

WORCESTER COUNTY PLANNING COMMISSION AGENDA
Thursday August 3, 2023

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

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

- II. **Administrative Matters** (1:00 p.m. est.)
 - A. Review and Approval of Minutes – July 6, 2023
 - B. Board of Zoning Appeals Agenda – August 10, 2023
 - C. Technical Review Committee Agenda – August 9, 2023

- III. **§ZS 1-325 Site Plan Review**
 - A. **Snow Solar (Waite) – Concept Plan Review**
Development of a 4.0 MW AC utility scale solar energy system. Located at 6217 Timmons Road, Snow Hill, Tax Map 56, Parcel 10, Tax District 02, A-1 Agricultural District, Charles Waite, III, owner / Chaberton Solar Snow, LLC, applicant
 - B. **Iqbal Solar – Major Site Plan Review**
Install a 240 kW ground mounted solar energy system. Located at 4629 Nassawango Road, Snow Hill, Tax Map 62, Parcel 35, Tax District 07, A-1 Agricultural District, Mohammed Iqbal, owner / Sunrise Solar, applicant
 - C. **Frontier Town Expansion**
107 total proposed park unit sites with swimming pool and recreational areas. Located at 8428 Stephen Decatur Highway, Tax Map 33, Parcel 94, Tax District 10, C-2 General Commercial District, Sun TRS Frontier. LLC, owner / Davis Bowen & Friedel, Inc., engineer.

- IV. **Rezoning**
 - A. Case 442 - Tax Map 20, Parcel 290, Lot 3,5 &6, Tax District 03, 5.5 acres, C-1 Neighborhood Commercial District to C-2 General Commercial District., East side of US Route 113 approximately 2,600 feet north of US 50, Pine Oak Properties LLC Property Owner and Hugh Cropper, IV, Attorney.
 - B. Case 444 - Tax Map 63, Parcel 106, 0.78 Acres, A-1 Agricultural District to C-2 General Commercial District, 4432 Market St Snow Hill, MD (Approximately 0.25 Miles north of Moat Rd), Black Water Relics LLC, Property Owner and Hugh Cropper, IV, Attorney.

- V. **Miscellaneous**

- VI. **Adjournment**

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – July 6, 2023**

Meeting Date: July 6, 2023

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Jerry Barbierri, Chair
Mary Knight, Secretary
Ken Church
Marlene Ott
Betty Smith
Phyllis Wimbrow

Staff

Jennifer Keener, Director, DDRP
Matthew Laick, Deputy Director, DDRP
Kristen Tremblay, Zoning Administrator
Stu White, DRP Specialist
Bob Mitchell, Director, Environmental Programs
Katherine Munsen,, Planner V, Environmental Programs

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, June 1, 2023

As the first item of business, the Planning Commission reviewed the minutes of the June 1, 2023 meeting.

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

B. Board of Zoning Appeals Agendas, July 13, 2023

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for July 13, 2023. 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, July 12, 2023

As the next item of business, the Planning Commission reviewed the agenda for the Technical Review Committee meeting scheduled for July 12, 2023. Mr. White was present for the review to answer questions and address concerns of the Planning Commission.

No comments were forwarded to the Committee.

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III. FY24 MALPF Easement Sale Application Review and Approval

As the next item of business, the Planning Commission met with Katherine Munson, Planner V, Worcester County Environmental Programs, to review the following eight (8) FY24 applications to sell an easement to the Maryland Agricultural Land Preservation Foundation (MALPF):

1. Aydelotte, Ben, TM 92, P 62; Aydelotte Road; 114.4 acres
2. Drew, Kathy and Mark, TM 10, P 55; 11539 St. Martins Neck Road, Bishopville; 28.5 acres*
3. Drew, Kathy and Mark, TM 10, P 99/100; 11828 Back Creek Road, Bishopville; 29.6 acres*
4. Hahn, Jimmy and Theresa, TM 90, P 6; 356 Hickory Point Road; 71.2 acres
5. Holland, Mark and Candy, TM 100, P 1, 134; Tulls Corner Road; 50.01 acres
6. Levinh Farms, Inc.; TM 92, P 69; Sheephouse Road, Pocomoke City; 144.93 acres (new owners, previous owners applied in FY22 and FY23)
7. Queponco Farms, Inc. TM 49, P 71; 6636 Basket Switch Road; Newark; TM 187.75 acres (re-application, FY22 and FY23)
8. Riley, Whitlock, et al; TM 31, P 61; 8720 Evans Road, Berlin; 470.4 acres

Ms. Munson explained as background that the MALPF program is a state program that purchases permanent agricultural easements on farmland, and that there are currently 70 MALPF easements in Worcester County (4 purchases pending) on nearly 10,000 acres of land. She noted that applications are accepted on an annual basis. Maps were provided to the Planning Commission showing the location of the applicant properties in relation to protected lands, zoning and the 2006 Land Use Plan. Individual aerial maps of each property were provided. Additional supporting materials were provided regarding the two Drew properties that require additional review by the Worcester County Agricultural Land Preservation Advisory Board and MALPF, including maps and supporting letters from the landowner, the Soil Conservation District and from Katherine Munson (detailing the findings of the Advisory Board).

She noted that except for the two Drew properties that are under 50 acres (2 and 3 in the list) all FY24 applications meet the minimum requirements of the program. All properties are zoned A-1 or A-1 and RP, or A-1 and E-1. All applicant properties are within the Priority Preservation Area and within Agriculture and/or Green Infrastructure.

She noted that Ms. Drew was present in the audience.

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Ms. Wimbrow made the motion to endorse all eight (8) applications presented, as the applications are consistent with the comprehensive plan, and recommend approval of all applications to the Worcester County Commissioners. She further commented that protection of the Drew properties in the north end of the county may encourage other applicants in this area, which is under moderate pressure, although still greatly protected by strong A-1 zoning. Ms. Ott seconded the motion, and approval was unanimous.

IV. §ZS 1-325 Site Plan Review

A. Showell Mini Storage

As the next item of business, the Planning Commission reviewed a site plan for the proposed construction of four (4) storage buildings consisting of thirty-six (36) 20' x 50' storage units (36,000 sq. ft. total), with an existing dwelling and accessory structures to be used as an owner/caretaker residence, located at 11564 Worcester Highway, Tax Map 15, Parcel 122, Tax District 03, C-2 General Commercial District. Kevin Aydelotte, from Parker and Associates and Tom Ayd, property owner, were present for the review. Mr. Aydelotte presented the project explained that it was reviewed by Technical Review Committee (TRC) in December 2002 and the site plan had been revised to address staff comments. He stated that the original proposal included outdoor boat storage and a pad site for future development which had been removed. He further stated that since TRC review, they have delineated an approved sewage reserve area and are working toward getting Forestry approval.

Following the discussion, a motion was made by Ms. Knight, seconded by Mr. Wimbrow, and carried unanimously to approve the site plan subject to the following conditions/waivers:

1. Various façade design features.
2. Community features and spaces requirement.
3. Addressing outstanding code requirements detailed in the Department staff report.

V. Rezoning

As the next item of business, the Planning Commission reviewed a request for rezoning. Case 440 - Tax Map 9, Parcel 359, Lot 1, 8.905 acres, A-1 Agricultural District to A-2 Agricultural District, northwest side of Jarvis Road approximately 175 feet north of Bunting Road and 400 feet west of US 113. Hugh Cropper, IV, applicant's attorney, Frank Lynch, Jr., professional land surveyor, and Nicholas N. Borodulia, property owner were present for the review. The property owner purchased the petitioned area in 2006, which is identified as lot one (1) located in the bottom left corner on Applicant's Exhibit No. 4. The petitioned area is separated from the US Route 113 highway by a small sliver of land. When the five-lot subdivision was platted in 1992, lot two (2) did not percolate and is designated for agricultural purposes only. The

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percolation sites for lots one (1) and five (5) are at the southwesterly corner as described on the plat.

Mr. Cropper stated that they could not find any meaningful change in the character of the neighborhood. The Comprehensive Plan identifies the Village of Showell as a planned growth area which was never developed but was envisioned to contain 600 to 700 units near this property. Therefore, the property owner and Mr. Cropper are basing the rezoning on a good faith mistake.

Mr. Cropper then described the property as poor quality farmland that is hard to access due to a continually collapsing culvert pipe and a hedgerow with about six (6) acres that are tillable. Mr. Cropper described the extent of the similarity between the A-1 and A-2 Agricultural Districts and highlighted some of the minor differences between the two (2) districts.

Mr. Cropper called Mr. Lynch to testify. Mr. Lynch concurred that the zoning of the property to A-1 Agricultural District in 2009 was a good faith mistake. He agreed that the primary uses in the A-1 District are farming, timber and agricultural related uses as shown on Applicant's Exhibit No. 1, which are not suitable for this property. In addition to the problems accessing the farmland, there are major wet spots, described as poorly drained, hydraulic soils and tilled prior converted wetlands. Therefore, the petitioned area was not suitable for crops or timber.

With respect to the location of the petitioned area, Mr. Lynch concurred that the location was within a triangle between Jarvis Road and US 113 which is a major dual highway. Based on the location of the petitioned area, the dwelling that is located on the lot is not a suitable location in which to live, particularly with the truck traffic and headlights along Route 113.

Mr. Cropper asked Mr. Lynch if the A-2 Agricultural District would be more desirable in terms of the Comprehensive Plan, to which he agreed. In reviewing Applicant's Exhibit No. 3 which was a combined copy of Tax Maps 9 and 15, he agreed that all the major intersections along US Route 113 have A-2 zoning, commercial zoning or some other type of zoning. Mr. Lynch further explained that at the intersection of US Route 113 and Bishopville Road, there is industrial and commercial zoned property. Near Pitts Road there is industrial and commercial zoning as well. In summary, just about all the intersections with US Route 113 shown on the exhibit have higher density or commercial zoning than the petitioned area.

Mr. Cropper asked if Mr. Lynch agreed that the A-1 and A-2 Agricultural Districts have more uses in common than dissimilar uses. He concurred. He also agreed that there has been a moderate increase in population, but not the big increase that was expected within Showell, as well as a moderate increase in traffic along US Route 113. Though acknowledging that a

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finding of a mistake does not set a precedence for future rezoning cases as they are site specific, Mr. Cropper compared the requested rezoning to Rezoning Case No. 434 for Raynes Sand and Gravel at the US Route 113 intersection at Downs Road, south of Berlin. Both Mr. Cropper and Mr. Lynch discussed the shape and general nature of that property, where the Planning Commission gave a favorable recommendation to a rezoning request from A-1 to A-2 which was approved by the Worcester County Commissioners.

Submitted as Applicant's Exhibit No. 2 was the SDAT sheet for the property showing a high assessment value for the land and improvements. The petitioned area is improved with a 1,500 square foot dwelling used for rental purposes. Mr. Cropper reiterated that the A-2 District uses will give the property owner more flexibility. Mr. Bob Mitchell, Director, Department of Environmental Programs, stated that this property was clearly farmed with the congruent fields on the adjoining lots. There may be future consideration for the rezoning of the petitioned area after the Comprehensive Plan is reevaluated, but that it is not currently a legitimate mistake.

Mrs. Wimbrow stated that a rezoning can be compatible with the Comprehensive Plan, but still be considered spot zoning. Therefore, she made a motion to find that there was no mistake and forward an unfavorable recommendation to the rezoning request. The motion died for lack of a second.

Mrs. Knight made a motion to find that there was a mistake in the zoning and that the A-2 District would be more desirable in terms of the Comprehensive Plan. Ms. Smith seconded the motion, and it was carried 4 to 1 with Mrs. Wimbrow in opposition.

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

Mary Knight, Secretary

Stuart White, DRP Specialist

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

THURSDAY AUGUST 10, 2023

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. 23-61, on the lands of John Brewis, requesting a special exception to allow a 6 foot tall fence in a front yard setback, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1- & ZS 1-305(k)(3) located at 11201 West Marie Drive, Tax Map 10, Parcel 240, Lot 138A, Tax District 5, Worcester County, Maryland.

6:35 p.m.

Case No. 23-63, on the lands of Jacob Hirschey, on the application of Hugh Cropper, IV, requesting a variance to the front yard setback from 25 feet to 15 feet (to encroach 10 feet) for a proposed single family dwelling in the R-3 Multi-family Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-207(b)(2) & ZS 1-305 located at 12 Boston Drive, Tax Map 16, Parcel 47, Section 11, Lot 34, Tax District 3, Worcester County, Maryland.

6:40 p.m.

Case No. 23-62, on the lands of Ocean City Baptist Church, on the application of American Farm Foundation, requesting a special exception (transient use) to allow a special event, a Hot Air Balloon Festival, in the R-2 Suburban Residential District, Zoning Code §§ ZS 1-105(c)(5) ZS 1-116(c)(3) and ZS 1-337, located at 12637 B Ocean Gateway, Tax Map 27, Parcel 11, Lot F1, Tax District 10, Worcester County, Maryland.

Administrative Matters

**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE
AGENDA**

Wednesday, August 9, 2023 at 1:00 p.m.

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

- I. **Call to Order**

- II. **Positive Energy – Site Plan Revision**
Site plan review for after the fact additions and alterations to the existing buildings and parking area for Positive Energy. Located at 9939 Jerry Mack Road, Tax Map 26, Parcel 136, Tax District 10, C-2 General Commercial District, Reet Reet, Inc., LLC, owner / Gregory P. Wilkens Surveyor, Inc., surveyor

- III. **Positive Energy – Minor Site Plan Review**
Site plan review for an off-site parking area for Positive Energy. Located at 9939 Jerry Mack Road, Tax Map 26, Parcel 471, Tax District 10, C-2 General Commercial District, Reet O2, LLC, owner / Gregory P. Wilkens Surveyor, Inc., surveyor

- IV. **Triple Crown – Preliminary plat review**
Preliminary plat review for Phase II of Triple Crown Residential Planned Community (RPC). Proposed construction of 30 Single Family Units. Located on the northerly side of Gum Point Road east of Preakness Drive, Tax Map 21, Parcels 67 & 74, Tax District 3, R-1 Rural Residential District, Triple Crown Estates, LLC, owner / Vista Design, Inc., architect.

- V. **Adjourn**

WORCESTER COUNTY PLANNING COMMISSION

MEETING DATE: July 6, 2023

PURPOSE: Concept Plan Review

DEVELOPMENT: Snow Solar

PROJECT: Development a 4.0 MW AC utility scale solar energy system.

LOCATION: Located at 6217 Timmons Road, Snow Hill, Tax Map 56, Parcel 10, Tax District 02.

ZONING DESIGNATION: A-1 Agricultural District.

BACKGROUND: The property is located approximately 3,200 ft. east of Timmons Road and approximately 1000 ft. south of Worcester Highway and is currently improved with a single-family dwelling and various residential and agricultural outbuildings. The remaining lands are cultivated.

The project will consist of approximately 12,825 solar modules, associated solar module racking system and foundations, 36 DC to AC electrical inverters, 2 medium voltage step-up transformers and associated electrical equipment and materials necessary to connect to the local power distribution system. Chaberton Solar Snow LLC ("Chaberton) will construct, own, and operate the project. The project will lease the property from the current owner for 20 years with an option to extend the lease for four (4) additional five (5) year periods.

The concept plan went before the Technical Review Committee (TRC) on July 7, 2023, and received a favorable recommendation to proceed to the Planning Commission for review. With a favorable recommendation from the Planning Commission, the project can proceed to the County Commissioners for consideration.

TRAFFIC CIRCULATION: The site will be accessed from an existing driveway off Timmons Road next to the rail tracks on southeast corner of the property. A construction entrance will be required by County Roads.

LANDSCAPING: A landscape plan will be required in accordance with §ZS 1-322 at the Step II phase of the review process (major site plan review).

FENCING: A seven (7) foot tall, galvanized fixed knot fence covered by rolled wire fabric is proposed around the entire perimeter of the array.

FOREST CONSERVATION LAW: This property is subject to the Forest Conservation Law. A Forest Conservation Application, fee, and Forest Stand Delineation (FSD) must be submitted and approved prior to the Step II review.

STORMWATER MANAGEMENT/ SEDIMENT EROSION CONTROL: Stormwater concept plan approval is required prior to the Step II review.

PROPERTY OWNER: Charles Waite, III

APPLICANT/DEVELOPER: Chaberton Solar Snow (Chaberton)

ENGINEER: ARM Group, LLC

PREPARED BY: Stuart White, DRP Specialist

WORCESTER COUNTY PLANNING COMMISSION

MEETING DATE: July 6, 2023

PURPOSE: Major Site Plan Review

DEVELOPMENT: Iqbal Solar

PROJECT: Install a 240 kW ground mounted solar energy system.

LOCATION: Located at 4629 Nassawango Road, Snow Hill, Tax Map 62, Parcel 35, Tax District 07

ZONING DESIGNATION: A-1 Agricultural District

BACKGROUND: The property is currently improved with a single-family dwelling and a manufactured home. It also has nine (9) poultry houses as well as various other agricultural outbuildings and the remaining lands are cultivated. The project went before the Technical Review Committee (TRC) on July 7, 2023, and a revised set of plans were submitted on July 18, 2023, for review by the Planning Commission.

TRAFFIC CIRCULATION: The site may be accessed from either direction off Sinepuxent Road through an existing entrance.

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

The landscaping shall be maintained by an automatic irrigation system with rain sensor unless a waiver to this requirement is granted by the Planning Commission. The applicant had indicated that the landowner will provide water manually and will be responsible for maintenance. They stated that they are selecting hardy native species of trees that will have minimal maintenance requirements, therefore a waiver is being requested. The applicant also stated that the landowner may have sheep in the compound for grass maintenance.

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.

FENCING: A four-foot tall chain link fence is proposed around the entire array.

FOREST CONSERVATION LAW: This property is subject to the Forest Conservation Law. Written confirmation from the Department of Environmental Programs will be required prior to signature approval to verify that all requirements have been met.

STORMWATER MANAGEMENT/ SEDIMENT EROSION CONTROL: The Department has received confirmation from the Department of Environmental Programs that the project has obtained site development plan approval in order to proceed to the Planning Commission. Confirmation of final approval will be required prior to the Department granting signature approval for the site plan.

OWNER: Mohammed Iqbal

APPLICANT/DEVELOPER: Sunrise Solar

ENGINEER/SURVEYOR: Wilkens-Noble, LLC

PREPARED BY: Stuart White, DRP Specialist

WORCESTER COUNTY PLANNING COMMISSION

MEETING DATE: August 3, 2023

PURPOSE: §ZS 1-325 Site Plan Review

DEVELOPMENT: Frontier Town Campground Expansion

PROJECT: 107 total proposed park unit sites with public pool and recreational areas.

LOCATION: Easterly side of Stephen Decatur Highway (MD Route 611), approximately 705 feet south of Assateague Way, Tax Map 33, Parcel 94, Tax District 10, A-2 Agricultural and C-2 General Commercial Districts.

BACKGROUND: The proposed project previously went before the Technical Review Committee (TRC) on July 13, 2022. A revised site plan and architectural renderings were submitted more recently on April 26, 2023 for review by the Planning Commission.

SIGNS: No new signage is proposed. Any modifications to the existing signage will require review and approval.

PARKING: The Cluster Design Standards section was added to § ZS 1-318 on June 20, 2022 which allows for the 'remote' parking design of this section of the campground. Required parking for each campsite is two (2) spaces minimum, with a maximum of 2.5 spaces. Therefore, the minimum required parking spaces is 214. 228 spaces are provided, including 20 handicap accessible spaces as required under the Maryland Accessibility Code. All spaces above the minimum will be constructed of pervious material. Seven (7) units have been designed for handicap accessibility which include the required accessible parking space on the campsite.

