,000.00) for each separate occurrence of clearing, cutting or removal of vegetation in the Buffer and reforestation shall be required at three times the total surface acreage of forest cleared an such replantings shall be within the Buffer wherever possible.
 (4) Fines collected from enforcement actions in the Atlantic Coastal Bays Critical Area shall be maintained in a separate account to be used by the County Commissioners for reforestation or other habitat enhancing efforts within the same sub watershed of the Atlantic Coastal Bays Critical Area as the site.

## § NR 3-117. Commercial timber harvesting.

- (a) General requirements. A goal of the Atlantic Coastal Bays Critical Area Program is to maintain or increase the lands in forest cover because forests provide protection of the water quality and habitat values of the CHESAPEAKE AND Atlantic Coastal Bays and their tributaries. The problems of sedimentation and erosion can occur when poorly managed timber operations take place in the watershed. These problems can be substantially reduced by proper management of harvest operations.
- (b) Process. Landowners proposing to harvest timber on one or more acres in the Atlantic Coastal Bays Critical Area shall submit a "Timber Harvest Plan". This plan shall be prepared by a registered professional forester. The Timber Harvest Plan shall be reviewed and approved by the Department of Natural Resources through the District Forestry Board. The approved plan shall be filed with the Soil Conservation District, and a copy of the approved plan shall be sent to the Department prior to beginning timbering operations.
- (c) <u>Timber Harvest Plan contents.</u> Plans shall include measures to protect surface and groundwater quality and identify whether the activities will disturb or affect Habitat Protection Areas as identified in § NR 3-104 and 3-121 through 3-123 of this Subtitle and shall incorporate protection measures for these areas as specified in those sections. To provide for the continuity of habitat, the plans shall address mitigation through forest management techniques, which shall include scheduling, size, timing, and intensity of harvest cuts, afforestation and reforestation.
- (d) <u>Sediment Control Plans.</u> In the Worcester County <del>Atlantic Coastal Bays</del> Critical Area, any landowner who plans to harvest timber on an area which will disturb 5,000 square feet or more, including harvesting on agricultural lands shall submit a Sediment Control Plan for approval. This plan is also required for any harvests which will cross perennial or intermittent streams.
  - (1) If cuts and fills are three feet or more, if grades for roads are fifteen percent (15%) or more, or if landings are on slopes of ten percent (10%) or more, then the landowner must get a custom Sediment Control Plan for the operation. These are prepared by Registered Professional Foresters and include controls necessary to prevent site erosion and to ensure site stabilization. This plan shall be submitted to the local Soil Conservation district for approval and notice of approval sent to the Department.
  - (2) Either the owner or the operator shall take responsibility for implementation of the Sediment Control Plan, or each subcontractor must file a separate plan.

- (3) The landowner must sign the agreement to certify that he understands the terms of the plan and is responsible for preventing erosion and sedimentation during the forest harvesting.
- (e) Buffer protection standards for timber harvests. A minimum 50 foot Buffer shall be maintained in natural, native vegetation between tidal waters, wetlands and streams, and uplands. The Buffer is measured landward from the mean high water line (MHWL) of tidal waters, from each bank of perennial tributary streams and from the landward edge of tidal wetlands. Where necessary the Buffer can be planted to protect, stabilize or enhance the shoreline. TIMBER HARVESTS ARE PERMITTED IN THE BUFFER IN ACCORDANCE WITH THE PROVISIONS OF COMAR 27.01.09.01-7.

#### § NR 3-118. Surface Mining.

- (a) <u>Definition.</u> Surface mining is defined as the breaking of the surface soil in order to extract or remove minerals in the <u>Atlantic Coastal Bays</u> Critical Area. Surface mining includes any activity or process constituting all or part of a process for the extraction or removal of minerals from their original location in the <u>Atlantic Coastal Bays</u> Critical Area and the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes or other facilities. For the purpose of this section, surface mining is also defined as operations engaged in processing minerals at the site of extraction; removal of overburden and mining of limited amounts of any mineral when done for the purpose of prospecting and to the extent necessary to determine the location, quantity or quality of any natural deposit; and mining operations, if the affected land exceeds one acre or more in area. SURFACE MINING DOES NOT INCLUDE AN ACITIVITY OR PROCESS THAT IS EXCLUDED UNDER THE PROVISIONS OF ENVIRONMENTAL ARTICLE, §15-807, ANNOTATED CODE OF MARYLAND OR COMAR 26.21.01.08.
- (b) General requirements. The Department shall ensure that all available measures are taken to protect the Atlantic Coastal Bays Critical Area from all sources of pollution from surface mining operations, including, but not limited to sedimentation, siltation, chemical, and petrochemical use and spillage, and storage and disposal of waste, dusts, and spoils. The Department shall further ensure that surface mining is conducted in a way to permit the reclamation of surface mining sites as soon as possible and to the extent possible.
- (c) <u>Mineral Resource Plan and Program.</u> The County mineral resources plan and program are included in the Comprehensive Plan.
- (d) Standards. Surface mining operation permits are issued by the Maryland Department of the Environment (MDE), and periodic site inspections of permitted areas are made to determine whether the conditions of the permit and the accompanying Reclamation Plan are being fulfilled. Permits for surface mining are also issued by the Department and permits for such operations in the Atlantic Coastal Bays Critical Area shall only be granted if the following conditions are met:
  - (1) A Reclamation Plan shall be submitted as part of the permit application which specifies the use which is proposed to be made of the site following reclamation, the manner in which soil and subsoil are to be conserved and restored, the specifications for surface gradient restoration suitable for the subsequent use, the proposed manner and type of revegetation or other surface treatment of affected areas and an acceptable schedule to the Department for the implementation of reclamation measures. Reclamation is to occur as mining on each segment of a site is completed.
  - (2) The operation will not have an unduly adverse effect on wildlife, forests, or freshwater, estuarine, or marine fisheries.

- (3) The operator has provided applicable permits from all Federal, State, and local regulatory agencies responsible for air and water pollution and sediment control.
- (4) Adequate consideration shall be given by the Board of Zoning Appeals to:
  - A. The effects of the proposed action on the environment, including adverse and beneficial environmental effects that are reasonably likely if the proposal is implemented or if it is not implemented.
  - B. Measures that might be taken to minimize potential adverse environmental effects and maximize potential beneficial environmental effects, including monitoring, maintenance, replacement, operation, and other follow-up activities.
  - C. An applicant's previous experience with similar operations which indicates that the operation will not result in substantial deposits of sediment in stream beds or lakes, landslides, or other causes of water pollution.

