

WORCESTER COUNTY PLANNING COMMISSION AGENDA

Thursday September 1, 2022

Worcester County Government Center, Room 1102, One West Market Street,
Snow Hill, Maryland 21863

Thursday, September 1, 2022

I. Call to Order (1:00 p.m.)

II. Administrative Matters (1:00 p.m. est.)

A. Review and Approval of Minutes – August 4, 2022

B. Board of Zoning Appeals Agenda – September 8, 2022

C. Technical Review Committee Agenda – September 14, 2022

III. Site Plan Review - §ZS 1-325 (1:05 p.m. est.)

A. Diakonia – Major site plan / land development plan review

Proposed retail, office, storage, and conference space in addition to 48 one-bedroom housing units. Located at 9601 Stephen Decatur Highway, Ocean City, MD, Tax Map 26, Parcels 292 & 365, Tax District 10, C-2 General Commercial District, Diakonia, Inc., owner / Carpenter Engineering, LLC, engineer.

B. Sea Oaks Village – Major site plan review (1:15 p.m. est.)

Step II review of Phase 2 of Sea Oaks Village RPC, consisting of 76 townhome units and ‘active recreation courts’. Located on the west side of MD Route 611 (Stephen Decatur Highway) on Sea Oaks Lane, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential, Sea Oaks Village, LLC, owner / Carpenter Engineering, Inc., engineer.

C. Salt Life Park – Major site plan/land development plan review (1:25 p.m. est.)

Proposed expansion of a manufactured home park including 34 lots and associated open space, located on the southerly side of Old Bridge Road (MD Route 707), approximately 435 feet east of Greenridge Lane Road, Tax Map 26, Parcels 191 and 193, District 10, R-4 General Residential District

IV. Text Amendment (1:35 p.m. est.)

Application to amend the text of the Zoning Ordinance to allow “Food Waste Composting Facilities” by Special Exception in the A-1 and A-2 Agricultural Districts, the I-1 Light Industrial District, and the I-2 Heavy Industrial District - Affected sections include §ZS 1-103(b) Definitions; §ZS 1-201(c) Special Exceptions in the A-1 District; §ZS 1-202(c) Special Exceptions in the A-2 District; §ZS 1-212(c) Special Exceptions in the I-1 District; §ZS 1-213(c) Special Exceptions in the I-2 District; and §ZS 1-329 Solid Waste Disposal Sites – Garvey Heiderman, Applicant)

V. Proposed County Project (1:45 est.)

Lewis Road Pumping Station

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VI. Amendment of the Worcester County Comprehensive Plan for Water and Sewerage Systems (1:55 est.)

Request to expand the sewer planning area of the Town of Pocomoke City to serve a single property located at 2497 Lankford Highway in New Church, Virginia. The proposed amendment would allow for the abandonment and connection of the existing conventional septic system to the existing restricted access line that abuts the property and connects to the Pocomoke City WWTP. Mark Cropper is the applicant on behalf of the owner, Royal Farms, Inc.; SW 2022 -02

VII. Miscellaneous

VIII. Adjournment

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – August 4, 2022**

Meeting Date: August 4, 2022

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Mary Knight, Secretary

Ken Church

Brooks Clayville

Marlene Ott

Betty Smith

Staff

Gary Pusey, Deputy Director, DRP

Kristen M. Tremblay, Zoning Administrator

Stu White, DRP Specialist

Robert Mitchell, Director, Environmental Programs

Roscoe Leslie, County Attorney

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, July 7, 2022

As the first item of business, the Planning Commission reviewed the minutes of the July 7, 2022 meeting.

A motion was made by Ms. Ott, seconded by Ms. Smith, and carried unanimously, with Mr. Clayville abstaining from the vote, to approve the minutes.

B. Board of Zoning Appeals Agenda, August 11, 2022

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for August 11, 2022. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

C. Technical Review Committee Agenda, August 10, 2022

As the next item of business, the Planning Commission reviewed the agenda for the Technical Review Committee meeting scheduled for August 10, 2022. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Committee.

**III. Site Plan Review §ZS1-325
Shorepoint Cottage Court**

As the next item of business, the Planning Commission reviewed the site plan submittal for Shorepoint Cottage Court. The site plan illustrates the proposed construction of fifty-two 390 square foot rental cottages (20,280 square feet total) with a public pool. The proposed project is

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located at 9543 Stephen Decatur Highway, Tax Map 26, Parcel 424, Tax District 03, C-2 General Commercial District. Hugh Cropper, IV, Emily Demarco, and Jack Burbage were present for the review.

Mr. Cropper introduced the project and stated that necessary EDU's have been obtained from the Mystic Harbor Sanitation District. He addressed the comment in the staff report regarding the proposed park model design for the cottages by indicating that the cottage design has been changed and the units would be constructed to meet 2018 International Building Code and would be sprinklered. In describing the units, Mr. Cropper stated that they would be designed to be essentially like motel rooms with no laundry facilities inside.

The architectural renderings for the park model design was submitted. Mr. Cropper indicated that the architectural features of the redesigned cottages would be similar in fashion. He asked the Planning Commission to preliminarily approved the design and defer architectural approval to staff for future renderings. Ms. Tremblay indicated that staff may require resubmittal to Planning Commission if the design is altered significantly.

Mr. Clayville questioned Mr. Cropper about the business plan for rental of the units and if they would be rented year round. Mr. Cropper responded that the units would likely be weekly rentals and that they were not anticipating remaining open in the off-season.

After discussion, a motion favoring the proposal was made by Mr. Church, seconded by Ms. Knight, and carried unanimously by the Planning Commission to approve the project with regard to staff comments.

IV. Rezoning
Case No. 436

As the next item of business, the Planning Commission reviewed rezoning Case No. 436, a request to rezone an 8.12-acre portion of a larger 8.57-acre parcel located on the east side of Daye Girls Road, north of and adjacent to the St. Martins River (Tax Map 9, Parcel 166, Revised Parcel B) from RP Resource Protection District to E-1 Estate District. Hugh Cropper, IV, attorney, and Greg Wilkens, surveyor, came forward. Mr. Cropper testified that the request was being made based upon a mistake in the existing zoning.

Mr. Cropper presented a zoning map of the area as Exhibit #1 and pointed out where the subject property was located, in relation to the existing E-1 zoning of the area. He referenced the Staff Report and noted that the E-1 zoning in the area totals more than 400 acres and includes a portion of the subject property. He noted that it appeared when the County zoned this property in 2009 that the RP Resource Protection boundary followed the existing forested area. He entered the text of the RP District into the record as Exhibit #2 and noted that the number of allowable uses were

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limited, and a single-family dwelling required a Special Exception from the Board of Zoning Appeals (BZA). He pointed out that any time an addition would be proposed it would be required that an applicant return to the BZA for approval.

Mr. Wilkens testified that the subject property is a platted buildable lot with access from Daye Girls Road. He stated that the property is included in the Existing Developed Areas (EDA) Land Use Category in the County's adopted comprehensive plan, and that this designation recognized existing residential areas and other types of concentrated development and recommended that their development character be maintained. In response to Mr. Cropper's questioning, he stated that the EDA designation is incompatible with the current RP Resource Protection zoning of the property, as the EDA designation encourages infill development and the RP zoning restricts development. Mr. Wilkens stated that a rezoning to E-1 would not eliminate any environmental regulations and the subject property would still be subject to the Atlantic Coastal Bays Critical Area regulations, in addition to non-tidal wetland regulations. He further stated that, in his opinion, it was a mistake to zone the subject property RP Resource Protection and a more appropriate zoning classification would be E-1 to be compatible with other properties in the area.

In summary of the findings that the Planning Commission must consider, Mr. Cropper stated that there has been no change in the population of the area; that the property will be served by a private well and septic and there would be no impact on any public facilities; there would be no impact on present and future transportation patterns; the proposed rezoning would not have an impact on environmental regulations and any proposed development will have to comply with Critical Area and non-tidal wetland regulations regardless of the property's zoning; that a rezoning to E-1 Estate would be compatible with other development in the area that is similarly-zoned; and that the proposed E-1 zoning is more consistent with the Comprehensive Plan's recommendation of Existing Developed Area than the existing RP zoning for this property.

After discussion, Mr. Church made a motion to recommend approval of the rezoning to the County Commissioners from RP Resource Protection to E-1 Estate in accordance with the Findings of Fact as presented by Mr. Cropper. The motion was seconded by Ms. Smith and carried by a 5-0 vote.

Case No. 437

As the next item of business, the Planning Commission reviewed rezoning Case No. 437, a request to rezone a 2.25-acre portion of a larger 4.5-acre parcel located on the north side of U.S. Route 50, east of and adjacent to Herring Creek (Tax Map 26, Parcel 83) from R-2 Suburban Residential District to C-2 General Commercial District. Hugh Cropper, IV, attorney, Robert Hand, landscape architect, and Chris McCabe, environmental consultant, came forward. Mr. Cropper testified that the request was being made based upon a mistake in the existing zoning.

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Mr. Cropper referenced the aerial photograph of the subject property that was included in the Staff Report that he entered as Exhibit #1 and he highlighted the surrounding non-residential uses in the immediate area. These included office complexes adjacent to the subject property on the east and across U.S. Route 50, and a hotel and the Ocean City Chamber of Commerce offices also across U.S. Route 50. He pointed out that with the exception of the subject property and a townhouse project at the base of the Harry Kelly Bridge entering Ocean City, all properties fronting U.S. Route 50 from Herring Creek to the Sinepuxent Bay are zoned C-2 General Commercial, and he entered as Exhibit #2 a map showing the zoning of the area along U.S. Route 50. He pointed out that although this property totals 4.5 acres, the rezoning request is for 2.25 acres that front on U.S. Route 50. He provided a plan prepared by Mr. Hand that he entered as Exhibit #3 that designated the boundaries of the portion to be rezoned, with the remaining portion of the property to retain its R-2 Suburban Residential and RP Resource Protection zoning. Mr. Cropper clarified that the application is being amended to increase the portion to be rezoned from the original request of 2.19 acres to the amended acreage of 2.25.

Mr. Hand testified that the County's adopted Comprehensive Plan places the subject property in the Commercial Center Land Use Category, which is located on both sides of U.S. Route 50 and extends from Herring Creek to the Sinepuxent Bay. He stated that the C-2 General Commercial zoning district would be more consistent with the Commercial Center recommendation than the existing R-2 Suburban Residential zoning. In response to Mr. Cropper's question, Mr. Hand stated that if the rezoning is approved the proposed use would be a business office for the contract purchasers of the property. He noted that traffic associated with a business office would likely be less than that generated by the maximum number of residential units allowed under the current R-2 zoning. He stated that the subject property is located within the Atlantic Coastal Bays Critical Area (ACBCA) and is designated an Intensely Developed Area and any development will be required to comply with those regulations. Mr. Cropper pointed out to the Planning Commission that the Maryland Critical Area Commission staff has reviewed the rezoning application and would not oppose the request if the rezoning is based on a mistake in the existing zoning. In response to Mr. Cropper's question, Mr. Hand stated that he believed the current R-2 zoning is a mistake and the proposed C-2 General Commercial zoning would be more desirable in terms of the objectives of the County's Comprehensive Plan.

Mr. McCabe testified that he inspected the property in order to perform a wetlands delineation, and he found there are no non-tidal wetlands on the property, and the Maryland Department of the Environment (MDE) has confirmed his findings. He confirmed that the subject property is located in the Atlantic Coastal Bay Critical Area and is designated an Intensely Developed Area, which permits commercial uses.

In response to Mr. Cropper's question, Mr. McCabe stated he believed the current R-2 zoning was a mistake and commercial use would be more desirable for this property given its location adjacent

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to U.S. Route 50. He reiterated that residential use would not be desirable or appropriate for this property.

Mr. Cropper further addressed the recommendations of the Comprehensive Plan that complement the Commercial Center Land Use designation for this property. He entered into the record as Exhibit #4 an excerpt from the Natural Resources chapter that noted the County has considerable remaining growth potential and this growth can occur in a way that maximizes both economic and natural benefits while minimizing environmental damage. He pointed out that this property is in the Critical Area and is subject to the regulations of that ordinance. He also entered into the record as Exhibit #5 an excerpt from the Economy chapter that identified a Goal of the Plan that the County's economy should expand in order to realize its full potential for employment, business, tourism and other economic sectors without compromising the County's rural and coastal character. He stated this rezoning would help the County attain this goal. Finally, Mr. Cropper entered into the record as Exhibit #6 an excerpt from the Transportation chapter of the Plan that states land use and transportation are interconnected, and locating work and living areas in proximity to each other can have positive benefits, including the reduction of congestion and air pollution. Mr. Cropper stated the subject property is ideally located along U.S. Route 50 and adjacent to other commercial uses and can reduce the length and number of vehicle trips as a result.

In summary of the findings that the Planning Commission must consider in rezoning cases, Mr. Cropper stated that population change in the area has been minimal due to the prevalence of commercial zoning along U.S. Route 50; that the property is within the West Ocean City Sanitary Service Area with sewer available; other public facilities such as schools would not be adversely impacted since the proposed use of the property is for commercial purposes; that access to the property from U.S. Route 50 will be subject to the State Highway Administration's approval; the proposed commercial zoning is in accordance with the Commercial Center Land Use designation of the Comprehensive Plan; and the proposed zoning would be compatible with existing development in the area, as C-2 General Commercial zoning is located on both sides of U.S. Route 50 and extends from Herring Creek to the Sinepuxent Bay, and only excludes the subject property and a townhouse project located on U.S. Route 50's south side at the Bay at the base of the Harry Kelly Bridge.

After discussion, Mr. Church made a motion to recommend approval of the rezoning to the County Commissioners from R-2 Suburban Residential to C-2 General Commercial in accordance with the Findings of Fact as presented by Mr. Cropper. The motion was seconded by Ms. Knight and carried by a 5-0 vote.

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V. Appointment of Officers

As the next item of business, the Commissioners appointed officers for the next term. Mr. Church nominated Mr. Barbierri as the Chair of the Commission, Mr. Wells as Vice Chair, and Ms. Knight as Secretary. A vote was unanimously in favor of the nominations.

VI. Adjourn – A motion to adjourn was made by Ms. Knight and seconded by Ms. Smith.

Jerry Barbierri, Chair

Stuart White, DRP Specialist

**NOTICE OF PUBLIC HEARING
WORCESTER COUNTY
BOARD OF ZONING APPEALS
AGENDA**

THURSDAY SEPTEMBER 8, 2022

Pursuant to the provisions of the Worcester County Zoning Ordinance, notice is hereby given that a public hearing will be held in-person before the Board of Zoning Appeals for Worcester County, in the Board Room (Room 1102) on the first floor of the Worcester County Government Center, One West Market Street, Snow Hill, Maryland.

6:30 p.m.

Case No. 22-46, on the lands of Frederick Brannon, requesting a variance to the rear yard setback from 5 feet to 2.4 feet (to encroach 2.6 feet) associated with a proposed deck in the A-2 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-202(c)(18) and ZS 1-318, located at 8817 Bay Ridge Dr, Tax Map 33, Parcel 347, Lot 153 Tax District 10, Worcester County, Maryland.

6:35 p.m.

Case No. 22-47, on the application of Mark Cropper, on the lands of Charles Barreras, requesting a variance to the rear yard setback from 30 feet to 18.57 feet (to encroach 11.43 feet) for a proposed 2nd floor deck addition in the R-3 Multi-family Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-207(b)(2) and ZS 1-305, located at 46 Lookout Point, Tax Map 16, Parcel 41, Section 4, Lot 104, Tax District 3, Worcester County, Maryland.

Administrative Matters

**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE
AGENDA**

Wednesday, September 14, 2022 at 1:00 p.m.

**Worcester County Government Center, Room 1102, One West Market Street,
Snow Hill, Maryland 21863**

- I. Call to Order
- II. Site Plan Review (§ ZS 1-325)
 - a. **Tulls Corner** – Minor site plan review
Proposed 2400 square foot addition to existing RV repair shop. Located 2345 Tulls Corner Road, Tax Map 100, Parcel 2, Tax District 01, I-1 Light Industrial District, Carlton Mason, owner / George E. Young, III, PC, Engineers & Surveyors, engineer.
 - b. **Assateague Farm Brewery** – Minor site plan review
Proposed Agritourism facility / farm brewery operation consisting of the construction of a 600 sq. ft. kitchen, 324 sq. ft. restroom, 2400 sq. ft. brewery, and a 5,640 sq. ft. Accu-Steel fabric covered building. Located at 8816 Stephen Decatur Highway, Tax Map 33, Parcel 29, Block 10, Tax District 03, A-2 Agricultural District, Assateague Island Farm, LLC, owner / Russell Hammond, surveyor.
- III. Adjourn

WORCESTER COUNTY PLANNING COMMISSION

MEETING DATE: September 1, 2022

PURPOSE: Major Site Plan Review

DEVELOPMENT: Diakonia - Major site plan / land development plan review.

PROJECT: Proposed Supported Living Facility - retail, office, storage, and conference space in addition to 48 one-bedroom housing units.

LOCATION: Located at 9601 Stephen Decatur Highway, Ocean City, MD, Tax Map 26, Parcels 292 & 365, Tax District 10

ZONING DESIGNATION: C-2 General Commercial District.

BACKGROUND: The proposed project went before the Technical Review Committee (TRC) on January 10, 2022 and submitted a revised set of plans, including architectural renderings on August 17, 2022. Please see the attached written narrative for a detailed site background.

PARKING: A parking tabulation has been provided on the site plans. 90 spaces are proposed; all of which meet code requirements for dimensions. Further details about the facility are needed (number of employees, etc.) to determine the accuracy of the calculations.

The proposed surface treatment for the parking areas and travel ways is asphalt. Parking spaces are intended to be demarcated with painted stripes and supplied with concrete parking bumpers.

LOADING ZONES: One (1) 10' x 65' loading zone has been provided in accordance with §ZS 1-321, as the development is designed to allow for the receipt or distribution of materials by the inherent nature of the proposed land use.

TRAFFIC CIRCULATION: The site will be accessed from either direction off of MD Route 611 (Stephen Decatur Highway) through a commercial entrance which will require a Commercial Access Permit from Maryland Department of Transportation State Highway Administration.

LIGHTING: Lighting consists of nine (9) pole-mounted fixtures throughout the complex. Details on the type of lighting proposed have not yet been provided.

LANDSCAPING: A landscape plan has not been provided in accordance with §ZS 1-322 and

Section 17 of the *Design Guidelines and Standards for Commercial Uses*. The property is surrounded by natural vegetation and trees.

SIGNS: A freestanding sign is proposed on the northeast corner of the site along Rt. 611.

FOREST CONSERVATION LAW: This property is not subject to the Forest Conservation Law.

STORMWATER MANAGEMENT/ SEDIMENT EROSION CONTROL: Confirmation of final approval will be required prior to the Department granting signature approval for the site plan.

WATER SUPPLY AND WASTEWATER SERVICES: Staff will require written confirmation from the Department of Environmental Programs that their requirements have been met prior to signature approval.

ARCHITECTURAL JUSTIFICATION: As a major site plan over 10,000 square feet, this project is subject to the *Design Guidelines and Standards for Commercial Uses*. The proposal is located within the area designated as a Seaside architectural tradition based upon the staff policy.

The proposed facility has attempted to meet the standards required in the Design Guidelines, however waivers will be required which are detailed in the 'Planning Commissioner's Considerations.' Under Section 2(b), the Planning Commission is able to grant waivers to the requirements contained within where it finds that the proposed alternative building or site design features generally achieve the overall objectives of the guidelines or standards that apply to the waiver being requested.

*****OTHER MATTERS:** Included in the Planning Commission's packet for this project is the April 13, 2022 Technical Review Committee Staff report and comments. There are a number of housekeeping items remaining that will need to be addressed by the applicants prior to a final signature approval being granted, particularly item numbers four (4) through 11. The Design Guidelines noted in the Planning Commission Considerations will also need to be addressed more fully. Please see the recommendation on page four (4) of this report for additional guidance to the Planning Commission.

OWNER: Diakonia, Inc.

ENGINEER: Carpenter Engineering, LLC.

DESIGNER: SEA Studio

PREPARED BY: Kristen Tremblay, Zoning Administrator

PLANNING COMMISSION CONSIDERATIONS – DESIGN GUIDELINES

During the review of the Design Guidelines, it was found that a number of waivers will be required and are depicted below. The proposed land use: ‘*Supported Living Facility*,’ does not typically have advanced architectural profiles and staff is of the belief that a strong effort was made to comply with the guidelines.

Design Guidelines: Waivers Requested

Sec 8(b)(4)	Roofs
Sec 10(b)(1)(E,J)	Facades
Sec 11(b)(1)	Entries
Sec 16(b)(2 & 3)	Pedestrian and bicycle circulation
Sec 17(b)(6)	Landscape Buffer
Sec 19(b)(1),(2),(3)	Community Features and Spaces

Section 8: Roofs. A flat roof has been proposed for commercial retail building 1.

- The appearance of flat roofs is prohibited in areas other than Town Center tradition. In this instance, the architectural style of the area has not been met.

Section 10. Facades.

- The proposal must have a clearly identifiable base, body, and cap (the proposal consists of a body only);
- Facades shall include at least 2 continuous details of 12 inches or less (not proposed).

Section 11. Entries.

- Each building shall have clearly defined customer entrances with two (2) features as described in the Design Guidelines and Standards.

Section 16. Pedestrian and bicycle circulation

- Section 16(b)(3) requires the sidewalk along MD Route 611 to be connected internally to the principal customer entrances and provide landscaping and other features as specified.
- Sidewalks at least five (5) feet in width shall be provided along all sides of the lot that abut a public or private right of way.
- Pedestrian crosswalks as described in Section 16(b)(4) from the sidewalk by Maryland Route 611 to the sidewalk next to the commercial building.

Section 17.

- Section 17(b)(6) requires that all perimeter property lines, curbs, etc. shall have a landscape buffer at a minimum of six feet (6') in width.

Section 19. Community Features and Spaces.

- No community features or spaces are provided. This includes the contribution to the improvement of public spaces, a requirement that a feature be at least 800 square feet, and having additional community spaces for each additional customer entrance.

RECOMMENDATION: Staff recommends that the Planning Commission review the materials provided. As there are a number of remaining housekeeping items that will need to be addressed prior to final signature approval, particularly with respect to the Technical Review Committee's comments, the Planning Commission may wish to consider one of two options:

1. Review what has been presented, including the Technical Review Committee's (TRC) comments and approve the site plan contingent upon the resolution of the TRC items with staff.
2. Review all the materials provided and determine that a revised plan will need to be presented to the Planning Commission at a future meeting.

***In the event that the Planning Commission is comfortable approving the site plan knowing that the remaining housekeeping items will need to be addressed before final signature approval (option #1), it is recommended that the Planning Commission provide staff with direction regarding any concerns it has with the plan as presented and indicate which waivers of the Design Guidelines ('under the Planning Commission Considerations' – page 3) it is comfortable with as part of its motion.**



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 MEETING

April 13, 2022

Project: Diakonia – Major Site Plan Review

Proposed retail, office, storage, and conference space with 48 one-bedroom housing units. Located at 9601 Stephen Decatur Highway, Ocean City, MD, Tax Map 26, Parcels 292 & 365, Tax District 10, C-2 General Commercial District, Diakonia, Inc., owner/Carpenter Engineering, LLC, engineer.