Parking spaces shall be demarcated with painted stripes and parking bumpers where shown. Also, all handicap accessible signs shall be posted a minimum of 84" from grade to the bottom of the reserved sign.

LOADING SPACES: No additional loading spaces have been provided in association with this expansion. Under §ZS 1-321, the Planning Commission reserves the right to require a loading space where they determine that such access by highway vehicles will be necessary.

TRAFFIC CIRCULATION: The site will be accessed off of MD Route 611 (Stephen

Decatur Highway) through an existing commercial entrance. Written confirmation from State Highway Administration for the final design and location of any required improvements is required prior to signature approval.

The proposed internal roads are required to be constructed to County Roads standards for Campground Subdivisions. Written confirmation shall be provided by the Department of Public Works, County Roads Division that the internal roads have been constructed to one of the standards per §ZS 1-318(c)(1)H.

PEDESTRIAN AND BICYCLE CONNECTIVITY: No additional bike racks have been proposed.

LIGHTING: A lighting plan has been provided with this submittal. General lighting has been provided along the main travelways, near the parking spaces within the campsite area. The legend states that such lighting will be mounted on 10-foot poles with “French lantern” style decorative light fixtures.

REFUSE REMOVAL: Four (4) new 20 foot by 20-foot dumpster enclosures with six (6) foot tall fences are proposed at various locations around the perimeter of the campground.

LANDSCAPING: A landscape plan has been provided in accordance with §ZS 1-322 and Section 17 of the *Design Guidelines and Standards for Commercial Uses*. The plan includes a variety of deciduous trees (October Glory Red Maples and River Birches) and evergreen trees (Eastern Red Cedars and Southern Magnolias) as well as a variety of shrubs and ground covers (Hollies, Azaleas, Nandinas, etc.).

A landscape plan has also been provided for the revisions to the parking area. The proposed plantings are of a native species and are proposed to be planted within the newly created landscape islands.

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. The Zoning Division will hold a bond for any plantings that may not be covered by the Critical Area requirements and bond, or those plantings located outside of the Critical Area boundaries. A landscape estimate from a nursery will be required to be provided at permit stage to accurately determine the bond amount and such estimate will need to differentiate the plantings and costs between the two (2) bonds.

FOREST CONSERVATION LAW: This property is subject to the Forest Conservation Law. The Forest Conservation Plan is intended to be revised to accommodate the new cluster design. 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: The proposed expansion is located outside of the Atlantic Coastal and Chesapeake Bay Critical Area Program.

WETLANDS IMPACTS: The site plan illustrates the location of the non-tidal wetlands and associated buffer. Any impact approvals shall be obtained by the applicant from Maryland Department of the Environment (MDE).

STORMWATER MANAGEMENT/ SEDIMENT EROSION CONTROL: The applicants have obtained site design plan approval for the stormwater management facilities associated with this project. Final plan approval shall be obtained prior to signature approval of the site plan.

WATER SUPPLY AND WASTEWATER SERVICES: According to the 'Equivalent Dwelling Unit' (EDU) chart on the cover sheet, the water capacity required for the proposed use is 35.6 EDU's. Frontier Town was allocated 38 EDU's on June 7, 2022. Comments from the Department of Environmental Programs state that the flow for the cabins (assuming typical small one (1) bed cabins) is the same as the recreational vehicle flow. That is 100 gallons/campsite per the flow resolution #19-37. The number of sites on the plan should not exceed 38 x 300 gpd/EDU or 11,400 gallons. The Department will require written confirmation from the Department of Environmental Programs that their requirements have been met prior to signature approval.

ARCHITECTURAL JUSTIFICATION: The building elevations have been designed and reviewed under the *Design Guidelines and Standards for Commercial Uses*. This development is located within the Seaside-Agricultural blend, but also holds its own unique character and history as part of the old western theme. Incorporation of many of these three (3) distinct traditions has been provided for in the proposed architecture.

Please note that any outdoor mechanicals associated with any building are required to be screened with either landscaping or materials similar to the construction of the particular building. Mechanical areas and their proposed screening shall be identified on the plans per Section 10(b)(2)B.

The architectural renderings indicate that the bath house will be constructed with a

sloped, patina green metal roof with natural clay, horizontal vinyl siding. The camping units are designed with 390 square feet of living space with an open porch area. Architectural renderings indicate that they will have gray metal sloped roofs with yellow, blue, or green siding. The Planning Commission is the approving authority on the colors; therefore, it is recommended that they be prepared at the meeting to deliberate on the color choices provided.

The items requiring a waiver from the Planning Commission have been itemized below under “Planning Commission Considerations.” The applicant is required to justify their waiver request based upon the criteria outlined in Section 2(b) of the *Design Guidelines and Standards*.

DEVELOPER: Sun TRS Frontier, LLC, 27777 Franklin Road, Southfield, MI 48034

ENGINEER: Davis, Bowen, and Friedel, c/o Jason Loar, 601 East Main Street, Suite 100, Salisbury, MD 21804

ARCHITECT: Fisher Architecture, LLC, 542 Riverside Drive, Salisbury, MD 21801

LAND PLANNER: Davis, Bowen, and Friedel, c/o Jason Loar, 601 East Main Street, Suite 100, Salisbury, MD 21804

ATTORNEY: Hugh Cropper, Esquire, 9923 Stephen Decatur Hwy, Suite F-12, Ocean City, MD 21842

PREPARED BY: Stuart White, DRP Specialist

PLANNING COMMISSION CONSIDERATIONS:

1. The Planning Commission can require that the existing campground comply with some or all of the regulations as desirable and economically feasible per §ZS 1-318(c)(1)J. Given the age of the original development, compliance would be extremely difficult to achieve, and may be unrealizable given the other regulations that affect this development.
2. No additional loading spaces have been provided in association with this expansion. Under §ZS 1-321, the Planning Commission reserves the right to require a loading space where they determine that such access by highway vehicles will be necessary.
3. The applicant has chosen a variety of color schemes for the camping units. The Planning Commission is the approving authority on the colors. Therefore, it is recommended that they be prepared to deliberate on the color choices to be provided.
4. Relative to the building elevations, the bath houses do not comply with many aspects of the *Design Guidelines and Standards* due to the nature of the proposed use of the structure. Many of the typical design requirements that you would see on standard buildings are not generally featured on bath houses. In addition, they are not visible from the public roadway, only to the internal camp sites, therefore a waiver is recommended to the following provisions:
 - a. Section 10(b)(1)B. & C., no uninterrupted façade shall be greater than 60' without providing for recesses or projections;
 - b. Section 10(b)(1)H., which calls for a minimum of 25% transparency; and
 - c. Section 10(b)(1)J. requires that the bath house buildings be provided with a clearly identifiable base.



July 8, 2022

Our Job No.: 22681

BLUEWATER DEVELOPMENT
9919 Stephen Decatur Highway
Ocean City, Maryland 21842

Attention: Mr. Nicholas Cantwell

Reference: Frontier Town Deluxe Cabin Village
Worcester County – Berlin, Maryland
Preliminary Geotechnical Investigation

Dear Mr. Cantwell:

In accordance with your email authorization (dated June 8, 2022), we have completed a limited subsurface investigation and geotechnical evaluation of the soil and groundwater conditions for the loop road and stormwater management (SWM) features proposed for design and construction on the Frontier Town Deluxe Cabin Village project planned for development in Berlin, Maryland. This investigation was performed to evaluate the soil and groundwater conditions below the proposed roadway and SWM ponds, and determine the depth to the estimated Seasonal High Groundwater. This investigation included drilling standard penetration test borings (SPT), drilling auger probes (AP), a review of available geological and soil survey literature for the subject site, and laboratory soil testing. Our findings and analysis are presented herein.

For this investigation we were provided with an electronic copy of a site plan entitled *Frontier Town Deluxe Cabin Village – Route 611, Stephen Decatur Highway, Berlin – Worcester County, Maryland*, dated June 2022, prepared by Davis, Bowen & Friedel, Inc. (DBF). The site plan illustrates the layout of the proposed community and SWM ponds, the location of the 27 proposed borings to be drilled, and includes existing topography and proposed grades. The site plan was used in preparation of this report.

SITE DESCRIPTION

Frontier Town Resort is located on the east side of Maryland Route 611, just north of its intersection with Assateague Road (MD Route 376), in Berlin, Maryland. Frontier Town consists of a western theme campground with various amusements including a water park, water slide, zip lines, miniature golf course, roadways and site utilities. The Deluxe Cabin Village project site is proposed as part of the Frontier Town Resort and contains a combination of open space and wooded areas, and is to be situated northeast of the Western Theme Park, between the park and the adjacent Assateague Pointe Community.

Topographically, the site surface can be characterized as relatively flat. From review of the existing surface elevations provided at the boring locations, the ground surface varies approximately 8 feet over the site surface, from a low elevation of 5.02 feet above Mean Sea Level (MSL) at Boring Location RD-1, to a high elevation of 13.83 feet above MSL at Boring Location RD-4. The natural site drainage is primarily from north to south. Wetlands are present in the center of the proposed project site. The ground surface was dry at the time of the investigation.

PROPOSED CONSTRUCTION

From review of the previously referenced site plan prepared by DBF, the proposed construction is for a rental cabin village, with roadways, utilities, a community center, pool, and SWM features normally associated with this type of development. Thirteen (13) SWM ponds are proposed throughout the site. The ponds are labeled as SWM Facility -1 through SWM Facility-13, and are shown on the previously referenced site plan. At the time of writing this report, the final design for the ponds was unknown. We anticipate that the soils excavated from the SWM ponds will be used for site grading purposes. Detailed construction drawings were not available at the time of writing this report, however, from review of the site plan, excavations of up to approximately 5 feet are anticipated for pond construction.

INVESTIGATION

In order to evaluate the soil and groundwater conditions on the site, 11 SPT borings and 15 hand-auger probes were drilled. Boring locations SWM-1, SWM-2, and SWM-11 through SWM-20, in addition to RD-1, RD-6 and RD-7 were inaccessible to the test drilling equipment and were drilled with hand-auger tools. Boring location RD-5 was not accessible and was not drilled. Borings RD-1 through RD-7 were drilled within the proposed service road. Borings SWM-1 through SWM-20 were drilled within the proposed SWM Ponds. The locations and ground surface elevations, at the boring locations, were provided by DBF. The borings were drilled to depths ranging from 3 to 9 feet below the existing ground surface. Where SPT borings were drilled, standard penetration tests (SPT) were taken at close intervals from the surface to the bottom of the boring. Standard penetration testing involves driving a 2-inch O.D., 1-inch I.D., split spoon sampler with a 140-pound hammer free-falling 30-inches. The SPT N-value, given as blows per foot (bpf), is defined as the total number of blows required to drive the sampler from 6-inches to 18-inches. Samples were obtained and transported to our laboratory for review and classification. Detailed descriptions of the soils are indicated on the attached test boring and auger probe logs. The soil conditions encountered were visually identified in general accordance with the Unified Soil Classification System (USCS), as well as United States Department of Agriculture (USDA) classification system. The locations of the borings and probes are shown on the attached Boring Location Plan, labeled as Figure 1, which is an altered version of the previously referenced site plan prepared by DBF.

GEOLOGY

According to the *Geologic Map of Worcester County* (Owens and Denny, 1978), the site is underlain by the Sinepuxent Formation. At this location the Sinepuxent overlies the Beaverdam Formation.

The Sinepuxent Formation is divided into 3 lithofacies. At the top of the formation, are light colored, fine to medium grained, and poorly graded sands. These sands generally overlie a 3- to 5-foot bed of peaty sand to peaty clay. The peats are best developed on Sinepuxent Neck. The peats may be absent. Underlying the peats, or where absent, is the lowest and thickest facies consisting of a dark gray micaceous silty medium sand, with thin dark clay beds, that is locally fossiliferous. The maximum thickness of the formation is approximately 70 feet, at the coast. The estimated thickness at the site location is about 55 feet.

The Beaverdam Formation is described as a heterogeneous unit ranging from very coarse sand with pebbles to silty clay. The predominant lithologies at the land surface are white to mottled light gray and reddish brown, silty to clayey, fine to coarse sand. The subsurface consists of laminae and beds of very coarse sand with pebbles to gravel layered with laminae and beds of bluish-gray to light-gray silty clay. In a few places beds ranging from 2 to 20 feet thick of finely laminated, very fine sand and silty clay are present. Peat, peaty sand and clay are rare.

SOIL SURVEY

The information in this section is from the *Web Soil Survey* which was accessed on June 20, 2022. Although soil survey information can be used for general planning, onsite investigation is needed to supplement this information. Soil survey information is limited to a maximum of the upper most 6 feet in any given location.

According to the *Web Soil Survey* the following soils units are located on the site:

- Fallsington sandy loams, 0 to 2 percent slopes, Northern Tidewater Area (FadA). There are 2 major components: Fallsington, undrained (48%), and Fallsington, drained (27%). This soil meets hydric criteria.
- Hambrook sandy loam, 2 to 5 percent slopes (HbB). There is 1 major component: Hambrook (80%). This soil does not meet hydric criteria.
- Mattapex silt loam, 0 to 2 percent slopes, Northern Tidewater Area (MtdA). There is 1 major component: Mattapex (80%). This soil does not meet hydric criteria.
- Othello silt loams, 0 to 2 percent slopes, Northern Tidewater Area (OtA). There are 2 major components: Othello, drained (50%), and Othello, undrained (30%). This soil meets hydric criteria.

The descriptions, properties, and limitations are based on Worcester County, Maryland survey area data, Version 19, dated August 27, 2021. Major components (greater than 10%) are described below. Minor components are not addressed in this report.

The Fallsington sandy loam, parent material consists of loamy fluviomarine deposits. The hydrologic soil group is B/D. The natural drainage class is described as poorly drained. Water movement in the most restrictive layer is moderately high. This unit is typically not flooded. The drained component is rarely ponded. The upper limit of the water table is between 3.3 to greater than 6.0 feet, and typically has a seasonal upper limit of water saturation between 0.8 to 1.7 feet during January through April. The undrained component is occasionally ponded. The upper limit of the water table is between 3.3 to greater than 6.0 feet, and typically has a seasonal upper limit of water saturation between 0.0 to 0.8 feet during January through April. The undrained component has a thin layer of organic matter on top of the surface horizon with an organic matter content of about 68 percent. The organic matter content of the surface horizon is about 2 percent. The pH is typically between 4.3 and 6.0. The shrink-swell potential is low. The potential for frost action is high. The risk of corrosion of uncoated steel and concrete is high.

In the Fallsington component, construction of shallow excavations, buildings and pavement is very limited due to depth to saturated zone and ponding where undrained. Frost action is also a factor for local roads. Infiltration is severely limited due to wetness and adsorptive capacity. Lined retention systems are somewhat limited due to water spreading surface and water movement. Unlined retention systems are somewhat limited due to wetness interferes with instillation, and water movement. Vegetative establishment is an issue for all SWM systems.

The Hambrook component parent material consists of loamy fluviomarine sediments. The hydrologic soil group is B. The natural drainage class is described as well drained. Water movement in the most restrictive layer is moderately high. This soil typically does not flood or pond. It does have a seasonal zone of water saturation at 45 inches during January. The pH is typically between 4.3 and 6.8. Organic matter content in the surface horizon is about 2 percent. The shrink-swell potential is low. The potential for frost action is moderate. The risk of corrosion is moderate for uncoated steel and high for concrete.

In the Hambrook component, shallow excavations are somewhat limited due to depth to saturated zone. Buildings without basements are not limited. Buildings with basements are somewhat limited due to depth to saturated zone. Pavements are somewhat limited due to frost action. Infiltration is very limited due to wetness and water movement. Lined retention systems are somewhat limited due to water spreading surface, water movement, and insufficient ground water. Unlined retention systems are somewhat limited due to insufficient ground water, water movement, and wetness interferes with instillation. Vegetative establishment is an issue for all SWM systems.

The Mattapex parent material consists of silty eolian deposits over fluviomarine sediments. The hydrologic soil group is C. The natural drainage class is described as moderately well drained. Water movement in the most restrictive layer is moderately low. This soil typically does not flood or pond. It does have a seasonal zone of water

saturation is at 24 inches during February. The pH is typically between 4.3 and 6.8. Organic matter content in the surface horizon is about 2 percent. The shrink-swell potential is low. The potential for frost action is high. The risk of corrosion is high for uncoated steel and concrete.

In the Mattapex component, shallow excavations, and buildings with basements are very limited due to depth to saturated zone. Buildings without basements are somewhat limited due to depth to saturated zone. Pavements are very limited due to frost action. Infiltration is severely limited due to wetness and vegetation establishment. Lined retention systems are somewhat limited due to water spreading surface, water movement, and insufficient ground water. Unlined retention systems are somewhat limited due to: wetness interferes with instillation, insufficient ground water, and water movement. Vegetative establishment is an issue for all SWM systems.

The Othello parent material consists of silty eolian deposits over fluviomarine deposits. The hydrologic soil group is C/D. The natural drainage class is described as poorly drained. Water movement in the most restrictive layer is moderately low. This unit is typically not flooded. The drained component is rarely ponded. The upper limit of the water table is between 3.3 to greater than 6.0 feet, and typically has a seasonal upper limit of water saturation between 0.8 to 1.7 feet during January through April. The undrained component is occasionally ponded. The upper limit of the water table is between 3.3 to greater than 6.0 feet, and typically has a seasonal upper limit of water saturation between 0.0 to 0.8 feet during January through April. The undrained component has a thin layer (2 inches) of organic matter on top of the surface horizon with an organic matter content of about 68 percent. The organic matter content of the surface horizon is about 2 percent. The pH is typically between 4.3 and 6.8. There are no saline horizons within 30 inches of the soil surface. The shrink-swell potential is low. The potential for frost action is high. The risk of corrosion is high for uncoated steel and concrete.

In the Othello component, shallow excavations and buildings are very limited due to depth to saturated zone. Pavements are very limited due to frost action. Additionally, depth to saturated zone and low strength are possible issues for pavements. Where undrained, ponding is an issue for all construction. Infiltration is severely limited due to: wetness, vegetation establishment and adsorptive capacity. Lined retention systems are somewhat limited due to water spreading surface and water movement. Unlined retention systems are somewhat limited due to wetness interferes with instillation and water movement. Vegetative establishment is an issue for all SWM systems.

The limitations and restrictions noted above can be mitigated by following the geotechnical recommendations provided herein, and our recommendations during construction.

FINDINGS

The soil conditions encountered are consistent with the geology and soil survey descriptions provided above, and consist primarily of sand and silty sand, with underlying silt/clay layers. Beneath an approximately 3- to 12-inch thick surface topsoil layer, the underlying soils generally consist of native materials visually classified as predominately Poorly-graded SAND with trace to little silt (USCS SP/SM; USDA Loamy Sand), Silty SAND (USCS SM; USDA Sandy Loam), Silty-Clayey Sand (USCS SC/SM; USDA Sandy Loam), and SILT (USCS ML; USDA Silt Loam), with isolated areas containing Silty CLAY (USCS CL/ML; USDA Silty Clay Loam). Detailed descriptions of the soil and groundwater conditions encountered can be found on the attached test drilling logs.

Water was encountered at depths ranging from 3.5 to 6 feet below the ground surface at the time of test drilling. At the completion of test drilling, groundwater was recorded at 3.5 to 5.5 feet below the surface, corresponding to elevation 0.5 to 5.1 feet above MSL. At the time of this investigation the average elevation of groundwater on the site was determined to be at an elevation of approximately 2.3 feet above MSL.