## (e) <u>Location of future sites.</u>

- (1) New surface mining operations are permitted within the Atlantic Coastal Bays Critical Area provided that identification of appropriate post-excavation uses for this land such as recreation, habitat restoration, open space use, or development are accomplished according to the appropriate land management classification (IDA, LDA or RCA) and other applicable County and State codes and ordinances.
- (2) Areas such as the following shall not be used for surface mining:
  - A. Areas where important natural resources such as threatened and endangered species, areas of scientific value, or rare assemblages of species occur;
  - B. Areas where highly erodible soils exist;
  - C. Areas where the use of renewable resource lands would result in the substantial loss of long-range (twenty five years or more) productivity of forest and agriculture, or would result in a degrading of water quality or a loss of vital habitat;
  - D. Lands that are within one hundred feet of the mean high water line of tidal waters, tidal wetlands, or the edge of streams.
- (3) Surface mining operations shall operate under the following conditions:
  - A. Future wash plants, including ponds, spoil piles, and equipment, may not be located within the Buffer as defined in this Subtitle.
  - B. Existing wash ponds shall be reclaimed as soon as possible after the cessation of a sand and gravel operation.
  - C. To the fullest extent possible, existing sand and gravel operations shall conduct their extraction activities so as to provide, at a minimum, a 100-foot Buffer of natural vegetation between the operation and the mean high water line of tidal waters or the edges of streams and tidal wetlands, whichever is further inland.

- (a) <u>General requirements.</u> The County Commissioners and the Department shall follow all of the following requirements with regard to agriculture in the Atlantic Coastal Bays Critical Area:
  - (1) Ensure that agricultural lands are identified and that programs are established for the Atlantic Coastal Bays Critical Area to maintain, where appropriate, agricultural lands in agricultural use, to the greatest extent possible.
  - (2) Recognize that agriculture is a protective land use that should be properly managed so that it minimizes its contribution to pollutant loadings to the CHESAPEAKE AND Atlantic Coastal Bays and their tributaries.
  - (3) Ensure that the creation of new agricultural lands is not accomplished:
    - A. By diking, draining or filling of any class or subclass of palustrine wetlands, as described in this Program, which has a seasonally flooded or wetter water regime, unless mitigation is accomplished in accordance with applicable State and County regulations;
    - B. By clearing of forests or woodlands on soils with a slope greater than fifteen percent (15%) or on soils with a "K" value greater than 0.35 and slope greater than five percent (5%);
    - C. If the clearing will adversely affect water quality or will destroy plant and wildlife habitat as defined in this Subtitle; or
    - D. By the clearing of existing natural vegetation within the Buffer as defined in this Subtitle.
  - (4) Ensure that the drainage of nontidal wetlands for the purpose of agriculture is done in accordance with a Soil Conservation and Water Quality Plan, approved by the Soil Conservation District AND IN ACCORDANCE WITH THE MITIGATION REQUIREMENTS IN COMAR 26.23.04.
  - (5) Ensure that Best Management Practices for the control of nutrients, animal wastes, pesticides, and sediment runoff be used to protect the productivity of the land base and enhance water quality. These practices shall minimize contamination of surface and groundwater and, further, shall minimize adverse effects on plants, fish and wildlife resources.
  - (6) Ensure that animal feeding operations, including retention and storage ponds, feedlot waste storage, and manure storage minimize the contamination of water bodies.
  - (7) Ensure that agricultural activity permitted within the Atlantic Coastal Bays Critical Area use Best Management Practices in accordance with a Soil Conservation and Water Quality Plan approved by the Soil Conservation district.
- (b) Inventory of agricultural lands. Worcester County's intent is to maintain agriculture and forestry as viable and productive land uses within the CHESAPEAKE AND Atlantic Coastal Bays Watershed. The County Commissioners may inventory and map the general extent of agricultural lands within the Atlantic Coastal Bays Critical Area and also map the Habitat Protection Areas referenced in § NR 3-120 through 3-123 of this Subtitle. When developed, these maps shall be used to make an initial determination regarding how a proposed agricultural activity may adversely impact a Habitat Protection Area.

- (c) <u>Performance standards for agriculture.</u> The following performance standards shall apply to all land in agricultural use or to be converted to agricultural use within the <u>Atlantic Coastal Bays</u> Critical Area:
  - (1) The County Commissioners hereby incorporate the agricultural components of the Clean Water Act and other Federal, State, and local water quality plans into this Program.

    These components shall be applicable to all agricultural activities in the Atlantic Coastal—

    Bays Critical Area.
  - (2) Soil Conservation and Water Quality Plans and Best Management Practices shall be developed and implemented for those portions of farms that lie within the Atlantie

    Coastal Bays Critical Area. Landowners shall cooperate with the Worcester County Soil Conservation District for approval of their proposed plans. Landowners who have signed up as Conservation District operators but who do not have a Conservation Plan prepared for them by the local Soil Conservation District shall be allowed to continue to farm until a Conservation Plan is developed provided that the goals of this Program are being met.
  - (3) A landowner shall select and implement practices, with the assistance of a technically trained soil conservation planner or technician, from among the several Best Management Practices that minimize impacts to water quality, conserve fish, wildlife, and plant habitat, and integrate best with the farming operation.
  - (4) Cover crops shall be planted to reduce erosion where practical.
  - (5) Nutrients shall be applied at the appropriate time, and appropriate methods shall be used where practical.
  - (6) Reduced tillage (e.g., "no-till) practices shall be utilized where practical.
  - (7) Crop rotations shall be implemented where practical.
  - (8) Agricultural activities are permitted in the Buffer, if, as a minimum Best Management Practice, a 25-foot vegetated filter strip measured landward from the mean high water line of tidal waters or tributary streams, or from the edge of tidal wetlands, whichever is further inland, is established and further provided that:
    - A. The filter strip shall be composed of either trees with a dense ground cover or a thick sod of grass and shall be so managed as to provide water quality benefits and habitat protection consistent with the policies stated above. Noxious weeds, including Johnson grass, Canada thistle, and multiflora rose, which occur in the filter strip, may be controlled by authorized means.
    - B. The filter strip shall be expanded by a distance of four feet for every one percent (1%) of slope, for slopes greater than six percent (6%).
    - C. The 25-foot vegetated filter strip shall be maintained until such time as the landowner is implementing, under an approved Soil Conservation and Water Quality Plan, a program of Best Management Practices for the specific purposes of improving water quality and protecting plant and wildlife habitat; and provided that the portion of the Soil Conservation and Water Quality Plan being implemented achieves the water quality and habitat protection objectives of the 25-foot vegetated filter strip.
    - D. The Best Management Practices shall include a requirement for the

implementation of a grassland and manure management program where appropriate and that the feeding or watering of livestock may not be permitted within fifty feet of the mean high water line of tidal water and the edge of the bank of tributary streams and the landward edge of tidal wetlands within the Atlantic Coastal Bays Critical Area.