Prepared by: Stuart White, DRP Specialist

Contact: swhite@co.worcester.md.us or (410) 632-1200, extension 1139

General Requirements:

1. In order to obtain a Building Permit, the applicant must submit the following to the Department:
 - a. A complete Building Permit Application along with the initial fee of \$300 made payable to “Worcester County.”
 - b. Four (4) sets of complete construction plans (footing, foundation, framing, floor plan and building elevations (front, rear and sides)). The construction plans must be sealed by an architect and prepared in accordance with the applicable International Building Code, Energy Code, and ADA Code.
 - c. Four (4) site plan sets as approved by the Technical Review Committee.
2. Once the permit is issued, the applicant must coordinate all necessary inspections with the respective Building/Housing/Zoning Inspector. The Department requires 24-hour notice for all inspections. The inspector may require special or additional inspections as needed.
3. In order to obtain a Certificate of Use and Occupancy, all of the necessary inspections must be completed and approved by the various inspections’ agencies (building, zoning, plumbing, electrical, water, sewage, health, roads, etc.). Two (2) sets of As-Builts (illustrating all lighting, landscaping, parking, signs etc.) must be submitted at least one (1) week prior to the anticipated occupancy of the building, structure, or use of land. **Please note that it is unlawful to occupy a structure (employees or patrons) without the benefit of a Certificate of Use and Occupancy.**

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

§ZS1-210	C-2 General Commercial District
§ZS1-305	Lot Requirements Generally
§ZS1-306	Access to Structures
§ZS1-319	Access and Traffic Circulation Requirements
§ZS1-320	Off-Street Parking Areas
§ZS1-321	Off Street Loading Spaces
§ZS1-322	Landscaping and Buffering Requirements
§ZS1-323	Exterior Lighting
§ZS1-324	Signs
§ZS1-325	Site Plan Review
§ZS1-326	Classification of Highways
§ZS1-327	Additional Setbacks from Drainage Ditches and Stormwater Management Facilities

This project is also subject to the *Design Guidelines and Standards for Commercial Uses*.

1. For the C-2 Zoning District, the project is construed as a ‘Supported Living Facility,’ as provided for in Section ZS1-210(b)(20).
2. Please provide a vicinity map in accordance with §ZS1-325(3)G.
3. Please include the name and mailing addresses of the owner, applicant and the plan preparer on the plan.
4. Also indicate the number of employees for the Assisted Living Facility in order to calculate appropriate parking requirements at the following calculations: *minimum* 0.5 spaces per living unit plus 1 space per 2 staff persons in accordance with §ZS1-320; *maximum* 1.5 spaces per living unit plus 1 space per 2 staff persons.
5. Please identify dumpsters and provide enclosure details in accordance with §ZS1-325(e)(3)Q. Also identify the locations of litter receptacles at the building on the site plan.
6. Please indicate travelway widths and directions in accordance with §ZS1-320(c)(1).
7. Clearly identify the interparcel connector with the northern commercially zoned parcel.
8. Please provide the location and types of lighting proposed per §ZS 1-323 and Section 18 of the *design Guidelines and Standards for Commercial Uses*.
9. Please provide a landscape plan in accordance with §ZS1-322(d).
10. A landscape estimate from a nursery will be required to be provided at permit stage to accurately determine the bond amount in accordance with §ZS1-125.
11. Please show the total square footage for each structure, indicate the proposed height of the structures, and show the dimensions for the loading zone.

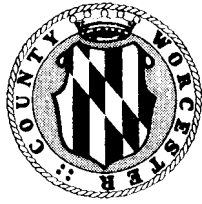
Other Agency Approvals:

1. Information relative to the water and wastewater facilities are required to be provided on the plans per §ZS 1-325(e)(3)(O&P). Written confirmation that the water and sewer requirements have been met will be required to be provided from the Department of Environmental Programs and the Department of Public Works prior to the Department granting signature approval.
2. Written confirmation will also be required from the Department of Environmental Programs Natural Resources Division relative to Critical Area and Stormwater Management requirements prior to the Department granting signature approval.
3. Written confirmation of approval from the County Roads Division and State Highway Administration regarding the existing, proposed, or modified commercial entrances on all parcels shall be provided to the Department prior to granting signature approval.

Design Guidelines and Standards for Commercial Uses:

1. This property is located within the Seaside Architectural Tradition designation area. To-scale building plans and elevations with details will need to be provided (specific dimensions, all roof pitches, all facades, color the building materials, etc.). Until such time, a full review of the plans in relation to requirements of the *Design Guidelines and Standards* is unable to be performed.
2. Section 16(b)(3) requires the sidewalk along MD Route 611 to be connected internally to the principal customer entrances and provide landscaping and other features as specified.
3. Provide pedestrian crosswalks as described in Section 16(b)(4) from the sidewalk by MD Route 611 to the sidewalk by the building.
4. Please indicate how the development will comply with the requirements for a community space as required by Section 19.
5. Section 17(b)(6) requires that all perimeter property lines, curbs, etc. shall have a landscape buffer at a minimum of six feet (6') in width.

Under Section 2(b) of the *Design Guidelines and Standards for Commercial Uses*, the Planning Commission is able to grant a waiver to the requirements contained within where it finds that the proposed alternative building or site design features generally achieve the overall objectives of the guidelines or standards that apply to the waiver being requested. Please keep in mind that if a similar standard is listed in the Zoning Code and does *not* allow for a waiver, that standard cannot be waived.



WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE

Department of Development Review & Permitting
Worcester County Government Center
1 W. Market St., Room 1201
Snow Hill, Maryland 21863
410-632-1200, Ext. 1151
pmiller@co.worcester.md.us

Project: Diakonia Inc.

Date: 4/13/2022

Tax Map: 26 Parcel: 292, 365 Section: Lot:

STANDARD COMMENTS

1. Items listed in this review are not required for Technical Review Committee approval.
2. Provide complete code review. List type of construction, use groups, height and area, occupant loads, live, dead and other structural loads.
3. Soils report required at time of building permit application.
4. Compaction reports due at all footings and slab inspections as well as any site work and structural fill.
5. Complete sealed architectural, structural, mechanical, plumbing and electrical plans are required.
6. Provide information for wind, snow, floor, roof and seismic loads.
7. Special inspections (Third party) required per IBC Chapter 17 for steel, concrete, masonry, wood, prepared fill, foundations and structural observations.
8. Provide plan for owner's special inspection program, list inspections and inspection agencies.
9. A Maryland Registered Architect must seal plans. This architect or architectural firm will be considered the architect of record.
10. A pre-construction meeting will be required before any work starts.
11. Provide complete accessibility code requirements and details.
12. List on construction documents all deferred submittals.
13. Truss and other shop drawings will be required prior to installation. Design professional in responsible charge shall review and approve all shop drawings.
14. Please provide your design professional with a copy of these comments.

Site specific comments

1. Current Codes: (As of 3/31/2022)
 - 2018 International Building Code
 - 2018 International Residential Code
 - 2018 International Energy Conservation Code
 - 2018 International Mechanical Code
 - 2017 NEC
 - Maryland Accessibility Code
 - 2010 ADA Standards for Accessible Designs

Multi – Purpose Building

2. Wind Design: 127 MPH (assumed); Risk category II; Exposure “C”
3. Complete sealed architectural, structural plans. Mechanical, plumbing and electrical sealed plans are required.
4. Provide an Energy Compliance Report for mechanical equipment, building envelope and a lighting plan with wattage report.
5. Provide a soils report at time of permit application.
6. ADA: Provide all details and specifications per 2010 ADA design standards.
 - Provide an accessible route from parking to building entrance.
 - Elevator required as the second floor area exceeds area threshold for vertical accessibility (not enough information provided at this time).
7. Provide protected means of egress from second of building per code.
8. Fire suppression system required.
9. Egress plan and travel distances.

Housing Units

1. Wind Design: 127 MPH (assumed); Risk category II; Exposure “C”
2. Complete sealed architectural, structural plans. Mechanical, plumbing and electrical sealed plans are required.
3. Provide all information per section C103.2: **“Information on construction documents of 2018 IECC”**.


4. Provide a soils report at time of permit application.
5. ADA: Provide all details and specifications per 2010 ADA design standards.
Provide an accessible route from parking to building entrance where accessible unit(s) are located.
All common use areas to (if applicable) to be accessible.
Provide Type A accessible units as required per Use Group.
6. Provide type 13R fire suppression system throughout structure.

There is not enough information provided at this time to provide additional comments.



Worcester County
Department of Environmental Programs
Natural Resources Division

Memorandum

To: Worcester County Technical Review Committee
From: Joy S. Birch, Natural Resources Specialist, III 
Subject: April 13, 2022 – Technical Review Committee Meeting
Date: March 30, 2022

DiaKonia – Major Site Plan/land development plan review – Proposed retail, office, storage and conference space in addition to 48 one-bedroom housing units. Located at 9601 Stephen Decatur Highway. Ocean City, MD, Tax Map 26, Parcels 292 7 365, Tax District 10, C-2 General Commercial District.

Critical Area: This project is located in the Atlantic Coastal Bays Critical Area (ACBCA) program boundary designated Intensely Developed Area (IDA) and is a non- waterfront lot. Please see following comments:

1. Provide us with a breakdown of the lot coverage within the Critical Area.
2. Illustrate and/or provide documentation that the 15% afforestation requirement will be accomplished. This will require a planting agreement and financial surety to be made.

Storm Water Management & Erosion and Sediment Control:

This project is subject to the Worcester County Stormwater Ordinance. The project has obtained Concept Plan and Site Development Approval.

General Provisions:

- All Erosion and Sediment controls should comply with the 2011 Maryland Standards and Specifications for Erosion and Sediment Control.

Citizens and Government Working Together

- All Stormwater Management practices shall be designed to meet the requirements of the 2007 Maryland Stormwater 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.

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Required for the Initial Commercial Access Permit Plan Review Submission

- Make sure all the requirements of the county/local jurisdiction have been fulfilled. Provide documentation of project approval from the county/local jurisdiction to the District 1 Access Management office.
- The initial submittal should contain: four sets of plans, two sets of the Stormwater Management Report, and a CD containing the plans and supporting documentation in PDF format; mailed directly to Mr. James W. Meredith at 660 West Road, Salisbury, MD 21801, attention of Mr. Daniel Wilson.
- If you are unable to make a hard copy submission or would prefer to submit electronically, you can make an electronic project submittal by logging into:
<https://mdotsha.force.com/accesspermit/login?ec=302&inst=1B&startURL=%2Faccesspermit>.
- The MDOT SHA Plan submittal should include a **Cover Sheet**, an **Existing Conditions/Sediment Control/Demolition Plan Sheet** (with a sequence of construction), a **Site/Utility/Landscape Plan Sheet** (with color coding of all utilities in plan-view, according to the Miss Utility color code and illustrations of all landscaping proposed in the MDOT SHA right of way), an **Entrance Plan Sheet**, a **Stormwater Management/Grading Plan Sheet**, a **Signing and Pavement Marking Sheet**, and a **Cross Sections Sheet**. The plan sheets are not required to be sequenced in this order, but the information generally provided on these sheets needs to be depicted in the plan set in some format.
- Please keep in mind that you can view the project status and identify who conducted the review process via the MDOT SHA Access Management web page
<http://www.roads.maryland.gov/pages/amd.aspx>.
- Please consult the MDOT SHA Access Manual for Entrance and Design specifications, at:
<https://www.roads.maryland.gov/Index.aspx?PageId=393>.
- If you have any questions, please contact Daniel Wilson, the District 1 Access Management Regional Engineer. See below for contact information.

Thanks,

Daniel Wilson
Maryland Department of Transportation
State Highway Administration
Regional Engineer
Access Management
District 1
660 West Road
Salisbury, MD 21801
Office: 410-677-4048
Cell: 410-251-9571
Email: dwilson12@mdot.maryland.gov

Access Management Plan Submission Checklist

- ☐ North Arrow
- ☐ Location Map of 1"=2000'
- ☐ Plan dimension of 22" x 34"
- Scale of Drawing:**
 - ☐ Between 1" = 10' to 1" = 50'
 - ☐ 1" = 30' (preferred)
- ☐ Plans sealed and signed by a Professional Engineer (With PE Certification Note) or Professional Land Surveyor (as their licensing permits). This information must be shown on each sheet.
- ☐ Legend on the plan to indicate all symbols
- ☐ All plan revisions noted in the revision block and plan view, with date and symbol
- ☐ Type of existing roadway:
- ☐ Posted speed limit:
- ☐ Show and label existing and proposed right of way line and easements, include right of way plat numbers. Provide access control data (Right of Way line of Through Highway or Denial of Vehicular Access) if applicable.
- ☐ Show centerline of existing highway
- ☐ Show dimension of property in bearings and distances
- ☐ Show location and dimension of existing and proposed buildings, as indicated on the approved site plan
- ☐ Identify limit of work on plans
- ☐ Show elevations/contours existing and proposed
- ☐ Provide dimensions on all proposed improvements whenever typical section changes
- ☐ Identify lane assignments and widths
- ☐ Show limit of disturbance / top of cut / toe of fill
- ☐ Typical sections provided on plan showing existing and proposed conditions.
- ☐ Show all existing and relocated utility locations
- ☐ Show all existing entrances, public or private streets on adjacent properties and on opposite side of the roadway (this includes medians, crossover location, and median break if applicable)
- ☐ Show all existing & proposed curb and gutter/edge of paving
- ☐ Show all existing and proposed storm drain structures
- ☐ Show all ditches with flow directional arrows
- ☐ Roadside safety grading is 4:1 or flatter for appropriate distance
- ☐ Grading for curb backing is per AASHTO Roadside Design Guidelines
- ☐ Show all traffic signs, signal equipment and street lighting
- ☐ Show all existing and proposed traffic barrier (reference appropriate end treatment)
- ☐ Show all existing and proposed landscaping
- ☐ Show all topography
- ☐ Provide ADA compliant pedestrian ramps and sidewalk (5 FT Minimum Width)
- ☐ Provide pedestrian & ADA mobility during construction
- ☐ Reference appropriate SHA standard numbers on plan
- ☐ Show SHA paving specifications
- ☐ Clearly identify full depth paving, saw cuts, milling, overlays and wedge/leveling on typical sections and plan view
- ☐ Provide shoulder slope transitions

- ☐ Provide pavement core analysis (if applicable)
- ☐ Provide cross sections every 25'
- ☐ Historical, cultural and Archeological impacts (**check if "Yes"**)

Traffic Impact Study

- ☐ Required
- ☐ Not Required
- ☐ Submitted

Traffic Signal

- ☐ Existing
- ☐ Proposed
- ☐ Not applicable

Roundabout Analysis

- ☐ Required
- ☐ Not Required
- ☐ Submitted

- ☐ Streetscape or landscaping proposed (**check if "Yes"**)
- ☐ Structures: retaining walls, structure fills, supporting slopes, etc.
- ☐ All retaining walls are located outside SHA right-of-way
- ☐ Sight distance profile (Required on all projects)

Type of commercial entrance:

- ☐ Radius type
- ☐ Depressed type
- ☐ Full movement
- ☐ Directional
- ☐ One-way
- ☐ Stabilized construction entrance
- ☐ Other:

Type of Street Connection:

- ☐ Public
- ☐ Private
- ☐ Monumental

Frontage improvement:

- | | | |
|---|----------------------------|---|
| <input type="checkbox"/> Deceleration lane | <i>Length:</i> | <i>Width:</i> |
| <input type="checkbox"/> Acceleration lane | <i>Length:</i> | <i>Width:</i> |
| <input type="checkbox"/> Left turn lane | <i>Length:</i> | <i>Width:</i> |
| <input type="checkbox"/> By-pass lane | <i>Length:</i> | <i>Width:</i> |
| <input type="checkbox"/> Channelization type: | <input type="checkbox"/> A | <input type="checkbox"/> B <input type="checkbox"/> C |

Roadway improvement:

- ☐ Widening along a normal section
- ☐ Widening along super-elevated section
- ☐ Shifted centerline on travel lanes
- ☐ Typical closed section
- ☐ Typical open section



GOVERNMENT CENTER

ONE WEST MARKET STREET, ROOM 1003

SNOW HILL, MARYLAND 21863-1194

TEL: 410-632-5666

FAX: 410-632-5664

TECHNICAL REVIEW COMMITTEE COMMENTS

PROJECT: **Diakonia, Inc.**

TRC #: **2022155**

LOCATION: **Tax Map 26; Parcel 292 & 365**

CONTACT: **Diakonia Inc.**

MEETING DATE: **April 13, 2022**

COMMENTS BY: **Matthew Owens**
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 construction of retail, office, storage, and conference space in addition to 48 one bedroom housing units.

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.

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. Complete set of building plans shall be submitted and approved prior to start of construction.
2. Location and marking of fire lanes shall be coordinated with our office.
3. A fire hydrant shall be located within 100 feet of all proposed Fire Department Connections.
4. All new residential units shall be protected by an approved automatic suppression system. Plans on the proposed sprinkler system shall be submitted and approve by our office prior to installation.
5. No further comments at this time.



Worcester County
Department of Environmental Programs
Natural Resources Division

Memorandum

To: Technical Review Committee

From: David Mathers, Natural Resources Planner *DM*

Subject: Forest Conservation & Stormwater Management Review

Date: March 29, 2022

Date of Meeting: April 13, 2022

Project: Diakonia

Location: 9601 Stephen Decatur Hwy; Tax Map: 26; Parcels: 292 & 365

Owner/Developer: Diakonia, Inc.

Engineer: Carpenter Engineering, LLC

This project is not subject to the Worcester County Forest Conservation Law. A Forest Conservation Application and fee have been submitted. Based on the Forest Stand Delineation received, this site is exempt from Forest Conservation as the area of forested non-tidal wetlands is greater than or equal to the area of reforestation and afforestation required under Worcester County Code NR 1-408 and NR 1-410.

This project is subject to the Worcester County Stormwater Ordinance. The project has obtained Stormwater Concept Plan and Site Development Plan approval. Final Stormwater Plan approval must be received prior to issuance of permits.

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DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

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

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

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

MEMORANDUM

DATE: March 11, 2020
TO: Applicant
FROM: Jenelle Gerthoffer, Natural Resources Administrator *JG*
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.

**WORCESTER COUNTY
DEPARTMENT OF PUBLIC WORKS
INTEROFFICE MEMORANDUM**

TO: Stuart White, DRP Specialist
Development Review and Permitting

FROM: Christopher S. Clasing, P.E., Deputy Director

DATE: April 1, 2022

SUBJECT: TRC Meeting – April 2022 – Roads and Water/Wastewater Comments

S P R

a) **OCB W**

- i. No comments from DPW Roads Division at this time.
- ii. Confirm needed EDUs assigned to the project.
- iii. If proposing to connect to public sewer and brewery operations are taking place on site, pretreatment may be required prior to discharging into public sewer.

S P R

a) **T C**

- i. Sheets 102-502 appear to be missing from the plan sets delivered to Public Works. Public Works Roads and W/WW Divisions will need the complete drawing set in order to provide comments.

b) **S O V**

- i. Roadway and Utility related plan sheets are missing from the plan sets delivered to Public Works. Public Works Roads and W/WW Divisions will need the complete drawing set in order to provide comments.

c) **D**

- i. Please include the water and sewer construction plans as part of the full set of plans in this submittal.
- ii. The last paragraph of the TRC narrative states that water and sewer plans are substantially complete with Public Works. Per email sent from Public Works to Carpenter Engineering on 3/4/2022, In order for Public Works to approve that plans for the public water and sewer are technically correct, the Department will need utility profiles shown to accommodate the current plan set. To date, Public Works has not received a response.
- iii. No comments from DPW Roads Division at this time.

cc: Kevin Lynch, Roads Superintendent
Gary Serman, W/WW Facilities Supervisor

April 1, 2022

Mr. Stuart White
Department of Developing, Review and Permitting
Worcester County Government Center
One West Market Street, Room 1201
Snow Hill MD 21863

Dear Mr. White:

Thank you for the opportunity to review the submittal for the proposed Diakonia housing development, located at 9601 Stephen Decatur Highway, 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 26, 527 square feet of buildings, for retail, office, storage, conference space, and 48 housing units. As the plan proposes the new construction of a commercial development with a commercial access onto MD 611, a Commercial Access Permit will be required from this office (please see the attachments for the Commercial Access Permit Plan Review Requirements and Plan Review Checklist).

If you have any questions or require additional information please contact Mr. Daniel Wilson, District 1 Assistant District Engineer for Traffic, 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,



James W. Meredith
District Engineer

Attachments

cc: Mr. Jeff Fritts, Access Management Inspector, MDOT SHA
Mr. Tony Turner, Resident Maintenance Engineer, MDOT SHA
Mr. Daniel Wilson, District 1 Assistant District Engineer - Traffic, MDOT SHA

TECHNICAL REVIEW COMMITTEE

REPORT

SEA OAKS VILLAGE

RESIDENTIAL PLANNED COMMUNITY PHASE II

STEP II

Planning Commission Meeting Date

September 1, 2022

Technical Review Committee Meeting Date

August 10, 2022

GENERAL INFORMATION:

Date of TRC Review: August 10, 2022

Date of Planning Commission Review: September 1, 2022

Approval requested: Step II Residential Planned Community (RPC) – Establishment of the RPC Floating Zone – Sea Oaks Village Phase II – (Expansion of Previously Approved RPC). **The County Commissioners Approved Step I of Phase II at their public hearing held on June 7, 2022.**

Project Description: Proposed 76 Townhome units for a total of 135 units (Phase I was 59 units) with associated parking and recreational amenities consisting of a swimming pool, pool house, scenic pond with a pier, multi-purpose athletic court pickleball and/or other court games, and a playground/tot lot consisting of a slide, swings and climbing structures; 8,000 square feet of contractor’s shops and 14,480 square feet of retail.

Location: West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, and Parcel 473, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood Commercial Districts.

Owner: Sea Oaks Village, LLC
841 East Fort Avenue, Unit 152
Baltimore, MD 21230

Land Planner: Carpenter Engineering, LLC
P.O. Box 3460
Ocean City, MD 21843

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

Existing Conditions: Phase I development is underway and buildout is quickly approaching. The existing conditions on the totality of the lot is comprised of approximately 21.85 acres of uplands and 18.13 acres of non-tidal wetlands. The property is located within the R-3 Multi-Family Residential District, with approximately 4.2 acres located in the C-1 Neighborhood Commercial District. The property has existing forested areas surrounding the bulk of the proposed development.

Proposed Project: The Sea Oaks Village RPC as shown on the Step II plan is proposed to be a fee-simple townhouse residential development comprised of a total of 59 residential units in Phase I and an additional 76 townhouse units.

Proposed open space totals for the entire project (including Phase I and Phase II) approximately 25.07 acres, consisting of 7.72 acres of uplands and 17.29 acres of non-tidal wetlands. Within this total, 1.56 acres of active recreation and 3.5 acres of passive recreation are proposed. The plan indicates that there will be one (1) point of access to the project from Maryland Route 611 (Stephen Decatur Highway).

For the residential townhouses, typical lot setbacks have been proposed, with a front yard setback of 20 feet, side yard setbacks of 0 feet, and a rear yard setback of 15 feet. The minimum separation distance between principle structures is 10 feet and the maximum building height of 45 feet is permitted for residential townhomes with pitched roofs.

The Technical Review Committee reminds the Planning Commission that for individual structures, the minimum lot area, setbacks, lot width, and road frontage requirements shall be approved by the Planning Commission during this Step II review. A chart has been provided in the Planning Commission Considerations on the following pages.

Regarding open space figures for Phase II, the calculations provided are as follows:

- Open Space = 4.50 Acres
- Active Open Space = 0.31 Acres
- Passive Open Space = 3.50 Acres

The applicants have demonstrated that the open spaces will be included in outlots on the Master Plan as indicated on the site plans for ‘Outlot 1’ and ‘Outlot 8.’

The open space for Phase II will consist of approximately 4.5 acres with 0.31 acres of this as active recreation and 3.5 acres of passive recreation. The Master Plan indicates that there will be ‘active recreation/multi courts’ in the vicinity of the western edge of the property.

Recreational and Open Space Areas: A narrative was provided (see attached) which outlines the specific types and usages of the recreational areas for the project. This will include: a swimming pool, pool house, scenic pond with a pier, multi-purpose athletic court pickleball and/or other court games, and a playground/tot lot consisting of a slide, swings and climbing structures.