ANALYSIS / DISCUSSION

Based on our findings, the site is satisfactory for the proposed construction, provided that proper design and construction techniques are followed. The near surface silty-clayey soils encountered below the topsoil are satisfactory for support of ground supported slabs and pavements if they are not disturbed by construction grading equipment. We anticipate that the near surface silty-clayey soils encountered on this site may exhibit some movement under the weight of earth moving equipment during wet periods. The near surface soils are moisture sensitive and can be rendered unsuitable if subjected to stresses imposed by construction equipment when the surface is wet. Considering the characteristics of the near surface silty-clayey soils we recommend that site grading operations be conducted in the summer months when the surface is dry. In the event that site grading does occur during wet periods, we suspect that the majority of the near surface silty-clayey soils will become unworkable and may require undercut and replacement, or alternative stabilization methods.

When taking into consideration the characteristics of the near-surface silty-clayey soils encountered on the project site, it may be prudent to include an additional cost in the earthwork budget for subgrade stabilization using geotextile fabrics, or a chemical modified subgrade for the proposed pavements and parking area. In addition, depending upon the time of year that earthwork grading is accomplished, stabilizing wet unsatisfactory subgrade conditions may be required, prior to placement of fill for the building pads and drive lanes. Our office can provide supplemental recommendations based on the subgrade conditions observed during earthwork construction.

From review of the borings, we anticipate that the soils encountered in the proposed SWM pond areas, from the surface to depths of 5 feet below the surface, will be satisfactory for

use as excavated borrow fill, provided the natural moisture content of the excavated soils are dried to within 2% of the optimum moisture content for compaction. Moisture conditioning (drying) the excavated soils will be required.

The seasonal high groundwater (SHG) is estimated to be approximately 2.5 to 5.0 feet below the existing site surface, corresponding to approximately elevation 2.8 to 6.1 feet above MSL. From our experience the groundwater levels can be expected to fluctuate with seasonal changes, precipitation, post construction development activity, as well as other factors, and should be considered approximate.

Our estimate of the SHG at the boring and probe locations are based on the field measurements of the depth to groundwater, soil coloring and mottling, and should be considered approximate. The results of the groundwater readings and Hardin-Kight Associates professional opinion of the estimated SHG are summarized as follows:

Boring Number	Existing Surface Elevation (MSL)	Depth To Water Below Surface At Completion (Ft. - MSL)	Depth To Observed Mottling Below Surface (Ft. - MSL)	Estimated Depth to SHG (Ft. - MSL)	Estimated Depth Below Surface To Normal Water (Ft. - MSL)
SWM-1	5.74	3.5 – 2.2	----	2.5 – 3.2	3.5 – 2.2
SWM-2	5.84	3.5 – 2.3	3.0 – 2.8	3.0 – 2.8	3.5 – 2.3
SWM-3	6.05	5.0 – 1.0	2.5 – 3.6	2.5 – 3.6	4.0 – 2.0
SWM-4	6.51	6.0 – 0.5	----	3.5 – 3.0	4.5 – 2.0
SWM-5	9.55	5.5 – 4.0	5.0	5.0 – 4.5	6.0 – 3.6
SWM-6	8.13	4.5 – 3.6	----	3.5 – 4.6	4.5 – 3.6
SWM-7	9.26	6.0 – 3.3	----	4.5 – 4.8	5.5 – 3.8
SWM-8	9.72	6.0 – 3.7	----	5.0 – 4.7	6.0 – 3.7
SWM-9	9.10	4.0 – 5.1	3.0 – 6.1	3.0 – 6.1	4.0 – 5.1
SWM-10	7.62	5.0 – 2.6	3.5 – 4.1	3.0 – 4.6	4.0 – 3.6
SWM-11	8.00	5.5 – 2.5	3.5 – 4.5	3.5 – 4.5	4.5 – 3.5
SWM-12	7.97	5.5 – 2.5	3.5 – 4.5	3.5 – 4.5	4.5 – 3.5
SWM-13	7.34	5.0 – 2.3	2.0 – 5.3	3.0 – 4.3	4.0 – 3.3
SWM-14	6.85	5.0 – 1.9	2.5 – 4.4	3.0 – 3.9	4.0 – 2.9
SWM-15	6.25	5.0 – 1.3	----	2.0 – 4.3	4.0 – 2.3
SWM-16	6.70	5.0 – 1.7	2.5 – 4.2	2.5 – 4.2	3.5 – 3.2
SWM-17	6.15	5.0 – 1.2	2.5 – 3.7	2.5 – 3.7	3.5 – 2.7
SWM-18	5.50	5.0 – 0.5	2.5 – 3.0	2.5 – 3.0	3.5 – 2.0
SWM-19	5.80	4.5 – 1.3	2.5 – 3.3	2.5 – 3.3	3.5 – 2.3
SWM-20	6.68	4.5 – 2.2	----	3.0 – 3.7	4.0 – 2.7

Considering that the SHG is estimated to be within a few feet of the existing site surface, wet pond construction is feasible. Seasonal groundwater variations of approximately 2 to 3 feet should be anticipated between the traditional wet and dry seasons.

From our analysis, and assuming wet pond construction, the groundwater levels found on this site will likely be above the pond bottom during construction. The contractor should be prepared to control groundwater during pond excavation. Cut subgrades below the groundwater will be susceptible to instability and softening. All SWM pond design and construction should be accomplished in accordance with the *Maryland Department of Environment (MDE) 2000 Maryland Stormwater Design Manual*, latest edition, as applicable.

The depth to groundwater may have an impact on pond excavation and utility construction. Groundwater will be encountered in excavations made below a depth of about 3 to 4 feet below the current ground surface. During the wet season the depth to groundwater will decrease. Shallow excavations can be de-watered using conventional sump and pump techniques. If significantly deeper excavations are planned, more comprehensive de-watering should be anticipated. The effectiveness of the de-watering operation will have an effect on the quality of the soil materials excavated from the ponds, and the degree of drying required to achieve moisture contents within 2% of the optimum moisture content for compaction.

With exception of Boring Location RD-3, the majority of the soils encountered within the proposed service road, from the surface to a depth of 3 feet below the surface, are interbedded fine- and coarse-grained soils, and are considered 'poor' soils for support of pavements as classified in accordance with AASHTO (A-4 or more cohesive). California bearing ratio (CBR) laboratory testing was not part of the scope of this investigation. However, based on our finding and experience, we anticipate that the majority of the near surface soils on the site will have a CBR value on the order of 5. Based on the soil conditions encountered, and assuming a CBR of 5, we have provided preliminary pavement design recommendations in the following section. If soils with a CBR less than 5 are identified at the pavement subgrade during construction, they may have to be removed and replaced with compacted granular material, or be chemically treated.

Preliminary pavement designs are provided in the *Recommendations* section of this report based on assumed traffic loading. It should be noted that the recommended pavement section is based on granular material with a CBR value of 5 or greater. The pavement subgrade soils should be carefully monitored by Hardin-Kight Associates, Inc. (HKA) to ensure that they consist of granular materials with a CBR of 5 or greater in all areas. The final pavement section must be constructed following the Maryland Department of Transportation State Highway Administration *Standard Specifications for Construction and Materials*.

PRELIMINARY RECOMMENDATIONS

In consideration of the above data and our understanding of the proposed construction, we have prepared the following preliminary recommendations for your review and consideration. These recommendations are considered preliminary, pending our review of the final grading plans and construction drawings. Once the grading plans and

construction drawings are finalized, our office should be contacted for additional review and comment.

Site Preparation and Earthwork Grading

1. We recommend that earthwork grading be planned for the dry season.
2. We recommend that areas to receive fill be stripped of vegetation and topsoil prior to placing fill. The limits of stripping must extend a minimum of 5 feet beyond structure limits and 2 feet beyond pavement limits. We recommend that the ground surface to receive fill be proofrolled with a loaded tandem axle dump truck and approved by Hardin-Kight Associates, Inc. (HKA), prior to placement of fill.
3. We recommend that structural fill be placed and compacted in uniform 8-inch thick layers. The material used for fill construction should meet the classification of SP, SM, SC, SW, GM, GP, and GW in accordance with USCS. Other soil types may be acceptable, if approved by HKA. We recommend that excavated borrow soils be moisture conditioned to within 2% of the optimum moisture content for compaction. We recommend that fill below structures and pavements be compacted to a minimum of 95% of the maximum dry density as determined by the standard moisture density relationship test (ASTM D-698/AASHTO T99). We recommend that all fill placement be monitored by HKA.
4. We recommend a maximum slope (cut or fill) not exceed 2:1 horizontal to vertical.
5. We recommend that the contract documents include provisions for the contractor to provide aerating/drying excavated borrow soils from the SWM Ponds. We anticipate that all excavated borrow, below a depth of 4 feet below the surface, will require drying.
6. We recommend that site development, mass grading, and construction of structural fill be monitored by HKA.
7. Once the final grading plans become available, we recommend that our office be contacted for additional review and comment.

Stormwater Management

1. We recommend that the SWM ponds be designed and constructed in accordance with the *Maryland Department of Environment 2000 Maryland Stormwater Design Manual, latest edition, as applicable*.
2. We recommend that both permanent fill and cut slopes be constructed on a maximum gradient of 2:1 (horizontal to vertical). Flatter slopes are suggested

where possible to aid in the establishment of vegetative cover, reduce the potential for erosion, and facilitate maintenance.

3. We recommend that the contractor be prepared to control groundwater below a depth of approximately 4 feet from the existing ground surface during pond basin excavation.
4. We recommend that the SWM pond excavation be monitored by Hardin-Kight Associates, Inc. (HKA) for slope seepage and stability. If slope seepage resulting in slope instability is observed, supplemental stabilization practices (ie; underdrains, drainage blankets and rip-rap) may be required. HKA will provide recommendations and details during construction as needed.
5. We recommend that the material proposed for use as backfill placed around stormwater inflow and outfall pipes meet the USC classification of SP, SM, SP/SM, SC, CL and CH, and be free of deleterious materials.
6. We recommend that the pipe trench backfill be compacted to a minimum of 95% of the maximum dry density as determined in accordance with the standard moisture density relationship test (ASTM D-698/AASHTO T99).
7. We recommend that each layer of trench backfill be tested and approved prior to placement of the succeeding layer. We recommend that fill which fails to meet the minimum compaction requirements be compacted and reworked until satisfactory compaction is obtained.
8. We recommend that the construction of the SWM Ponds be monitored by HKA.

Pavements

1. We recommend that the pavement areas be compacted and proof-rolled, prior to the placement of controlled fill. We recommend that soft or loose areas be removed to at least 2 feet below pavement subgrade, and replaced with controlled fill compacted to a minimum of 95% of the maximum dry density as determined by the standard moisture density relationship test (AASHTO T-99, ASTM D698).
2. We recommend that the native site granular soils be used as controlled fill in pavement areas. Fine-grained soils should not be used as fill within the top 12-inches of pavement subgrade.
3. We recommend that the pavement subgrade preparation be conducted in the presence of HKA. The completed work shall be tested and approved by HKA prior

to construction of the succeeding work. We recommend that only granular fill materials be used within the top foot below pavement subgrade.

4. We recommend that pavement subgrade be proof-rolled using a loaded tandem dump truck or a rubber tire roller with a gross weight in excess of 30 tons. We recommend that soft, loose, or wet conditions identified during the proof-roll be corrected in accordance with the following procedures:
 - a. materials may be removed and replaced with suitable fill materials compacted to the required density.
 - b. the materials may be reworked and re-compacted until satisfactorily compacted to the required density.
 - c. unsatisfactory subgrade may be improved by installation of ground stabilization cloth and additional thickness of base material.
 - d. longitudinal underdrains shall be installed in poorly drained areas as directed.
5. We recommend that the finished base course stone be compacted to a minimum of 100% of the standard proctor (AASHTO T-99, ASTM D698).
6. We recommend that the finished base course stone be proof-rolled with a loaded tandem-axle dump truck and approved by HKA, prior to placement of hot-mix asphalt (HMA).
7. We recommend that the pavement subgrade consist of granular soils, with a CBR value of at least 5. Where silty-clayey, poor soils are encountered at the pavement subgrade, they should be removed to a depth of 12 inches, and replaced with granular fill, or improved by chemical treatment (Portland cement, hydrated lime, or Calciment™). We recommend the following pavement sections for preliminary design purposes:

Travel Lanes/Service Road

1.5 inches Superpave HMA Surface Course (PG 64-22)
3.0 inches Superpave HMA Base Course (PG 64-22)
6.0 inches Crushed Stone (compacted to 100% ASTM D698/AASHTO T99)

8. We recommend that the pavements be constructed following the Maryland Department of Transportation State Highway Administration *Standard Specifications for Construction and Materials*.
9. We recommend that the contractor proceed with the placement of pavement base course within 24-hours after subgrade approval, and proceed with the construction

of the binder course within 24-hours of the satisfactory construction of the base course. If precipitation occurs during the course of these operations, a re-evaluation by HKA is recommended prior to proceeding.

10. We recommend that the contract documents include provisions for extra work associated with preparation of the pavement subgrade on a unit price basis for the following items:
 - a. for undercut of unsuitable materials and removal to an on-site storage area; per cubic yard
 - b. for undercut of unsuitable materials and off-site removal; per cubic yard
 - c. for replacement fill using on-site soils; per cubic yard
 - d. for replacement fill using off-site soils; per cubic yard
 - e. for ground stabilization cloth; per square yard
 - f. for longitudinal underdrain; per linear foot

CONCLUSIONS

Based on our findings, the site is satisfactory for the proposed construction, given that the recommendations provided herein are followed. The majority of the soils encountered within the proposed service road, from the surface to a depth of 3 feet below the surface, are interbedded fine- and coarse-grained soils, and are considered 'poor' soils for support of pavements as classified in accordance with AASHTO (A-4 or more cohesive). Where silty-clayey, low pavement strength soils, are encountered at pavement subgrade, they should be removed to a depth of 12 inches, and replaced with granular fill. Once the final construction drawings become available, we recommend that our office be contacted for additional review and comment.

The seasonal high groundwater (SHG) is estimated to be approximately 2.5 to 5.0 feet below the existing site surface, corresponding to approximately elevation 2.8 to 6.1 feet above MSL. From our experience the groundwater levels can be expected to fluctuate with seasonal changes, precipitation, and other factors, and should be considered approximate.

We recommend that the SWM ponds be designed and constructed in accordance with the *Maryland Department of Environment 2000 Maryland Stormwater Design Manual, latest edition, as applicable*. Groundwater may be encountered above the design pond bottom during construction. The contractor should be prepared to control groundwater during pond excavation. We recommend that pond excavations be monitored by HKA for slope seepage and stability.

Frontier Town Deluxe Cabin Village
Worcester County – Berlin, Maryland
Preliminary Geotechnical Investigation

Our Job Number: 22681
July 8, 2022
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LIMITATIONS

This report was prepared in accordance with generally accepted practice for geotechnical engineering in this area. It is intended for the use of the client for the specific site, as shown on the Boring Location Plan.

The soil and water conditions discussed herein represent the conditions encountered at the locations of the borings and auger probes as shown on the Boring Location Plan. Variations in the soils and groundwater between the boring and probe locations, and below the depths explored, should be anticipated.

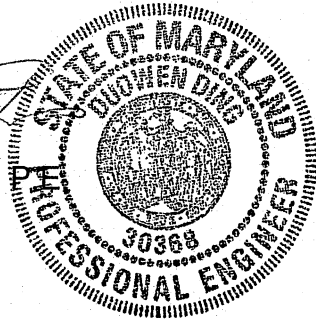
A copy of the boring and auger probe logs, and location plan are enclosed for your reference. If you have any questions concerning this report, please feel free to contact our office.

Very truly yours,

HARDIN-KIGHT ASSOCIATES, INC.


Paul M. Till


Duowen Ding, P.E.



STAFF REPORT

REZONING CASE NO. 442

PROPERTY OWNER: Pin Oak Properties LLC
10225 Silver Point Ln
Ocean City, MD 21842

ATTORNEY: Hugh Cropper, IV
9927 Stephen Decatur Highway, F-12
Ocean City, Maryland 21842

TAX MAP/PARCEL INFO: Tax Map 20, Parcel 290, Lots 3, 5 & 6, Tax District 03

SIZE: The petitioned area is approximately 5.5 acres in size.

LOCATION: The petitioned area is located on the east side of US Route 113 approximately 2,600 feet north of US 50. The lots are part of the Douglynne Woods Subdivision.

CURRENT USE OF PETITIONED AREA: Lot 3 is the current location of the Pin Oak Business Complex with 2 contractor shops covering 9,528 sf. Lots 5 and 6 are currently vacant.

CURRENT ZONING CLASSIFICATION: C-1 Neighborhood Commercial District.

As defined in the Zoning Code, the intent of this district is to provide for convenient commercial areas strategically based to serve the day to day shopping and service needs of the local neighborhood. This district shall be limited to small scale commercial operations of far less intensity than those provided for in the C-2 General Commercial District and C-3 Highway Commercial District. The scale and design of these neighborhood commercial uses should complement the scale and design of the existing neighborhood in which they are located and blend visually into the surrounding community.

REQUESTED ZONING CLASSIFICATION: C-2 General Commercial District.

As defined in the Zoning Code, the intent of this district is to provide for more intense commercial development serving populations of three thousand or more within an approximate ten- to twenty-minute travel time. These commercial centers generally have higher parking demand and greater visibility. The Code also states, in part, that site layout and design features within this district shall be compatible with the community and the County's character.

APPLICANT'S BASIS FOR REZONING: The application indicates that a mistake was made in zoning the property C-1 on November 3, 2009. Being zoned C-1 created a non-conformity as the existing contractor shops are no longer a permitted use in this zoning district. The former B-1 District allowed contractors shops up to 10,000 square feet in area as a special exception. The

applicant argues that the petitioned area would be more consistent with the permitted uses and special exceptions contained in the C-2 General Commercial District.

ZONING HISTORY: At the time zoning was first established in 1964, the petitioned area was given a B-2 General Business District classification, and the B-2 zoning was retained in the comprehensive rezoning held in 1978. In the 1992 rezoning, the petitioned area was given the B-1 Neighborhood Business District classification and in 2009 it was given a C-1 Neighborhood Commercial District classification.

SURROUNDING ZONING: Adjoining properties on the east side of US 113 are zoned A-1 Agricultural District with Lot 1 just to the south zoned C-1 Neighborhood Commercial District. Directly across US 113 parcels are zoned A-2 Agricultural District and other parcels are in the Municipality of Berlin. If this rezoning is given a favorable recommendation, then it would isolate Lot 1 as the only C-1 Neighborhood Commercial District in this area.

COMPREHENSIVE PLAN:

The County's Comprehensive Plan was adopted by the County Commissioners on March 7, 2006, and is intended to be a general guide for future development in the County. Whether a proposed rezoning is compatible with the recommendations of the Comprehensive Plan is one of the criteria that is considered in all rezoning requests, as listed in § ZS 1-113(c)(3) and as summarized at the end of this Staff Report.

According to Chapter 2 – Land Use of the Comprehensive Plan and the associated land use map, the petitioned area lies within the Agriculture Land Use Category. With regard to the Agriculture Land Use Category, the Comprehensive Plan states the following:

“The importance of agriculture to the county cannot be overstated. Its significance is economic, cultural, environmental, and aesthetic. Agriculture is simply the bedrock of the county's way of life. Agriculture faces challenges from international commodity prices, local development pressure, and the aging farm population to name a few. The county must do all it can to preserve farming as a viable industry.” (Page 18)

While this is in the Agriculture Land Use Category, there is no farmed lands within the immediate surrounding area, apart from those lands previously annexed into the Town of Berlin on the westerly side of US 113.