- E. Clearing of existing natural vegetation in the Buffer is not allowed.
- F. Farming activities, including the grazing of livestock, shall not disturb stream banks, tidal shorelines, or other Habitat Protection Areas as described in this Subtitle.
- G. Where agricultural use of lands within the Buffer ceases and the lands are proposed to be converted to other uses; the Buffer shall be established. In establishing the Buffer, management measures shall be undertaken to provide forest vegetation that ensures the Buffer functions as set forth in § NR 3-104 of this Subtitle, which shall not preclude normal agricultural drainage ditch maintenance in accordance with best management practices.

#### § NR 3-120. Habitat Protection.

- (a) <u>Description.</u> The Habitat Protection Section of the Worcester County Atlantic Coastal Bays Critical Area Law addresses protection of the following four habitats:
  - (1) The 100-foot Buffer
  - (2) Threatened and Endangered Species and Species in Need of Conservation;
  - (3) Plant and Wildlife Habitat Protection Areas including nontidal wetlands; and
  - (4) Anadromous Fish Propagation Waters
- (b) <u>Identification.</u> Maps illustrating the general location, extent, and configuration of Habitat Protection Areas in Worcester County may be developed and filed with the Department. If developed, they will be used as a "flagging" device to assist property owners, developers, any person proposing development activity, the Department, the Planning Commission, and other agencies of the county government when reviewing development plans. While these maps give a general indication of the area, they do not excuse any property owner or operator from establishing to the satisfaction of the Department whether or not the property or activity will affect the element of habitat to be protected. Prior to the time of development activity on the site the applicant will be responsible for providing an on-site analysis and inventory.

## § NR 3-121. Threatened and Endangered Species and Species in Need of Conservation.

- (a) <u>Identification</u>. The approximate location of rare, threatened, and endangered species and species in need of conservation are shown on the 1" = 600' scale Resource Inventory Maps filed with the Department. These maps will be used as a flagging device. LOCALLY SIGNIFICANT HABITAT AREAS INCLUDE:
  - (1) POCOMOKE SAND RIDGE. THIS AREA IS COMPRISED OF A SYSTEM OF ANCIENT SAND DUNES AND ASSOCIATED NON-TIDAL WETLANDS WHICH SUPPORTS AN ENDANGERED SPECIES AND SEVERAL UNCOMMON SPECIES.

- (2) POORHOUSE BRANCH. THIS AREA ENCOMPASSES RIPARIAN FOREST, WETLANDS, AND THE HABITATS OF SEVERAL THREATENED AND ENDANGERED SPECIES.
- (b) General requirements. The Department shall provide for the protection of the known habitats of species in need of conservation and threatened and endangered species and also the habitats of these species that may be identified in the future. Protection measures for these Habitat Protection Areas are to be developed in the following way:
  - (1) The Department shall review the proposed activities on a case-by-case basis and seek technical advice from the Department of Natural Resources. Development of property located within the Atlantic Coastal Bays Critical Area of Worcester County will require a site specific survey to be submitted along with design plans and a written description of the measures the property owner proposes to take to protect any habitats identified. This information concerning habitats will be incorporated into the County's Resource Inventory Maps for future reference.
- (c) <u>Standards for Bald Eagle protection.</u> A three-zone protection area of 1/4 mile (thirteen hundred twenty feet) in radius around each Bald Eagle nest shall be established and within the zones the following protection measures shall apply:
  - (1) Zone 1 shall include the area extending from the nest out to a radius of three hundred thirty feet from the nest. In this zone timber cutting, land clearing, and development activities are prohibited. Hiking, fishing, and agricultural activities may be permitted from June 16 to December 14. These activities and human activity in general shall not be permitted in this zone from December 15 to June 15.
  - (2) Zone 2 extends from the outer limit of Zone 1 to a radius of six hundred sixty feet from the nest. In this zone, major habitat changes shall be avoided including clear-cutting, land clearing, and development activity. Hunting, hiking, fishing, and agricultural activities may be permitted from June 16 to December 14. These activities and human activity in general shall not be permitted in this zone from December 15 to June 15. Agricultural activities may be permitted if Department of Natural Resources data indicate that the nesting eagles are tolerant of these activities. From August 16 to November 14, selective thinning and maintenance of timber stands and building and road maintenance may be permitted.
  - (3) Zone 3 extends from the outer limit of Zone 2 to a radius of thirteen hundred twenty feet from the nest. Timber cutting, land clearing, and development activities shall be restricted from December 15 to June 15. Other activities in this zone that are within sight of the eagles on the nest may need to be restricted during this time period in accordance with Department of Natural resources recommendations.
  - (4) If a Bald Eagle nest has not been used for three successive nesting seasons, then any protective regulations applied to the specific site may be removed after verification by the Department of Natural Resources that the nest has been abandoned.
- (dc) Implementation. The owner of any property containing a portion of, or adjacent to, a habitat of a threatened or endangered species or a species in need of conservation on which a land altering or land development activity is proposed shall prepare and submit a Habitat Protection Plan, as described in subsection (e) hereof, to the Department prior to beginning the activity. The Department will request a review and comments from the Department of Natural Resources. A land altering activity shall include, but not be limited to, such activities as subdivision, timbering, sand, and gravel mining, clearing new farmlands, grading and the construction of homes or commercial structures.

- (ed) Habitat Protection Plans. Habitat Protection Plans shall consist of the following elements:
  - (1) Designation of a protection area or "buffer" around each of the habitats occurring on a particular site or in the jurisdiction where development activities are proposed. Development activities and other disturbances shall be prohibited within the protection areas unless it can be shown that these activities or disturbances will not have or cause adverse impacts on these habitats.
  - (2) Development and implementation of specific protection measures or Best Management Practices such as time of year restrictions, landscaped buffers, water quality control structures, etc. designed to protect the habitat from adverse impacts associated with a change in land: use, development activity, or increased human activity.
- (fe) <u>Public notice</u>. The determination of the existence and extent of these habitats and protection areas shall result from a cooperative effort between the Department and public agencies or private organizations. Designation of habitat and protective measures may not be accomplished unless the affected public is given an adequate opportunity to be heard. If the Secretary of the Department of Natural Resources designates additional species by regulation in the future, a public hearing, as appropriate, shall be held to consider comments on the protection measures proposed for these species. The protection measures shall be adopted within 12 months of the date of the Secretary's designation.
  - (1) The establishment of Habitat Protection Areas shall not be intended to restrict or affect, beyond any existing local, State or Federal laws or regulations, or, on private land, any private restrictions, such activities as non-commercial passive recreation, educational pursuits, scientific observation, or non-commercial hunting, trapping or fishing.
  - (2) Development activities in areas of threatened or endangered species in need of conservation may be subject to other provisions and requirements of this Program.