The Step II plan indicates that there will be one (1) point of access to the project from Stephen Decatur Highway (MD Route 611). The State Highway Administration has reviewed the proposed entrance design as well as the improvements proposed for MD Route 611, and has no additional concerns at this time. A commercial access permit was obtained for all improvements. The internal roads are proposed to be designed to one of the County Roads RPC standards. The developer may submit an offer of public dedication for the roads, or request approval under §ZS 1-123 for Approved private roads.

*****Parking for Amenity Areas:** Please note that according to §ZS1-320(a), ‘*Amenity Areas incidental to residential development (including pools, playgrounds tennis courts, ball fields, etc. but not including marinas, golf courses and their club houses)*’, need a minimum number of parking spaces as follows: ‘*1 per each 20 residential units located wholly or partly within 1,500 feet of an amenity area and 1 per each 10 residential units located wholly or partly more than 1,500 feet from an amenity area.*’ Under the current proposal, all residential units are located within 1,500 feet of all amenity areas located on the site. **As there are a total of 135 residential units for both phases, seven (7) spaces in total must be designated for usage by the amenities only and may not be dedicated to other uses such as parking for properties requiring an additional parking space for short-term rental licenses.*****

FINDINGS OF THE TECHNICAL REVIEW COMMITTEE WITH REGARD TO THE ITEMS CITED IN §ZS 1-315(k)(2)B.3:

- 1. The plans for the development fulfill the goals and objectives and comply with the recommendations of the Comprehensive Plan and are compatible with and complement the character and nature of existing and anticipated development in the vicinity of the proposed development:**

As it did when reviewing the Step I submittal for the Phase II Sea Oaks Village RPC and as was later confirmed by the Planning Commission and County Commissioners, the Technical Review Committee finds that the subject property is currently in the “Existing Developed Areas” and “Green Infrastructure” land use categories of the Comprehensive Plan.

The ‘Existing Developed Areas’ (EDA) category recognizes the importance of maintaining the neighborhood character, and strongly encourages mixed used developments. The Green Infrastructure category requires corridors and hubs for a connected system of wildlife habitat, and while not explicitly denying development activity, it should be designed to provide natural corridors that shall connect to larger tracts of land. As currently designed, the project has a lower overall density than many of the surrounding residential developments, with large tracts of the forested wetlands proposed to be protected that abut surrounding forested properties. In general, the Residential Planned Community regulations allow for the flexibility of mixing residential and commercial land uses to encourage imaginative and environmentally sensitive development. The pattern of development will provide for a walkable community easily accessible to the residential amenities and the commercial area. The project will continue to be designed in the Seaside architectural tradition of the *Design Guidelines and Standards for Commercial Uses*, which is consistent with the Eastern Shore vernacular style encouraged by the Comprehensive Plan.

- 2. The design of the development will, as its first priority, protect to the greatest extent feasible existing forested areas and greenways, floodplains, the Critical Area, where applicable, tidal and non-tidal wetlands, sensitive areas or special habitats, and source water and aquifer recharge areas:**

The residentially zoned portion of the property is within the Green Infrastructure land use category, with significant amounts of forested non-tidal wetlands. The Comprehensive Plan encourages the use of low impact development and cluster techniques in order to reduce overall impervious surface and maintain wildlife

habitat. The project is shown to retain large tracts of the sensitive forested wetland areas that are an important aspect of the Green Infrastructure land use category.

A Letter of Authorization had been previously obtained from the Maryland Department of the Environment during the Phase I review for the areas of non-tidal wetlands and associated buffer that are proposed to be impacted. There will continue to be connectivity of the proposed open space areas to larger tracts of naturally forested areas on surrounding properties that are not yet developed.

- 3. The residential planned communities' design lends itself to a clustered, pedestrian scaled development, providing mixed uses where appropriate, and is in keeping with the scale, layout, uses, architectural style and landscape design of existing County towns and villages and blends the natural and built environments:**

The townhouse buildings are clustered, with lands available for future development, and large contiguous tracts of forested wetlands within the open space. Sidewalks have been provided throughout the project to connect the uses. As stated above, the project is being designed in accordance with the Seaside architectural tradition of the *Design Guidelines and Standards for Commercial Uses*, which is consistent with the Eastern Shore vernacular style encouraged by the Comprehensive Plan and the surrounding West Ocean City area. The Master Plan appears to indicate that landscaping will be provided to complement the pedestrian scale of the development and consists of Eastern Redcedars, Flowering Dogwoods, Willow Oaks and Crepe Myrtles.

- 4. The residential planned communities design minimizes impervious surfaces and the consumption of vacant lands while maximizing open space:**

The Technical Review Committee finds that the project provides more open space than is required as part of the development and that the development activity is clustered to reduce impervious surfaces.

- 5. The project's layout and design promote street, trail and sidewalk connectivity within the project and to and through adjoining properties and neighborhoods:**

The Step II plan indicates that there will be one (1) point of access for vehicular traffic from MD Route 611 (Stephen Decatur Highway), a collector highway. Sidewalks have been illustrated throughout the project and are illustrated along

the parcel's road frontage for future connectivity along the highway. Therefore, the Technical Review Committee finds that the project is providing sufficient connectivity.

6. The types and extent of uses and structures in the project will not adversely affect the future development or value of undeveloped neighboring areas or the use, maintenance and value of neighboring areas already developed:

The Technical Review Committee finds that the properties proposed to be developed into the Sea Oaks Village RPC are presently zoned R-3 Multi-Family Residential District and C-1 Neighborhood Commercial District. A townhouse development at a density of six (6) units per net acre is permitted by zoning. Thus, the proposed density of 3.77 units per acre is well below the permissible threshold. The surrounding lands to the north are zoned R-2 Suburban Residential, C-1 Neighborhood Commercial and C-2 General Commercial Districts. To the south, there are A-1 Agricultural District zoned lands, as well as additional C-1 Neighborhood Commercial District properties. The undeveloped forested non-tidal wetlands will continue to provide connectivity to the forested areas on the neighboring properties, and act as a buffer should they be developed. Most of the residential development will be buffered from MD Route 611 (Stephen Decatur Highway) by virtue of the forested areas to be retained. Therefore, the Technical Review Committee concludes that the proposed Sea Oaks Village RPC will not have an adverse long-term implication on development patterns or values in the area.

7. The development will secure for the residents of the County a development which is consistent with the Comprehensive Plan and which is compatible with and complementary to established development in the County:

As thoroughly described in the items above, the Technical Review Committee finds that this project is generally consistent with the policies and recommendations of the Comprehensive Plan and is compatible with and will be complementary to current established and future development patterns in the area.

NOTE: The County Commissioners Findings of Fact and Resolution approving Step I of this RPC, the written narratives as prepared by Sea Oaks Village, LLC, and the comments from the individual members of the Technical Review Committee are attached.

It should be noted that some of the comments submitted by various TRC members pertain to the permit submittals or to Step III of the review processes (at which time subdivision plats and detailed §ZS 1-325 site plans would be submitted).

RECOMMENDATION: The Planning Commission is encouraged to review the application and attachments and discuss as appropriate. Once its review is complete, the Planning Commission is encouraged to provide a favorable recommendation.

PLANNING COMMISSION ACTIONS:

The Planning Commission shall meet with the applicant and review the Step II master plan, any associated documents and the Technical Review Committee's recommendations, as listed above. In its review, the Planning Commission is empowered to request any changes or additional information that it may deem necessary. Following its review, the Planning Commission shall either approve or disapprove the application. In the case of disapproval, the Planning Commission shall present the applicant with a written report of its findings, including the reasons for disapproval. In the case of approval, the Planning Commission may attach conditions concurrent with the approval of the residential planned community and impose time limits on the development.

The Planning Commission is encouraged to review the seven (7) considerations above and address any concerns raised regarding the project's compliance.

The following items will need to be addressed by the applicant prior to review by the Planning Commission:

1. The Planning Commission is required to approve lot requirements as part of the Step II approval. The plans indicate "typical" lot area and setbacks. Please note that the 'Commercial Requirements' below were approved as part of the Phase I Step II plan as follows:

Residential Requirements	
Minimum Lot Area	2,325 square feet for an interior unit, and 2,905 square feet for an exterior unit.
Minimum Lot Width	23.6 feet
Minimum Buildable Area	1,329 square feet for an interior unit, and 1,395 for an exterior unit.
Minimum Road Frontage	24 feet for an interior unit and 30.2 feet for an exterior unit.
Front Yard Setback	20' for all lots
Side Yard Setback	0' for all lots
Rear Yard Setback	15' for all lots
Commercial Requirements	
Minimum Lot Area	6,000 square feet (consistent with the C-2 District regulations)
Minimum Lot Width	60 feet
Minimum Road Frontage	As shown to both MD Route 611 and the preliminarily labeled Sea Oaks Drive

Commercial Front Yard Setback	50' along MD Route 611, 10' to the preliminarily labeled Sea Oaks Drive
Commercial Side Yard Setback	6'
Commercial Rear Yard Setback	15'

Next Steps: If approved by the Planning Commission, the applicant shall revise the plan based upon the comments received. Once the plan is in conformance with the Planning Commission's approval and any remaining items from the Technical Review Committee, the Department shall grant signature approval. The applicant shall then proceed to the Step III review, which would involve a major residential subdivision application. Staff can address any questions about the procedures for the Step III review that the applicant may have.

COPY OF
RESOLUTION NO. 22-11
ESTABLISHMENT OF THE
RESIDENTIAL PLANNED COMMUNITY
FLOATING ZONE

RESIDENTIAL PLANNED COMMUNITY RESOLUTION NO. 22-//

A RESOLUTION OF THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, PURSUANT TO SECTION ZS 1-315 OF THE ZONING AND SUBDIVISION CONTROL ARTICLE OF THE CODE OF PUBLIC LOCAL LAWS OF WORCESTER COUNTY, MARYLAND, ESTABLISHING A RESIDENTIAL PLANNED COMMUNITY FLOATING ZONE ON A CERTAIN PARCEL OF LAND SHOWN ON TAX MAP 26 AS PARCEL 274, LOT 3A AND PARCEL 473

WHEREAS, pursuant to Section ZS 1-315 of the *Zoning and Subdivision Control Article* of the Public Local Laws of Worcester County, Maryland, Sea Oaks Village, LLC, owner, have filed an application for the establishment of a Residential Planned Community (RPC) Floating Zone on approximately 40 acres of land shown on Tax Map 26 as Parcel 274, Lot 3A, and Parcel 473 located on the west side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, in the Tenth Tax District of Worcester County, said residential planned community designated as Sea Oaks Village RPC; and

WHEREAS, the said application was referred to the Worcester County Planning Commission which gave the application a favorable recommendation during its review on April 7, 2022; and

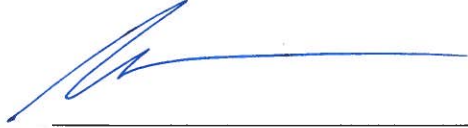
WHEREAS, subsequent to a public hearing held on June 7, 2022, following due notice and all procedures as required by Sections ZS 1-315, 1-113, and ZS 1-114 of the *Zoning and Subdivision Control Article* of the Public Local Laws of Worcester County, Maryland, the County Commissioners made the finding that the establishment of a Residential Planned Community Floating Zone on the subject property would be compatible with the Worcester County *Comprehensive Plan* and the Worcester County *Zoning and Subdivision Control Article*.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, that the land partitioned by Sea Oaks Village, LLC, shown on Tax Map 26 as Parcel 274, Lot 3A and Parcel 473 and consisting of approximately 40 acres of land, is hereby approved and established as a Residential Planned Community Floating Zone in accordance with the provisions of §ZS 1-315 of the Worcester County *Zoning and Subdivision Control Article*.

BE IT FURTHER RESOLVED that the effective date of this Resolution shall be nunc pro tunc, June 21, 2022.

EXECUTED this 21st day of June 2022.

ATTEST:



Weston S. Young
Chief Administrative Officer

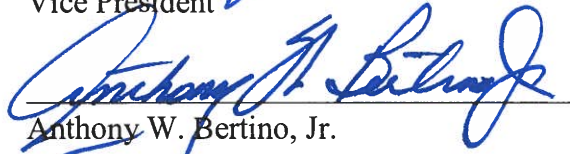
WORCESTER COUNTY COMMISSIONERS:



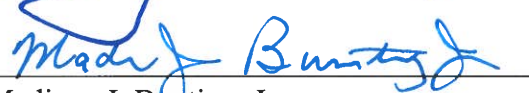
Joseph M. Mitrecic
President



Theodore J. Elder,
Vice President



Anthony W. Bertino, Jr.



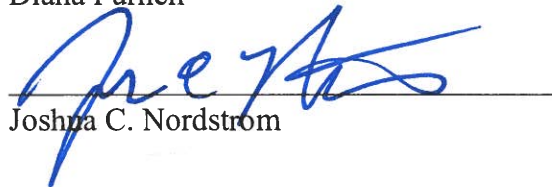
Madison J. Bunting, Jr.

ABSENT

James C. Church

ABSENT

Diana Purnell



Joshua C. Nordstrom



P.O. Box 3460, Ocean City, MD 21843

☎ 3024386745

📠 8883722844

📘 CarpenterEngineeringLLC

Ronnie@CarpenterEngineeringLLC.com

August 26, 2022

Via Electronic Mail

Ms. Kristen Tremblay
Worcester County
Department of Development Review and Permitting
1 West Market Street, Room 1201
Snow Hill, MD 21863

RE: Description of Recreational Amenities
Sea Oaks Village Section I and Section II
Ocean City, Worcester County, Maryland

Dear Ms. Tremblay:

Carpenter Engineering, LLC (CE) is pleased to provide additional commentary for the description of proposed recreational amenities at the Residential Planned Community (RPC) known as Sea Oaks Village Section I and Section II.

The Recreational Amenities include an Outdoor Swimming Pool, which is an in-ground concrete pool with decking and landscaped areas, and is situated at the center of the Community. It has been fully constructed and is now open to the Residents of Sea Oaks. The Pool Bath House is also complete and open and is located within the secure perimeter of the pool area. It consists of a Men's & Women's bath with showers and baby changing stations. There are also some outdoor showers and a small sink area for use if there were to be a social event at the pool.

Additionally, the community has an existing pond serving as an aesthetic feature behind several of the residential units, and also provides water quality enhance for the collected stormwater run-off. The developer has installed a water fountain/aerator for the pond, as well as a timber pier, which extends in to the pond area. The timber pier provides a great location for observing water birds and other small wildlife, or simply practicing to cast a fishing line.

Regarding the proposed Recreational Amenities, plans include construction of a sports court in the rear loop area of Sea Oak Lane, which is designated as a pickleball, but may include other court games. The court will be comprised of a durable, low maintenance composite material with the ability to serve as other potential recreational court usage if the community desires so.

Ms. Kristen Tremblay

RE: Sea Oaks Village, Section I and Section II – Description of Amenities

August 26, 2022

Page 2

Lastly, there are plans to install a playground/tot lot area in the Community's open space, which will have a slide, some swings and short climbing structures. Ideas for location of the play equipment include the exterior portion of the fenced in pool area, and the northerly end of Oak Leaf Lane.

If you have any questions or comments, please contact me at (302) 438-6745 or Ronnie@CarpenterEngineeringLLC.com.

Very truly yours,



Ronnie B. Carpenter, P.E.
Carpenter Engineering, LLC

Enclosures:

PC: Mr. Steve Murphy – Sea Oaks Village, LLC



P.O. Box 3460, Ocean City, MD 21843

3024386745

8883722844

CarpenterEngineeringLLC

Ronnie@CarpenterEngineeringLLC.com

July 11, 2022

Via Hand Delivery

Mr. Stu White

Worcester County

1 West Market Street, Rm. 1201

Snow Hill, MD 21863

RE: RPC Step II Application for TRC Review
Sea Oaks Village Section II
Ocean City, Worcester County, Maryland

Dear Mr. White:

In support of Sea Oaks Village Section II application for RPC Step II TRC Review, Carpenter Engineering, LLC (CE) is pleased to submit the following items:

- One (1) completed application;
- Ten (10) copies of the TRC Narrative;
- Ten (10) copies of the Master Plan;
- One (1) review fee in the amount of \$400.00 for Development Review and Permitting; and
- One (1) review fee in the amount of \$200.00 for Department of Environmental Programs.

The Development Review and Permitting Fee was computed as follow: \$300.00 for Major Site Plan; and \$100.00 for Fire Marshal Review. The Department of Environmental Programs fee was computed as \$200.00 for Major Site Plans with public sewer and water of 6 lots or more. Please note that CE will send you a digital version of this submission via electronic mail.

Please feel free to contact me at (302) 438-6745 or Ronnie@CarpenterEngineeringLLC.com if you have any questions or comments.

Very truly yours,

Ronnie B. Carpenter, P.E.
Carpenter Engineering, LLC

Enclosures: Application
Narrative & Master Plan
Review Fees

Pc: Hugh Cropper, IV – Booth Booth Cropper & Marriner, P.C. (w/ enclosures)
Mr. Steve Murphy – Sea Oaks Village, LLC (w/ enclosures)

Worcester County, Maryland
One West Market Street
Room 1201, Government Center
Snow Hill, MD 21863-1070
(410) 632-1200



OFFICE USE ONLY:

Date Filed: _____

Meeting Date: _____

**APPLICATION TO THE DEPARTMENT – DRP, TECHNICAL REVIEW COMMITTEE,
AND/OR PLANNING COMMISSION**

APPLICATION BEING MADE FOR:

_____ Administrative Waiver
_____ Minor Site Plan/ Subdivision
X _____ Major Site Plan
_____ Site Plan Revision

_____ Sketch Plan
_____ Preliminary Plat
_____ Construction Plans
_____ Final Plat

**TO THE DEPARTMENT – DRP, TECHNICAL REVIEW COMMITTEE, AND/OR
PLANNING COMMISSION:**

A request is hereby made for: Planning Commission review of RPC Step 1 of Sea Oaks
Village Section II, consisting of Residential Lots 60 - 135

LOCATION OF PROPERTY:

Tax Map: 26 Parcel: 274 Section: _____ Lot: 3A Block: _____
Physical Address: _____

PROPERTY OWNER INFORMATION:

Owner's Name: Sea Oaks Village, LLC Telephone: 410-4044393
Address: 841 East Fort Avenue, Unit 152 Baltimore, MD 21230
Signature: _____ Email: Sephen.Murphy@PenFedREalty.com
Ronnie B. Carpenter, PE Authorized Agent for Sea Oaks Village, LLC

APPLICANT INFORMATION:

Applicant's Name: Carpenter Engineering, LLC Telephone: 302-438-6745
Address: P.O. Box 3460 Ocean City, MD 21843
Email: Ronnie@CarpenterEngineeringLLC.com

ENGINEER, SURVEYOR, OR LAND PLANNER INFORMATION:

Company Name: Carpenter Engineering, LLC Telephone: 302-438-6745
Address: P.O. Box 3460 Ocean City, MD 21843
Contact Person & Email: Ronnie B. Carpenter, PE Ronnie@CarpenterEngineeringLLC.com
Signature: _____

Company Name: _____ Telephone: _____
Address: _____
Contact Person & Email: _____
Signature: _____

NARRATIVE FOR TRC REVIEW STEP 2

**SEA OAKS VILLAGE II
RESIDENTIAL LOTS 60 - 135**

OCEAN CITY, WORCESTER COUNTY, MARYLAND

July 2022

Prepared for:

Sea Oaks Village, LLC
c/o Mr. Steve Murphy
841 East Fort Avenue, Unit 152
Baltimore, Maryland 21230
(410) 404-4393

Prepared by:



CARPENTER
ENGINEERING, LLC

Professional Civil Engineering Services

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

SEA OAKS VILLAGE II
RESIDENTIAL LOTS 60 - 135
TAX MAP 26, P/O PARCEL 274
TENTH ELECTION DISTRICT
OCEAN CITY, WORCESTER COUNTY, MARYLAND

Prepared for:

Sea Oaks Village, LLC
c/o Mr. Steve Murphy
841 East Fort Avenue, Unit 152
Baltimore, Maryland 21230
(410) 404-4393

Land Planning by:

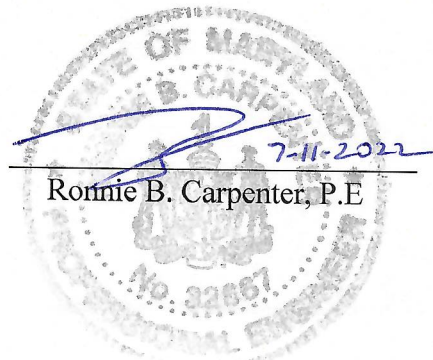
Robert D. Hand
R.D. Hand and Associates, Inc.
12302 Collins Road
Bishopville, Maryland 21843
(410) 352-5623

Site Engineering by:

Ronnie B. Carpenter, P.E.
Carpenter Engineering, LLC
P.O. Box 3460
Ocean City, Maryland 21843
(302) 438-6745

PROFESSIONAL CERTIFICATION

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 32667, Expiration Date: January 17, 2024.



Sea Oaks Village is a Residential Planned Community (RPC) consisting of 135 single family semi-detached units (townhomes) with recreational amenities consisting of a swimming pool, pool house, multi-purpose athletic court, playground, kayak launch, and walking paths. The RPC also includes a commercial development consisting of 7,500 square feet of Contractor Shops, and 15,980 square feet of retail. Onsite parking and onsite stormwater management are provided for both the residential and commercial areas. The development has a single entrance off of Stephen Decatur Highway, MD Route 611, and the project is serviced by public sewer and public water.

The first section of development is an active construction site, and buildout is quickly approaching. In Section I, 59 townhome units and both commercial buildings have been approved, and subdivision plats have been recorded. Building permits have been issued for the majority of the proposed townhomes, and one of the commercial buildings. Section II consists of the remainder 76 townhome units as well as construction of the multi-purpose court.

Sea Oaks Village is consistent with the goals and objectives of Worcester County's Comprehensive Plan in that the development is close to population centers such as West Ocean City and Mystic Harbour. Also in agreement with the Comprehensive Plan, the development takes access from MD Route 611, a major collector highway, and the site is situated within the Mystic Harbour water and sewer service areas.

Sea Oaks Village is zoned R-3 Multi-family Residential, and C-1 Neighborhood Commercial. The R-3 zoning district allows single family, multi-family, and townhome units by right and without special exception. In accordance with the requirements set forth by Worcester County, a development project consisting of 20 or more units is required to follow the RPC process. Sea Oaks Village Section I and Section II are consistent with RPC and zoning code criteria and requirements.

Specifically, the site is located approximately 100 feet northeasterly along Stephen Decatur Highway from the intersection of Stephen Decatur Highway with Sinepuxent Road. The site is located within the Sinepuxent Bay watershed and is hydraulically connected by an unnamed tributary running through Mystic Harbour subdivision. The site is bound to the southwest by a large wooded areas. To the northeast of the subject property, undeveloped commercial land exists. The subdivision of Mystic Harbour lies directly to the East across MD Route 611, other subdivisions within the area include Whispering Woods, Deer Point, and Ocean Reef. Also, there are numerous commercial buildings within the immediate area, such as restaurants, mini-storage facilities, hardware / supply stores, and retail shops. Sea Oaks Village is compatible with all the uses in the immediate area.

As part of the land planning, R.D. Hand and Associates, Inc. worked closely with environmental consultants to identify protective resources, such as non-tidal wetlands, and their associated buffers, as well as forested areas within non-tidal wetlands and contiguous to non-tidal areas located in uplands. As seen on the master plans for development, R.D. Hand and Associates, Inc. has proposed a cluster style development to reduce the consumption of protected resources as well as reduce the amount of proposed impervious coverage. The proposed disturbance of the

buffer areas has been approved and permitted by MDE, and the proposed construction plans of Sea Oaks Village Section II are in concert with the MDE permits.