Pertinent objectives cited in Chapter 2 – Land Use state the following:

3. Maintain the character of the county's existing population centers.
4. Provide for appropriate residential, commercial, institutional, and industrial uses.
9. Minimize conflicts among land uses due to noise, smoke, dust, odors, lighting, and heavy traffic.

10. Locate employment centers close to the potential labor force.
15. Balance the supply of commercially zoned land with anticipated demand of year-round residents and seasonal visitors.
16. Locate major commercial and all industrial development in areas having adequate arterial road access or near such roads.
17. Discourage highway strip development to maintain roadway capacity, safety, and character.
21. Promote mixed use development.

(Pages 12 & 13)

The area immediately surrounding the subject property is also in the Agriculture Land Use Category on the Land Use Plan.

In Chapter 4 - Economy, the Plan calls for commercial services to be located in major communities, rather than separate and apart from standard subdivision-type residential development.

2. Provide for suitable locations for commercial centers able to meet the retailing and service needs of population centers.
5. Locate commercial uses so they have arterial roadway access and are designed to be visually and functionally integrated into the community.

(Page 60)

WATER AND WASTEWATER: According to the attached response memo from Mr. Mitchell, the property is not currently connected to public sewer and/or water at this time. The subject property has a designation of a Sewer and Water Service Category of S-6/ W-6 (No planned service.) in the Master Water and Sewerage Plan. No comments were received from the County's Public Works Department.

The primary soil types on the petitioned area according to the Worcester County Soil Survey are as follows: See soils map.

FadA – Fallsington sandy loams (18.7% of site), severe limitations to on-site wastewater disposal

HbB – Hambrook sandy loam (39.5% of site), severe limitations to on-site wastewater disposal

MuA – Mullica-Berryland complex (7.5% of site), severe limitations to on-site wastewater disposal

OtA – Othello silt loams (15.5% of site), severe limitations to on-site wastewater disposal

WddA – Woodstown sandy loam (17.8% of site), severe limitations to on-site wastewater disposal

Za – Zekiah sandy loam (1% of site), severe limitations to on-site wastewater disposal

EMERGENCY SERVICES: Fire and ambulance service will be available from the Berlin Volunteer Fire Company approximately four minutes south of the subject property. Service is also available from the Showell Volunteer Fire Company approximately five minutes away. No comments were received from the fire companies with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately Three minutes away, and the Worcester County Sheriff’s Office in Snow Hill, approximately twenty-one minutes away. No comments were received from the Maryland State Police Barracks or from the Sheriff’s Office.

ROADWAYS AND TRANSPORTATION: The petitioned area has frontage on Pin Oak Dr, a County owned and maintained roadway. Lot 3 has frontage (but no direct access) to US Route 113. No comments were received from the County Roads Division of the Department of Public Works. Maryland Department of Transportation State Highway Administration (MDOT SHA) has no objection to the rezoning as proposed. If this parcel is proposed to be developed in the future, the proposed development will require review and approval from District 1 Access Management and need to obtain permitting, as necessary.

SCHOOLS: The petitioned area is within Zone 3 of the Worcester County Public School Zones and is served by the following schools: Buckingham Elementary, Berlin Intermediate, and Stephen Decatur Middle and High Schools. No comments were received from the Worcester County Board of Education (WCBOE).

CHESAPEAKE/ATLANTIC COASTAL BAYS CRITICAL AREAS: Mr. Mitchell also notes in his memorandum that the petitioned area is located outside of the Atlantic Coastal Bays Critical Area (ACBCA) and Chesapeake Bay Critical Area (CBCA); therefore, is subject to the Forest Conservation Law. He also states that this parcel has an approved Forest Stand Delineation as of March 2023. This will not change the afforestation/reforestation thresholds when the property is developed. This property has obtained a FSD (Forest Stand Delineation) approval and is working on their FCP (Forest Conservation Plan).

No comments were received from the State Critical Area Commission relative to this request.

FLOOD ZONE: The FIRM map (24047C0155H, effective July 16, 2015) indicates that this property is located outside of the floodplain in Zone X (Area of Minimal Flood Hazard).

INCORPORATED TOWNS: This property is within one mile of any incorporated town of Berlin. Berlin Corporate limits is Ocean City is approximately 250 ft directly west on the west side of US 113.

ADDITIONAL COMMENTS RECEIVED: N/A

!!IMPORTANT!!

THE PLANNING COMMISSION MUST MAKE FINDINGS OF FACT IN EACH SPECIFIC CASE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING MATTERS:

1. What is the applicant's definition of the neighborhood in which the subject property is located? (Not applicable if request is based solely on a claim of mistake in existing zoning.)
2. Does the Planning Commission concur with the applicant's definition of the neighborhood? If not, how does the Planning Commission define the neighborhood?
3. Relating to population change.
4. Relating to availability of public facilities.
5. Relating to present and future transportation patterns.
6. Relating to compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact on waters included on the State's impaired waters list or having an established total maximum daily load requirement.
7. Relating to compatibility with the Comprehensive Plan.
8. Has there been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property (November 3, 2009) or is there a mistake in the existing zoning of the property?
9. Would a change in zoning be more desirable in terms of the objectives of the Comprehensive Plan?

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

PLEASE TYPE
OR PRINT IN
INK

APPLICATION FOR AMENDMENT OF OFFICIAL ZONING MAP

(Office Use One - Please Do Not Write In This Space)

Rezoning Case No. 442

Date Received by Office of County Commissioners: 5/25/23

Date Received by Development, Review and Permitting: _____

Date Reviewed by Planning Commission: _____

I. Application

Proposals for amendment of the Official Zoning Maps may be made only by a governmental agency or by the property owner, contract purchaser, option holder, leasee, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. _____ Governmental Agency
- B. _____ Property Owner
- C. _____ Contract Purchaser
- D. _____ Option Holder
- E. _____ Leasee
- F. XXX Attorney for B (Insert A, B, C, D, or E)
- G. _____ Agent of _____ (Insert A, B, C, D, or E)

II. Legal Description of Property

- A. Tax Map/Zoning Map Number(s): 20
- B. Parcel Number(s): 290
- C. Lot Number(s), if applicable: 3, 5, and 6
- D. Tax District Number: 03

III. Physical Description of Property

- A. Located on Pin Oak Lane
- B. Consisting of a total of approximately 5.5 acres of land.
- C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area:

- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and such other information as the Planning Commission may need in order to locate and plot the amendment

on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): C-1 Neighborhood Commercial
(Name and Zoning District)
- B. Acreage of zoning classification(s) in "A" above: 5.5
- C. Requested zoning classification(s): C-2, General Commercial
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: 5.5

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- A. Please list reasons or other information as to why the rezoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:

This rezoning is based upon a mistake in the original November 3, 2009 Comprehensive Rezoning, per the attached.

IV. Filing Information and Required Signatures

- A. Every application shall contain the following information:
1. If the application is made by a person other than the property owner, the application shall be co-signed by the property owner or the property owner's attorney.
 2. If the applicant is a corporation, the names and mailing addresses of the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
 3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of all partners who own more than 20 percent of the interest of the partnership.
 4. If the applicant is an individual, his/her name and mailing address.
 5. If the applicant is a joint venture, unincorporated association,

real estate investment trust or other business trust, the names and mailing addresses of all persons holding an interest of more than 20 percent in the joint venture, unincorporated association, real estate investment trust or other business trust.

B. Signature of Applicant in Accordance with VI.A. above.

Signature: 

Printed Name of Applicant:

Hugh Cropper, IV, Attorney for Property Owner

Mailing Address: 9927 Stephen Decatur Hwy., F-12, Ocean City, MD 21842

Phone Number: 410-213-2681

E-Mail: hcropper@bbcmlaw.com

Date: May 24 2023

C. Signature of Property Owner in Accordance with VI.A. above

Signature: 

Printed Name of Owner:

Pin Oak Properties, LLC

Mailing Address: 10225 Silver Point Lane, Ocean City, MD 21842

Phone Number: 443-497-2294

E-Mail: paul@ocfuel247.com

Date: May 24 2023

D. Signature of Attorney in Accordance with VI.A. above

Signature: 

Printed Name of Owner:

Hugh Cropper IV

Mailing Address: 9927 Stephen Decatur Hwy., F-12, Ocean City, MD 21842

Phone Number: 410-213-2681

E-Mail: hcropper@bbcmlaw.com

Date: May 24 2023

(Please use additional pages and attach to application if more space is required.)

VII. General Information Relating to the Rezoning Process

- A. Applications shall only be accepted from January 1st to January 31st, May 1st to May 31st, and September 1st to September 30th of any calendar year.
- B. Applications for map amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.

- C. Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.

The Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within 90 days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners.

After receiving the recommendation of the Planning Commission concerning any such amendment, and before adopting or denying same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing.

- D. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Commissioners shall make findings of fact in each specific case including but not limited to the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development and existing environmental conditions for the area, including no adverse impact on waters included on the State's Impaired Waters List or having an established total maximum daily load requirement, the recommendation of the Planning Commission, and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that (a) there a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) there is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth above shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be

compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.

- E. No application for map amendment shall be accepted for filing by the office of the County Commissioners if the application is for the reclassification of the whole or any part of the land for which the County Commissioners have denied reclassification within the previous 12 months as measured from the date of the County Commissioners' vote of denial. However, the County Commissioners may grant reasonable continuance for good cause or may allow the applicant to withdraw an application for map amendment at any time, provided that if the request for withdrawal is made after publication of the notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of such withdrawal, unless the County Commissioners specify by formal resolution that the time limitation shall not apply.

ATTACHMENT IN SUPPORT OF REZONING APPLICATION

Pin Oak Properties, LLC is the owner of Lots 3, 4 (now consolidated into Lot 3), 5, and 6 in the Pin Oak Business Complex located on the east side of US Route 113, just north of the Town of Berlin in Worcester County. The lots are part of the Douglynne Woods Subdivision, which was platted and recorded on April 26, 1977.

The subject properties are currently zoned C-1, Neighborhood Commercial District. Prior to the November 3, 2009 Comprehensive Rezoning, the subject properties were zoned B-1, Neighborhood Commercial District. The subject properties front along US Route 113, and they are served by a single point of access (Pin Oak Lane).

The interior lots in the subdivision, which do not front on the highway, are for the most part unimproved, and are zoned A-1, Agricultural District.

At the time of the Comprehensive Rezoning, the properties were improved with a large contractors shop, which exceeded the 2,500 square foot limit per establishment in a B-1, Neighborhood Business District, which was previously operated by Atlantic Aquatech Pools and John Jarvis. The Comprehensive Rezoning created a non-conformity.

Secondly, and perhaps more importantly, the C-1 Neighborhood Commercial District is intended to provide for convenient commercial areas strategically based to serve day to day shopping and service needs of the local neighborhood. In this case, the properties are located along a busy highway, albeit adequately screened from the highway. They are suitable for the

permitted uses and special exceptions contained in the C-2, General Commercial District, such as the existing contractors shop which is specifically permitted in the C-2, General Commercial District (see ZS1-210(b)(3)).

Although the property is designated as Agricultural in the Land Use Map which accompanies the Comprehensive Plan, it is located directly across, or east of, lands in the municipal limits of the Town of Berlin. It is just north of the intersection of Ocean Gateway (US Route 50) and US Rt. 113, which is also designated commercial on the Land Use Map. According to Google Maps, it is approximately $\frac{3}{4}$ of a mile north of Atlantic General Hospital, and just north of the Town of Berlin Center.

The property owner and applicant respectfully request that this sectional rezoning be granted, and the property be rezoned to from C-1, Neighborhood Commercial District, to C-2, General Commercial District, which is more consistent with the intent and objectives of the Comprehensive Plan.

Respectfully submitted,



Hugh Cropper IV
Attorney for Pin Oak Properties, LLC



Worcester County Department of Environmental Programs

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

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

Memorandum

To: Matt Laick, Deputy Director, DDRP

From: Robert J. Mitchell
Director, Environmental Programs

Subject: **EP Staff Comments on Rezoning Case No. 442**
Worcester County Tax Map 20, Parcel 290, Lots 3, 5, 6
Reclassify approximately 5.5 Acres of C-1 Neighborhood Commercial District to
C-2 General Commercial District

Date: 7/21/23

This response to your request for comments is prepared for the map amendment application associated with the above referenced property. The Worcester County *Zoning and Subdivision Control Article*, Section §ZS 1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning of the property or that a mistake has been made in the existing zoning classification. The application argues that there was a mistake in the last Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009. The Code requires that the Commissioners find that the proposed “change in zoning” would be more desirable in terms of the objectives of the *Comprehensive Plan*.

The Department of Environmental Programs has the following comments:

1. This property has an Agricultural land use designation in the Land Use Map in the Worcester County Comprehensive Plan (*Comprehensive Plan*), as do properties to the west and south. This district is reserved for farming, forestry, and related industries with minimal residential and other compatible uses permitted. It is expected that residential and other conflicting land uses although permitted, are discouraged within this district. The surrounding zoning and land uses for the most part have corresponded with their land use designations in the *Comprehensive Plan*.
2. The existing properties are not connected to public sewer and/or water at this time. The subject properties have a designation for a Sewer Service Planning Category of S-6/W-6 (No planned service) in the *Master Water and Sewerage Plan*. Our well and septic records indicate a septic tank served the existing contracting building with a corresponding potable well. There are no plans we are aware of that would provide these properties with public water and sewer services.
3. This proposed rezoning is located outside of the Atlantic Coastal Bays Critical Area (ACBCA) and Chesapeake Bay Critical Area (CBCA); therefore, is subject to the Forest Conservation Law. The parcel included in the proposed rezoning has an approved Forest Stand Delineation as of March 2023. A change from the C-1 (Neighborhood District) to C-2 (General Commercial District) will not change the afforestation/reforestation thresholds when/if the property is further developed to the point that compliance with the Forest Conservation law is required. The property has obtained a FSD (Forest Stand Delineation) approval and is working on their FCP (Forest Conservation Plan).

If you have any questions on these comments, please do not hesitate to contact me.

From: Aws Ezzat <AEzzat@mdot.maryland.gov>
Sent: Tuesday, June 20, 2023 2:14 PM
To: April Mariner <amariner@co.worcester.md.us>
Subject: Re: Rezoning Case #442

Hello April,

After a review of Rezoning Case #442, MDOT SHA has no objection to the rezoning as proposed. If this parcel is proposed to be developed in the future, the proposed development will require review and approval from District 1 Access Management and need to obtain permitting, as necessary.

As reflected in our aforementioned comments, MDOT SHA has no objections to the proposed rezoning as determined by Worcester County. I would highly appreciate if you can copy/inform me in the future for any rezoning submissions.

Thank you,



Aws Ezzat, P.E.

Regional Engineer, Access Management

District 1

660 West Road

Salisbury, MD 21801

AEzzat@mdot.maryland.gov

(410) 677-4048 (office)

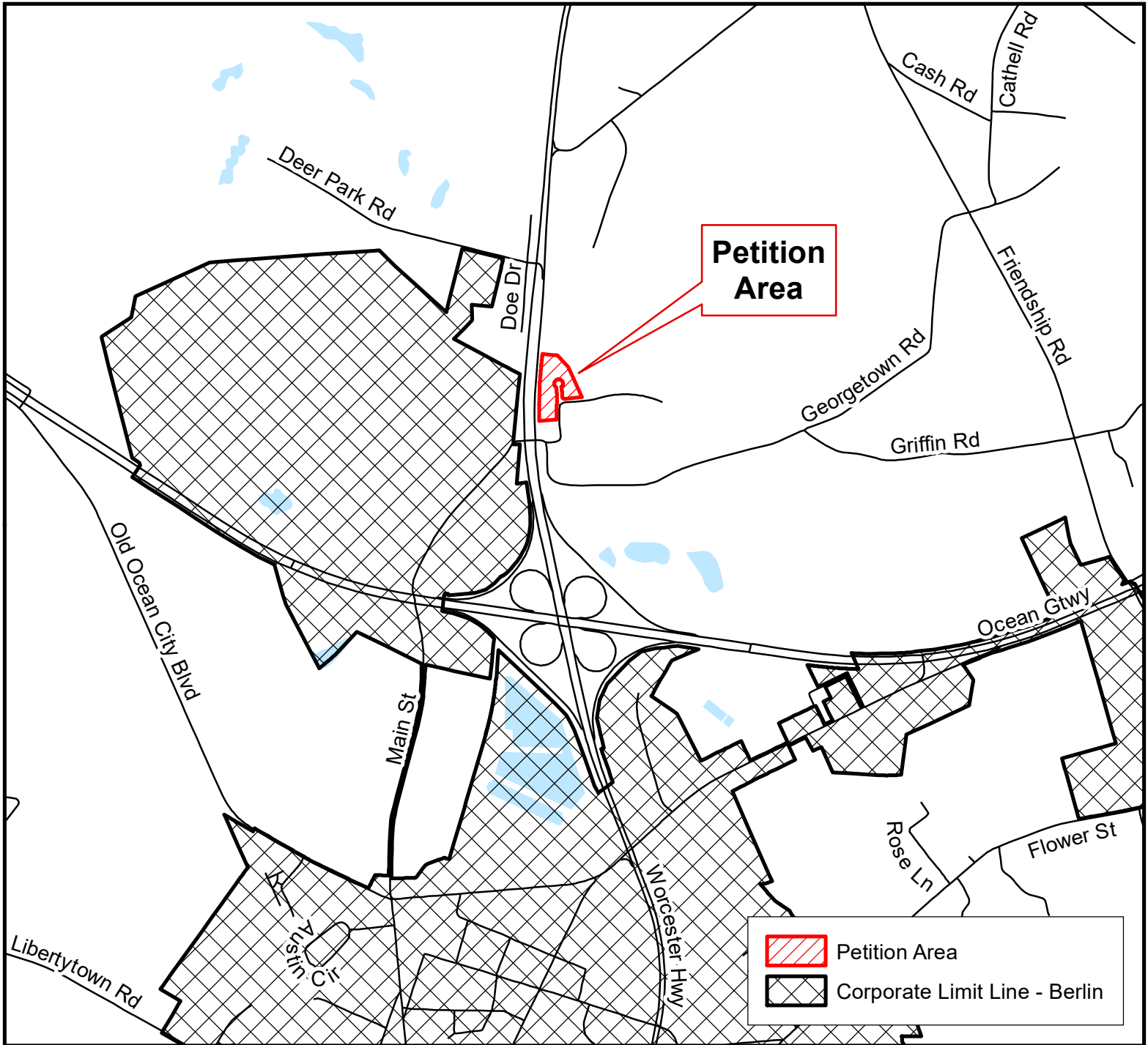
WORCESTER COUNTY, MARYLAND



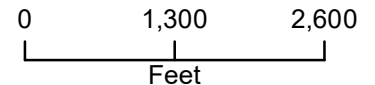
REZONING CASE NO. 442
C-1 Neighborhood Commercial to C-2 General Commercial
Tax Map: 20, Parcel 290, Lot 3, 5 and 6



LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023



Source: Worcester County GIS Data Layers

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

WORCESTER COUNTY, MARYLAND



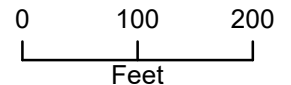
REZONING CASE NO. 442
C-1 Neighborhood Commercial to C-2 General Commercial
Tax Map: 20, Parcel 290, Lot 3, 5 and 6