#### § NR 3-122. Plant and Wildlife Habitat and Nontidal Wetlands Protection Plan.

- (a) <u>Description</u>. The following plant and wildlife habitats shall be identified in the <del>Atlantic Coastal</del> Bays Critical Area:
  - (1) Colonial waterbird nesting sites;
  - **(2)** Historic waterfowl staging and concentration areas in tidal waters, tributary streams or tidal and nontidal wetlands;
  - (3) Existing riparian forests, for example relatively mature forests of at least three hundred feet in width which occur adjacent to streams, wetlands, or the bay shoreline and which are documented breeding areas;
  - (4) Forest areas utilized as breeding areas by forest interior dwelling birds and other wildlife species, for example relatively mature forested areas within the Atlantic Coastal Bays
  - -Critical Area of one hundred acres or more or forest connected with such areas;
  - (5) Other plant and wildlife habitats determined to be of local significance and so designated by resolution of the County Commissioners;
  - (6) Natural Heritage Areas which have been designated; and
  - Nontidal wetlands.

- (b) <u>General requirements</u>. The requirements of Worcester County regarding plant and wildlife habitat in the <del>Atlantic Coastal Bays</del> Critical Area shall be to:
  - (1) Conserve wildlife habitat in the Atlantic Coastal Bays Critical Area;
  - (2) Protect those wildlife habitats that tend to be least abundant or which may become so in the future if current land-use trends continue:
  - (3) Protect those wildlife habitat types which are required to support the continued presence of various species;
  - (4) Protect those wildlife habitat types and plant communities which are determined by the County Commissioners to be of local significance;
  - (5) Protect Natural Heritage Areas; and
  - (6) Protect and conserve nontidal wetlands.
- (c) <u>Standards</u>. In addition to the standards set forth in § NR 3-104 hereof for the protection of the Buffer, the following standards shall apply to new development and redevelopment within the <u>Atlantic Coastal Bays</u> Critical Area:
  - (1) Any development or significant land use change on property located within the Atlantic Coastal Bays Critical Area of Worcester County will require a site-specific survey to determine the presence of any plant and wildlife habitat areas. The survey shall be submitted along with design plans and a written description of the measures the property owner proposes to take to protect the habitats identified. This information concerning habitats will be incorporated into the Resource Inventory Maps for future reference.
  - (2) The Department may seek additional information and comments from the Department of Natural Resources and other appropriate agencies and adjacent jurisdictions.
  - (3) For development activities in the Resource Conservation Area and Limited Development Area, wildlife corridors shall be established and used to connect the area left in forest cover with any large forest tracts which are located outside of the area of the property being developed or subdivided. The area left in forest cover shall be adjacent to larger forest, not left as an isolated island of trees. Planting required as a mitigation measure shall also be adjacent to other habitat. Tree planting, which serves only as a visual screening, does not meet these requirements.
  - (4) Buffer areas for colonial waterbird nesting sites shall be established (if such birds are found to exist in the Atlantic Coastal Bays Critical Area) so that these sites are protected from the adverse impacts of development activities and disturbance during the breeding season.
  - (5) New water-dependent facilities shall be located to prevent disturbance to sites of significance to wildlife, such as historic aquatic staging and concentration areas for waterfowl.
  - (6) Protection measures, including a buffer area, shall be established where appropriate for other plant and wildlife habitat sites identified in this Subtitle.
  - (7) Forested areas required to support wildlife species identified above in § NR 3-122(a)(1)

and (4) shall be protected and conserved by developing management programs that have as their objective, conserving the wildlife that inhabit or use the areas. Development activities or the clearing or cutting of trees which might occur in these areas shall be conducted so as to conserve riparian habitat, forest interior wildlife species and their habitat. Management measures may include incorporating appropriate wildlife protection elements into Timber Harvest Plans, Forest Management Plans, cluster zoning, or other site design criteria that provide for the conservation of wildlife habitat. Measures may also include Soil Conservation Plans, which have wildlife habitat protection provisions appropriate to the areas defined above, and incentive programs which use the acquisition of recorded easements in perpetuity and other similar techniques.

- (8) When development activities or the cutting or clearing of trees occurs in forested areas, corridors of existing forest or woodland vegetation shall be maintained to the extent practical to provide effective connections between wildlife habitat areas.
- (9) Those plant and wildlife habitats considered to be of local significance by the County Commissioners shall be protected. Examples of these are those whose habitat values may not be of statewide significance but are of importance locally or regionally because they contain species uncommon or of limited occurrence in the jurisdiction or because the species are found in unusually high concentrations.
- (10) Natural Heritage Areas shall be protected from alterations due to development activities or cutting or clearing so that the structure and species composition of the areas are maintained.
  - A. The following areas within the Critical Area of Worcester County are officially identified and designated as natural heritage areas:
    - 1. Hickory Point Cypress Swamp.
    - 2. Lower Nassawango Creek.
    - 3. Mataponi.
  - AB. Development activities or cutting and clearing in Natural Heritage Areas shall be prohibited unless an analysis is performed and measures proposed to mitigate any adverse impacts of the proposed activities. The analysis and mitigation measures shall be prepared by qualified professionals (e.g., ornithologists, zoologists, environmental engineers, and planners) at the expense of the applicant and shall address the expected effects on the natural environment within the Natural Heritage Area.
  - BC. The analysis shall be submitted to the Department, which will then submit it to the State Department of Natural Resources for review and comment. Upon receiving said comment and, if appropriate, upon seeking the advice of expert consultants, the Department shall find against or in favor of the activities or may make suggestions for changing the analysis and ask the applicant to resubmit the analysis. The State Department of Natural Resources shall make a recommendation for consideration by the Department in making its decision as to whether to find against or in favor of the activities.
- (d) <u>Public notice.</u> The determination of the existence and extent of plant and wildlife habitats shall

result from a cooperative effort between the County Commissioners and public agencies or private organizations. Designation of habitat and protective measures may not be accomplished unless the affected public is given an adequate opportunity to be heard. If additional plant and wildlife habitat areas are to be designated in the future, local public hearings, as appropriate, shall be held to consider comments on the areas and protection measures proposed.