Due to the amount forested areas lying within non-tidal wetland areas, Sea Oaks Village was granted a variance from the Worcester County Forest Conservation Act of 2008. However, the land plan proposes the protection of nearly 18 acres of wooded non-tidal wetlands within the residential portion of the development.

Construction of Section I began in Winter of 2019. The majority of construction was planned as a single phase and included the clearing and filling of the site, construction of the MDOT SHA entrance, roadway, drainage stormwater management and utility infrastructure. At this time, the sewer, water and stormwater management features have been constructed, and accepted by the County as substantially complete with the as-built plans and reports that have been prepared by the project team. Individual lot construction is ongoing at this time, and as previously stated, buildout is approaching quickly.

Subsequent to the County's acceptance of the subdivision infrastructure, the developer is looking to move seamlessly in to Section II development. This part of the project will include filling of the cleared area, extension of roadways, sewer, water and electric infrastructure, as well as bulk grading of the site to accommodate drainage and stormwater management features. Once complete, building lots will be padded to grade and application for building permits will be submitted to the County. Unlike Section I of Sea Oaks, Section II construction will not require construction of a MDOT SHA Entrance and will not require construction of a pump station. Accordingly, we believe construction for Section II will occur at a faster pace than Section I, and providing sales remain strong for the residential development, the project may be completed within two years.

Noteworthy, Section II has been a part of the overall subdivision plan from the beginning of subdivision design, thus the project team has previously planned and engineered for the extension of roads, water and sewer, as well as drainage, stormwater management, and the creation of open space and active recreation area. In greater words, we have made allowances for extending gravity sewer to the rear portion of the development, accommodating additional sewer flows for the onsite pumping station, looping of water lines, and traffic demand for the MDOT SHA Entrance. Aside from removal of temporary cul-de-sacs and utility stub outs, construction of Section II should have no substantial negative impact to Section I. Per Resolution 20-2 as approved by the Worcester County Commissioners, the proposed private roads will be built to the "Approved Private Road" specifications, as completed in Section I.

In February 2022, we met with the Worcester County Fire Marshal's Office to review roadway geometry, fire hydrant placement, and fire department connections to the proposed buildings. We anticipate gaining their approval upon submission and review of the water construction plans.

During the first week of March 2022, we received our first round of comments for Stormwater Management and Erosion and Sediment Control Plans and Reporting from Worcester County Department of Environmental Programs (DEP). The comments were favorable and we anticipate gaining approval from DEP and Worcester County Soil Conservation prior to submission of the Master Plan to the Planning Commission for Step 2.

WORCESTER COUNTY PLANNING COMMISSION

MEETING DATE: September 1, 2022

PURPOSE: Major Site Plan Review

DEVELOPMENT: Salt Life Park

PROJECT: Proposed expansion of a manufactured home park including 34 lots and associated open space.

LOCATION: Located on the southerly side of Old Bridge Road (MD Route 707), approximately 435 feet east of Greenridge Lane Road, Tax Map 26, Parcels 191 and 193, District 10, Mark Odachowski, owner/ R.D. Hand & Associates; applicant & planner

ZONING DESIGNATION: R-4 General Residential District

BACKGROUND: The proposed project went before the Technical Review Committee (TRC) on September 9, 2020 and submitted a revised set of plans on August 18, 2021 for review by the Planning Commission. The project was added to the September 2021 agenda but was pulled prior to the meeting in order to resolve Stormwater matters.

SIGNS: Signage will be addressed at the time of permitting; all signage shall be in accordance with the provisions of §ZS 1-324.

PARKING: Required parking for each manufactured home is two (2) spaces minimum. Two (2) spaces per home are indicated on the site plan.

TRAFFIC CIRCULATION: Written confirmation from State Highway Administration has been received, in the form of Technical Review Committee (TRC) comments, indicating that access points on MD 707A are limited to one (1). The existing entrance is to be relocated as shown on the site plan.

All roads shall comply and be constructed in accordance with a County road specification for campground subdivisions in accordance with ZS 1-314(c)(11). Written approval will be necessary from the Department of Public Works, County Roads Division prior to review and approval by the Planning Commission. Additional information on the proposed construction of the internal roads will be necessary for the Department of Public Works, County Roads Division to conduct their review. Additionally, geo-tech reports will be required during road construction and a bond will be necessary prior to

permit issuance. Please contact County Roads for further details; contact information is available on the page with their specific comments.

PEDESTRIAN AND BICYCLE CONNECTIVITY: Bike racks have been provided at each amenity per the requirements of §ZS 1-320.

LANDSCAPING: A landscape plan has been provided in accordance with §ZS 1-322.

Per ZS 1-322(e)(6), all manufactured home parks located along collector roads, require screening. Please confirm the proposed landscaping will be dense enough to provide a complete visual barrier once the vegetation reaches maturity. In the event further plantings are needed to meeting the screening requirements, as defined in ZS 1-322(e)(1), please add additional plantings.

In accordance with §ZS 1-322(g), a maintenance and replacement bond for required landscaping is mandatory for a period not to exceed two (2) years in an amount not to exceed one hundred and twenty-five percent (125%) of the installation cost. A landscape estimate from a nursery will be required to be provided at permit stage to accurately determine the bond amount.

FOREST CONSERVATION LAW: This property may not be subject to the Forest Conservation Law. Written confirmation will be required from the Department of Environmental Programs, Natural Resources Division, relative to Forestry requirements prior to the Department granting signature approval

CRITICAL AREA LAW: This property located in the Atlantic Coastal Bays critical Area (ABCA) program boundary designated Intensely Developed Area (IDA) and within the 100' buffer. Written confirmation will be required from the Dept. of Environmental Programs Natural Resources Division relative to Critical Area requirements prior to the Department granting signature approval.

STORMWATER MANAGEMENT/ SEDIMENT EROSION CONTROL: This project is subject to the Worcester County Stormwater Ordinance. Written confirmation will be required from the Dept. of Environmental Programs Natural Resources Division relative to Stormwater Management requirements prior to the Department granting signature approval

WATER SUPPLY AND WASTEWATER SERVICES: In accordance with §ZS 1-325(e)(3)O. & P., written confirmation that all water and wastewater requirements have been met will be required to be provided from the Department of Environmental

Programs and the Department of Public Works prior to signature approval.

*****OTHER MATTERS: Included in the Planning Commission's packet for this project is the September 9, 2020 Technical Review Committee Staff report and comments. There are a number of housekeeping items remaining that will need to be addressed by the applicants prior to a final signature approval being granted. The Design Guidelines noted in the Planning Commission Considerations will also need to be addressed more fully. Please see the recommendation on page four (4) of this report for additional guidance to the Planning Commission.**

GENERAL COMMENTS:

1. Per the deed dated January 24, 2020, Tax Map 26, Parcel 167, Lots 18 & 19, Tax Map 26, Parcel 396 and Tax Map 26, Parcel 164, Lots 10-17, were transferred separately and have been transferred separately throughout the history of the parcels. The existing rentals on Parcel 164 were viewed as a part of the existing park on Parcel 396. If the manufactured homes on Parcel 164 will not be considered a portion of this park, a separate rental license will be necessary for those dwellings.
2. Demolition permits will be required for the demolition of the existing dwellings on Parcel 193.
3. Please be advised that all boundary lines for the park and each individual lot must be monumental in accordance with Title 2 of the Subdivision Regulations, per ZS 1-314(c)(8).

The items requiring a waiver from the Planning Commission have been itemized below under "Planning Commission Considerations".

PLANNING COMMISSION CONSIDERATIONS:

1. The Planning Commission may require the existing portion of the park comply with all or part of the ZS1-314(c)

PREPARED BY: Stuart White, DRP Specialist

RECOMMENDATION: Staff recommends that the Planning Commission review the materials provided. As there are a number of remaining housekeeping items that will need to be addressed prior to final signature approval, particularly with respect to the Technical Review Committee's comments, the Planning Commission may wish to consider one of two options:

1. Review what has been presented, including the Technical Review Committee's (TRC) comments and approve the site plan contingent upon the resolution of the TRC items with staff.
2. Review all the materials provided and determine that a revised plan will need to be presented to the Planning Commission at a future meeting.

***In the event that the Planning Commission is comfortable approving the site plan knowing that the remaining housekeeping items will need to be addressed before final signature approval (option #1), it is recommended that the Planning Commission provide staff with direction regarding any concerns it has with the plan as presented and indicate which waivers of the Design Guidelines ('under the Planning Commission Considerations' – page 3) it is comfortable with as part of its motion.**



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER

ONE WEST MARKET STREET, ROOM 1201

SNOW HILL, MARYLAND 21863

TEL: 410.632.1200 / FAX: 410.632.3008

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

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE

September 9, 2020

Jessica Edwards, Customer Service Representative (ext. 1139)

Department of Development, Review and Permitting

Worcester County Government Office Building

One West Market Street, Room 1201

Snow Hill, MD 21863

(410) 632-1200

Project: Salt Life Park – Proposed expansion of a manufactured home park including 34 lots and associated open space, located on the southerly side of Old Bridge Road (MD Route 707), approximately 435 feet east of Greenridge Lane Road, Tax Map 26, Parcels 191 and 193, District 10, R-4 General Residential District, Mark Odachowski, owner/ R.D. Hand & Associates; applicant & planner

GENERAL COMMENTS:

- A. In order to obtain a Building Permit, the applicant must submit the following to the Department:
 - 1. Submit a complete Building Permit application, along with the initial fee of \$300.00 made payable to “Worcester County”,
 - 2. Submit four (4) sets of complete construction plans (footing, foundation, framing, floor plan and building elevations (front, rear and sides). The construction plans must be sealed by an architect. The plans must be prepared in accordance with the applicable International Building Code, Energy Code, and ADA Code;
 - 3. Submit three (3) sets of the site plan as approved by the Technical Review Committee
- B. Once the permit is issued, the applicant must coordinate all necessary inspections with the respective Building/Housing/Zoning Inspector. The Department requires 24 hour notice for all inspections. The inspector, once on site, may require special or additional inspections than normal.
- C. **In order to obtain a Certificate of Use and Occupancy, all of the necessary inspections must be completed and approved by the various inspections agencies (building, zoning, plumbing, electrical, water, sewage, health, roads, etc.). Two sets of As-Builts (illustrating all lighting, landscaping, parking, signs and etc.) must be submitted at least one week prior to the anticipated occupancy of the building, structure or use of land activity. The Department has 48 hours from the last inspection in which to process a Certificate of Use and Occupancy. Please note that it is unlawful to occupy (employees or patrons) a structure without benefit of a Certificate of Use and Occupancy.**

SPECIFIC COMMENTS:

This project is subject to, but not limited to, the following sections of the Zoning and Subdivision Control Article:

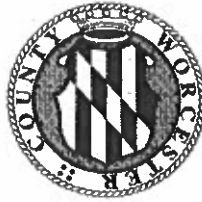
ZS 1-210	
ZS 1-305	Lot requirements generally
ZS 1-306	Access to structures
ZS 1-317	Commercial development, industrial development and industrial parks
ZS 1-319	Access and traffic circulation requirements
ZS 1-320	Off-street parking areas
ZS 1-321	Off-street loading spaces
ZS 1-322	Landscaping and buffering requirements
ZS 1-323	Exterior lighting
ZS 1-324	Signs
ZS 1-325	Site plan review
ZS 1-326	Classification of highways
ZS 1-327	Additional setbacks from drainage ditches and stormwater management facilities

1. Per the deed dated January 24, 2020, Tax Map 26, Parcel 167, Lots 18 & 19, Tax Map 26, Parcel 396 and Tax Map 26, Parcel 164, Lots 10-17, were transferred separately and have been transferred separately throughout the history of the parcels. The existing rentals on Parcel 164 were viewed as a part of the existing park on Parcel 396. If the manufactured homes on Parcel 164 will not be considered a portion of this park, a separate rental license will be necessary for those dwellings.
2. A boundary line adjustment will be necessary to separate the northerly section of Parcel 191 from the southerly section, currently containing the single family dwelling.
3. Additionally, demolition permits will be required for the demolition of the existing dwellings on Parcel 193;
4. As a reminder, the Planning Commission may require the existing portion of the park comply with all or part of the ZS1-314(c)
5. Please provide density calculations as referenced in ZS 1-314(c)(2)
6. Although they are to scale, please document the setbacks for the manufactured home lots;
7. Per ZS 1-314(c)(7), 10,000 square feet of recreation area is required and 30,000 square feet has been provided on the plan. Please note the type of recreation area provided; for example within the 10,000 square feet of recreation area, there will be a pool, playground, picnic area, walking trail, etcetera.
8. Also, please identify the square and circle identified near the proposed pool;
9. All recreation areas shall be separated from any adjacent vehicular travelway by a vegetated or man-made barrier per ZS 1-314(e)(7). Please provide some form of vegetation or barrier along the easterly and southerly side of the recreation area;
10. Please be advised that all boundary lines for the park and each individual lot must be monumental in accordance with Title 2 of the Subdivision Regulations, per ZS 1-314(c)(8);
11. In respect to landscaping, the dense landscaping provided along the easterly side of the proposed expansion far exceeds the requirements. According to aerials it appears there is an

existing tree line along what will be the southerly property line with existing Parcel 191 Lot C. Although not required, it may be beneficial to indicate that this tree line will remain as a screening mechanism.

12. Also in reference to screening, per ZS 1-322(e)(6) all manufactured home parks located along collector roads, require screening. Please confirm the proposed landscaping will be dense enough to provide a complete visual barrier once the vegetation reaches maturity. In the even further plantings are needed to meeting the screening requirements, as defined in ZS 1-322(e)(1), please add additional plantings.
13. Please add a note on the plan indicating each manufactured home lot will be allocated a minimum of 2 parking spaces of the appropriate size per ZS 1-320;
14. Please provide two bicycle racks for the outdoor recreation space per ZS 1-320 and meeting the requirements indicated in 1-320(f)(12);
15. Additionally, please either convert one of the provided parking spaces for the recreation area to a van accessible ADA space, or provide a separate van accessible space; also ensure all required ADA signage and curb cuts are noted on the plan.
16. Referencing the parking spaces allocated for the recreation area, please add a note indicating they will be demarcated and contain parking bumpers as required by 1-320(f)(4)&(5)
17. Please provide the general location of the property by use of an insert vicinity map as required by ZS 1-325(e)(3)G. and include the zoning designation, current use, Tax Map, Parcel and property owner's names for the lands across Old Bridge Road and to the westerly side of the Parcel 191 (as completed with the parcels on the easterly side of Parcel 193);
18. Signage will be addressed at the time of permitting; all signage shall be in accordance with the provisions of §ZS 1-324;
19. In accordance with §ZS 1-322(g), a maintenance and replacement bond for required landscaping is mandatory for a period not to exceed two years in an amount not to exceed one hundred and twenty-five percent of the installation cost. A landscape estimate from a nursery will be required to be provided at permit stage to accurately determine the bond amount;
20. Please add the following statement with a signature block for the property owner to sign prior to signature approval: "As the property owner/developer, I am in full agreement with the site plan submitted herewith, and I am responsible for the completion of the improvements as shown on the approved site plan, and I understand that I cannot allow the property or building to be occupied until a Certificate of Use and Occupancy has been issued by the Department of Development, Review and Permitting."
21. All roads shall comply and be constructed in accordance with a County road specification for campground subdivisions in accordance with ZS 1-314(c)(11). Written approval will be necessary from the Department of Public Works, County Roads Division prior to review and approval by the Planning Commission. Additional information on the proposed construction of the internal roads will be necessary for the Department of Public Works, County Roads Division to conduct their review. Additionally, geo-tech reports will be required during road construction and a bond will be necessary prior to permit issuance. Please contact County Roads for further details; contact information is available on the page with their specific comments.
22. In accordance with §ZS 1-325(e)(3)O. & P., written confirmation that all water and wastewater requirements have been met will be required to be provided from the Department of

- Environmental Programs and the Department of Public Works prior to signature approval;
23. Written confirmation will also be required from the Dept. of Environmental Programs Natural Resources Division relative to Critical Area and Stormwater Management requirements prior to the Department granting signature approval. Any preliminary approvals associated with these requirements will need to be addressed as applicable prior to the scheduling of this project for Planning Commission review;



Worcester County

Department of Environmental Programs
Environmental Programs Division

Memorandum

*Amendment
Plan to go to Commissioners*

To: Technical Review Committee (TRC) for September 9, 2020 Meeting

From: Environmental Programs Staff

Subject: Major Site Plan: Salt Life Park – TM 26 P 191 & 193

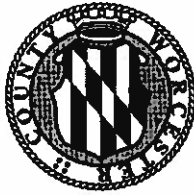
Date: September 2, 2020

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. There are outbuildings and an existing house on the property. They should be properly demolished and the well abandoned when property is developed and connected to public utilities.
2. An EDU chart would need to accompany the site plan. The plan would need to identify seventy-eight (78) EDUs needed for the 78 residential units proposed for the project. Identification of the sanitary service area(s) supplying public water and sewer were not provided on the site plan, and this should be included on future plans.
3. This property is not currently allocated sufficient water or sewer EDUs to supply the sanitary needs of the proposed construction. Additional capacity will need to be obtained. For major site plans, the project must have completed the TRC process before applying to the County Commissioners for EDU allocation. The project must have EDU allocation prior to the project applying for final site plan approval from the Planning Commission. An application should be submitted to Michelle Carmean in the Treasurer's Office for the required EDUs.
4. This property owner has an amendment to the *Master Water and Sewerage Plan* to add the portion of the property that is not in the Mystic Harbour sewer planning area.
5. Natural gas is available to this property.

Citizens and Government Working Together

6. If landscaping irrigation is contemplated, backflow prevention will be required.
7. The Plumbing Code is the 2018 International Plumbing Code (IPC). The Gas Code is the 2018 International Fuel Gas Code.
8. Salt Life Park meets the definition of a "mobile home park" in COMAR 10.16.2.01-1.G and is subject all regulations set forth in COMAR 10.16.02. Before a request to approve an expansion to an existing mobile home park state Department of Health operating permit can be approved, a layout plan of the current mobile home park showing campsites needs to the be submitted to Environmental Programs for approval. This is a separate approval process from this local site plan review, and we can work with the owner's representatives to secure this information.



Worcester County

Department of Environmental Programs
Natural Resources Division

Memorandum

To: Worcester County Technical Review Committee

From: Joy S. Birch, Natural Resources Specialist III *(JB)*

Subject: September 9, 2020 Technical Review Committee Meeting

Date: August 31, 2020

Salt Life Park – Proposed expansion of a manufactured home park including 34 lots and associated open space, Tax Map 26, Parcels 191 & 193.

Critical Area: This project is located in the Atlantic Coastal Bays Critical Area (ABCA) program boundary designated Intensely Developed Area (IDA) and within the 100' buffer. Please see the following comments:

1. Please add the following note with regards to Natural Resources Code Section NR 3-103 (c)(2): *In accordance with NR 3-103 (c)(2) being that more than 50% of the site is in the Critical Area, the owner elect to develop the entire property under the Critical Area regulations; therefore, the Forest Conservation law does not apply.*
2. Ensure all items required within a Critical Area site plan NR 3 -109 (d)(1) are provided.
3. Provide a Critical Area Report as defined in NR 3-109 (d)(2).
4. Provide documents that the site the site will meet the 10% pollution reduction requirements. The Department can provide you with a copy if needed.
5. ON sheet CA-1, Buffer establishment plantings are shown. Please note that the Red Maple must be at least a 2" caliper and the Eastern Red Cedar must be at least 6' in height. Also, according to the Worcester County Planting List, Crepe Myrtles are eligible to receive 100 points per tree planted.
6. This Project meets the requirement for the Maryland Critical Area Commission Project Notification parameters, therefore provide additional copies of the plan, Critical Area

Citizens and Government Working Together

Report, 10% rule compliance details and all other important documents when submitted, will be forwarded to Commission Staff for review and comment.

7. Please submit the Critical Area review fee of \$ 561.75 for this Major Site Plan.

Stormwater Management & Erosion and Sediment Control:

Stormwater Management & Erosion and Sediment Control:

Concept Plan Approval has been approved for this project. Site development approval is required before this project can proceed to Planning Commission. Final Stormwater approval is required before this Division can provide signature plan approval.

General Provisions:

- All Erosion and Sediment controls should comply with the 2011 Maryland Standards and Specifications for Erosion and Sediment Control.
- All Stormwater Management practices shall be designed to meet the requirements of the 2007 Maryland Stormwater 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.



Worcester County
Department of Environmental Programs
Natural Resources Division

Memorandum

To: Technical Review Committee
From: David Mathers, Natural Resources Planner *(DM)*
Subject: Forest Conservation & Stormwater Management Review
Date: September 3, 2020
Date of Meeting: September 9, 2020
Project: Salt Life Park
Location: Old Bridge Road, Tax Map 26; Parcels 191 & 193
Owner/Developer: Mark Odachowski
Applicant: R.D. Hand and Associates, Inc.

This project may not be subject to the Worcester County Forest Conservation Law. In accordance with Subtitle I Section 3-103(c)(2) of the Natural Resources Article of the Worcester County Code of Public Laws, this project, having at least fifty percent of the land area within the Atlantic Coastal Bays Critical Area, may be developed entirely under the Critical Area Law. A statement citing the Natural Resources Code should be placed on all new plans for this project.

This project is subject to the Worcester County Stormwater Ordinance. The project has obtained Stormwater Concept Plan approval. Site Design Plan approval must be received prior to this case going to the Planning Commission.

Citizens and Government Working Together

WORCESTER COUNTY GOVERNMENT CENTER 1 WEST MARKET STREET, ROOM 1306 SNOW HILL, MARYLAND 21863
TEL: 410-632-1220 FAX: 410-632-2012



DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

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

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

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

MEMORANDUM

DATE: March 11, 2020
TO: Applicant
FROM: Jenelle Gerthoffer, Natural Resources Administrator *JG*
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.

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

September 1, 2020

Ms. Jessica Edwards
Department of Developing, Review, and Planning
Worcester County Government Center
One West Market Street, Room 1201
Snow Hill MD 21863

Dear Ms. Edwards:

Thank you for the opportunity to review the major site plan for the proposed Salt Life Park manufactured home park expansion, located on the southerly side of MD 707A, approximately 435 feet east of Greenridge Lane 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 major site plan proposes a 34-lot expansion of an existing manufactured home park. As this is an expansion of an existing development, District 1 is requiring that the number of access points on MD 707A be limited to 1, and the existing 75 ft wide, dirt access to the west be closed off, leaving the 2nd park entrance to serve as the sole entrance on MD 707A. Once the existing 75ft access is closed, widening for a partial deceleration lane will be required at the 2nd park entrance. Sidewalk will be required along the property frontage, and the 2nd park entrance will need to be reconstructed to meet MDOT SHA Standards. A Commercial Access Permit is required for this project, which can be obtained through the District 1 Access Management Department (please see the attachment for Commercial Access Permit plan review requirements).