AERIAL IMAGERY



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023



Source: 2022 Aerial Imagery

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

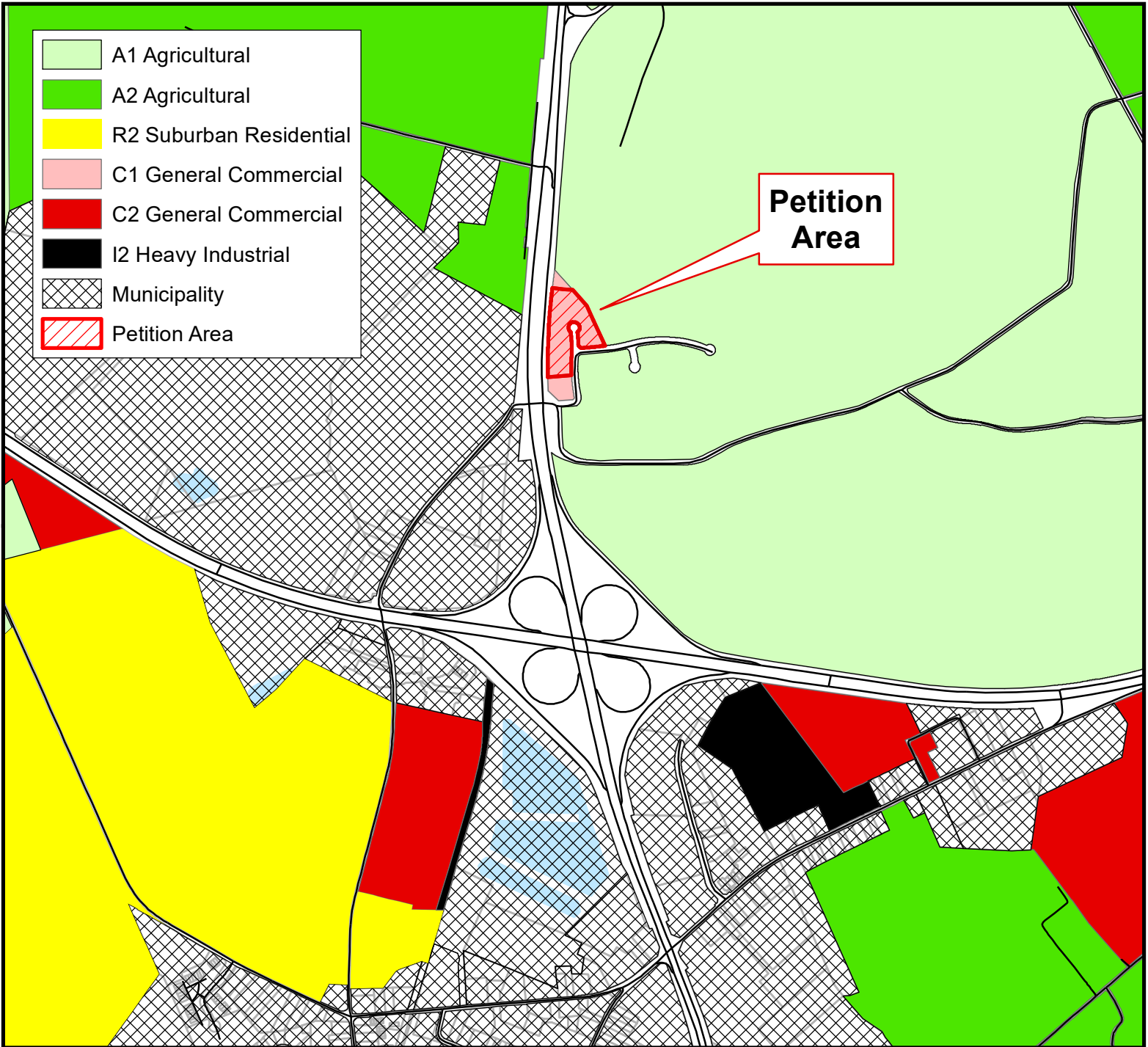
WORCESTER COUNTY, MARYLAND



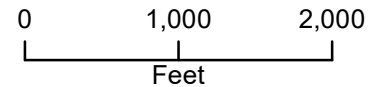
REZONING CASE NO. 442
C-1 Neighborhood Commercial to C-2 General Commercial
Tax Map: 20, Parcel 290, Lot 3, 5 and 6



ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023



Source: 2009 Official Zoning Map

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

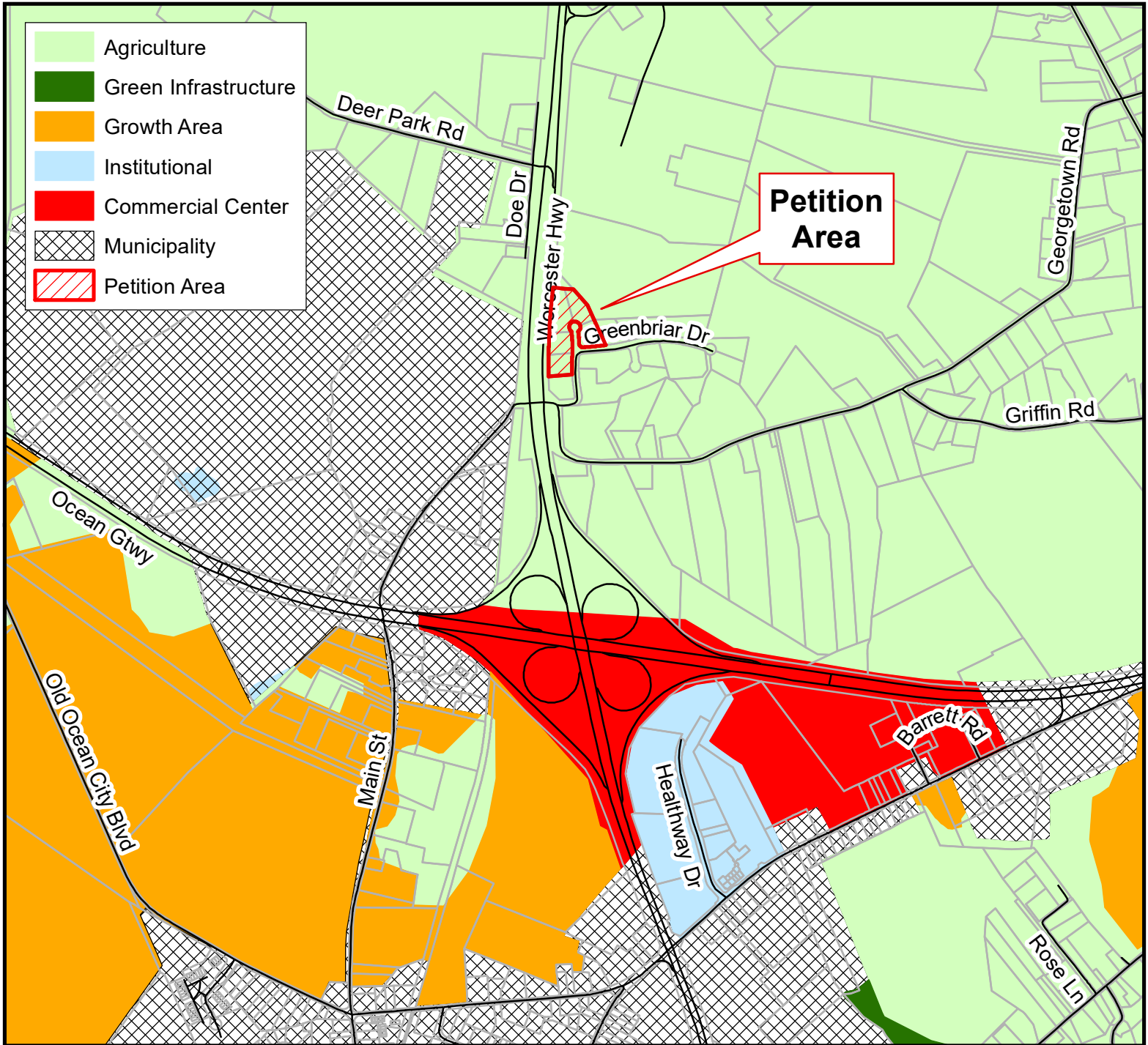
WORCESTER COUNTY, MARYLAND



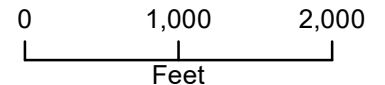
REZONING CASE NO. 442
C-1 Neighborhood Commercial to C-2 General Commercial
Tax Map: 20, Parcel 290, Lot 3, 5 and 6



LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023



Source: 2006 Official Land Use Map

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

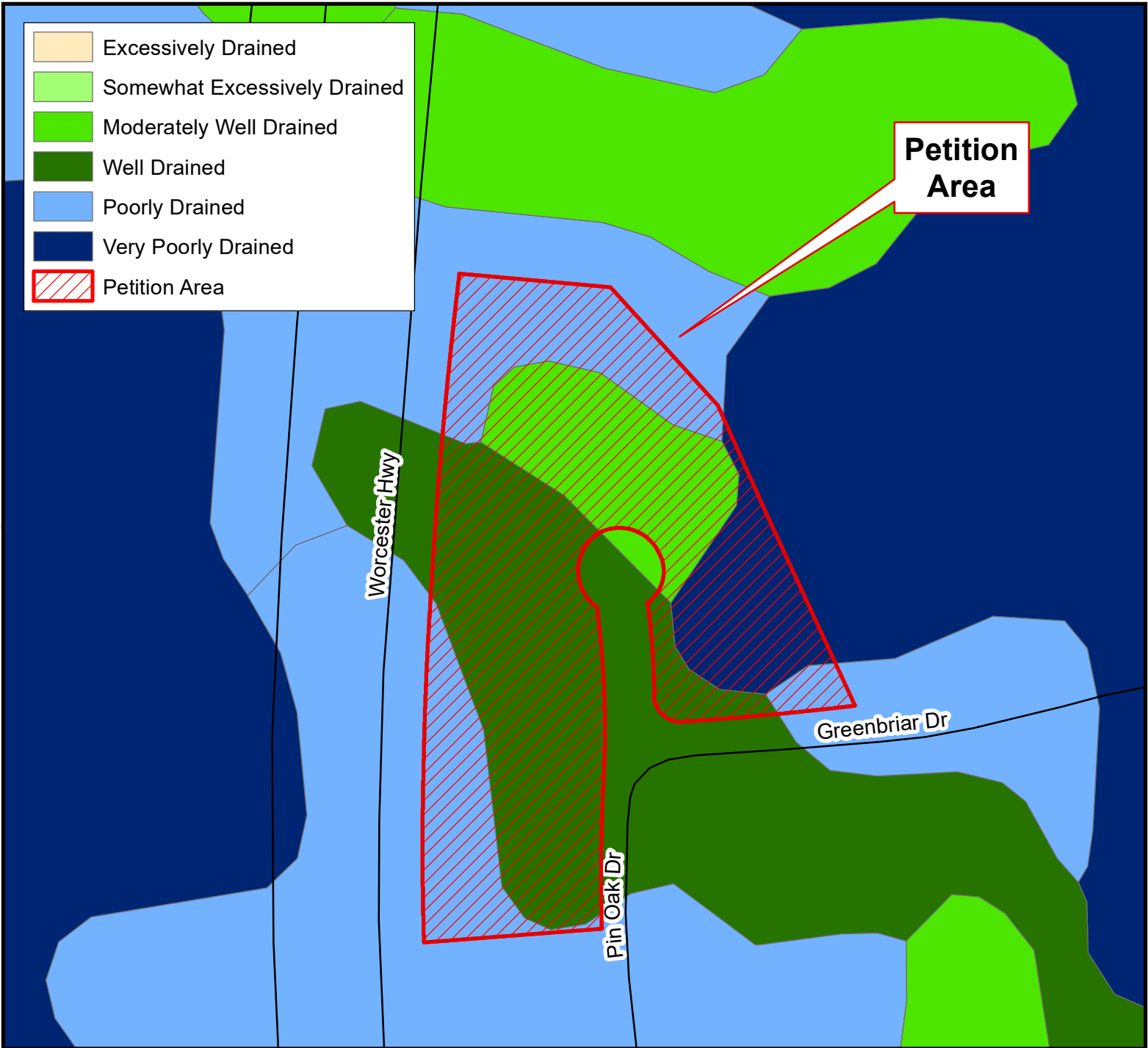
WORCESTER COUNTY, MARYLAND



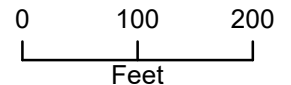
REZONING CASE NO. 442
C-1 Neighborhood Commercial to C-2 General Commercial
Tax Map: 20, Parcel 290, Lot 3, 5 and 6



SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023



Source: 2007 Soil Survey

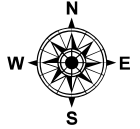
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

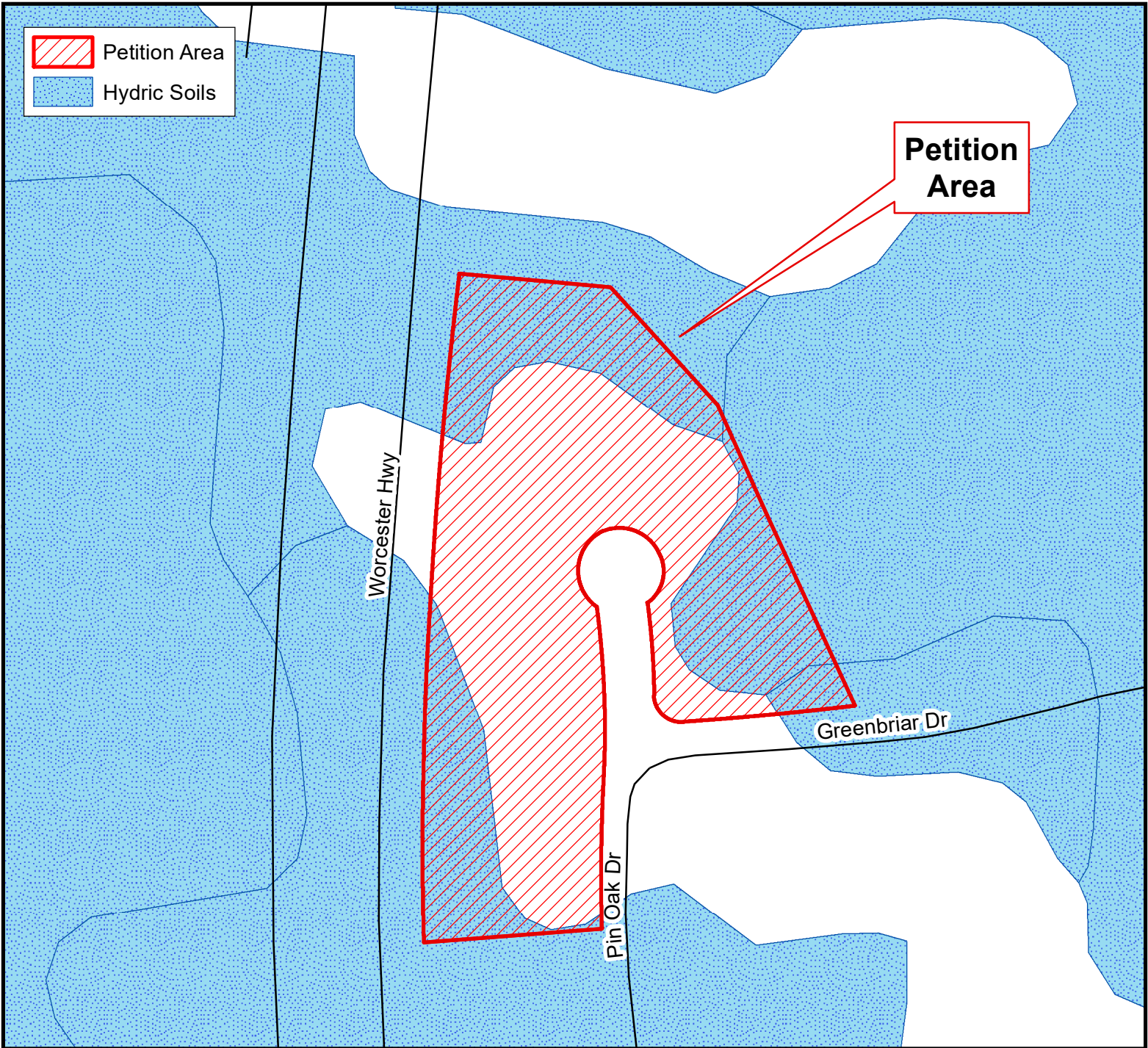
WORCESTER COUNTY, MARYLAND



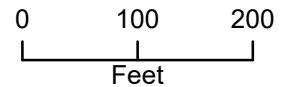
REZONING CASE NO. 442
C-1 Neighborhood Commercial to C-2 General Commercial
Tax Map: 20, Parcel 290, Lot 3, 5 and 6



HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023

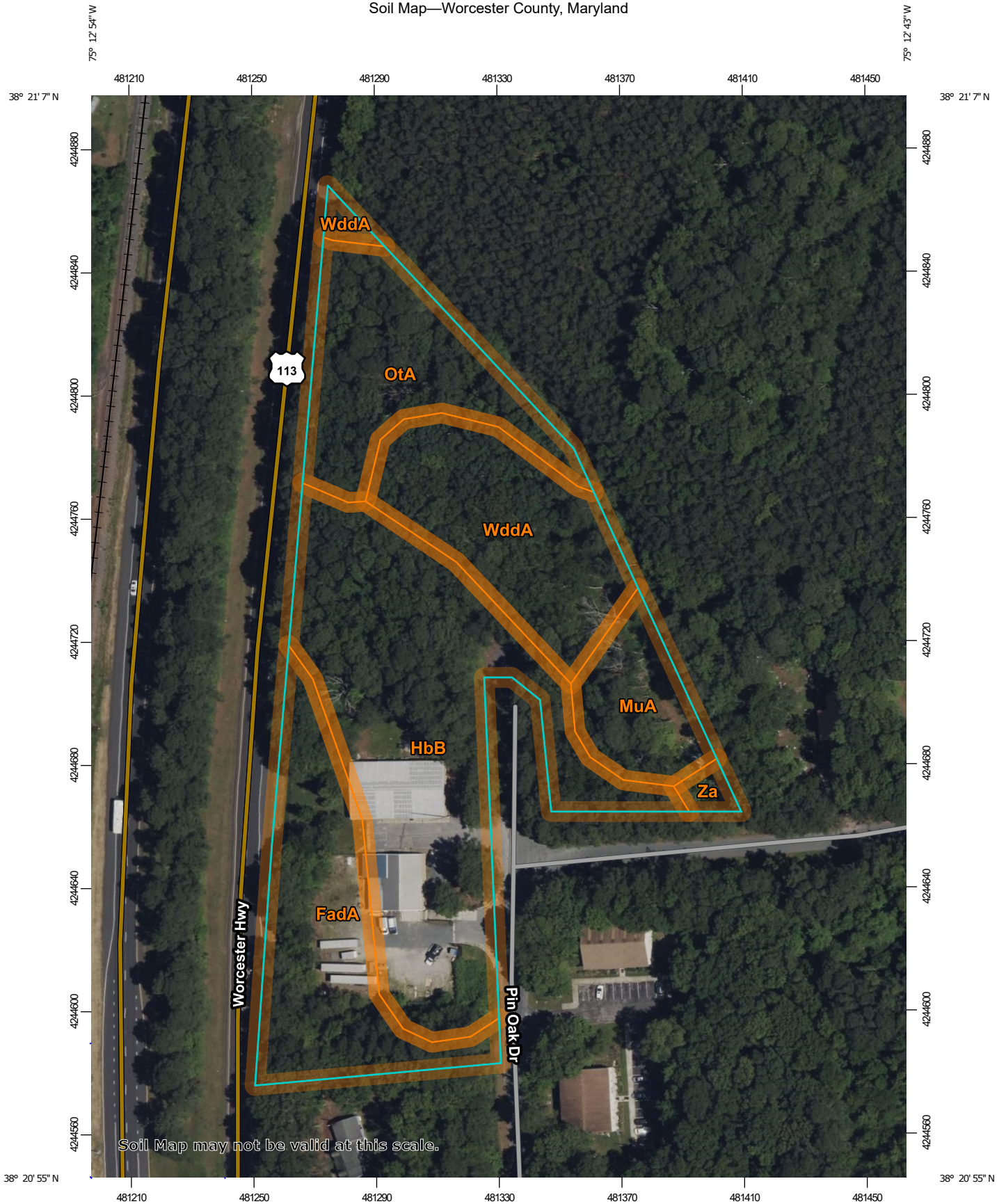


Source: 2007 Soil Survey

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

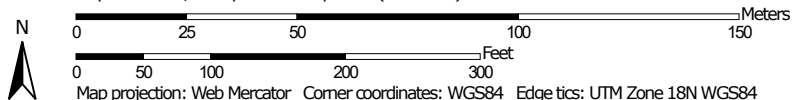
Drawn By: KLH Reviewed By: ML

Soil Map—Worcester County, Maryland



Soil Map may not be valid at this scale.