## § NR 3-123. Anadromous fish propagation waters.

- (a) <u>Identification</u>. The County Commissioners may identify and map anadromous fish propagation waters as defined in § NR 3-102 hereof, and, if developed, these maps will be available at the Department.
- (b) <u>General requirements</u>. The requirements of the Program with regard to anadromous fish propagation waters shall be to:
  - (1) Protect the instream and streambank habitat of anadromous fish propagation waters;
  - (2) Promote land use policies and practices in the watershed of spawning streams within the Atlantic Coastal Bays Critical Area which will minimize the adverse impacts of development on the water quality of the streams; and
  - (3) Provide for the unobstructed movement of spawning and larval forms of anadromous fish in streams.
- (c) <u>Standards.</u> Within anadromous fish propagation watersheds, the following criteria shall apply:
  - (1) The installation or introduction of concrete or stone riprap or other artificial surfaces onto the bottom of natural streams shall be prohibited unless it can be demonstrated that water quality and fisheries habitat can be improved.
  - (2) Channelization or other physical alterations which may change the course or circulation of a stream and thereby interfere with the movement of fish shall be prohibited.
  - (3) The Department shall require each development activity that occurs within a watershed draining to anadromous fish propagation waters to fulfill the following objectives:
    - A. Minimize development activities or land disturbances within the watershed;
    - B. Maintain, or, if practicable, improve water quality in affected streams or other water bodies;
    - C. Minimize to the extent possible the discharge of sediments into affected streams or other water bodies;
    - D. Maintain, or, if practicable, increase the natural or native vegetation of the watershed and tree canopy over the streams;
    - E. Indicate how any portion of the development activity outside the Atlantic Coastal Bays Critical Area will maintain or improve the water quality of the affected watershed;
- (4) THE COUNTY SHALL ENSURE COORDINATION AND COMPLIANCE WITH COMPLEMENTARY STATE LAWS AND REGULATIONS:

- (A) PROHIBIT THE CONSTRUCTION OR PLACEMENT OF DAMS OR OTHER STRUCTURES THAT WOULD INTERFERE WITH OR PREVENT THE MOVEMENT OF SPAWNING FISH OR LARVAL FORMS IN STREAMS OR OTHER DESIGNATED WATERBODIES. IF PRACTICAL, EXISTING STRUCTURES SHALL BE REMOVED; AND
- (B) ENSURE THAT THE CONSTRUCTION, REPAIR OR MAINTENANCE ACTIVITIES ASSOCIATED WITH BRIDGES, OR OTHER STREAM CROSSING OR WITH UTILITIES AND ROADS, WHICH INVOLVE DISTURBANCE WITHIN THE BUFFER OR WHICH OCCUR INSTREAM, AS DESCRIBED IN COMAR 08.05.03.11B(5), SHALL BE PROHIBITED BETWEEN MARCH 1 AND JUNE 15 OF EACH YEAR.

## § NR 3-124. Water dependent facilities.

- (a) <u>Identification</u>. Water dependent facilities include, but are not limited to, ports, the intake and outfall structures of power plants, water-use industries, marinas, and other boat docking structures, public beaches and other public water-oriented recreation areas, and fisheries activities. Excluded from this regulation are individual private piers installed or maintained by riparian landowners, which are located in a subdivision that does not provide community piers.
- (b) <u>General requirements</u>. The requirements of the Program with regard to water-dependent facilities shall be to limit development activities in the Buffer to those that are water-dependent and provide by design and location criteria that these activities will have minimal individual and cumulative impacts on water quality and fish, wildlife, and plant habitat in the Atlantic Coastal Bays Critical Area.
  - (1) In order to protect water quality and fish, wildlife and plant habitats, water-dependent facilities as defined herein shall not extend more than two hundred fifty feet over State or private wetlands.
  - (2) Without further action by the County Commissioners, the provisions of § NR 3-124(b)(1) above shall be abrogated and of no further force and effect, one year after the effective date of this Subtitle unless modified or amended as a public local law in accordance with legally required procedures.
- (c) <u>Standards.</u> The following standards shall apply to new or expanded development activities associated with water-dependent facilities:
  - (1) New or expanded development activities may be permitted in the Buffer in the Intensely Developed and Limited Development Areas provided that it can be shown:
    - A. That they are water-dependent;
    - B. That the project meets a recognized private right or public need;
    - C. That adverse effects on water quality, fish, plant and wildlife habitat are minimized;
    - D. That, insofar as possible, non-water-dependent structures or operations associated with water-dependent projects or activities are located outside the Buffer; and
    - E. That the facilities are consistent with an approved local plan as set forth below.

- (2) Except as otherwise provided in this Subtitle, new or expanded development activities may not be permitted in those portions of the Buffer, which occur in Resource Conservation Areas.
- (d) Implementation. Applicants for new or expanded water-dependent facilities in Intensely Developed Areas or Limited Development Areas shall set out in the application how the above requirements are met. Other than those cited in subsections (h) through (k) of this section, water-dependent facilities in Resource Conservation Areas shall only be allowed through the award of growth allocation in accordance with the provisions of § NR 3-112.
- (e) Evaluating plans for new and expanded water-dependent facilities. The Department shall evaluate on a case-by-case basis all proposals for the expansion of existing or new water-dependent facilities. The Department shall work with appropriate State and Federal agencies to ensure compliance with applicable regulations. The following factors shall be considered when evaluating proposals for new or expanded water-dependent facilities:
  - (1) That the activities will not significantly alter existing water circulation patterns or salinity regimes;
  - (2) That the water body upon which these activities are proposed has adequate flushing characteristics in the area;
  - (3) That disturbance to wetlands, submerged aquatic plant beds, or other areas of important aquatic habitats will be minimized;
  - (4) That adverse impacts to water quality that may occur as a result of these activities, such as non-point source runoff, sewage discharge from land activities or vessels, or boat cleaning and maintenance operations, is minimized;
  - (5) That shellfish beds will not be disturbed or be made subject to discharge that will render them unsuitable for harvesting;
  - (6) That dredging shall be conducted in a manner and using a method which causes the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the Atlantic Coastal Bays Critical Area, generally;
  - (7) That dredged spoil will not be placed within the Buffer or elsewhere in that portion of the Atlantic Coastal Bays Critical Area which has been designated as a Habitat Protection Area except as necessary for:
    - A. Backfill for permitted shore erosion protection measures;
    - B. Use in approved vegetated shore erosion projects;
    - C. Placement on previously approved channel maintenance spoil disposal areas; and
    - D. Beach nourishment.
  - (8) That interference with the natural transport of sand will be minimized; and
  - (9) That disturbance will be avoided to historic areas of waterfowl staging and concentration or other Habitat Protection Areas identified in § NR 3-104 and 3-121 through 3-123 of

this Subtitle.