If you have any questions or require additional information please contact Mr. Daniel Wilson, District 1 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,

James W. Meredith / for

James W. Meredith
District Engineer

*MARK TO meet w/ DAN
to discuss*

Attachment

Ms. Jessica Edwards

Page Two

**cc: Mr. Dallas Baker, D-1 Assistant District Engineer-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, Assist. Resident Maintenance Engineer-Snow Hill Shop, MDOT SHA
Mr. Daniel Wilson, D-1 Access Management Regional Engineer, MDOT SHA**

Needed for Initial Plan Review Submittal

- Make sure all the requirements of the county/local jurisdiction have been fulfilled.
- The initial submittal should contain: four sets of plans, two sets of the Stormwater Management Report, and a CD containing the plans and supporting documentation in PDF format; mailed directly to Mr. James W. Meredith at 660 West Road, Salisbury, MD 21801, attention of Mr. Daniel Wilson.
- If you are unable to make a hard copy submission or would prefer to submit electronically, you can make an electronic project submittal by logging into:
<https://mdotsha.force.com/accesspermit/login?ec=302&inst=1B&startURL=%2Faccesspermit>.
- The MDOT SHA Plan submittal should include a **Cover Sheet**, an **Existing Conditions/Sediment Control/Demolition Plan Sheet** (with a sequence of construction), a **Site/Utility/Landscape Plan Sheet** (with color coding of all utilities in plan view, according to the Miss Utility color code and illustrations of all landscaping proposed in the MDOT SHA right of way), an **Entrance Plan Sheet**, a **Stormwater Management/Grading Plan Sheet**, a **Signing and Pavement Marking Sheet**, and a **Cross Sections Sheet**. The plan sheets aren't required to be sequenced in this order, but the information generally provided on these sheets needs to be depicted in the plan set in some format.
- Please keep in mind that you can view the project status and identify who conducted the review process via the SHA Access Management web page
<http://www.roads.maryland.gov/pages/amd.aspx>.
- Please consult the MDOT SHA Access Manual for Entrance and Design specifications, at:
<https://www.roads.maryland.gov/Index.aspx?PageId=393>.
- If you have any questions, please contact Daniel Wilson, Access Management Regional Engineer. See below for contact information.

Thanks,

Daniel Wilson
Maryland Department of Transportation
State Highway Administration
Regional Engineer
Access Management
District 1
660 West Road
Salisbury, MD 21801

Office: 410-677-4048
Cell: 410-251-9571
Email: dwilson12@mdot.maryland.gov



Worcester 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

MEMORANDUM

TO: Jennifer Kenner, Deputy Director DRP
FROM: Frank J. Adkins, Roads Superintendent (FA)
DATE: September 1, 2020
SUBJECT: TRC Meeting – September 9, 2020

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

Section 1-325 Site Plan Review

A. Salt Grass Point Farms Mini Storage

1. No comments at this time - this project borders State Highway.

B. Salt Life Park

1. Reserve comments pending review of construction drawings.

cc: John H. Tustin, P.E.

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

TO: Jennifer K. Keener, Deputy Director
Development Review and Permitting
FROM: John S. Ross, P.E., Deputy Director
DATE: September 3, 2020
SUBJECT: TRC Meeting – September 9, 2020

Site Plan Review

- A. Salt Grass Point Farms Mini Storage – Proposed construction of seven buildings containing 75,919 square feet of mini storage and associated office, associated with a proposed two lot subdivision, located at on the easterly side of Stephen Decatur Highway (MD Route 611), approximately 410 feet south of Snug Harbor Road, Tax Map 33, Parcels 136, District 10, C-2 General Commercial District, Salt Grass Farms LLC., owner / R.D. Hand & Associates; applicant & planner;
 - 1. In the General Notes on the first drawings was a reference to Water, Sewer, Stormwater and S.E.S.C. Plans that were not provided. No comments can be provided without that information.
- B. Salt Life Park – Proposed expansion of a manufactured home park including 34 lots and associated open space, located on the southerly side of Old Bridge Road (MD Route 707), approximately 435 feet east of Greenridge Lane Road, Tax Map 26, Parcels 191 and 193, District 10, R-4 General Residential District, Mark Odachowski, owner/ R.D. Hand & Associates; applicant & planner
 - 1. Confirm needed EDUs assigned to the project
 - 2. Reserve further comments pending receipt of utility construction drawing(s)

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



GOVERNMENT CENTER

ONE WEST MARKET STREET, ROOM 1003

SNOW HILL, MARYLAND 21863-1194

TEL: 410-632-5666

FAX: 410-632-5664

TECHNICAL REVIEW COMMITTEE COMMENTS

PROJECT: Salt Life Park
LOCATION: Tax Map 26; Parcel 191 & 193
CONTACT: Mark Odachowski
MEETING DATE: September 9, 2020

TRC #: 2020484

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

Proposed expansion of a manufactured home park including 34 lots and associated open space.

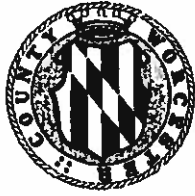
General Comments

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.
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, whichever 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. All new single-family homes shall be protected by an automatic suppression system in accordance with NFPA 13D.
2. Plans shall be provided on the proposed water system to be provided for fire protection.
3. No further comments at this time.



WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE

Department of Development Review & Permitting
Worcester County Government Center
1 W. Market St., Room 1201
Snow Hill, Maryland 21863
410-632-1200, Ext. 1151
pmiller@co.worcester.md.us

Project: Salt Life Park

Date: 9/9/2020

Tax Map: 26

Parcel: 191 & 193

Section:

Lot:

Site specific comments

1. Manufactured homes built after 7/1/2015 to be equipped with fire suppression system.
2. Any future amenities will require permits.

There is not enough information provided at this time to provide additional comments.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410.632.1200 / FAX: 410.632.3008
www.co.worcester.md.us/drp/drpindex.htm

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

ZONING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

MEMORANDUM

To: Worcester County Planning Commission
From: Gary Pusey, Deputy Director GP
Date: August 24, 2022
Re: Text Amendment Application - "Food Waste Composting Facilities" -
(1) Amend the text of the Zoning Ordinance to allow "Food Waste Composting Facilities" by Special Exception in the A-1 and A-2 Agricultural Districts, the I-1 Light Industrial District and the I-2 Heavy Industrial District;
(2) Amend the text of §ZS 1-103(b) Definitions to add definitions related to Food Waste Composting; and
(3) Amend the text of §ZS 1-329 Solid Waste Disposal Sites to add standards for Food Waste Composting

With the Staff's assistance, Garvey Heiderman has submitted the attached text amendment application to add a new use of "food waste composting facilities" as a Special Exception (SE) in the A-1, A-2, I-1 and I-2 Districts. The amendment will also add development standards and definitions for these facilities and related terms.

Mr. Heiderman, owner of Ocean Compost and The Hobbit Restaurant, has been operating under a transient use SE approved by the Board of Zoning Appeals (BZA) to allow compost operations of restaurant food waste in the A-1 District at a property on St. Martins Neck Road for the last two years. Transient uses may be permitted for one year with an additional one year extension, and the approval for his current operation will expire this Fall and cannot be extended.

As noted, DRP Staff, and in particular Jennifer Keener, Director, assisted Mr. Heiderman with the proposed amendment. Input was also received from the County's Public Works Department, and Roscoe Leslie, County Attorney and Planning Commission Attorney. Comments provided by the Director and Kristen Tremblay, Zoning Administrator, are attached and summarized in the "Discussion" section below.

As is the case with all text amendment applications, the Planning Commission reviews the request and makes a recommendation to the County Commissioners. If at least one County

Commissioner is willing to introduce the amendment as a bill, then a Public Hearing date will be set for the Commissioners to obtain public input prior to acting on the request.

DISCUSSION

For this application, two separate food waste composting facilities are addressed: (1) “agricultural food waste composting facilities” and (2) “commercial food waste composting facilities.”

An “agricultural” facility would accept food waste for on-site composting for use on an agricultural property and in conjunction with a bona fide agricultural activity; a “commercial” facility would accept food waste for composting for sale to the general public, and the composted material could also be applied on-site.

The request proposes to amend the existing text of §ZS 1-329 Solid Waste Disposal Sites to add the special development standards for these facilities. Some of the specific standards applicable to both agricultural and commercial facilities include:

- 5 acre minimum lot size;
- 50’ setback from all property lines;
- 100’ setback from a domestic well;
- 100’ setback from a stream, lake or other waterbody;
- 300’ separation distance between composting activities and residence on an adjacent parcel;
- Facility may not be located in a floodplain;
- Structures and outdoor storage of materials and debris must be screened from public roads and adjacent residential uses by vegetation, walls or fences;
- An annual report must be submitted to County Public Works certifying the annual tonnage of food diverted from the solid waste stream;
- An operations plan must be submitted to the BZA during the SE review that includes, among other things, a description of the type and quantities of materials to be accepted; the maximum quantity of feedstocks to be accepted annually; truck access and frequency of trips; and days and hours of operation; and
- A nuisance plan must be submitted to the BZA during the SE review that addresses how dust, odors, rodents, etc. will be controlled.

The standards applicable to commercial facilities only include:

- Facilities must be located on either an arterial or collector highway as defined in §ZS 1-326 (these are predominantly State-maintained roads);
- A traffic impact analysis may be required;
- A bond or guaranty shall be provided to the County to cover any repair costs for road or associated drainage system damage;

- Access points must be designed in accordance with the County's standards for commercial entrances with regard to acceleration/deceleration lanes;
- The site plan requirements of §ZS 1-325 must be met; and
- Off- street parking must be provided in accordance with the agritourism facilities use category contained in §ZS 1-320, which is calculated at a minimum rate of one space for each 300 s.f. of building area open to the public plus two per acre for the first 10 acres of land open to the public plus one space per acre thereafter.

In her comments, the Director notes that the Maryland Department of the Environment (MDE) regulates composting systems using a tier system, which is based on the type of feedstock used (yard waste, food scraps, compostable products, or mixed municipal solid waste) and the size of the operation, measured in cubic yards of compost per year. She explains that food waste composting facilities are classified as either Tier 2 (less than 10,000 cubic yards of compost per year) or Tier 3 (greater than 10,000 cubic yards of compost per year), and there is a permit exemption for facilities less than 5,000 s.f. in area that are "in support of composting," with other limitations as well. Mr. Heiderman's current operation on St. Martins Neck Road qualifies for the MDE exemption, but as the Director notes, as his operation becomes more successful and generates more food waste, an MDE permit will be needed.

The Director states that she felt it was important to differentiate between agricultural and commercial facilities, as opposed to the amount of compost generated. A bona fide farm that accepts food waste for composting and then utilizes the finished product on-site would be considered an agricultural facility; whereas a facility that accepts food waste and sells the finished product to the public would be considered a commercial facility, and would be subject to additional requirements such as site plan review, parking standards, and a detailed access management review. If approved as proposed, both types of facilities would be allowed in the Agricultural and Industrial zoning districts, after the approval of a SE by the BZA.

As noted by the Director, Mr. Heiderman requested that setbacks and separation distances contained in the County Code be consistent with those required by MDE, and that has been accomplished, as listed in §ZS 1-329(c)(2) and as shown in the attached draft bill. The proposed lot area (5 acres) and lot width (200') requirements are consistent with the County's standards for commercialized agricultural uses.

The Director also notes that the County's Public Works Department was consulted concerning the potential impact of these facilities on the road system. From those discussions, it was recommended that commercial facilities be located only on collector or arterial highways as defined in the Zoning Code. In addition, depending on the scale of the proposed operation a traffic impact analysis may be required, and bonding may also be required to ensure that costs to repair any damage to roads resulting from a commercial operation would be the financial responsibility of the facility operator.

Finally, the Director points out that these facilities would only be allowed in the Agricultural and Industrial Districts by SE from the BZA, and an operations and nuisance plan must be submitted as part of the application for review by the Board. The amendment would

allow the BZA to increase setbacks if necessary to protect adjoining properties or to protect environmental features, and under the current Code, the BZA has the ongoing authority to ensure the use is being operated in accordance with the BZA's approval, as well as the authority to decide on any expansion, alteration or change to the facility.

The Zoning Administrator recommended that material brought to a property for composting be covered and not exposed to the elements in order to prevent runoff, and that a contact phone number be provided and updated annually as part of the nuisance plan. The Zoning Administrator also suggested that DRP be given the authority to approve alternate required screening of the property instead of the BZA, and that wording be added to require that an internal roadway on the property have an adequate width (in addition to length) to help ensure that trucks do not stop or park on a public roadway when entering the property (see attached comments).

SUMMARY

Staff does not object to the proposed amendment.

Composting of food waste can provide a benefit to the County by diverting that waste from the landfill in order to create a product that can benefit the community, such as farmers and home gardeners. Or, as is the case with the Town of Ocean City, food waste generated in the Town is collected and included in the Town's refuse that is trucked to Pennsylvania for use in a waste-to-energy incineration facility, and a composting facility could provide a lower cost alternative for that material, with the same benefits to local farmers and home gardeners.

Allowing these facilities in the Agricultural, Light Industrial and Heavy Industrial districts only by Special Exception from the Board of Zoning Appeals will help ensure that appropriate locations are approved, and in conjunction with the proposed development standards, that any potential adverse impacts will be addressed.

A draft bill is attached for the Commission's review.

Should you have any questions or require additional information, please do not hesitate to contact me.

Attachments

cc: Jennifer Keener, AICP, Director
Roscoe Leslie, County Attorney
Kristen Tremblay, AICP, Zoning Administrator
Garvey Heiderman, Applicant



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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

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

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Gary Pusey, Deputy Director
From: Jennifer Keener, AICP, Director JKK
Date: August 23, 2022
Re: Text Amendment Application – Food Waste Composting Facilities

.....

This memorandum is in response to your request for comments on the text amendment submitted by Mr. Garvey Heiderman. As you know, staff assisted Mr. Heiderman in the drafting of the amendment to facilitate a permanent use for the diversion of food waste from the solid waste stream. Mr. Heiderman is currently operating a similar agricultural facility as a transient use special exception in the A-1 District, which is set to expire this fall and is unable to be renewed. As drafted, the proposed amendment would allow these facilities in the Agricultural and Industrial zoning districts by special exception.

Currently, Maryland Department of the Environment (MDE) regulates composting facilities based upon a tier system. This is broken down between the type of feedstock (yard waste, food scraps, compostable products, or mixed municipal solid waste) and the size of the operation measured in cubic yards of compost per year. Food waste compost facilities are classified as either Tier 2 (less than 10,000 cubic yards of compost per year) or Tier 3 (greater than 10,000 cubic yards of compost per year). There is also a permit exemption for facilities with less than 5,000 square feet of area "in support of composting" with other limitations. Mr. Heiderman's current transient use operation falls under the permit exemption threshold. As his operation becomes more successful, it will generate more food waste, and require a permit through MDE.

As we developed the regulations, I felt it was important to differentiate between agricultural facilities and commercial facilities rather than the amount of compost generated. As defined, a bonafide farm which accepts food waste for composting and utilizes the finished product on-site would be considered an agricultural facility. Those facilities which accept food waste and sell the finished composted product to the public would be considered a commercial facility, and would be subject to additional requirements such as site plan review, parking standards, and a more detailed access management review. The amendment would allow both types of facilities in the Agricultural and Industrial zoning districts.

In developing the setbacks and separation distances of the proposed amendment, Mr. Heiderman requested that they be consistent with the state siting criteria found in COMAR 26.04.11.08,

which are generally as proposed in § ZS 1-329(c)(2). The recommended lot area and lot width requirements in § ZS 1-329(c)(1) have been tailored specifically to similar Worcester County standards for commercialized agricultural uses (5 acres and 200' respectively). In reviewing similar regulations imposed by other jurisdictions in Maryland, they have either mirrored the state requirements, or are more restrictive. Examples include 100' setbacks to property lines instead of 50' setbacks; higher lot area requirements (10 acres minimum), setbacks to a special flood hazard area, and limitations on the total area of the parcel or lot that may be utilized for in support of composting.

Additionally, staff worked with the Worcester County Department of Public Works to determine appropriate road and entrance requirements for food waste composting facilities. Commercial facilities are proposed to be limited to locations fronting on a collector or arterial highway as defined in the Zoning Code. A traffic impact analysis may be required, depending on the scale of the operation. Bonding of the roadway may be required to ensure that the increased truck traffic does not unduly burden the county tax payers if there are damages to the road that require repairs.

Overall, both types of facilities would be subject to a special exception hearing before the Board of Zoning Appeals, with operations and nuisance plans required as part of the application for review. The proposed amendment would also provide the board with the authority to enhance the proposed setbacks or place other conditions of approval upon an application if they find that there may be a negative impact on an adjoining property or environmental feature. The Board has continuing jurisdiction over the use under the provisions of § ZS 1-116(c)(8), as well as authority over any expansion, alteration or change to the facility under § ZS 1-329(a).

As always, should you have any additional questions or need additional information, please let me know. I will be available to discuss this matter with the Planning Commission at their upcoming meeting.



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Worcester County

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ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Jennifer K. Keener, AICP, Director
Gary R. Pusey, Deputy Director
From: Kristen M. Tremblay, AICP, Zoning Administrator
Date: August 24, 2022
Re: Zoning Ordinance Proposed Text Amendment – Amend the text to allow “Food Waste Composting Facilities” by Special Exception; Amend § ZS 1-103(b) to add definitions related to Food Waste Composting; and Amend ZS 1-329 to add standards for Food Waste Composting

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

I recommend the following minor adjustments and additions to the proposed text amendment language as written:

1. §ZS 1-329(c)(3)(B): Addition of ‘*and width*’ to read as follows: “Any internal travelway shall be of adequate length *and width* to prevent truck traffic from stopping or parking on a public road right of way.”
2. §ZS 1-329(c)(3)(D): Replacement of screening decisions to be revised from the ‘Board of Zoning Appeals’ to the ‘Department of Development Review and Permitting.’
3. §ZS1-329 (c)(5)(B)(2): Addition of a provision applicable to commercial food waste composting facilities:
 - a. Recommendation – “A contact number for nuisance complaints shall be provided as part of the nuisance plan complaint response protocol to the Department of Development Review and regularly updated on an annual basis or as otherwise needed.”
4. Further, I suggest that a component be added that the principal food waste acceptance points on the site be located under cover and not exposed to the elements in order to prevent runoff of material not yet treated and/or sorted. I suggest this on the off-chance that individuals responsible for primary sorting accidentally include items not conducive to composting that may cause environmental harm.

Please let me know if you have any other questions regarding this proposed text amendment.



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ZONING DIVISION
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MEMORANDUM

To: Jennifer Keener, AICP, Director
Roscoe Leslie, County Attorney
Kristen Tremblay, AICP, Zoning Administrator

From: Gary Pusey, Deputy Director *GP*

Date: August 17, 2022

Re: Text Amendment Application –

- (1) Amend the text of the Zoning Ordinance to allow “Food Waste Composting Facilities” by Special Exception in the A-1 and A-2 Agricultural Districts, the I-1 Light Industrial District and the I-2 Heavy Industrial District;
- (2) Amend the text of §ZS 1-103(b) Definitions to add definitions related to Food Waste Composting; and
- (3) Amend the text of §ZS 1-329 Solid Waste Disposal Sites to add standards for Food Waste Composting;

Garvey Heiderman has submitted the attached text amendment application to add a new use of “food waste composting facilities” as a Special Exception (SE) in the A-1, A-2, I-1 and I-2 Districts. The amendment will also add development standards and definitions for these facilities and related terms.

Mr. Heiderman, owner of Ocean Compost and The Hobbit Restaurant, has been operating under a transient use SE approved by the Board of Zoning Appeals to allow compost operations of restaurant food waste in the A-1 District at a property on St. Martins Neck Road for the last two years. Transient uses may be permitted for one year, with an additional one year extension.

For this application, two separate food waste composting facilities are addressed: (1) “agricultural food waste composting facilities” and (2) “commercial food waste composting facilities.”

An “agricultural” facility would accept food waste for on-site composting for use on an agricultural property and in conjunction with a bona fide agricultural activity; a “commercial” facility would accept food waste for composting for sale to the general public, and the composted material could also be applied on-site.

The request proposes to amend the existing text of §ZS 1-329 Solid Waste Disposal Sites to add the special development standards for these facilities. Some of the specific standards applicable to both agricultural and commercial facilities include:

- 5 acre minimum lot size;
- 50' setback from all property lines;
- 100' setback from a domestic well;
- 100' setback from a stream, lake or other waterbody;
- 300' separation distance between composting activities and residence on an adjacent parcel;
- Facility may not be located in a floodplain;
- Structures and outdoor storage of materials and debris must be screened from public roads and adjacent residential uses by vegetation, walls or fences;
- An annual report must be submitted to County Public Works certifying the annual tonnage of food diverted from the solid waste stream; and
- A nuisance plan must be submitted to the BZA during the SE review that addresses how dust, odors, rodents, etc. will be controlled.

The standards applicable to commercial facilities only include:

- Facilities must be located on either an arterial or collector highway as defined in §ZS 1-326;
- A traffic impact analysis may be required;
- A bond or guaranty shall be provided to the County to cover any repair costs for road or associated drainage system damage;
- Access points must be designed in accordance with the County's standards for commercial entrances with regard to acceleration/deceleration lanes;
- The site plan requirements of §ZS 1-325 must be met; and
- Off- street parking must be provided in accordance with the agritourism facilities use category of §ZS 1-320.

The application, with the proposed text, is attached.

This request is scheduled to be presented to the Planning Commission at its September 1, 2022 meeting. Please provide any comments you may have by Tuesday, August 23, 2022.

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



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

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

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

Date Received by Office of the County Commissioners _____

Date Received by Development Review and Permitting 8/17/2022

Date Reviewed by the Planning Commission _____

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

a. Resident of Worcester County: ✓

b. Taxpayer of Worcester County: ✓

c. Governmental Agency: _____

(Name of Agency)

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

a. Section Number: ZS I-103 (b); I-201(c); I-202(c); I-212(c); I-213(c); I-324

b. Page Number: ZS I: I: 3; ZS I: II: 3; ZS I: II: 11; ZS I: II: 69; ZS I: II: 76; ZS I: III: 13

c. Proposed revised text, addition or deletion:

See attached

III. Reasons for Requesting Text Change:

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

to have an appropriate standard for compost sites in the county

IV. Signature of Applicants

Signature(s): T. Garvey Heiderman

Printed Name(s): T. Garvey Heiderman

Mailing Address: Po Box 3921 ocean city, MD 21843

Phone Number: 443-783-4835

Email: tgheiderman@gmail.com

Date: 8-9-22

V. Signature of Attorney

Signature: _____

Printed Name: _____

Mailing Address: _____

Phone Number: _____

Email: _____

Date: _____

VI. General Information Relating to the Text Change Process

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

- b. Procedure for Text Amendments: Text amendments shall be passed by the County Commissioners of Worcester County as Public Local Laws according to legally required procedures, with the following additional requirements. Any proposed amendment shall first be referred to the Planning Commission for recommendation. The Planning Commission shall make a recommendation within a reasonable time after receipt of the proposed amendment. After receipt of the recommendation of the Planning Commission, 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 (15) 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 Worcester County. In the event no County Commissioner is willing to introduce the proposed amendment as a bill, it will not be considered.

§ ZS 1-103(b) Definitions

COMPOSTING – The controlled aerobic biological decomposition of organic waste material to yield a nuisance-free, humus-like product.

COMPOSTING FACILITY - An area of land, structures, and/or facility where composting takes place.

COMPOSTING, IN SUPPORT OF – Activities and the means used to conduct any phase of composting, including but not limited to feedstock receipt, feedstock storage, active composting, curing, compost storage, composting equipment storage or maintenance, or storage of any solid waste or non-compostable materials.

FOOD WASTE – Source-separated organics from residential curbside or drop-off programs and non-residential sources, including pre-consumer and post-consumer food scraps and non-recyclable paper, but not including residuals from industrial food processing.

FOOD WASTE COMPOSTING FACILITY, AGRICULTURAL - An area of land and/or structures where food waste is composted for use in conjunction with a bonafide agricultural activity.

FOOD WASTE COMPOSTING FACILITY, COMMERCIAL – An area of land and/or structures where food waste is composted for sale. The composted product may also be used on the property in conjunction with a bonafide agricultural activity.

A-1 District: New § ZS 1-201(c)(33), renumber existing (33) as (34):

(33) Food waste composting facilities in accordance with § ZS 1-329 hereof.

A-2 District: New § ZS 1-202(c)(43), renumber existing (43) as (44):

(43) Food waste composting facilities in accordance with § ZS 1-329 hereof.

I-1 District: New § ZS 1-212(c)(14), renumber existing (14) as (15):

(14) Food waste composting facilities in accordance with § ZS 1-329 hereof.