Map Scale: 1:1,710 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84



Natural Resources Conservation Service

Web Soil Survey National Cooperative Soil Survey

7/24/2023 Page 1 of 3

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Worcester County, Maryland

Survey Area Data: Version 20, Sep 14, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 30, 2022—Jul 4, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
FadA	Fallsington sandy loams, 0 to 2 percent slopes, Northern Tidewater Area	1.1	18.7%
HbB	Hambrook sandy loam, 2 to 5 percent slopes	2.3	39.5%
MuA	Mullica-Berryland complex, 0 to 2 percent slopes	0.4	7.5%
OtA	Othello silt loams, 0 to 2 percent slopes, Northern Tidewater Area	0.9	15.5%
WddA	Woodstown sandy loam, 0 to 2 percent slopes, Northern Tidewater Area	1.0	17.8%
Za	Zekiah sandy loam, frequently flooded	0.1	1.0%
Totals for Area of Interest		5.8	100.0%

INSTRUMENT OF DECLARATION ENCUMBERING AND AFFECTING PROPERTY
DECLARATION OF CONSOLIDATION

This Declaration of Consolidation made this 5th day of FEBRUARY,
2008, by PIN OAK PROPERTIES, LLC
mail 10135 Pine Oak Lane, PO Box 985, Berlin, MD 21811 hereinafter
called Declarant.

WHEREAS, Declarant is the owner of lots 3 and 4 Shown on a plat entitled
DOUGLYNNE WOODS, SECTION 1, recorded among the Land
Records of Worcester County, Maryland in Plat Book LIBER WCL 1377, Folio 294 & 296, Deed
Reference(s) _____ and _____;
and M20 P290 L3 & 4

WHEREAS, Declarant desires, pursuant to Section ZS 2-115 of the Zoning and Subdivision
Control Article, Code of Public Local Laws of Worcester County, Maryland to consolidate the lots
into one lot for all purposes by eliminating the interior lot line or lines dividing the lots.

NOW THEREFORE, this Declaration of Consolidation witnesseth:

That for good and valuable, but not taxable consideration, the receipt of sufficiency of which
is hereby acknowledged, Declarant does hereby agree and declare that interior lot lines between the
aforesaid lots numbered 3 and 4 on the plat entitled DOUGLYNNE WOODS
SECTION 1 are hereby eliminated and that such lots shall hereafter
be subdivided and platted as one lot for all legal purposes and shall be redesigned as Lot 3.

The former lots are hereby burdened with a covenant and encumbrance benefiting the
County Commissioners of Worcester County, that they shall not be conveyed or encumbered
separately without legally required subdivision approval.

Declarant hereby warrants and guaranteed that all lienholders on the property have signed
this Declaration signifying their consent and that they are the only lienholders having liens against
either of said lots and such lienholders join herein for the purpose of subordinating their interests to the
resubdivision of such parcels.

2008 MAY 21 P 2:31

AS WITNESS WHEREOF, the parties have set their hands and seals all as on the _____ day of _____
year first written above.

FILED
STEPHEN W. JAMES
CLK. CT. CT.
WOR. CO

WORCESTER COUNTY CIRCUIT COURT (Land Records) SVH 5108, p. 0421, MSA_CE31_5282. Date available 05/27/2008. Printed 05/30/2008.

return to DRP

WITNESS AS TO DECLARANT(S)

Kelly

Paul Sems (SEAL)

PAUL SEMS (MEMBER) (SEAL)
DECLARANT(S)

WITNESS AS TO LIENHOLDER(S)

Kelly

John F. Jarvis, Jr. (SEAL)
JOHN F. JARVIS, JR. (SEAL)
LIENHOLDER(S)/TRUSTEE(S)

ACKNOWLEDGMENT - INDIVIDUAL(S)/DECLARANT(S)

State of _____

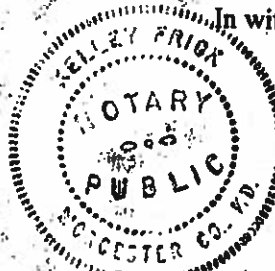
County of _____

TAXES FOR WHICH ASSESSMENTS
HAVE BEEN RECEIVED HAVE BEEN
PAID AS OF THIS DATE. 5/20/08
Worcester County Finance Officer
By: [Signature]
EXCEPT PERSONAL

IMP FD SURE \$ 20.00
RECORDING FEE 20.00
TOTAL 40.00
Rec# W001 Rcpt # 78557
SVH 5347 Blk # 2000
May 21, 2008 02:36 PM

On this _____ day of _____, 200____, before me, the undersigned officer, personally appeared _____
Declarant(s), known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

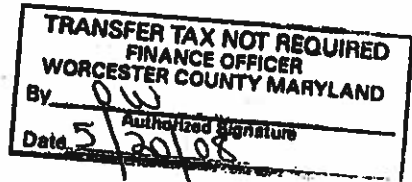


Kelly
Commission expires - July 1, 2010

Title of Officer

ACKNOWLEDGMENT - CORPORATION(S)

State of MARYLAND
County of Worcester



On this 5TH day of FEBRUARY, 2008, before me, the undersigned officer, personally appeared PAUL SEMS who acknowledgment himself to be the MEMBER of _____
Sems Mechanical, Inc. a corporation, and that as such _____, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as PAUL SEMS

In witness whereof I hereunto set my hand and official seal.

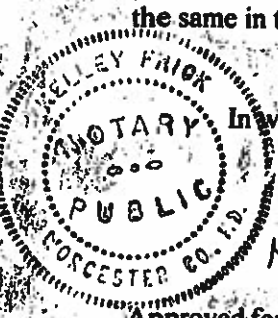
Paul Sems
MEMBER OF LLC
Title of Officer

ACKNOWLEDGMENT- LIENHOLDER(S)/TRUSTEE(S)

State of MARYLAND
County of Worcester

On this 5th day of FEBRUARY, 2008, before me, the undersigned officer, personally appeared JOHN JOWIS, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he/she/they executed the same in the capacity therein stated and for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.



Kelley Friok
My Commission Expires 7/1/10

John F. Jarvis
Title of Officer

Approved for the purposes of lot consolidation pursuant to Section ZS 2-115 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County by the Department of Development Review and Permitting for the Worcester County Commissioners. To the extent required, this Declaration shall be considered a resubdivision plat.

Robert J. Mitchell
Richard L. Wells Robert J. Mitchell
Environmental Programs Administrator
Director

5/20/08
Date

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Worcester County

5-20-08 *Stamp Represents Receipt of Ends only*
By _____ Date

MAY 21 2008 The foregoing instrument
filed for record and is accordingly recorded
among the land records of Worcester County,
Maryland.

Alexander Galan Clerk



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: Robert Mitchell, Director, Worcester County Environmental Programs
Billy Birch, Director, Worcester County Emergency Services
Matthew Crisafulli, Sheriff, Worcester County Sheriff's Office
Dallas Baker, P.E., Director, Worcester County Public Works Department
Chris Classing, P.E., Deputy Director, Worcester County Public Works Department
Kevin Lynch, Roads Superintendent, Worcester County Public Works Department
Matt Owens, Fire Marshal, Worcester County Fire Marshal's Office
Melanie Pursel, Director of Tourism & Economic Development
Louis H. Taylor, Superintendent, Worcester County Board of Education
Aws Ezzat, Regional Engineer, Access Management, Maryland State Highway Administration
Daniel Wilson, Assistant District Engineer - Traffic, Maryland State Highway Administration
Lt. Earl W. Starner, Commander, Barracks V, Maryland State Police
Rebecca L. Jones, Health Officer, Worcester County Health Department
Will Dyer, Executive Secretary, Maryland Forest Service
Garth McCabe, District Conservationist, Worcester County NRCS
Steve Grunewald, Chief, Ocean Pines Fire Department
Robert Rhode, Chief, Berlin Fire Department

FROM: Matthew Laick, Deputy Director

DATE: June 13, 2023

RE: Rezoning Case No. 442 – Pin Oak Properties LLC, Property Owners and Hugh Cropper, IV,
Attorney – 10135 PIN OAK DR., Berlin, MD (located on the east side of US Route 113
approximately 2,600 feet north of US 50)

This application seeks to rezone approximately 5.5 acres of land shown on Tax Map 20, Parcel 290, Lots 3,5 & 6 from C-1 Neighborhood Commercial District to C-2 General Commercial District.

For your reference I have attached a copy of the rezoning application package, location and zoning maps showing the property requested to be rezoned.

The applicant is alleging a **mistake was made during the 2009 Comprehensive Rezoning** as the justification for the proposed rezoning from C-1 Neighborhood Commercial District to C-2 General Commercial District. The Planning Commission must consider if: There was a mistake made in assigning the property a C-1 District zoning classification in 2009 at the time of the last Comprehensive Rezoning.

By Friday, July 21, 2023, the Planning Commission is requesting any comments, thoughts or insights that you or your designee might offer with regard to past and present conditions in the delineated neighborhood, as well as the effect that this application and potential subsequent development of the site under the proposed zoning classification may have on plans, facilities, or services for which your agency is responsible. Your response is requested even if you determine that the proposed rezoning will have no effect on your agency, that the application is compatible with your agency's plans, and that your agency has or will have adequate facilities and resources to serve the property and its potential land uses. ***If no comments are received, we will document such and assume that you have no objection to the Planning Commission stating this information in its report to the Worcester County Commissioners.***

General Zoning Information:

The purpose and intent of the C-1 Neighborhood Commercial District is provide for convenient commercial areas strategically based to serve the day-to-day shopping and service needs of the local neighborhood. Designed to serve populations of one thousand or more within an approximate five- to ten-minute travel time, this district shall be limited to small-scale commercial operations of far less intensity than those provided for in the C-2 General Commercial District and C-3 Highway Commercial District. For a complete list, please use the following link: <https://ecode360.com/14019654>

The purpose and intent of the C-2 General Commercial District is to provide for more intense commercial development serving populations of three thousand or more within an approximate ten- to twenty-minute travel time. These commercial centers generally have higher parking demand and greater visibility. Consequently, design standards and careful attention to signage, landscaping, perimeter buffers, site layout and architectural design are imperative. Commercial structures and uses must be compatible with the community and the County's character. Strip commercial forms of development are strongly discouraged. For a complete list, please use the following link: <https://ecode360.com/14019708>

If you have any questions or require further information, please do not hesitate to reach me by phone at (410) 632-1200, ext. 1613 or via email at miaick@co.worcester.md.us. On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments

STAFF REPORT

REZONING CASE NO. 444

PROPERTY OWNER: Black Water Relics LLC
537 Old Westminster Toad
Hanover, MD 17331

ATTORNEY: Hugh Cropper, IV
9927 Stephen Decatur Highway, F-12
Ocean City, Maryland 21842

TAX MAP/PARCEL INFO: Tax Map 63, Parcel 106, Tax District 02

SIZE: The petitioned area is Approximately 0.78 acres in size.

LOCATION: 4432 Market St Snow Hill, MD (Approximately 0.25 Miles north of Moat Rd)

CURRENT USE OF PETITIONED AREA: The property is currently improved with an 11,200 square foot storage warehouse with a concrete pad. Historically the structure is thought to have been an agricultural storage building. Most recently a stop work order was placed on the building for work not being done with a permit. We also believe that the building is being used on weekends as an indoor yard sale, which is not allowed under its current zoning. This use was confirmed in the applicants' reason for rezoning.

CURRENT ZONING CLASSIFICATION: A-1 Agricultural District.

As defined in the Zoning Code, the intent of this district is to preserve, encourage and protect the County's farms and forestry operations and their economic productivity and to ensure that agricultural and forestry enterprises will continue to have the necessary flexibility to adjust their production as economic conditions change. The Code also states, in part, that this district is also intended to protect the land base resources for the County's agricultural and forestry industries from the disruptive effects of major subdivision or nonagricultural commercialization.

REQUESTED ZONING CLASSIFICATION: C-2 General Commercial District.

As defined in the Zoning Code, the intent of this district is to provide for more intense commercial development serving populations of three thousand or more within an approximate ten- to twenty-minute travel time. These commercial centers generally have higher parking demand and greater visibility. The Code also states, in part, that site layout and design features within this district shall be compatible with the community and the County's character.

APPLICANT'S BASIS FOR REZONING: The application indicates that a mistake was made in zoning the property A-1 on November 3, 2009.

ZONING HISTORY: At the time zoning was first established in 1964, the petitioned area was given a B-2 General Business District classification, and the B-2 zoning was retained in comprehensive rezoning held in 1978. In the 1992 rezoning the property was given a zoning of A-1 Agricultural District. In 2006 the property was annexed by the Town of Snow Hill as part of the Summerfield Annexation and remained in the town until 2019. When this property was de-annexation in 2019 it went back to the same zoning classification as which it left. This property was not rezoned in the 2009 rezoning because it was part of the Town of Snow Hill. Attached are the memos which discuss this topic in more detail.

SURROUNDING ZONING: Adjoining properties on the East side of Market St are zoned A-1 Agricultural District. Properties on the West side of Market St are zoned R-1 Rural Residential District and 1,300 ft to the South is zoned R-2 Suburban Residential District. The Town of Snow Hill is approximately 3,700 feet to the North.

COMPREHENSIVE PLAN:

The County’s Comprehensive Plan was adopted by the County Commissioners on March 7, 2006, and is intended to be a general guide for future development in the County. Whether a proposed rezoning is compatible with the recommendations of the Comprehensive Plan is one of the criteria that is considered in all rezoning requests, as listed in § ZS 1-113(c)(3) and as summarized at the end of this Staff Report.

According to Chapter 2 – Land Use of the Comprehensive Plan and the associated land use map, the petitioned area lies within the Growth Area (GA) Land Use Category. With regard to the Growth Area Land Use Category, the Comprehensive Plan states the following:

“This category designates areas outside incorporated areas that are suitable and desirable for future planned growth.” (Page 14)

Pertinent objectives cited in Chapter 2 – Land Use state the following:

2. Continue the dominance of agriculture and forestry uses throughout the county’s less developed regions.
3. Maintain the character of the county’s existing population centers.
4. Provide for appropriate residential, commercial, institutional, and industrial uses.
9. Minimize conflicts among land uses due to noise, smoke, dust, odors, lighting, and heavy traffic.
10. Locate employment centers close to the potential labor force.
15. Balance the supply of commercially zoned land with anticipated demand of year-round residents and seasonal visitors.
19. Limit rural development to uses compatible with agriculture and forestry.

(Pages 12 & 13)

In Chapter 4, Economy, pertinent objectives under the heading Commercial Services state the following:

1. Locate commercial and service centers in major communities; existing towns should serve as commercial and service centers.
2. Provide for suitable locations for commercial centers able to meet the retailing and services needs of population centers.
3. Encourage mixed-use commercial, office and residential development.
4. Bring into balance the amount of zoned commercial locations with the anticipated need, with sufficient surplus to prevent undue land price escalation.
5. Locate commercial uses so they have arterial roadway access and are designed to be visually and functionally integrated into the community.

(Page 60)

WATER AND WASTEWATER: According to the attached response memo from Mr. Mitchell, the property is not currently connected to public sewer and/or water at this time. The subject property has a designation of a Sewer and Water Service Category of S-1/W-1 (Immediate to 2 years) in the Master Water and Sewerage Plan. Mr. Mitchell's well and septic records indicate a septic tank serves the existing building for the property with a very old driven well. A survey would be needed to confirm if the septic system were on the property and the well will need to be replaced for any future uses. The property was included in the proposed Summerfield development area that was not built. It has been annexed and de-annexed by the Town of Snow Hill. There are no current plans we are aware of that would re-annex this property back into the corporate boundaries of Snow Hill which would provide eligibility to connect to public water and sewer.

The primary soil types on the petitioned area according to the Worcester County Soil Survey are as follows:

FmB - Fort Mott loamy sand (56.1% of site), moderate limitations to on-site wastewater disposal
HbB - Hambrook sandy loam (35.7% of site), severe limitations to on-site wastewater disposal
SadA - Sassafras sandy loam (8.2% of site), severe limitations to on-site wastewater disposal

EMERGENCY SERVICES: Fire and ambulance service will be available from the Snow Hill Volunteer Fire Company approximately four minutes from the subject property. No comments were received from the fire companies with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately twenty-four minutes away, and the Worcester County Sheriff's Office in Snow Hill, approximately four minutes away. No comments were received from the Maryland State Police Barracks or from the Sheriff's Office.

ROADWAYS AND TRANSPORTATION: The petitioned area has frontage on US Business Route 113 (West Market Street), a State-owned and maintained road. It is considered a two-lane secondary highway. This location is 3,200 feet south of Coulbourne Lane. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has no objection to the request. They note in their comments that any future development proposal will require review and approval from District 1 Access Management and any permitting as needed. As this parcel is not located on a county owned and maintained road, no comments were received from the County Roads Division of the Department of Public Works.

SCHOOLS: The petitioned area is within Zone 4 of the Worcester County Public School Zones and is served by the following schools: Snow Hill Elementary, Middle and High Schools. No comments were received from the Worcester County Board of Education (WCBOE).

CHESAPEAKE/ATLANTIC COASTAL BAYS CRITICAL AREAS: Mr. Mitchell also notes in his memorandum that the petitioned area is located outside of the Chesapeake Bay Critical Area (CBCA). This property is not subject to the Forest Conservation Law, Per NR 1-403(a), as the property is less than 40,000 square feet in size. No comments were received from the State Critical Area Commission relative to this request.

FLOOD ZONE: The FIRM map (24047C0242H, effective July 16, 2015) indicates that this property is located outside of the floodplain in Zone X (Area of Minimal Flood Hazard).

PRIORITY FUNDING AREAS: The petitioned area is not within a designated Priority Funding Area (PFA). The closest PFA is Snow Hill (including several parcels that were subject to the de-annexation of the Summerfield development that was never built) about 1,000 feet away

INCORPORATED TOWNS: This property is within 3,500 feet of the incorporated town of Snow Hill.

ADDITIONAL COMMENTS RECEIVED: N/A

!!IMPORTANT!!

THE PLANNING COMMISSION MUST MAKE FINDINGS OF FACT IN EACH SPECIFIC CASE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING MATTERS:

1. What is the applicant’s definition of the neighborhood in which the subject property is located? (Not applicable if request is based solely on a claim of mistake in existing zoning.)
2. Does the Planning Commission concur with the applicant’s definition of the neighborhood? If not, how does the Planning Commission define the neighborhood?
3. Relating to population change.
4. Relating to availability of public facilities.
5. Relating to present and future transportation patterns.
6. Relating to compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact on waters included on the State’s impaired waters list or having an established total maximum daily load requirement.
7. Relating to compatibility with the Comprehensive Plan.
8. Has there been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property (November 3, 2009) or is there a mistake in the existing zoning of the property?
9. Would a change in zoning be more desirable in terms of the objectives of the Comprehensive Plan?