- (f) <u>Industrial and port-related facilities.</u> New, expanded, or redeveloped industrial or port-related facilities and the replacement of these facilities may be permitted only in buffer management areas in Intensely Developed Areas.
- Marinas and other commercial maritime facilities. New, expanded or redeveloped marinas may be permitted in the Buffer within Intensely Developed Areas and Limited Development Areas subject to the requirements set forth in this section. New marinas or related maritime facilities may not be permitted in the Buffer within Resource -Conservation Areas except as provided in subsections (i) through (k) hereof. Expansion of existing marinas may be permitted by the Department within Resource Conservation Areas provided that it is sufficiently demonstrated that the expansion will not adversely affect water quality and that it will result in an overall net improvement in water quality at or leaving the site of the marina. New and existing marinas shall meet the sanitary requirements of the Department of the Environment as required in COMAR 26.04.02 or as amended from time to time. New marinas shall establish a means of minimizing the discharge of bottom wash waters into tidal waters.
- (h) <u>Community piers.</u> New or expanded community marinas and other non-commercial boat-docking and storage facilities may be permitted in the Buffer subject to the following requirements:
  - (1) These facilities may not offer food, fuel, or other goods and services for sale and shall provide adequate and clean sanitary facilities;
  - (2) The facilities are community-owned and established and operated for the benefit of the residents only of a platted and recorded riparian subdivision;
  - (3) The facilities are associated with a residential development approved by the Department for the Atlantic Coastal Bays Critical Area and consistent with all State requirements for the Atlantic Coastal Bays Critical Area;
  - (4) Disturbance to the Buffer is the minimum necessary to provide a single point of access to the facilities; and
  - (5) If community piers or slips are provided as part of the new development, private piers in the development are not allowed.
  - (6) The number of slips, or piers, permitted at the facility shall be the lesser of paragraph (h)(6)A or B below:
    - A. One slip for every 50 feet of shoreline in the subdivision in the Intensely Developed and Limited Development Areas and one slip for every 300 feet of shoreline in the subdivision in the Resource Conservation Area; or
    - B. A density of slips or piers to platted lots or dwellings within the subdivision in the Atlantic Coastal Bays Critical Area according to the following schedule:

Platted Lots or Dwellings in the Atlantic Coastal Bays Critical Area	Slips
up to 15	1 for each lot
16 - 40	15 or 75% whichever is greater

	41 - 100	30 or 50% whichever is greater
101 - 300	50 or 25% whichever is greater	
© =	over 300	75 or 15% whichever is greater

- (i) Public beaches and other public recreation or education areas. Public beaches or other public water-oriented recreation or education areas including, but not limited to, publicly owned boat launching and docking facilities and fishing piers may be permitted in the Buffer in Intensely Developed Areas. These facilities may be permitted within the Buffer in Limited Development Areas and Resource Conservation Areas provided that:
  - (1) Adequate sanitary facilities exist;
  - (2) Service facilities are, to the extent possible, located outside the Buffer;
  - (3) Permeable surfaces are used to the extent practicable if no degradation of groundwater would result;
  - (4) Disturbance to natural vegetation is minimized; and
  - (5) Areas for possible recreation, such as nature study, and hunting and trapping, and for education, may be permitted in the Buffer within Resource Conservation Areas if service facilities for these uses are located outside of the Buffer.
- (j) Research areas. Water-dependent research facilities or activities operated by State, Federal, or local agencies or educational institutions may be permitted in the Buffer, if non-water-dependent structures or facilities associated with these projects are, to the extent possible, located outside of the Buffer.
- (k) Fisheries activities. Lands and water areas with high aquacultural potential will be identified by the County Commissioners in cooperation with the State when applications for new or expanded fisheries or aquaculture facilities in these areas are submitted to the County Commissioners. These areas are encouraged for that use and, if so used, should be protected from degradation by other types of land and water use or by adjacent land and water uses. Commercial water-dependent fisheries including, but not limited to, structures for crab shedding, fish off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquaculture operations and fisheries activities may be permitted in the Buffer in Intensely Developed, Limited Development, and Resource Conservation Areas.

### § NR 3-125. Individual private piers and docks

- (a) <u>General requirements</u>. Individual private piers or docks may be installed or maintained when in conformance with all other applicable laws and regulations by riparian landowners of lots or parcels legally existing on the effective date of this Subtitle.
- (b) <u>Standards</u>. The following standards shall apply in addition to any other applicable laws or regulations to the construction, expansion, replacement or modification of an existing or newly constructed private pier or dock:
  - (1) New piers or docks shall not extend more than one hundred feet in length over State or

private wetlands.

- (2) Existing piers or docks shall not be expanded, altered, replaced, or modified in whole or in part so as to cumulatively exceed more than one hundred feet in length over State or private wetlands.
- (3) Any disturbance of the Buffer shall be the minimum necessary for the construction and/or maintenance of the pier or dock.
- (4) A reasonable pedestrian access path to an individual pier or dock may be located in the Buffer subject to the following:
  - A. A maximum of one access path shall be permitted per lot or parcel.
  - B. The access path may include clearing and stabilization of no more than six feet in width.
  - C. Impervious areas LOT COVERAGE constructed within the six-foot width identified in B. above are limited to three feet in width. The impervious area LOT COVERAGE created is subject to all other limitations as established by this Subtitle.
  - D. All access paths shall be located to minimize impacts from the pier or dock to the principal structure on the same lot or parcel or the path's point of exit from the Buffer.
- (c) Without further action by the County Commissioners, the provisions of § NR 3-125(b)(1) and (2) hereof shall be abrogated and of no further force and effect one year after the effective date of this Subtitle unless otherwise modified or amended as a public local law in accordance with legally required procedures.