I-2 District: New § ZS 1-213(c)(10), renumber existing (10) as (11):

(10) Food waste composting facilities in accordance with § ZS 1-329 hereof.

§ ZS 1-329. Solid waste disposal sites and food waste composting facilities.

- (a) Conformance with Title. No site shall be developed as a solid waste disposal site or food waste composting facility and no existing solid waste disposal site or food waste composting facility shall be enlarged, altered or changed in use except in conformity with the provisions of this Title.

- (b) Additional conditions for solid waste disposal sites. In addition to the provisions contained in other parts of this Title, the following shall apply to such sites:
- (1) Disposal areas on every such site shall be set back from every public road right-of-way and every perimeter property line at least one hundred feet.
 - (2) The solid waste disposal area shall be effectively screened from public view by dense foliage, topography or fencing prior to use of the area as a solid waste disposal site. In addition, a security fence and gate at least six feet in height and of such length and construction to effectively control vehicular entrance to the disposal operation shall be constructed prior to the operation of the site. Such fence shall be visually screened along the outside by landscaping in accordance with the provisions of § ZS 1-322 hereof.
 - (3) The burning of refuse or other waste material shall not be permitted at such sites, except by permission of the Department of the Environment and the Deputy State Fire Marshal.
 - (4) The solid waste disposal area shall not accept hazardous or toxic waste.
 - (5) All solid waste disposal sites shall be subject to the provisions of § ZS 1-116 hereof.
 - (6) The solid waste disposal area shall not be located over any aquifer.
- (c) Additional conditions for food waste composting facilities. In addition to the provisions contained in other parts of this Title, the following shall apply to such sites:
- (1) Lot requirements. The minimum lot requirements shall be: lot area five acres; and lot width, two hundred feet.
 - (2) Setbacks and separation distances.
 - A. Except where a greater setback is required by the Board of Zoning Appeals, local, state, or federal law or regulations, activities in support of composting may not be located closer than:
 1. Front yard setback, fifty feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet.
 2. One hundred feet to a domestic well.
 3. One hundred feet to any intermittent or perennial stream, lake, or other body of water except an impoundment for use in the composting process.

- B. There shall be a minimum separation distance of three hundred feet from activities in support of composting to the nearest existing or permitted residential structure on an adjacent parcel.
- C. A composting facility shall not be located in a special flood hazard area as designated on the official Flood Insurance Rate Maps (FIRMs).

(3) Standards for agricultural food waste composting facilities.

- A. Composting operations shall not cause undue damage to any public road and its associated drainage system beyond that which may be reasonably expected to occur from ordinary traffic on that roadway.
- B. The entrance to the property from the roadway must be secured by a chain, gate, cable or other appropriate means in order to prohibit vehicular access, except during hours of operation. During hours of operation, the entrance must be properly marked with "Truck Entrance" caution signs. Any internal travelway shall be of adequate length to prevent truck traffic from stopping or parking on a public road right-of-way.
- C. Structures and outdoor storage of materials and debris shall be screened from public road rights-of-way and adjacent residential uses by vegetation, walls or fences.
- D. All perimeter property lines shall be screened in accordance with § ZS 1-322 hereof or by an acceptable alternative as determined by the Board of Zoning Appeals.
- E. Prior to the issuance of a certificate of use and occupancy, copies of all State of Maryland permits must be submitted to the Department so that any conditions placed on the state-issued permits can be incorporated into the conditions under which the certificate of use and occupancy is issued. In addition, any conditions placed on renewed permits shall also be submitted in order to determine if they should also be made conditions of the County approval.
- F. The facility operator shall certify the annual tonnage of food waste that has been diverted from the solid waste stream. The report shall be provided to the Worcester County Department of Public Works on or before October 1 of each year.
- G. The composting operations shall comply with all applicable federal and state laws and regulations. In the event of conflict between these laws and regulations, the most restrictive legally applicable law or regulation shall apply.

- H. The operator shall control and contain dust and other particulates to prevent visible emissions from crossing the boundary of the property.

(4) Standards for commercial food waste composting facilities. In addition to the provisions of § ZS 1-329(c)(3) hereof, the following standards shall apply to commercial food waste composting facilities:

- A. All commercial food waste composting facilities shall be located such that they have direct access, without traveling on any public road right-of-way, to an arterial highway or collector highway as defined in § ZS 1-326 hereof. A traffic impact analysis may be required to ensure that adequate highway capacity, traffic congestion, and traffic safety measures are addressed. Prior to the issuance of any certificate of use and occupancy under this Subtitle for a compost facility, the owner and operator shall provide a satisfactory bond or guaranty to the County Commissioners to ensure that any undue damage to the public road or its associated drainage system is repaired to the satisfaction of the County.
- B. All points of access to a public road from the site shall at a minimum be designed in accordance with the County's standards for commercial entrances with regard to acceleration and deceleration lanes. Additionally, the areas on either side of the access point to the public road right-of-way shall be cleared of vegetation, debris, etc. in order to provide adequate line-of-sight for vehicles traveling on the public road right-of-way as well as for vehicles utilizing the access point.
- C. Commercial food waste composting facilities shall be subject to the requirements of § ZS 1-325 hereof.
- D. Off-street parking shall be provided in accordance with § ZS 1-320 hereof consistent with the agritourism facilities use category.

(5) Review procedure.

- A. In conjunction with an application for a special exception, the applicant shall prepare a site plan meeting the requirements of § ZS 1-116(d)(2) hereof for submission to the Board of Zoning Appeals for its review.
- B. In addition, the applicant shall submit the following:
 - 1. A composting facility operation plan that includes:
 - i. A description of the type and quantities of the materials to be accepted;
 - ii. Procedures utilized to determine whether unacceptable materials are received, and the procedures that will be followed in the event unacceptable materials are received;

- iii. Composting method and equipment to be used;
- iv. The maximum quantity of feedstocks to be accepted on an annual basis;
- v. The maximum quantity of finished compost to be produced on an annual basis;
- vi. The maximum height, width and spacing of piles;
- vii. Truck access and frequency of trips;
- viii. Days and hours of operation;
- ix. Measures to be taken to protect the public; and
- x. Any other information necessary to adequately understand the operation.

- 2. A nuisance plan that addresses the methods to prevent and control dust, odors, rodents, insects and other pests at the facility and a complaint response protocol.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 22-

BY:

INTRODUCED:

A BILL ENTITLED

AN ACT Concerning

Zoning – Food Waste Composting Facilities

For the purpose of amending the Zoning and Subdivision Control Article to add definitions of agricultural and commercial food waste composting facilities and related terms, to provide specific development standards for these facilities, and to allow these uses only after the granting of a Special Exception by the Board of Zoning Appeals in the A-1 and A-2 Agricultural Districts, the I-1 Light Industrial District, and the I-2 Heavy Industrial District.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of the following definitions, to read as follows:

COMPOSTING – The controlled aerobic biological decomposition of organic waste material to yield a nuisance-free, humus-like product.

COMPOSTING FACILITY - An area of land, structures, and/or facility where composting takes place.

COMPOSTING, IN SUPPORT OF – Activities and the means used to conduct any phase of composting, including but not limited to feedstock receipt, feedstock storage, active composting, curing, compost storage, composting equipment storage or maintenance, or storage of any solid waste or non-compostable materials.

FOOD WASTE – Source-separated organics from residential curbside or drop-off programs and non-residential sources, including pre-consumer and post-consumer food scraps and non-recyclable paper, but not including residuals from industrial food processing.

FOOD WASTE COMPOSTING FACILITY, AGRICULTURAL - An area of land and/or structures where food waste is composted for use in conjunction with a bona fide agricultural activity.

FOOD WASTE COMPOSTING FACILITY, COMMERCIAL – An area of land and/or structures where food waste is composted for sale. The composted product may also be used on the property in conjunction with a bona fide agricultural activity.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-201(c)(33) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be renumbered as Subsection § ZS 1-201(c)(34) and a new Subsection § ZS 1-201(c)(33) be enacted to read as follows:

- (33) Food waste composting facilities in accordance with § ZS 1-329 hereof.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-202(c)(43) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be renumbered as Subsection § ZS 1-202(c)(44) and a new Subsection § ZS 1-202(c)(43) be enacted to read as follows:

- (43) Food waste composting facilities in accordance with § ZS 1-329 hereof.

Section 4. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-212(c)(14) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be renumbered as Subsection § ZS 1-212(c)(15) and a new Subsection § ZS 1-212(c)(14) be enacted to read as follows:

- (14) Food waste composting facilities in accordance with § ZS 1-329 hereof.

Section 5. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-213(c)(10) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be renumbered as Subsection § ZS 1-213(c)(11) and a new Subsection § ZS 1-213(c)(10) be enacted to read as follows:

- (10) Food waste composting facilities in accordance with § ZS 1-329 hereof.

Section 6. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-329 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

§ ZS 1-329. Solid waste disposal sites and food waste composting facilities.

- (a) Conformance with Title. No site shall be developed as a solid waste disposal site or food waste composting facility and no existing solid waste disposal site or food waste composting facility shall be enlarged, altered or changed in use except in conformity with the provisions of this Title.
- (b) Additional conditions for solid waste disposal sites. In addition to the provisions contained in other parts of this Title, the following shall apply to such sites:

- (1) Disposal areas on every such site shall be set back from every public road right-of-way and every perimeter property line at least one hundred feet.
 - (2) The solid waste disposal area shall be effectively screened from public view by dense foliage, topography or fencing prior to use of the area as a solid waste disposal site. In addition, a security fence and gate at least six feet in height and of such length and construction to effectively control vehicular entrance to the disposal operation shall be constructed prior to the operation of the site. Such fence shall be visually screened along the outside by landscaping in accordance with the provisions of § ZS 1-322 hereof.
 - (3) The burning of refuse or other waste material shall not be permitted at such sites, except by permission of the Department of the Environment and the Deputy State Fire Marshal.
 - (4) The solid waste disposal area shall not accept hazardous or toxic waste.
 - (5) All solid waste disposal sites shall be subject to the provisions of § ZS 1-116 hereof.
 - (6) The solid waste disposal area shall not be located over any aquifer.
- (c) Additional conditions for food waste composting facilities. In addition to the provisions contained in other parts of this Title, the following shall apply to such sites:
- (1) Lot requirements. The minimum lot requirements shall be: lot area five acres; and lot width, two hundred feet.
 - (2) Setbacks and separation distances.
 - A. Except where a greater setback is required by the Board of Zoning Appeals, local, state, or federal law or regulations, activities in support of composting may not be located closer than:
 1. Front yard setback, fifty feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet.
 2. One hundred feet to a domestic well.
 3. One hundred feet to any intermittent or perennial stream, lake, or other body of water except an impoundment for use in the composting process.

- B. There shall be a minimum separation distance of three hundred feet from activities in support of composting to the nearest existing or permitted residential structure on an adjacent parcel.
 - C. A composting facility shall not be located in a special flood hazard area as designated on the official Flood Insurance Rate Maps (FIRMs).
- (3) Standards for agricultural food waste composting facilities.
- A. Composting operations shall not cause undue damage to any public road and its associated drainage system beyond that which may be reasonably expected to occur from ordinary traffic on that roadway.
 - B. The entrance to the property from the roadway must be secured by a chain, gate, cable or other appropriate means in order to prohibit vehicular access, except during hours of operation. During hours of operation, the entrance must be properly marked with "Truck Entrance" caution signs. Any internal travelway shall be of adequate length to prevent truck traffic from stopping or parking on a public road right-of-way.
 - C. Structures and outdoor storage of materials and debris shall be screened from public road rights-of-way and adjacent residential uses by vegetation, walls or fences.
 - D. All perimeter property lines shall be screened in accordance with § ZS 1-322 hereof or by an acceptable alternative as determined by the Board of Zoning Appeals.
 - E. Prior to the issuance of a certificate of use and occupancy, copies of all State of Maryland permits must be submitted to the Department so that any conditions placed on the state-issued permits can be incorporated into the conditions under which the certificate of use and occupancy is issued. In addition, any conditions placed on renewed permits shall also be submitted in order to determine if they should also be made conditions of the County approval.
 - F. The facility operator shall certify the annual tonnage of food waste that has been diverted from the solid waste stream. The report shall be provided to the Worcester County Department of Public Works on or before October 1 of each year.

- G. The composting operations shall comply with all applicable federal and state laws and regulations. In the event of conflict between these laws and regulations, the most restrictive legally applicable law or regulation shall apply.
- H. The operator shall control and contain dust and other particulates to prevent visible emissions from crossing the boundary of the property.

(4) Standards for commercial food waste composting facilities. In addition to the provisions of § ZS 1-329(c)(3) hereof, the following standards shall apply to commercial food waste composting facilities:

- A. All commercial food waste composting facilities shall be located such that they have direct access, without traveling on any public road right-of-way, to an arterial highway or collector highway as defined in § ZS 1-326 hereof. A traffic impact analysis may be required to ensure that adequate highway capacity, traffic congestion, and traffic safety measures are addressed. Prior to the issuance of any certificate of use and occupancy under this Subtitle for a compost facility, the owner and operator shall provide a satisfactory bond or guaranty to the County Commissioners to ensure that any undue damage to the public road or its associated drainage system is repaired to the satisfaction of the County.
- B. All points of access to a public road from the site shall at a minimum be designed in accordance with the County's standards for commercial entrances with regard to acceleration and deceleration lanes. Additionally, the areas on either side of the access point to the public road right-of-way shall be cleared of vegetation, debris, etc. in order to provide adequate line-of-sight for vehicles traveling on the public road right-of-way as well as for vehicles utilizing the access point.
- C. Commercial food waste composting facilities shall be subject to the requirements of § ZS 1-325 hereof.
- D. Off-street parking shall be provided in accordance with § ZS 1-320 hereof consistent with the agritourism facilities use category.

(5) Review procedure.

- A. In conjunction with an application for a special exception, the applicant shall prepare a site plan meeting the requirements of § ZS 1-116(d)(2) hereof for submission to the Board of Zoning Appeals for its review.

B. In addition, the applicant shall submit the following:

1. A composting facility operation plan that includes:

- i. A description of the type and quantities of the materials to be accepted;
- ii. Procedures utilized to determine whether unacceptable materials are received, and the procedures that will be followed in the event unacceptable materials are received;
- iii. Composting method and equipment to be used;
- iv. The maximum quantity of feedstocks to be accepted on an annual basis;
- v. The maximum quantity of finished compost to be produced on an annual basis;
- vi. The maximum height, width and spacing of piles;
- vii. Truck access and frequency of trips;
- viii. Days and hours of operation;
- ix. Measures to be taken to protect the public; and
- x. Any other information necessary to adequately understand the operation.

2. A nuisance plan that addresses the methods to prevent and control dust, odors, rodents, insects and other pests at the facility and a complaint response protocol.

Section 7. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this _____ day of _____, 2022.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Weston S. Young
Chief Administrative Officer

Joseph M. Mitrecic, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr., Commissioner

Madison J. Bunting, Jr., Commissioner

James C. Church, Commissioner

Joshua C. Nordstrom, Commissioner

Diana Purnell, Commissioner



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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

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

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Worcester County Planning Commission
From: Jennifer K. Keener, AICP, Director
Date: August 24, 2022
Re: Proposed County Project – Lewis Road Sewage Pumping Station

.....

The Worcester County Commissioners have been developing a project that will serve the residents of Lewis Road with public sewer from the Landings Sanitary Service Area. As part of the project, a pumping station will need to be constructed on a utility lot to be subdivided and turned over to the County. This project will result in a significant public health benefit by connecting approximately 50 dwellings on septic systems into the public sewer system.

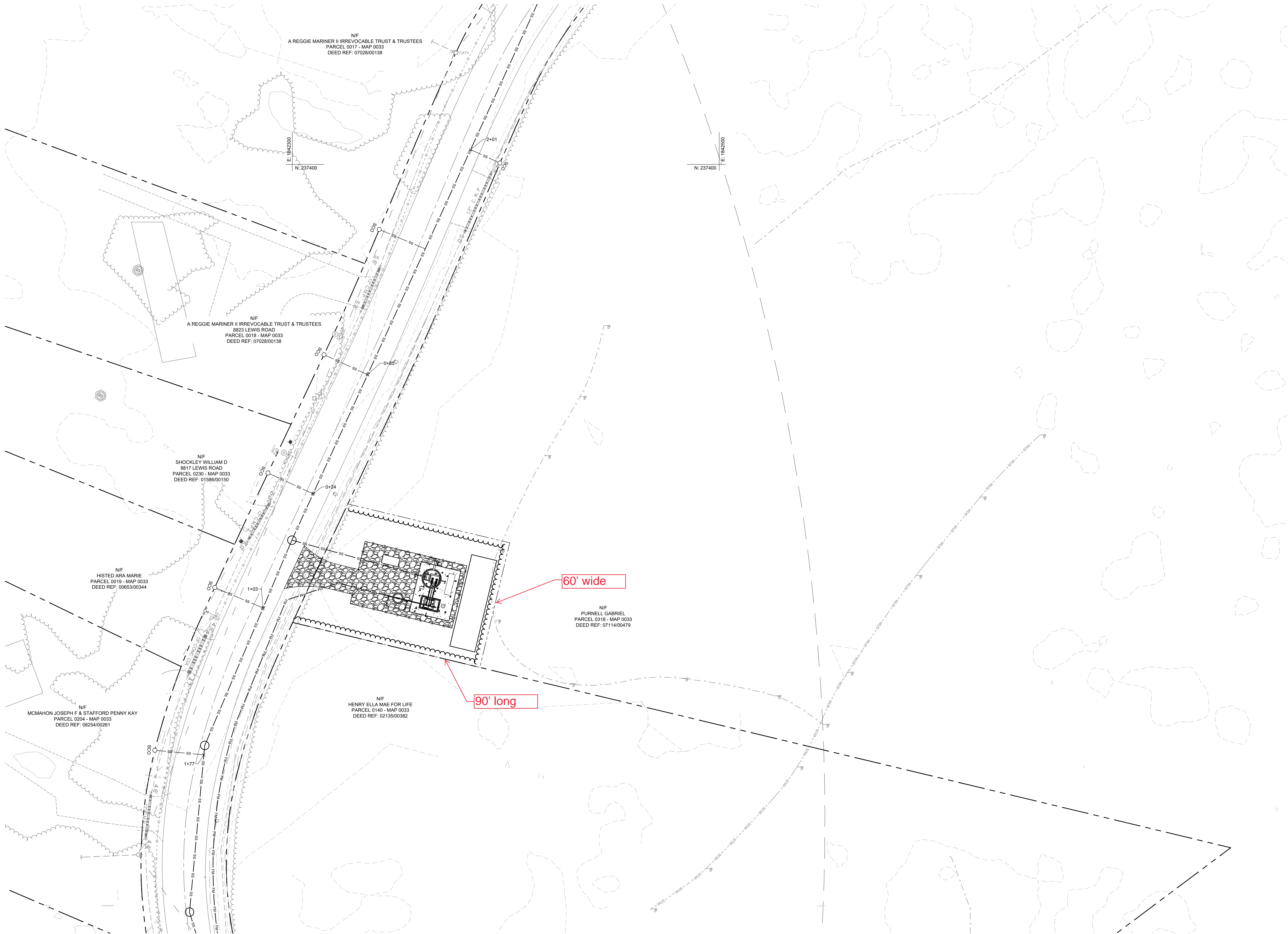
The proposed site will be approximately 60' wide by 90' deep with an entrance off of Lewis Road on a lot to be subdivided out of Tax Map 33, Parcel 318, in the A-2 Agricultural District. The improvements will be located within a fenced enclosure, and are intended to be below ground. The parcel is currently wooded, providing screening to the adjacent property owners that will benefit from this pumping station.

As stipulated by §ZS 1-104(b) the Planning Commission is required to review the proposal and forward any comments to the County Commissioners. Those comments shall be advisory only. To facilitate your review, I have attached the site plan that was developed for the project.

I will be available to answer any questions that you may have at your upcoming meeting.

cc: Roscoe Leslie, County Attorney
Bob Mitchell, Director, Dept. of Environmental Programs
Dallas Baker, Director, Dept. of Public Works
Chris Clasing, Deputy Director, Dept. of Public Works

P:\E-PA\1\CGA\PA\PROJECTS\WORCESTER COUNTY\6250909 - LEWIS ROAD SEWER CONNECTION\PRODUCT\DESIGN\ETIC-301 PUMP STATION PLANS.DWG (C-301) MALLORELL, WEL 8/22/2022 9:10 AM



PUMP STATION
PROPERTY EXHIBIT
SCALE: 1" = 20'

WORCESTER COUNTY DEPARTMENT OF PUBLIC WORKS
SANITARY SEWER UPGRADES
LEWIS ROAD

WORCESTER COUNTY, MARYLAND

PUMP STATION PROPERTY EXHIBIT

EA
EA Engineering, Science,
and Technology, Inc., PBC
11200 Racetrack Road, Unit A101
Ocean Pines, Maryland 21811
(410) 641-5341
www.eaest.com

0 10' 20' 40'
HORIZONTAL SCALE:
VERTICAL SCALE:

FULL SIZE PLOT: 24" x 36"

DATE: SEPTEMBER 2022

PROJECT NUMBER: 6250909

C-301

SHEET: 13 OF 15

PROFESSIONAL CERTIFICATION: I HEREBY
CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT
I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE
OF MARYLAND, LICENSE NO. 55422.
EXPIRATION DATE: DECEMBER 16, 2023

DESIGN INFORMATION
DESIGNED BY: SCL/AWH
DRAWN BY: SCL/AWH
CHECKED BY: AS/DOK
PROJECT MANAGER: SCL

REVISIONS

NO. DATE BY DESCRIPTION



DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

GOVERNMENT CENTER

ONE WEST MARKET STREET, ROOM 1306

SNOW HILL, MARYLAND 21863

TEL: 410-632-1220 / FAX: 410-632-2012

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PLUMBING & GAS
CRITICAL AREAS
FOREST CONSERVATION
COMMUNITY HYGIENE

August 25, 2022

Worcester County Planning Commission
Worcester County Courthouse
1 West Market Street, Room 1201
Snow Hill, MD 21863

RE: Transmittal-Comprehensive Water and Sewerage
Plan Amendment –Town of Pocomoke City
Sanitary Area – Expansion of Sewer Planning Area
(SW-2022-02)

Dear Commissioners:

We are writing to forward the proposed *Worcester County Comprehensive Water and Sewerage Plan (The Plan)* amendment to expand the S-1 sewer planning area for the Pocomoke City Sanitary Area in *The Plan*, for your review and comment to the County Commissioners. According to Chapter One, Section 1.4.2 of *The Plan* ("Application for Amendments"), the applicant submitted a complete application and we have attached it.

Mr. Mark Cropper represents Royal Farms, Inc., which is the applicant for this amendment. We have also attached a letter from the Town of Pocomoke City indicating the Town's acceptance of this connection amendment should it be approved. They have presented their reasoning for the acceptance of this additional customer and have also included a draft of their connection agreement specifying terms the Town is imposing on the applicant. This amendment seeks to expand the sewer planning area to add the Royal Farm store in New Church Virginia. The applicant requests the inclusion of the store's flow, estimated at 2,250 gpd, in the sewer planning area of Pocomoke City. This potential new wastewater customer will contribute approximately nine (9) EDUs of flow according to the Town's planning figures. The store will connect to a previously installed line completed in 2010 that serves the Virginia Rest Area Plaza, which is also located in New Church, Virginia, south of this property. That plaza tied into an existing force main that runs south from the corporate limits of Pocomoke City to the Virginia state line. The amendment for that prior connection was approved in 2010 under County Commissioner Resolution No. 10-11. That amendment also provided for the sewer main widening project that would assist with the delivery of sewage from the southern end of their service area to the plant.