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

APPLICATION FOR AMENDMENT OF THE OFFICIAL ZONING MAP

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

Rezoning Case No. 444

Date Received by Office of the County Commissioners 5/25/23

Date Received by Development Review and Permitting _____

Date Reviewed by the Planning Commission _____

I. Application: Proposals for amendments to the Official Zoning Maps may be made only by the property owner, contract purchaser, option holder, lease, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. Governmental Agency: _____
- B. Property Owner: _____
- C. Contract Purchaser: _____
- D. Option Holder: _____
- E. Leasee: _____
- F. Attorney for X (insert A, B, C, D or E) B
- G. Agent for _____ (insert A, B, C, D or E) _____

II. Legal Description of Property

- A. Tax Map/Zoning Map Number(s): 63
- B. Parcel Number(s): 106
- C. Lot Number(s), if applicable: N/A
- D. Tax District Number: 02

III. Physical Description of Property

- A. Located on east side of Market Street, approximately ±1300 feet (0.25 miles) to the north side of Moat Road.
- B. Consisting of a total of 0.78 acres of land.
- C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area: currently improved by an 11,200 square foot structure as a storage warehouse with a concrete pad. The property is surrounded by farmland.
- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and other such information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): A-1, Agricultural District
(name and zoning district)
- B. Acreage of zoning classification(s) in "A" above: 0.78
- C. Requested zoning classification(s): C-2, General Commercial District
(name and zoning district)
- D. Acreage of zoning classification(s) in "C" above: 0.78

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- A. Please list reasons or other information as to why the zoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:


This rezoning is based upon a mistake in the original November 3, 2009, Comprehensive Rezoning, per the attached.

VI. Filing Information and Required Signatures

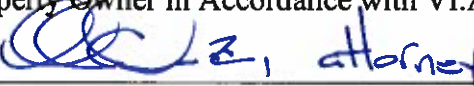
A. Every application shall contain the following information:

1. If the application is made by a person other than the property owner, the application shall be co-signed by the property owner or the property owner's attorney.
2. If the applicant is a corporation, the names and mailing addresses for the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of all partners who own more than 20 percent of the interest in the partnership.
4. If the applicant is an individual, his/her name and mailing address.
5. If the applicant is a joint venture, unincorporated association, real estate investment trust or other business trust, the names and mailing addresses of all persons holding an interest of more than 20 percent in the joint venture, unincorporated association, real estate investment trust or other business trust.


B. Signature of Applicants in Accordance with VI.A. above.

Signature(s): 
Printed Name(s): Hugh Cropper IV and Kristina L. Watkowski
Mailing Address: 9927 Stephen Decatur Hwy, F-12, Ocean City, MD 21842
Phone Number: 410-213-2681 Email: hcropper@bbcmlaw.com
Date: May 24, 2023

C. Signature of Property Owner in Accordance with VI.A. above.

Signature(s): 
Printed Name(s): Black Water Relics LLC
Mailing Address: 537 Old Westminster Road, Hanover, Maryland 17331
Phone Number: 410-259-3652 Email: akelly537@gmail.com
Date: May 24, 2023

D. Signature of Attorney in Accordance with VI.A. above.

Signature(s): 
Printed Name(s): Hugh Cropper IV and Kristina L. Watkowski
Mailing Address: 9927 Stephen Decatur Hwy, F-12, Ocean City, MD 21842
Phone Number: 410-213-2681 Email: hcropper@bbcmlaw.com
Date: May 24, 2023

(Please use additional pages and attach to the application if more space is required.)

VII. General Information Relating to the Rezoning Process

- A. Applications shall only be accepted from January 1st to January 31st, May 1st to May 31st, and September 1st to September 30th of any calendar year.
- B. Applications for Map Amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- C. Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for the purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.

The Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within 90 days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners.

After receiving the recommendation of the Planning Commission concerning any such amendment, and before adopting or denying same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing.

- D. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Commissioners shall make findings of fact in each specific case, including but not limited to the following matters: population change; availability of public facilities; present and future transportation patterns; compatibility with existing and proposed development and existing environmental conditions for the area including having no adverse impact on waters included on the State's Impaired Waters List or having an established total maximum daily load requirement; the recommendation of the Planning Commission; and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that (a) there was a substantial change in the character of the neighborhood where the property is located since the last zoning of the property or (b) there is a mistake in the existing zoning classification and a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth above shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.

- E. No application for a map amendment shall be accepted for filing by the office of the County Commissioners if the application is for the reclassification of the whole or any part of the land for which the County Commissioners have denied reclassification within the previous 12 months as measured from the date of the County Commissioners' vote of denial. However, the County Commissioners may grant reasonable continuance for good cause or may allow the applicant to withdraw an application for map amendment at any time, provided that if the request for withdrawal is made after publication of notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of such withdrawal, unless the County Commissioners specify by formal resolution that the time limitation shall not apply.

REZONING FINDINGS OF FACT FORM

Applicant shall provide information with regard to the following items:

- A. Is the request for rezoning based upon a claim that there has been a change in the character of the neighborhood where the property is located since the last zoning of the property or upon a claim that there is a mistake in the existing zoning and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

The request for the rezoning is based upon a mistake in the existing zoning.

- B. What is the definition of the neighborhood in which the subject property is located, as determined by the applicant.

In terms of the neighborhood, the property is located on the east side of Market Street just outside of the Town of Snow Hill. To the west are properties zoned R-1, Rural Residential. To the north, east and south are large parcels of farmland zoned A-1, Agricultural. The Snow Hill municipality is less than a mile north on Market Street. The subject property, as well as the R-1 zoned parcels across the street, were once annexed into the Town of Snow Hill. The properties were subsequently de-annexed. Less than a mile to the north there are various commercial properties zoned B-2, General Commercial, by the Town of Snow Hill. These properties include a medical office building, governmental offices, a convenience store, and a gas station.

- C. Findings of Fact as to Section 1-113(c)(3) of the Zoning Code:

1. Relating to population change: A rezoning from A-1, Agricultural District, to C-2, General Commercial District, of the property less than 1 acre by itself is not expected to change the year-round population in the surrounding community.
2. Relating to the availability of public facilities: A rezoning of the property from A-1, Agricultural District to C-2, General Commercial District will not limit or affect the availability of public facilities.
3. Relating to present and future transportation patterns: It is anticipated that a rezoning of the property from A-1, Agricultural District, to C-2, General Commercial District, will not adversely impact present or future transportation patterns. Market Street has been an outlet to Route 113 that serves the population and community well as it currently exists.

4. Relating to the compatibility with existing and proposed development and existing environmental conditions for the area: A rezoning of the property from A-1, Agricultural District, to C-2, General Commercial District, will be compatible with the existing development, as well as the environmental conditions. Whether Agricultural, Residential, or Commercial, the surrounding community would not be adversely affected either way.

5. Relating to compatibility with the Comprehensive Plan: A rezoning of the property from A-1, Agricultural District, to C-2, General Commercial District, is compatible with the Comprehensive Plan. The rezoning allows the property to contribute to the expansion of the local economy with respect to employment, business and tourism. The rezoning would do so without compromising the county's rural character and its sustainability. A commercial use on this property has close access to an arterial roadway and could be designed to be visually and functionally integrated into the community. The Comprehensive Plan acknowledges that activities like antiquing broaden the county's allure with respect to the tourism industry.

Attachment in Support of Rezoning Application

This is a request to rezone Worcester County Tax Map 63, Parcel 106, 0.78 acres, from A-1, Agricultural District to C-2, General Commercial District, based upon a mistake in the November 3, 2009, Comprehensive Rezoning.

The property is located on the east side of Market Street just outside of the Town of Snow Hill. To the west are properties zoned R-1, Rural Residential District. To the north, east and south are large parcels of farmland zoned A-1, Agricultural District. The Snow Hill municipality is less than a mile north on Market Street.

The property is currently improved with an 11,200 square foot storage warehouse with a concrete pad. Historically the structure is thought to have been built as a potato storage building. At some point the property was believed to have been an icehouse for distribution, a grocery outlet, a t-shirt factory, and even a storage for airplane parts. Most recently the property was used as an "indoor yard sale" location on weekends. According to SDAT, the property is assessed as Commercial.

Considering the size of the parcel, 0.78 acres, it is not suitable for the A-1, Agricultural District. Many of the permitted principal uses and structures enumerated in the Code under A-1, Agricultural District have lot requirements that far exceed the 0.78 acres of this parcel. It is not suitable for agriculture, poultry operations, or aquaculture as the lot does not meet the minimum requirements of five (5) acres. Also, the property does not meet the 40,000 square foot minimum requirement for a single-family dwelling, or manufactured home.


The subject property, as well as the R-1, Rural Residential zoned parcels across the street, were once annexed into the Town of Snow Hill. The properties were subsequently de-annexed. Less than a mile to the north there are various commercial properties zoned B-2, General Commercial, by the Town of Snow Hill. These properties include a medical office building, governmental offices, a convenience store, and a gas station.

The Comprehensive Plan recognizes Snow Hill's transition from "Main Street" to an antiquing center with restaurants and other services. As C-2, General Commercial District, this small property would enhance the community, while being consistent with the Plan. The Land Use Plan Map indicates this property is located within a designated Growth Area in Worcester County.

Due to the small size of the parcel, less than 1 acre, and the fact that the existing structure of approximately 11,200 square feet with a history of commercial use, the property is more suited as C-2, General Commercial District. Improvements to the property and its use would be compatible with the community and the County's character. An antique shop, or other small retail, would blend visually into the surrounding community. Market Street is a common ingress and egress out of town; thus, a commercial use offers convenience to the surrounding community. Again, given the size of the parcel and the existing structure, a retail store such as an antique shop really would be the best use of this property and would require C-2, General Commercial zoning.

The rezoning of the property to C-2, General Commercial District, would be consistent with the Land Use Plan Map, as well as the written Comprehensive Plan. The property owner and applicant respectfully request the rezoning be granted.

Respectfully submitted,


Kristina L. Watkowski, Attorney for Owners
Black Water Relics, LLC



Worcester County Department of Environmental Programs

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

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

Memorandum

To: Matt Laick, Deputy Director, DDRP

From: Robert J. Mitchell
Director, Environmental Programs

Subject: **EP Staff Comments on Rezoning Case No. 444**
Worcester County Tax Map 63, Parcels 106
Reclassify approximately 0.78 Acres of A-1 Agricultural District to
C-2 General Commercial District

Date: 7/21/23

This response to your request for comments is prepared for the map amendment application associated with the above referenced property. The Worcester County *Zoning and Subdivision Control Article*, Section §ZS 1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning of the property or that a mistake has been made in the existing zoning classification. The application argues that there was a mistake in the last Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009. The Code requires that the Commissioners find that the proposed “change in zoning” would be more desirable in terms of the objectives of the *Comprehensive Plan*.

The Department of Environmental Programs has the following comments:

1. This property has a Growth Area land use designation in the Land Use Map in the Worcester County Comprehensive Plan (*Comprehensive Plan*), as do properties to the west and south. This category designates areas outside incorporated areas that are suitable and desirable for future planned growth. The properties in these areas were situated to be cost-effectively served with adequate public sanitary and other services.
2. The existing property is not connected to public sewer and/or water at this time. The subject property has a designation for a Sewer Service Planning Category of S-1/W-1 (Immediate to 2 years) in the *Master Water and Sewerage Plan*. Our well and septic records indicate a septic tank serves the existing building for the property with a very old driven well. A survey would be needed to confirm if the septic system were on the property and the well will need to be replaced for any future uses. The property was included in the proposed Summerfield development area that was not built. It has been annexed and de-annexed by the Town of Snow Hill. There are no current plans we are aware of that would re-annex this property back into the corporate boundaries of Snow Hill which would provide eligibility to connect to public water and sewer.
3. This proposed rezoning is located outside of the Chesapeake Bay Critical Area (CBCA). This property is not subject to the Forest Conservation Law, Per NR 1-403(a), as the property is less than 40,000 square feet in size.

If you have any questions on these comments, please do not hesitate to contact me.

From: Aws Ezzat <AEzzat@mdot.maryland.gov>
Sent: Wednesday, June 21, 2023 8:11 AM
To: April Mariner <amariner@co.worcester.md.us>
Cc: Jeffrey Fritts <JFritts@mdot.maryland.gov>
Subject: Re: Rezoning Case #444

Hello April,

After a review of Rezoning Case #444, MDOT SHA has no objection to the rezoning as proposed. If this parcel is proposed to be developed in the future, the proposed development will require review and approval from District 1 Access Management and need to obtain permitting, as necessary.

As reflected in our aforementioned comments, MDOT SHA has no objections to the proposed rezoning as determined by Worcester County. I would highly appreciate if you can copy/inform me in the future for any rezoning submissions.

Thank you,



Aws Ezzat, P.E.

Regional Engineer, Access Management

District 1

660 West Road

Salisbury, MD 21801

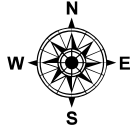
AEzzat@mdot.maryland.gov

(410) 677-4048 (office)

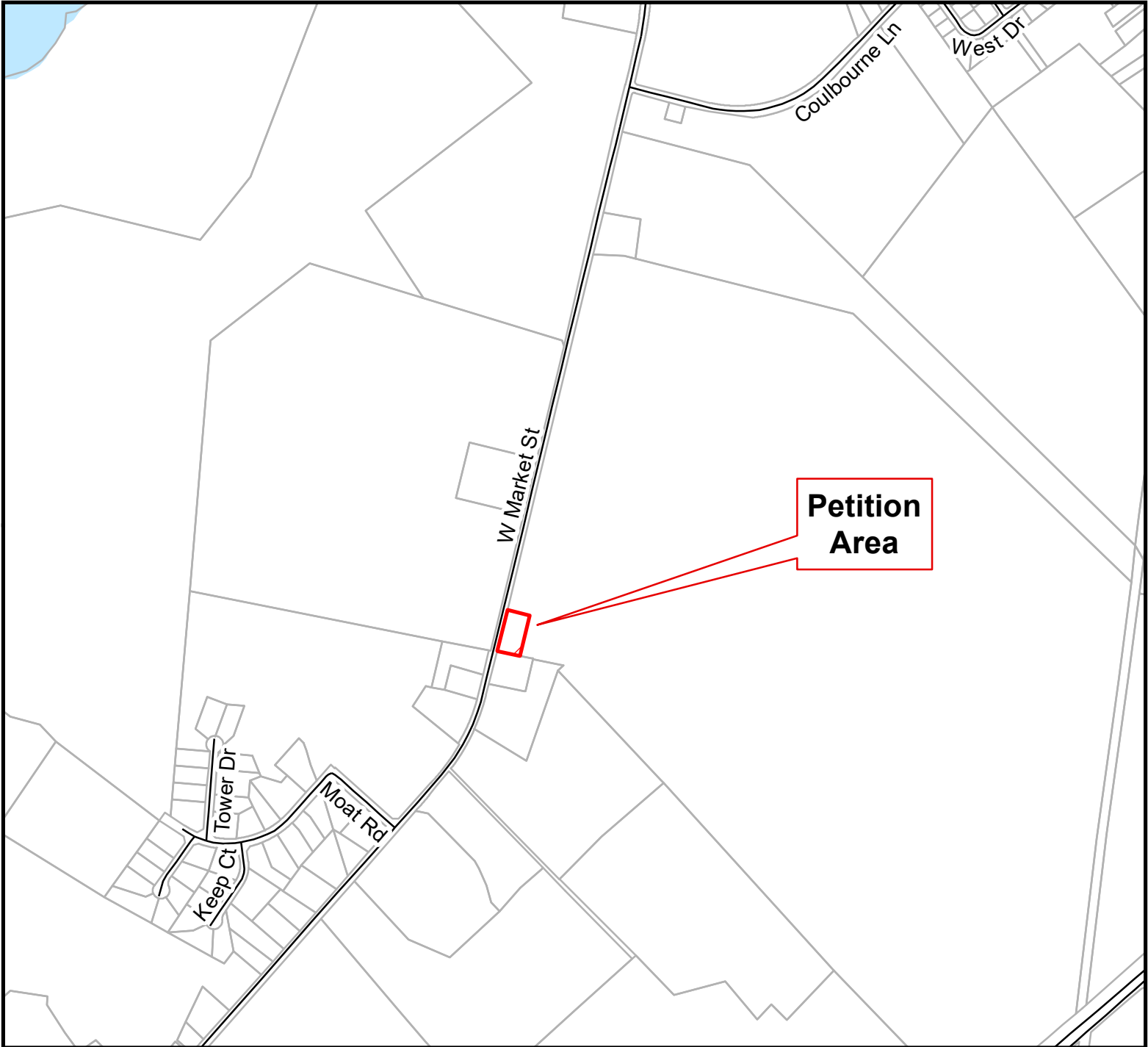
WORCESTER COUNTY, MARYLAND



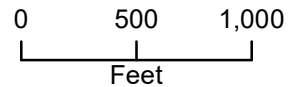
REZONING CASE NO. 444
A-1 Agricultural to C-2 General Commercial
Tax Map: 63, Parcel 106



LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023



Source: GIS Data Layers
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

WORCESTER COUNTY, MARYLAND



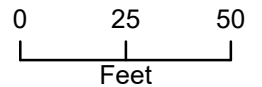
REZONING CASE NO. 444
A-1 Agricultural to C-2 General Commercial
Tax Map: 63, Parcel 106