#### § NR 3-126. NON-WATER DEPENDENT PROJECTS ON PIERS

- (a) THE DEPARTMENT MAY APPROVE A NON-WATER DEPENDENT PROJECT LOCATED ON STATE OR PRIVATE WETLANDS WITHIN THE CRITICAL AREA IF THE PROJECT:
  - (1) INVOLVES A COMMERCIAL ACTIVITY THAT IS PERMITTED AS A SECONDARY OR ACCESSORY USE TO A PERMITTED PRIMARY COMMERCIAL USE;
  - (2) IS NOT LOCATED ON A PIER THAT IS ATTACHED TO RESIDENTIALLY, INSTITUTIONALLY, OR INDUSTRIALLY USED PROPERTY;
  - (3) IS LOCATED IN:
    - A. AN INTENSELY DEVELOPED AREA (IDA) AND THE PROJECT IS AUTHORIZED UNDER AN AMENDMENT TO THIS SUBTITLE APPROVED ON OR AFTER JULY 1, 2013, IF THE APPROVED AMENDMENT INCLUDES NECESSARY CHANGES TO COUNTY'S ZONING, SUBDIVISION AND OTHER ORDINANCES SO AS TO BE CONSISTENT WITH, OR MORE RESTRICTIVE THAN, THE REQUIREMENTS REQUIRED UNDER THIS PARAGRAPH; OR

- B. AN AREA THAT HAS BEEN EXCLUDED FROM A WORCESTER COUNTY CRITICAL AREA PROGRAM IF THE EXCLUSION HAS BEEN ADOPTED OR APPROVED BY THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS;
- (4) IS APPROVED BY THE DEPARTMENT OR THE BOARD OF ZONING APPEALS AFTER THE AMENDMENT UNDER SUBPARAGRAPH (a)(3)(A) ABOVE, IF APPLICABLE, HAS BEEN APPROVED;
- (5) ALLOWS OR ENHANCES PUBLIC ACCESS TO STATE WETLANDS:
- (6) DOES NOT EXPAND BEYOND THE LENGTH, WIDTH, OR CHANNELWARD ENCROACHMENT OF THE PIER ON WHICH THE PROJECT IS CONSTRUCTED;
- (7) HAS A HEIGHT OF UP TO EIGHTEEN (18) FEET UNLESS THE PROJECT IS LOCATED AT A MARINA; AND
- (8) IS UP TO 1,000 SQUARE FEET IN TOTAL AREA; OR
  - A. IS LOCATED ON A PIER THAT WAS IN EXISTENCE ON OR BEFORE DECEMBER 31, 2012;
  - B. SATISFIES ALL OF THE REQUIREMENTS UNDER SECTION (1)(A)-(G) OF THIS PARAGRAPH; AND
  - C. IF APPLICABLE, HAS A TEMPORARY OR PERMANENT ROOF STRUCTURE OR COVERING THAT IS UP TO 1,000 SQUARE FEET IN TOTAL AREA.
- (b) THE DEPARTMENT MAY APPROVE A NON-WATER DEPENDENT PROJECT FOR A SMALL SCALE RENEWABLE ENERGY SYSTEM ON A PIER LOCATED ON STATE OR PRIVATE WETLANDS WITHIN THE CRITICAL AREA IF THE PROJECT:
  - (1) INVOLVES THE INSTALLATION OR PLACEMENT OF A SMALL-SCALE RENEWABLE ENERGY SYSTEM THAT IS PERMITTED AS A SECONDARY OR ACCESSORY USE ON A PIER THAT IS AUTHORIZED UNDER TITLE 16 OF THE ENVIRONMENT ARTICLE;
  - (2) IS LOCATED IN:
    - A. THE CRITICAL AREA AND THE PROJECT IS AUTHORIZED UNDER AN AMENDMENT TO THIS SUBTITLE APPROVED ON OR AFTER JULY 1, 2013, IF THE APPROVED PROGRAM AMENDMENT INCLUDES NECESSARY CHANGES TO COUNTY'S ZONING, SUBDIVISION, AND OTHER ORDINANCES SO AS TO BE CONSISTENT WITH OR MORE RESTRICTIVE THAN THE REQUIREMENTS PROVIDED UNDER THIS PARAGRAPH; OR
    - B. AN AREA THAT HAS BEEN EXCLUDED FROM THE COUNTY'S CRITICAL AREA PROGRAM THAT HAS BEEN ADOPTED OR APPROVED BY THE CRITICAL AREA COMMISSION;

- (3) IS APPROVED BY THE PLANNING COMMISSION OR BOARD OF ZONING APPEALS AFTER AN AMENDMENT IN ACCORDANCE WITH SUBPARAGRAPH (E)(1)(C) ABOVE, IF APPLICABLE, HAS BEEN APPROVED;
- (4) A BUILDING PERMIT OR OTHER APPROVAL ISSUED UNDER THE REQUIREMENTS IN SUBPARAGRAPH (2) ABOVE MAY INCLUDE THE INSTALLATION OR PLACEMENT OF:
  - A. A SOLAR ENERGY SYSTEM ATTACHED TO A PIER OF THE DEVICE OR EQUIPMENT ASSOCIATED WITH THAT SYSTEM DOES NOT EXTEND MORE THAN: [1] FOUR (4) FEET ABOVE OR EIGHTEEN (18) INCHES BELOW THE DECK OF THE PIER; OR [2] ONE (1) FOOT BEYOND THE LENGTH OR WIDTH OF THE PIER;
  - B. A SOLAR ENERGY SYSTEM ATTACHED TO A PILING IF THERE IS ONLY ONE SOLAR PANEL PER BOAT SLIP;
  - C. A SOLAR ENERGY SYSTEM ATTACHED TO A BOATHOUSE ROOF IF THE DEVICE OR EQUIPMENT ASSOCIATED WITH THAT SYSTEM DOES NOT EXTEND BEYOND THE LENGTH, WIDTH, OR HEIGHT OF THE BOATHOUSE ROOF;
  - D. A CLOSED-LOOP GEOTHERMAL HEAT EXCHANGER UNDER A PIER IF THE GEOTHERMAL HEAT EXCHANGER OR ANY ASSOCIATED DEVICES OR EQUIPMENT DO NOT: [1] EXTEND BEYOND THE LENGTH, WIDTH, OR CHANNELWARD ENCROACHMENT OF THE PIER; [2] DELETERIOUSLY ALTER LONGSHORE DRIFT; OR [3] CAUSE SIGNIFICANT INDIVIDUAL OR CUMULATIVE THERMAL IMPACTS TO AQUATIC RESOURCES; OR
  - E. A WIND ENERGY SYSTEM ATTACHED TO A PIER IF THERE IS ONLY ONE WIND ENERGY SYSTEM PER PIER FOR WHICH: [1]THE HEIGHT FROM THE DECK OF THE PIER TO THE BLADE EXTENDED AT ITS HIGHEST POINT IS UP TO TWELVE (12) FEET; [2] THE ROTOR DIAMETER OF THE WIND TURBINE IS UP TO FOUR (4) FEET; AND [3] THE SETBACKS OF THE WIND ENERGY SYSTEM FROM THE NEAREST PROPERTY LINE AND FROM THE CHANNELWARD EDGE OF THE PIER TO WHICH THAT SYSTEM IS ATTACHED ARE AT LEAST 1.5 TIMES THE TOTAL HEIGHT OF THE SYSTEM FROM ITS BASE TO THE BLADE EXTENDED AT ITS HIGHEST POINT.