Citizens and Government Working Together

August 25, 2022

The current onsite septic system serving the property has failed and the option for repair is limited to a connection to public sewer. The Pocomoke City Wastewater Treatment Plant (WWTP) is already receiving their sewage as part of their septage receiving flow as the store is on a pump-and-haul arrangement at the present time. That use of the current septic system as a holding tank which needs pumping out every few days is a costly expense for the store's owner. The lack of a sufficient septic repair option for the store's septic system, a desire on the Town's part to avoid a blighted property on a major commercial route into town, and the presence of an existing sewer line that runs right in front of the store are just some of the reasons behind the consideration on the Town's part to plan for this connection. The corporation will pay all infrastructure, connection, and associated town charges for this sewer hookup. Besides the previously connected visitor's center, this is the only location over the Virginia state line that the town will support a tie-in to their WWTP.

There was a previously approved amendment (SW-2003-06) that approved the corridor of properties south of the town boundary to the Virginia state line. The town has annexed the median of Route 13 to the state line and the area was designated S-1 by the same amendment. This provides adjacency of an S-1 planning area for the subject property requested in this amendment. The transmission line is currently designated as a restricted access line and this amendment requests that designation remain, save for the addition of the subject property.

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

Comprehensive Plan Policies

The Comprehensive Plan designates the area(s) designated for improvements (Maryland side) as Municipalities as they are within the municipal boundaries of Pocomoke City.

Municipalities are defined (p.12) as follows:

- "The towns with their existing public services are expected to take up much of the county's projected growth. This will occur through infill and through logical annexations. To minimize unnecessary land consumption, the majority of the towns' growth should occur through infill. Appropriate public service expansions should be planned."

The comprehensive plan goes on to state:

Chapter One, "Introduction" states:

- Provide for adequate public services to facilitate the desired amount and pattern of growth (p.8).

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

- Provides a goal that Worcester County recognizes the value of and is committed to conservation and protection of the following natural resources (...) clean surface and ground water (p.33).
- Worcester County recognizes the value of and is committed to conservation and protection of the following natural resources...clean surface and ground water (p. 33).
- Improve water bodies on the "Impaired Water Bodies (303d) List" to the point of their removal from this list (p. 33).

- To address the county's responsibility, all reasonable opportunities to improve water quality should be undertaken as a part of good faith efforts to meet the TMDL standards." (p.36)

Chapter Four, "Economy" States:

- Work with the towns to help their economic development efforts (p.58).

Chapter Six, "Public Infrastructure" states:

- Consistent with the development philosophy, facilities and services necessary for the health, safety, and general welfare shall be cost effectively provided (p.70).
- Require new development "pay its way" by providing adequate public facilities to meet the infrastructure demand it creates (p.70).
- Plan for efficient operation, maintenance, and upgrades to existing sanitary systems as appropriate (p. 73).
- Sewer systems should be sized to serve their service areas planned for land uses (p. 74).

Staff's Comments

Staff comments are submitted below for your consideration.

1. The Pocomoke City WWTP has adequate available sewer capacity to handle this addition of flow.
2. The designation of (S-6, no planned service) for the intervening properties between the Virginia Visitor's Center and the Maryland State Line, save for the subject property of this amendment, will deny access to the sewer line for any adjacent Virginia property owners. Only the existing customer, the Visitor's Center, and the Royal Farms store will be allowed to connect to the sewer line.
3. Under the Plan Implementation Chapter of Pocomoke City's Comprehensive Plan states under Economic Development that the town "actively promotes and supports the economic vitality in the region supporting appropriate development in its industrial park and along the US Rt. 13 business corridor (p.128).
4. The abandonment of the current commercially-sized, conventional, septic system that does not have advanced treatment will improve water quality in the Lower Pocomoke watershed of the Chesapeake Bay.
5. Pocomoke City already receives the wastewater from this facility as septage received in their WWTP because of the current pump-and-haul operating arrangement. A connection will supply metered usage revenue for the town in perpetuity. The planned agreement with Royal Farms and the letter detailing their reasoning why the Town desires this connection are included with this application.
6. *The Plan* states that proposed amendments must be consistent with *The Comprehensive Plan* and existing zoning classifications.

WS Amendment Case No. 2022-02

August 25, 2022

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

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Mitchell', written over the printed name.

Robert J. Mitchell, LEHS, REHS/RS
Director

Attachments

cc: WS Amendment File (SW 2022-02)

Attachment 1

Application and attached Materials

Town of Pocomoke
Case No. SW 2022-02
August 25, 2022

REQUEST FOR AMENDMENT
TO
THE WORCESTER COUNTY WATER AND SEWERAGE PLAN

Mail or Present to: Department of Environmental Programs
Government Center, Room 1306
One West Market Street
Snow Hill, Maryland 21863

All appropriate forms and profiles describing the request must be completed and attached hereto (Existing Sewerage System; Existing Water System; Planned Sewerage System; Planned Water System; profiles regarding same, etc.). Pertinent changes to tables currently contained in the Worcester County Water and Sewerage Plan and a copy of the proposed revised map must be submitted in conjunction with this request as well.

Review fees are as follows:

- A) Minor Water and Sewerage Plan Amendments (not pertaining to the addition or deletion of a water or sewer system): \$100.00
- B) Major Water and Sewerage Plan Amendments (pertaining to the addition or deletion of a water or sewer system): \$500.00

Type of Amendment: _____ Water _____ ☒ Sewerage _____
Other _____
Character of Amendment: ☒ Addition _____ Deletion _____
Change _____

Applicant's Name, Mailing Address, Phone Number and Appropriate Contact Person:

Royal Farms
Chris Bollino, Construcution Manager
3611 Roland Ave
Baltimore, MD 21211

Owner's Name, Mailing Address, Phone Number and Appropriate Contact Person (if different from applicant):

Property Identification: Royal Farms Store #79, 2497 Lankford Highway, New Church, VA 23415
Tax Map(s) _____ Parcel(s) _____ Tax _____

EXISTING SEWERAGE SYSTEM

System Name: Pocomoke City Sewer System

Area Served: Pocomoke City Limits, Annexed Areas, & Virginia Welcome Center

Owned By: City of Pocomoke

Operated By: City of Pocomoke

	Current	2010	2020
Population (EDUs, if App.):			
Served:			4,200
Unserved:			
GPCD (EDUs, if App.):			
Capacity (MGD):			
Demand:			
Planned:			
Collection System:	<u>Combined Gravity and Pump Stations</u>		

Treatment Plant:

 Location: 1634 Dunn Swamp Road, Pocomoke City, MD 21851

 Type: ENR Biolac Treatment Plant
Enhanced Nutrient Removal

Site Size (Acres):

 Occupied: 125 +/- acres

 Vacant: No

Site Capacity (MGD):

 Secondary: N/A

 Advanced: 1.4 MGD

Existing Capacity (MGD): 1.4 MGD

Existing Flow (MGD):

 Average: 0.550 MGD

 Peak: 1.2 MGD (In storm conditions)

Sludge Disposal: None

Discharge:

 Type of Discharge: Effluent discharge to the Pocomoke River

 Location of Discharge: (not exposed) McMichael Ave, Pocomoke City

NPDES Permit: _____

Planned Expansion, Alteration, Abandonment or Other Changes, Allocation, Agreements,
Policies, Facility Plan, Etc.:

Royal Farms Store #79 in New Church, VA to hook sewer discharge to the Pocomoke City
sewer main. Grease trap provided on-site prior to sewer main.

PLANNED SEWERAGE SYSTEM

System Name: Pocomoke City Sewer System

Priority Category: ASAP

Area to be Served: RoyalFarms Store #79, New Church, VA

Population to be Served (EDUs, if App.): Employees and customers

To Be Constructed By: TK Constrcution

To Be Owned By: Sewer Main to be owned by Pocomoke City
Lateral to main from store to be owned by Royal Farms

To Be Operated By: Sewer Main to be operated by Pocomoke City
Lateral and pump station to be owned by Royal Farms

Planned Collection System: Sewer main

Planned Treatment Facility:
Type: Pocomoke City Wastewater Treatment Plant

Capacity (MGD): 1.4 MGD

Discharge:
Type: Effluent to Pocomoke River - Gravity

Location: McMichael Ave, Pocomoke City, MD

Estimated Cost and Source of Funding: Royal farms

Estimated Begin Construction: ASAP

Estimated Complete Construction: 1 month

District _____

Nearby Roads: Marva Road, U.S. Route 13 (Lankford Highway)

Community: _____

Signatures: _____

Owner

Date

Date

Applicant

ARCHITECTURE
ENGINEERING

300 S. Congress Ave.
 Denver, CO 80202
 Tel: 303.733.7000
 Fax: 303.733.7003

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 Fax: 612.338.2903

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 Fax: 816.241.7200

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EQUIPMENT

ASSIGNMENT TO WORKCENTER

COUNTY WATER AND

SEWERAGE PLAN

SCALE: 1"=20'

PROJECT NO. 200001-00
DATE 05/05/2000
SCALE 1" = 30'
DRAWN BY: ELM PROJ NO.: 0000

100-A

POCOMOKE CITY, MARYLAND



To: Robert Mitchell, LEHS, REHS/RS
Director, Department of Environmental Programs
Worcester County

August 24, 2021

From: Jeremy Mason
City Manager- Pocomoke City

RE: Royal Farms tie-in to Pocomoke City sewer main

Mr. Mitchell,

Pocomoke City is in full support of allowing Royal Farms to begin using their connection from the store to the sewer main. Below are some bullet-points for consideration by Worcester County when addressing the proposed amendment to the Comprehensive Plan:

- 1) The Pocomoke City wastewater facility is already receiving the septage from the Royal Farms holding tank via pump trucks and will continue to do so until the sewer main is tapped into. Currently, the existing on-site septic is beyond repair.
- 2) Pocomoke City sees this as a way to support commerce on the Rt 13 commercial corridor and to avoid the possibility of future blighted, closed or failing businesses on the corridor due to lack of sewer availability, which would also inhibit future commercial development.
- 3) This tie-in will be maintenance-free for the City of Pocomoke and Worcester County (Royal farms will maintain the connection in perpetuity).
- 4) The tie-in will allow for a better protected area environmentally through the elimination of a failing drain field and potential sewer spills on a neighboring property (Worcester County)
- 5) The Royal Farms tie-in will provide metered-usage revenue for the City of Pocomoke in perpetuity.
- 6) The Royal Farms store is the only location over the Virginia line that Pocomoke City will support to tie-in. No other location over the Virginia line will be considered in the future.
- 7) The sewer main connection that Royal Farms installed in 2021 is not currently active, and is locked in place in off-mode. Our Wastewater superintendent verifies each week that there is no septage being pumped from Royal Farms to the sewer main.

Sincerely,

Jeremy J. Mason, CPM
City Manager



POCOMOKE CITY, MARYLAND

Pocomoke City and Royal Farms agree to the following terms on the condition that the Worcester County Commissioners approve the amendment to the Worcester County Comprehensive Plan to allow the Royal Farms store located at 2497 Lankford Highway, New Church, Virginia 23415 to tie into and utilize a sewer connection to the Pocomoke City Wastewater Treatment Plant:

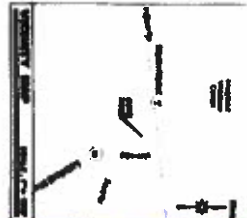
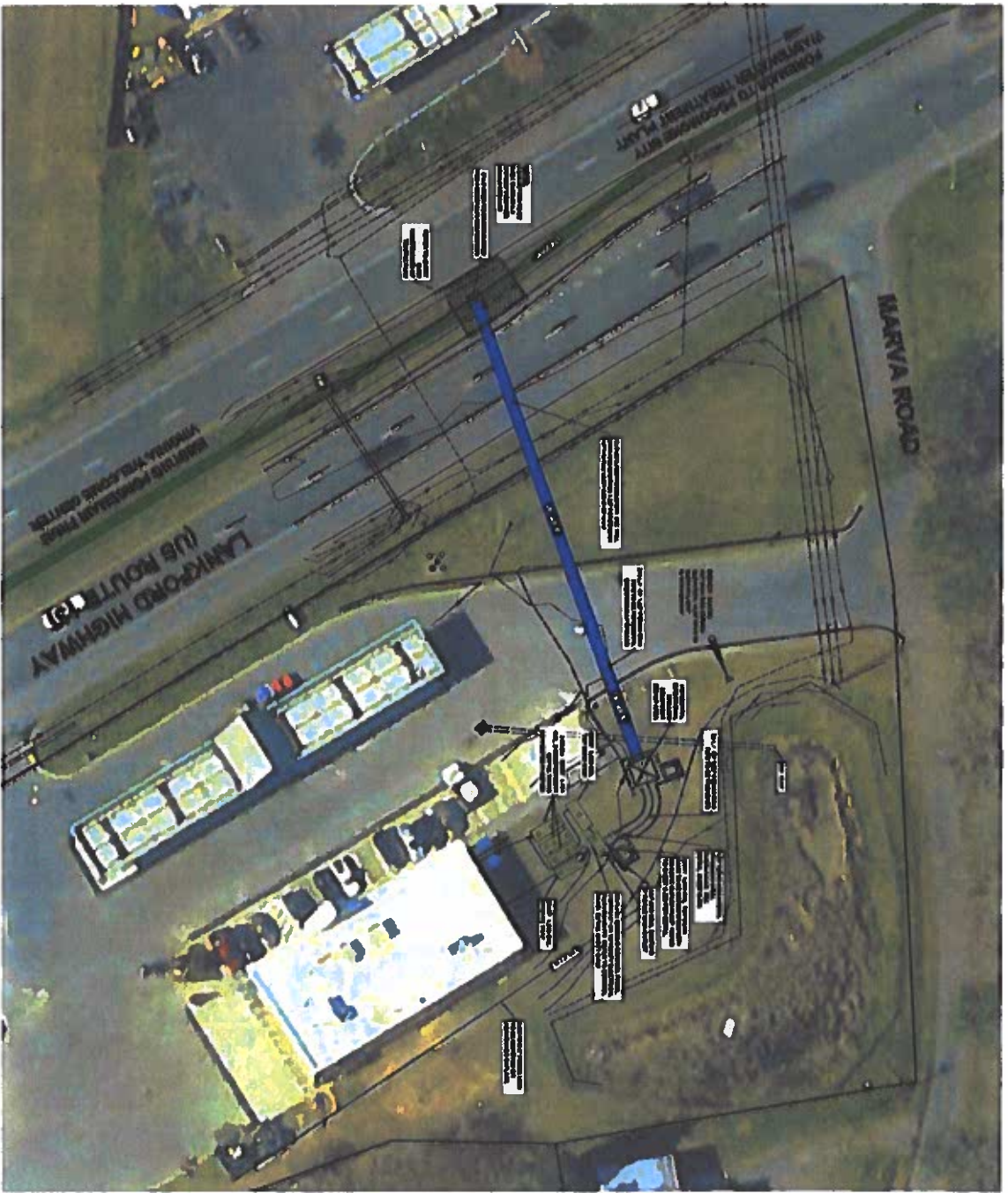
- 1) Royal Farms will prepay Pocomoke City a one-time \$300,000 flat fee for metered sewer usage for the period beginning in 2021 and extending through December 31, 2026. The tie-in/hook up and permit fees will be paid from this cost. The payment will be made within 30 days of the Worcester County Commissioners approval of the amendment to the Worcester County Comprehensive Plan. Payment will be mailed to PO Box 29 Pocomoke City, Maryland 21851.
- 2) Beginning in 2027, metered sewage fees will be set by the Council as part of the annual fee schedule.
- 3) Royal Farms agrees to cover all construction and engineering costs for the project. This includes any costs involving the Maryland Department of Transportation, Virginia Department of Transportation, Worcester County or Accomack County.
- 4) Royal Farms agrees to let Pocomoke City's engineering firm (GMB) review the plans from its engineering firm prior to construction or any amendment to the current connection.
- 5) Royal Farms will be responsible for all ownership and maintenance of the lift station. Grease will not be allowed to enter into the force main. Royal Farms is responsible for maintaining a separate grease trap on the property. If grease enters into the force main from Royal Farms, Pocomoke City may petition the Worcester County Commissioners to rescind the amendment to the Worcester County Comprehensive Plan to allow the connection.

John Kemp, President
Royal Farms

Date

Jeremy Mason, City Manager
Pocomoke City, Maryland

Date



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206.461.1000
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GENERAL NOTES
STORE #79
NEW LAMINATE FLOOR
NEW CHAIRS
ACCOMMODATE, WASHINGTON

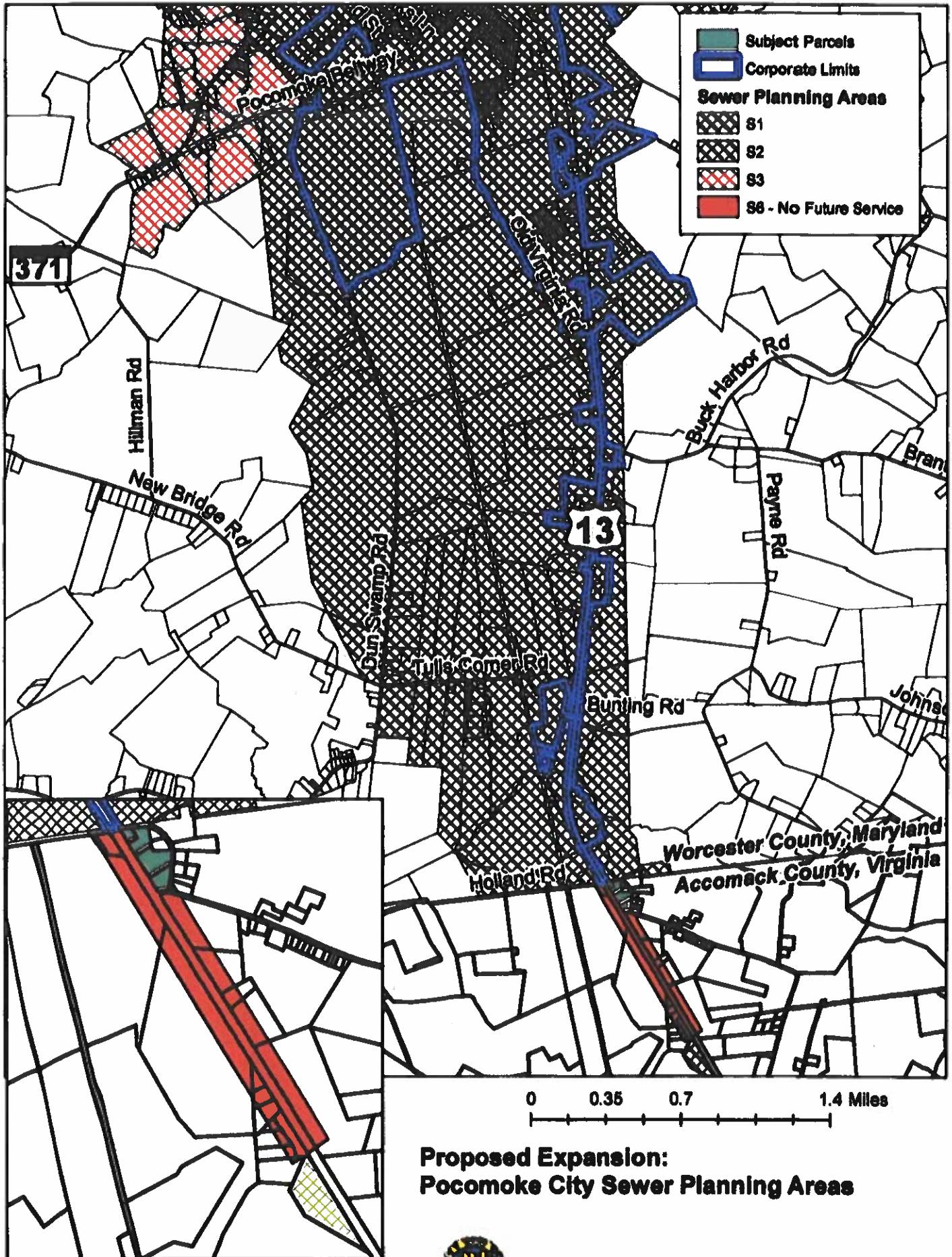
EXHIBIT
SUBMITTAL TO BE SUBMITTED
WITHIN 30 DAYS
OF APPROVAL

NO.	DATE	DESCRIPTION
1	10/1/01	ISSUED FOR PERMIT
2	10/1/01	ISSUED FOR PERMIT
3	10/1/01	ISSUED FOR PERMIT
4	10/1/01	ISSUED FOR PERMIT
5	10/1/01	ISSUED FOR PERMIT
6	10/1/01	ISSUED FOR PERMIT
7	10/1/01	ISSUED FOR PERMIT
8	10/1/01	ISSUED FOR PERMIT
9	10/1/01	ISSUED FOR PERMIT
10	10/1/01	ISSUED FOR PERMIT

V-001

Attachment 2

Maps



**Proposed Expansion:
Pocomoke City Sewer Planning Areas**

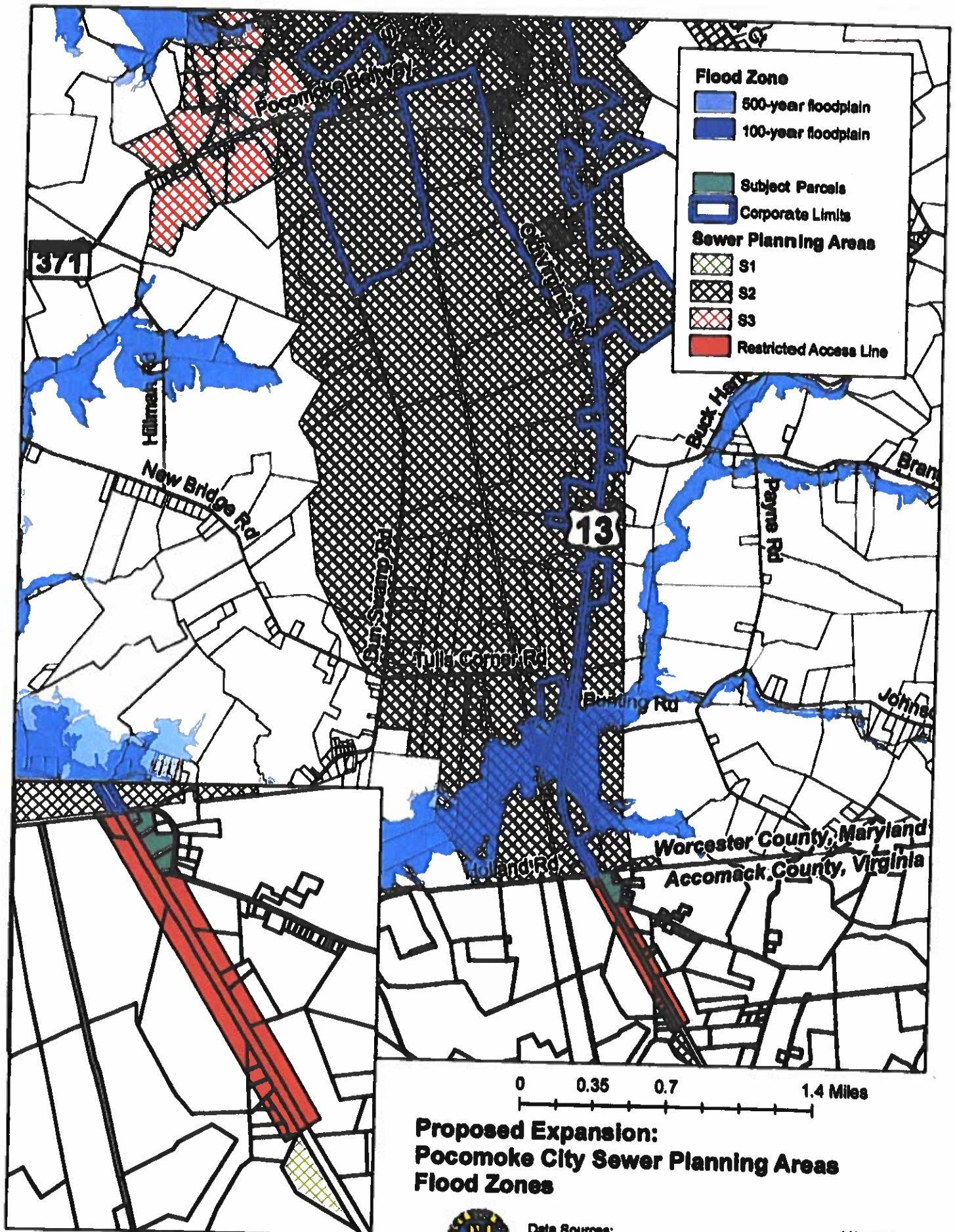




October 20, 2021



Data Sources:
Worcester County Environmental Programs and Accomack County, Virginia

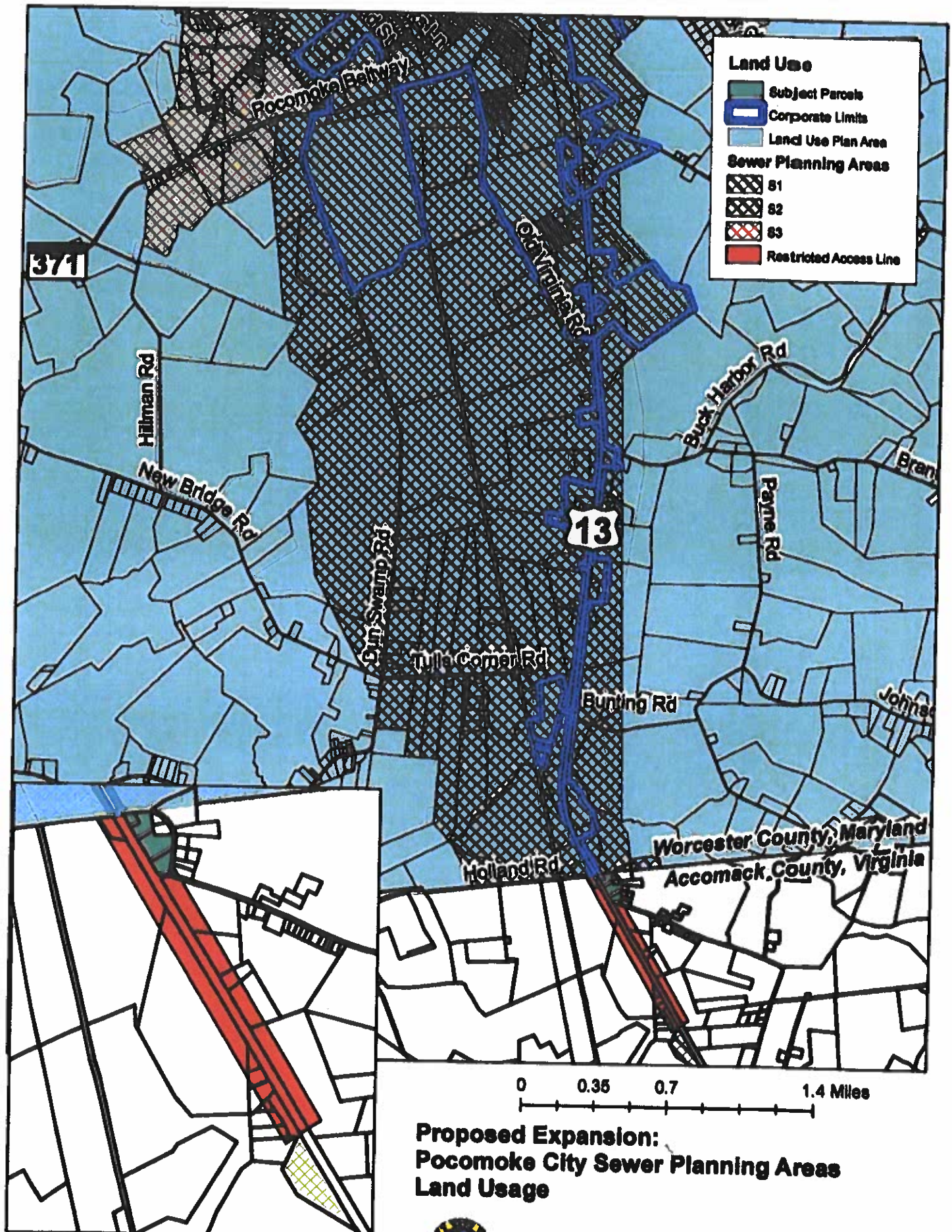


October 20, 2021



Data Sources:
County Environmental Programs and Accomack County, Virginia,
FEMA

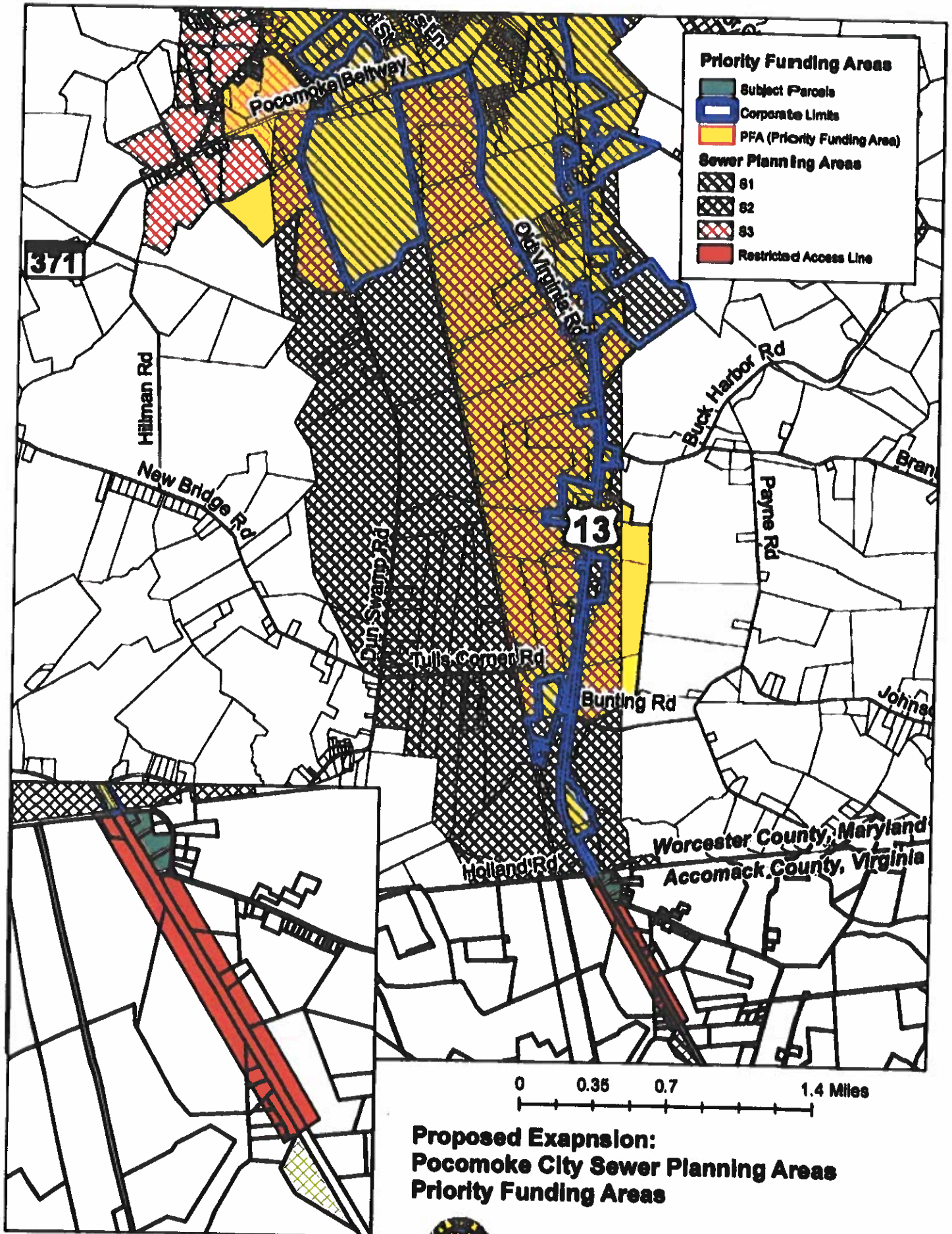
Worcester
County, Virginia



October 20, 2021



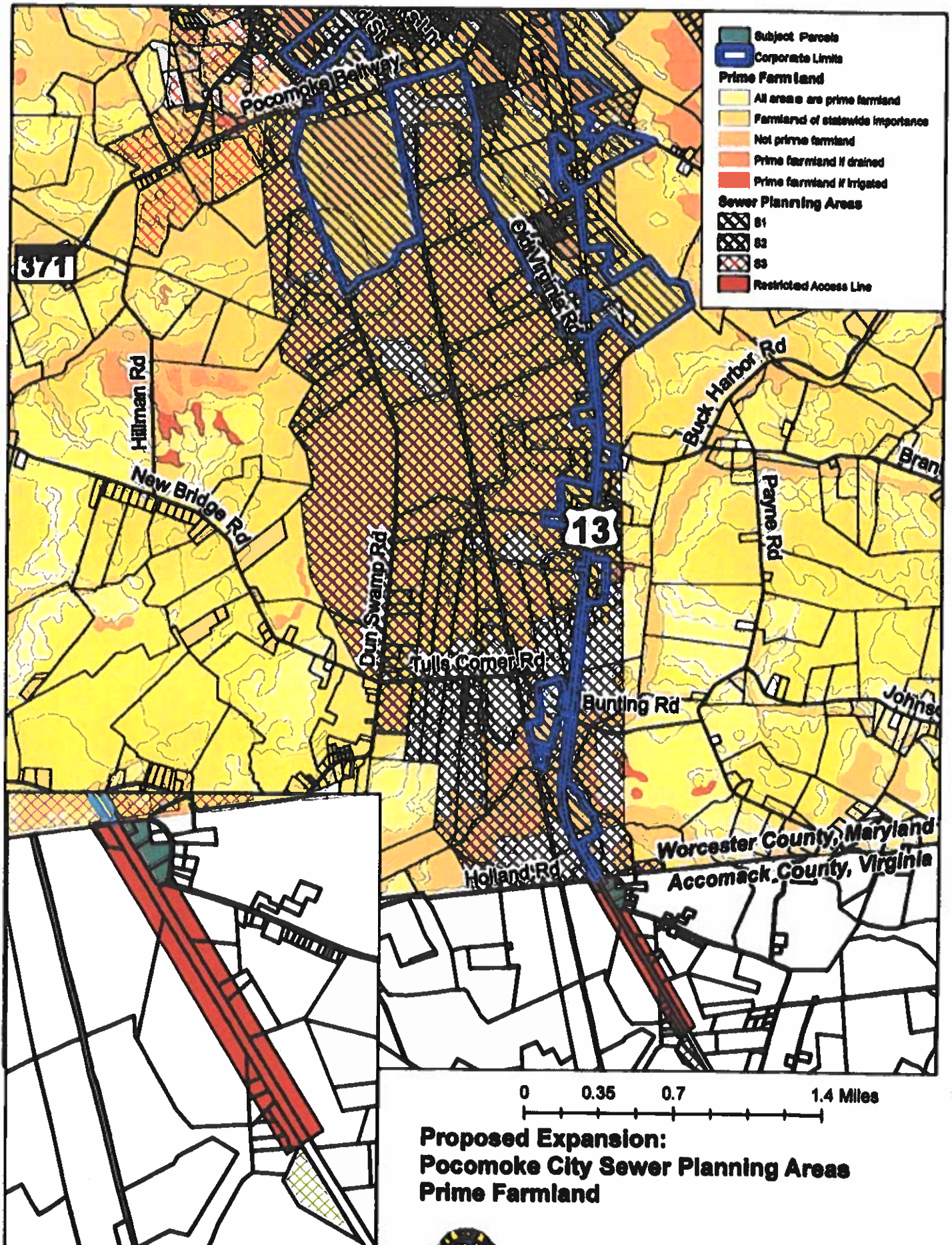
Data Sources:
 Worcester County Environmental Programs and Accomack County, Virginia

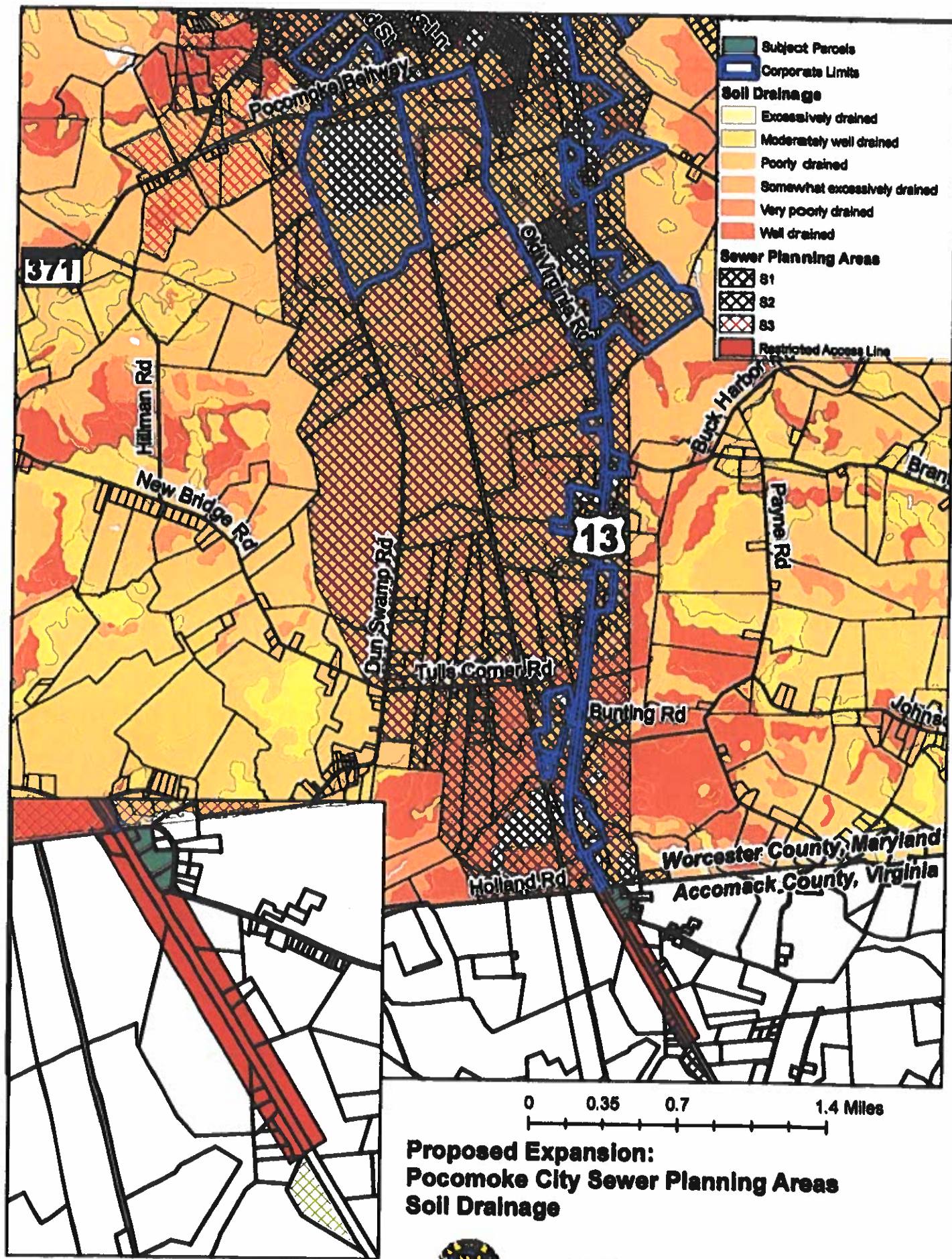


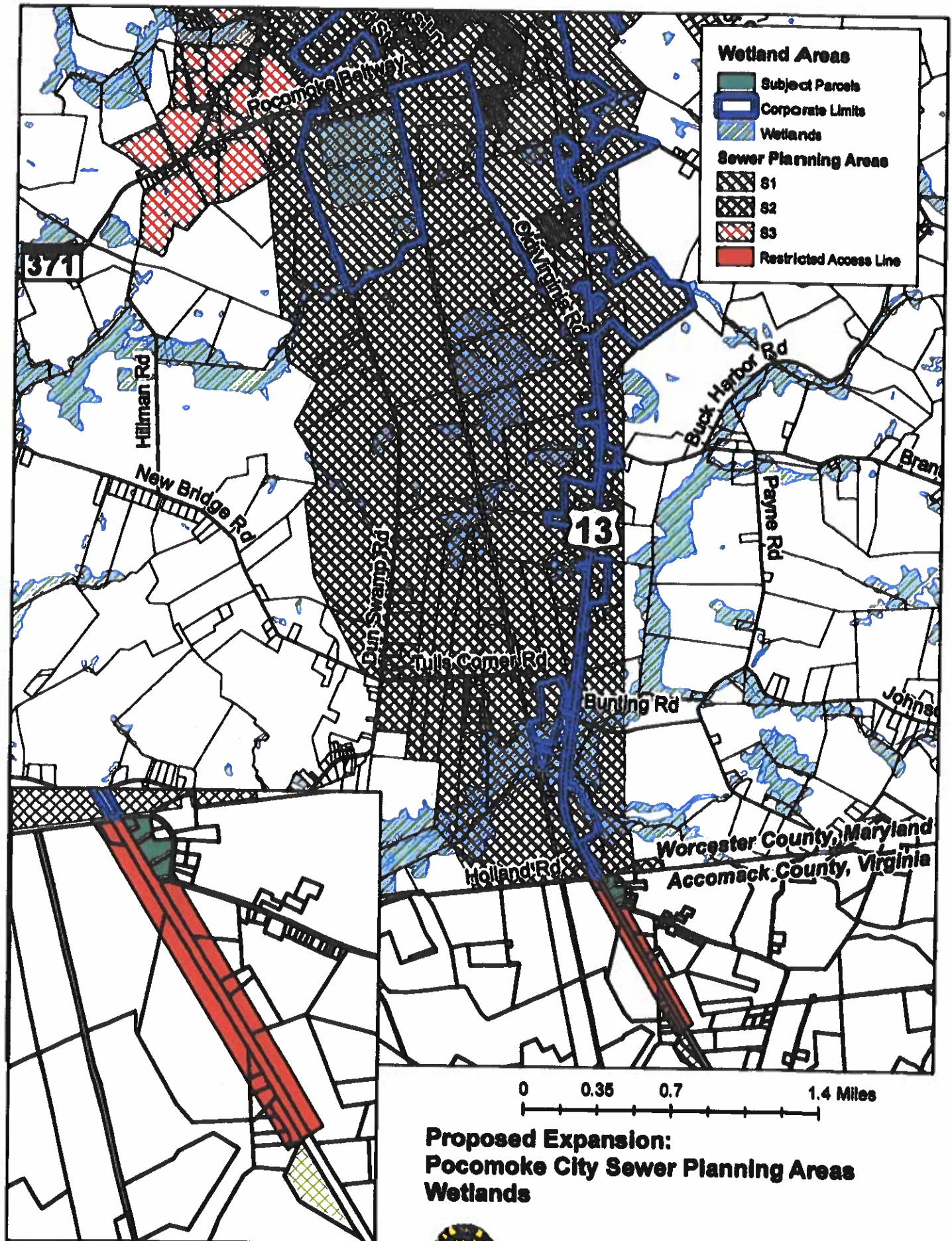
October 20, 2021



Data Sources:
Worcester County Environmental Programs and Accomack County, Virginia



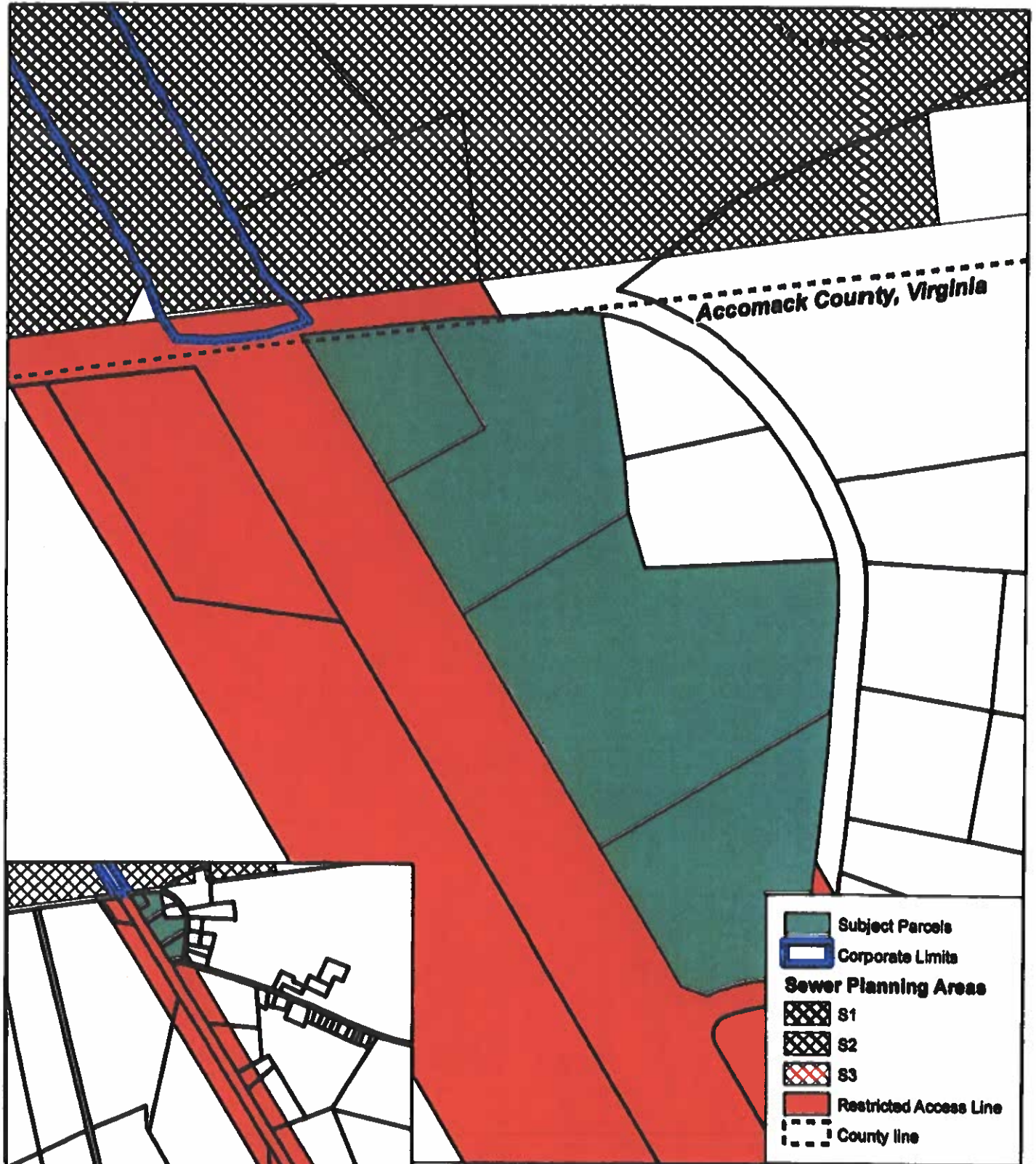




October 20, 2021



Data Sources:
Worcester County Environmental Programs and Accomack County, Virginia



0 0.015 0.03 0.06 Miles

Proposed Expansion: Pocomoke City Sewer Planning Areas Aerials

Case No. SW2022-01

October 20, 2021



Data Sources:
Worcester County Environmental Programs and Accomack County, Virginia