# § NR 3-1267. Shore erosion protection works.

- (a) Generally. As an alternative to structural erosion controls, which can disturb the aquatic environment and increase erosion downstream, the County Commissioners encourage the use of non-structural controls such as marsh creation, maintenance of buffer zones, and the establishment of natural barriers to prevent intrusion on fragile vegetated shorelines. The criteria set forth in this chapter are not intended to apply to those structures necessarily associated with water-dependent facilities, as discussed in § NR 3-124 of this Subtitle.
- (b) <u>General requirements.</u> In protecting shore areas from erosion the Department shall follow these

## requirements:

- (1) Encourage the protection of rapidly eroding portions of the shoreline in the Atlantic Coastal Bays Critical Area by public and private landowners;
- (2) Where such measures can effectively and practically reduce or prevent shore erosion, encourage the use of non-structural shore protection measures in order to conserve and protect plants, fish, and wildlife habitat.
- (c) <u>Implementation</u>. Each application for shore erosion protection shall demonstrate how it complies with the following objectives:
  - (1) Structural control measures shall only be used in areas with significantly eroding shorelines and where non-structural measures would not be practical or effective in controlling erosion.
  - (2) Where structural erosion control is required, the measure that best provides for the conservation of fish and plant habitat and which is practical and effective shall be used;
  - (3) Non-structural measures shall be utilized in areas of erosion where they would be a practical and effective method of erosion control;
  - (4) Structural erosion measures shall not be encouraged in areas where no significant erosion occurs;
  - (5) If significant alterations in the characteristics of a shoreline occur, the measure that best fits the change may be used for sites in that area.
  - (6) Vegetation removed in the Buffer for construction of shore erosion control measures shall be replaced on an equal basis.
  - (7) A BUFFER MANAGEMENT PLAN FOR A SHORE EROSION CONTROL MEASURE SHALL BE PROVIDED AND APPROVED BY THE DEPARTMENT.
- (d) <u>Process.</u> The Department, in reviewing any application for a permit for structural erosion control devices, may refer the application to the Soil Conservation District, the Department of Natural Resources and the department of the environment for field verification of the need for the structural erosion control as well as for recommendations on proposed erosion control mechanisms.
  - (1) Any application made to the Department for the installation of an erosion control device must, at a minimum, include the following information:
    - A. Photograph of erosion problem;
    - B. The specific location of the site on a USGS 7.5 topographic map;
    - C. Soil type and erodibility;
    - D. Proposed and existing land use.
  - (2) Applications must include appropriate authorization from the Maryland Department of the Environment and the U.S. Army Corps of Engineers.

### § NR 3-127. Nontidal wetland and nontidal wetland buffer regulations.

- (a) Generally. For development activities located on lots and parcels created after June 1, 2002 within the Atlantic Coastal Bays watershed lying outside the Atlantic Coastal Bays Critical Area where the State permits nontidal wetland buffer impacts without mitigation, mitigation as provided for below is required by this subsection. For activities in these areas that the State elassifies as "temporary impacts", mitigation is not required.
- (b) <u>Site plan requirements</u>. For any project that impacts the nontidal wetland or its buffer, the following must be shown in addition to the other site plan requirements of this Subtitle on any site plan submitted to the Department:
  - (1) The boundary of any nontidal wetlands and any nontidal wetlands buffers.
  - (2) The limits of disturbance within the nontidal wetlands and nontidal wetlands buffer.
  - (3) The location and boundaries of any onsite mitigation project proposed or required by this subsection.
  - (4) The location and boundaries of any offsite mitigation project proposed or required by this subsection.
- (c) Required mitigation. For regulated activities that impact the nontidal wetland and nontidal wetland buffer, mitigation will be required at an equal basis onsite and at an areal extent twice that offsite. Natural vegetation similar to the vegetation destroyed by the impact shall be used, either through regeneration of the disturbed area or through planting. Mitigation of nontidal wetland and nontidal wetland buffer impacts shall not be allowed to count toward a project's afforestation and/or reforestation requirements.
- (d) <u>Priority sequence for mitigation site selection</u>. All mitigation sites proposed for compliance with this subsection shall be accomplished in accordance with the following preferred locational sequence:
  - (1) Onsite adjacent to a nontidal wetland or its buffer.
  - (2) Onsite between and connecting existing forested areas.
  - (3) Onsite where establishing or enhancing forest buffers adjacent to critical habitats where appropriate.
  - (4) Onsite within the one hundred year floodplain.
  - (5) Offsite mitigation will only be allowed if it is demonstrated to the satisfaction of the Department that onsite mitigation is not practicable. Offsite mitigation shall be on a two to one ratio and shall take place in accordance with the locational sequence specified in subsection (d)(1) through (4) above.
- (e) Planting methodology. If the mitigation project requires planting, the planting shall take place in accordance with the provisions of the current Forest Conservation Manual with respect to planting techniques and specifications. Planting associated with required mitigation shall be performed prior to the issuance of any zoning certificate or certificate of use and occupancy or shall be bonded in accordance with the provisions of § ZS 1–124 of the Worcester County Zoning Ordinance. Natural regeneration may be permitted in lieu of planting where:
  - (1) Seventy five percent (75%) of the proposed mitigation area is located within 50 feet of

adjoining forest, or the proposed planting area is a forest opening less than one acre in size; and

- (2) Adjoining forest has a maximum of twenty percent (20%) cover of invasive exotic species.
- (f) Perpetual protective agreements. Any person required to mitigate impacts to a nontidal wetland or nontidal wetland buffer in accordance with the provisions of this subsection shall enter into a perpetual protective agreement as prescribed by § NR 1 415(g) and (h) hereof to ensure that the vegetation used for mitigation shall be protected against clearing and the detrimental effects of invasive species.

# § NR 3-128. RENEWABLE ENERGY GENERATING SYSTEMS.

(a) <u>GENERALLY</u>. ON OR AFTER APRIL 1, 2021, THE DEPARTMENT MAY AUTHORIZE A SOLAR ENERGY GENERATING SYSTEM WITHIN THE CRITICAL AREA PURSUANT TO COMAR 27.01.14.

COUNTY COMMISSIONERS WORCESTER COUNTY, MARYLAI	
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