AERIAL IMAGERY



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023



Source: 2022 Aerial Imagery

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

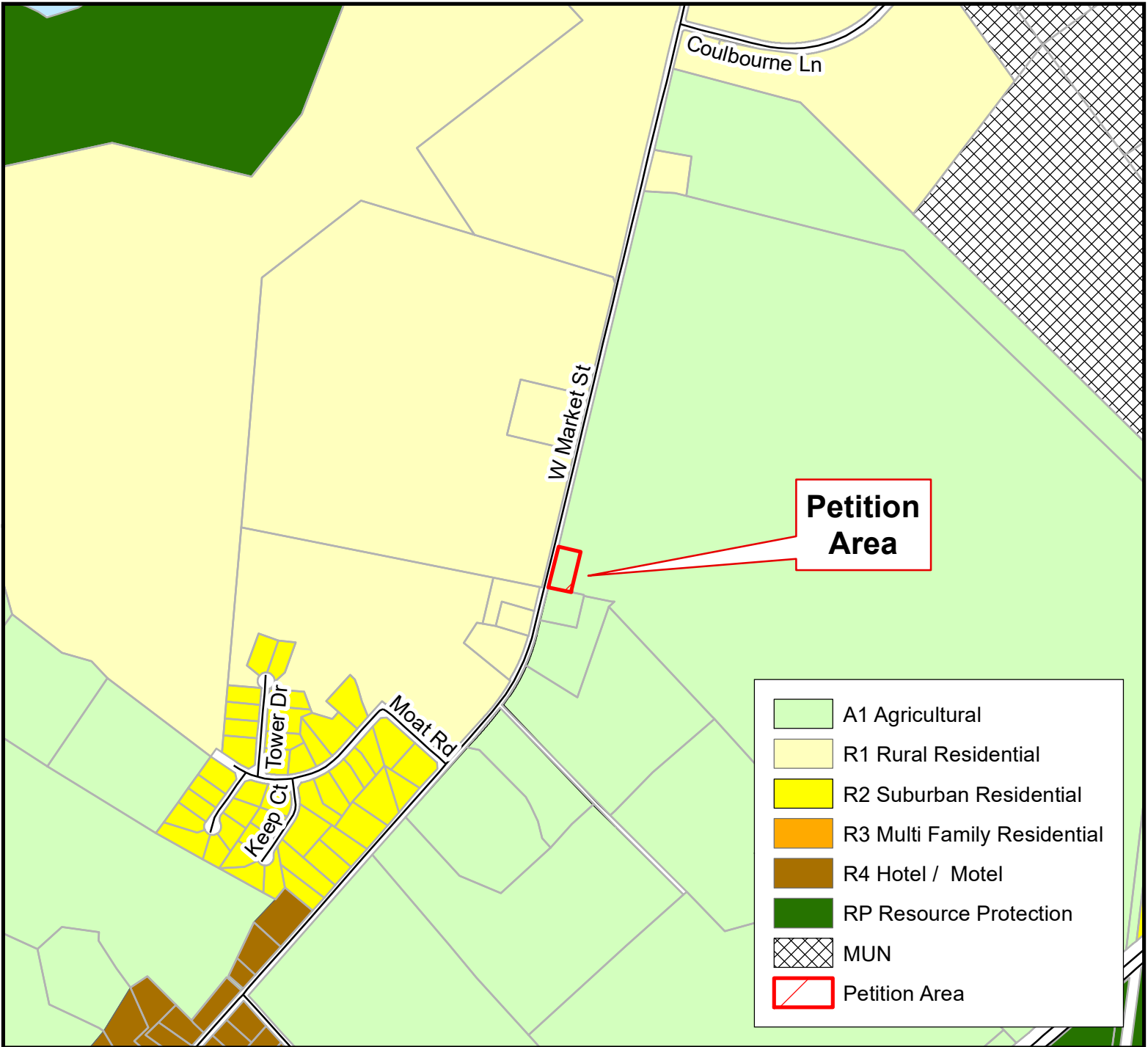
WORCESTER COUNTY, MARYLAND



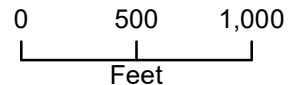
REZONING CASE NO. 444
A-1 Agricultural to C-2 General Commercial
Tax Map: 63, Parcel 106



ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023



Source: 2009 Official Zoning Map

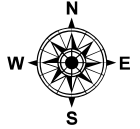
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

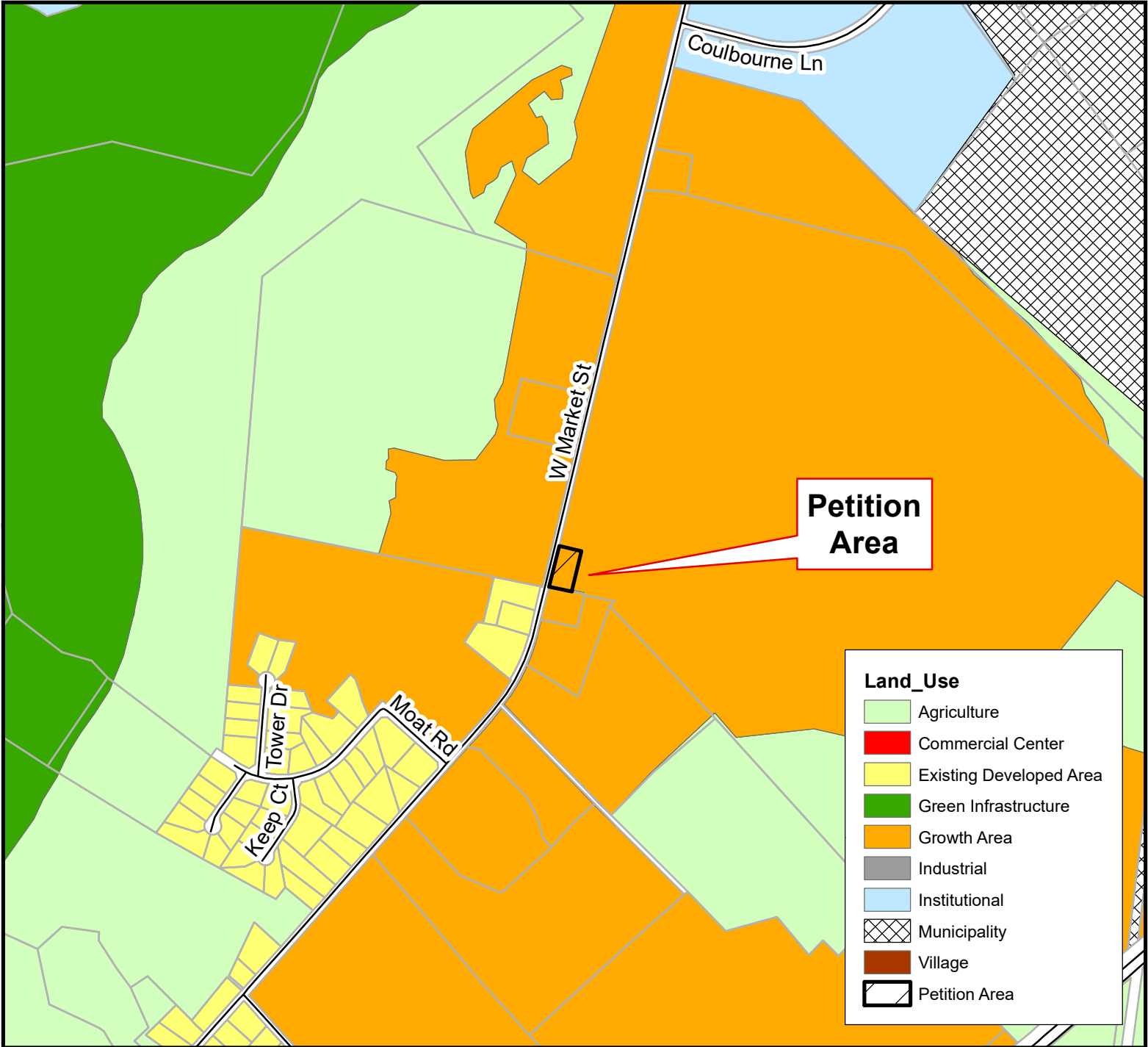
WORCESTER COUNTY, MARYLAND



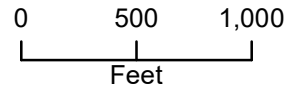
REZONING CASE NO. 444
A-1 Agricultural to C-2 General Commercial
Tax Map: 63, Parcel 106



LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023



Source: 2006 Land Use Map

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

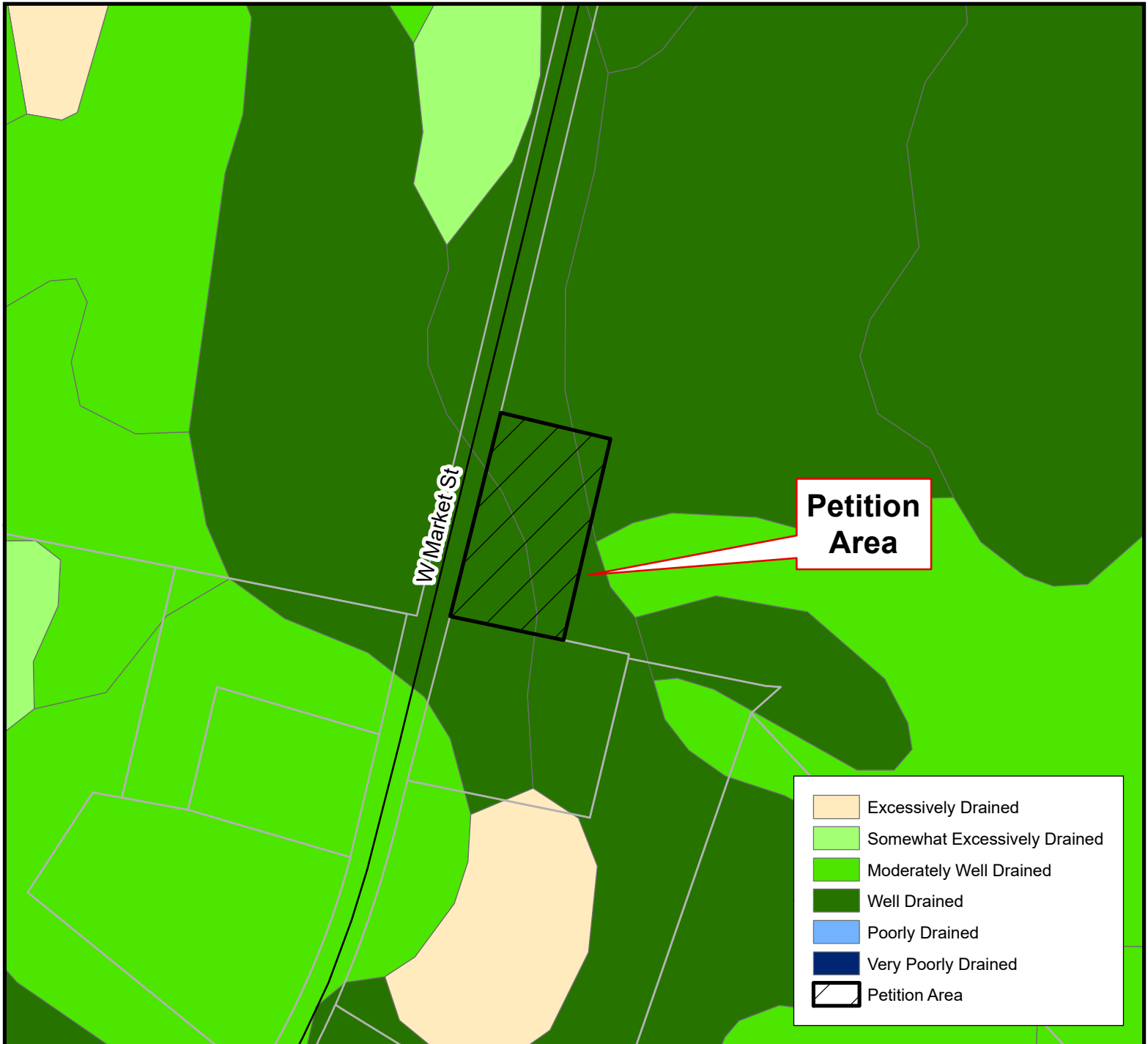
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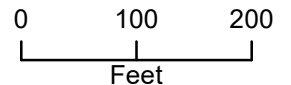
REZONING CASE NO. 444
A-1 Agricultural to C-2 General Commercial
Tax Map: 63, Parcel 106



SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023



Source: 2007 Soil Survey

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

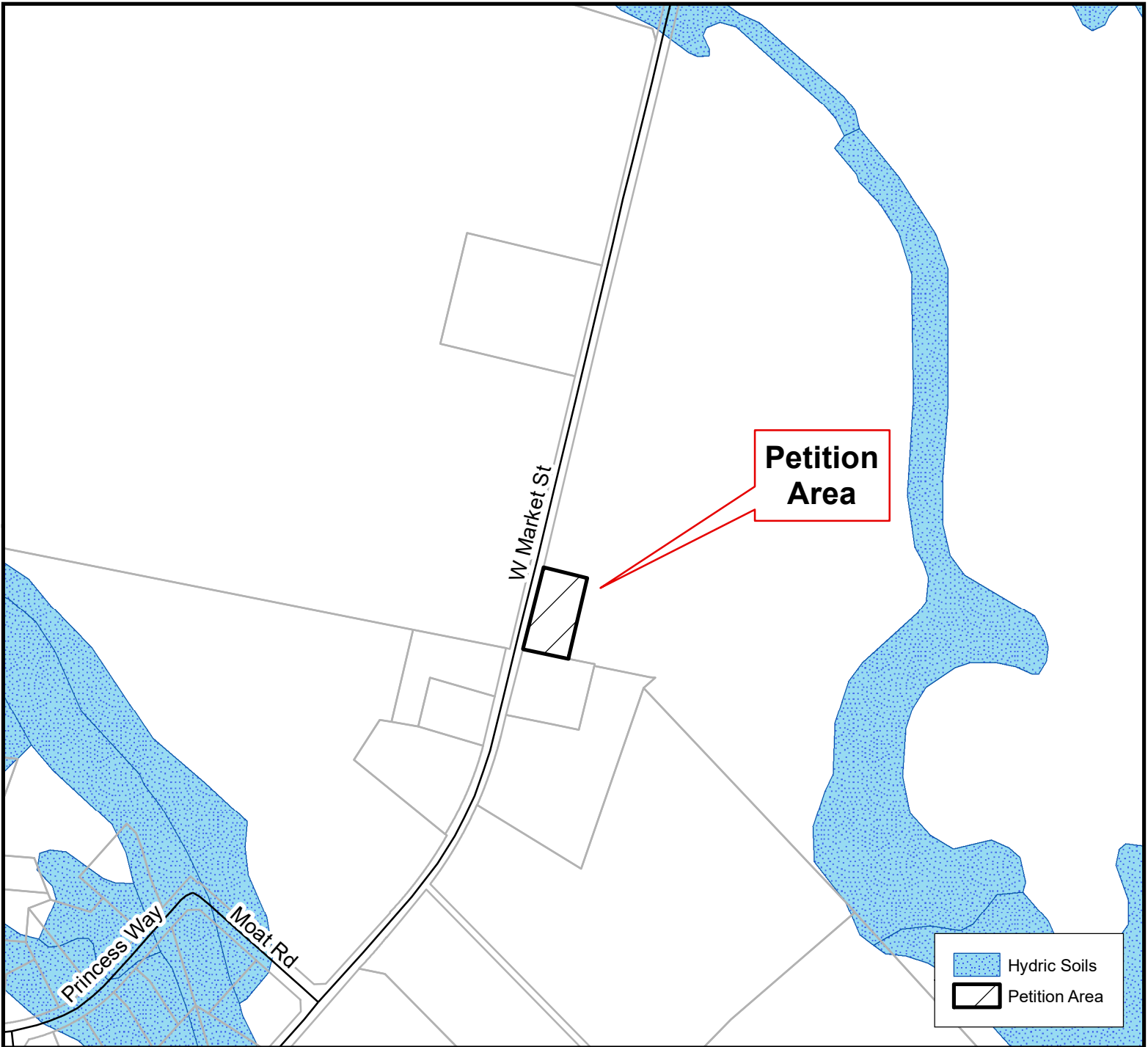
WORCESTER COUNTY, MARYLAND



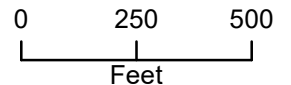
REZONING CASE NO. 444
A-1 Agricultural to C-2 General Commercial
Tax Map: 63, Parcel 106



HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023



Source: 2007 Soil Survey

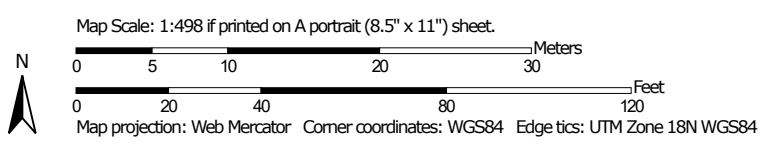
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

Soil Map—Worcester County, Maryland



Soil Map may not be valid at this scale.




MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Worcester County, Maryland
 Survey Area Data: Version 20, Sep 14, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 30, 2022—Jul 4, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
FmB	Fort Mott loamy sand, 2 to 5 percent slopes	0.5	56.1%
HbB	Hambrook sandy loam, 2 to 5 percent slopes	0.3	35.7%
SadA	Sassafras sandy loam, 0 to 2 percent slopes, Northern Tidewater Area	0.1	8.2%
Totals for Area of Interest		0.9	100.0%



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

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMORANDUM

To: Harold Higgins, Chief Administrative Officer
From: Edward A. Tudor, Director, DRP *EAT*
Date: July 11, 2019
Re: Town of Snow Hill – Summerfield Deannexation, aka detachment

I am in receipt of the attached resolution of the Mayor and Council of Snow Hill whereby they have officially detached from the Town limits all of the lands that were annexed by the Town in the 2006 Summerfield Annexation. This action returns all the lands to the County's jurisdiction for planning and zoning purposes, etc. I have confirmed with the County Attorney that these lands come back to the County's jurisdiction in the same zoning categories in which they left. This is also consistent with the zoning of all the surrounding properties. I believe the Town will be taking future action to ask for revision to the County Water and Sewer Plan to remove their planned service for the detached area. No action is required by the County Commissioners at this time.

If you have any questions please let me know.

Attachment

cc: Maureen Howarth, County Attorney
Phyllis Wimbrow, Deputy Director
Jennifer Keener, Zoning Administrator
Bob Mitchell, Director, Department of Environmental Programs



MAYOR AND COUNCIL OF SNOW HILL

**RESOLUTION NO. 2019- 01
CHARTER AMENDMENT**

**FOR THE PURPOSE OF AMENDING THE DESCRIPTION OF THE CORPORATE
BOUNDARIES OF THE TOWN OF SNOW HILL BY DELETING §3(e)
TO DETACH CERTAIN PROPERTIES
FROM THE CORPORATE BOUNDARIES**

A RESOLUTION BY THE MAYOR AND COUNCIL OF SNOW HILL, a municipal corporation in the State of Maryland (hereinafter "the Town of Snow Hill"), which Resolution is adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Subtitle 3, Title 4 of the Local Government Article of the Annotated Code of Maryland for the purpose of amending §3 of the Charter of the Town of Snow Hill (hereinafter "the Town Charter").

WHEREAS, pursuant to Maryland Code Annotated, Local Government Article § 4-103(b)(3), the Council of the Town of Snow Hill (hereinafter "the Town Council") has been granted the authority to enact and adopt ordinances, resolutions or bylaws necessary to exercise the authority of the municipality; and

WHEREAS, the Town has received a request for deannexation, also known as detachment (hereinafter "detachment"), of certain parcels of property (hereinafter "the Detached Property," more particularly described below) lying within the property currently described within the Town's corporate boundaries by description set forth in §3(e) of the Town Charter, known as "the Summerfield Annexation;" and

WHEREAS, the Attorney General of Maryland has stated that Maryland municipalities are authorized by Article XIE of the Maryland Constitution to revise their boundaries in order to detach real property lying within municipal boundaries, See 72 Opinion of the Attorney General 200 (1987); 41 Opinion of the Attorney General 133; and

WHEREAS, neither Town water nor Town sewer services have been extended to the Detached Property; and

WHEREAS, the Town Council has determined that the passage of this Resolution will benefit the general welfare of the Town of Snow Hill;

WHEREAS, the Town Council gave at least twenty-one (21) days advance notice of the public hearing held on adoption of this Resolution and the amendment to the Charter contained herein;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council, in regular session assembled:

SECTION I: That §3(e), be repealed and reenacted as follows (with the capitalized and underlined language inserted as amended language and the boldened and struck-through language deleted through this amendment):

On December 13, 2005, a resolution of the Mayor and Council of Snow Hill was passed which annexed a certain area of land situated contiguous to and binding upon the southerly corporate limits of the Town of Snow Hill. The effective date of the resolution is January 27, 2006. This land known as the "Summerfield Annexation" is described as follows: [Added 12-13-2005 by Res. No. 2005-5]

ON May 14, 2019, A RESOLUTION OF THE MAYOR AND COUNCIL OF SNOW HILL WAS PASSED WHICH DETACHED A CERTAIN AREA OF LAND SITUATED CONTIGUOUS TO AND BINDING UPON THE SOUTHERLY CORPORATE LIMITS OF THE TOWN OF SNOW HILL. THE EFFECTIVE DATE OF THE RESOLUTION IS May 14, 2019. THIS LAND KNOWN AS THE "SUMMERFIELD ANNEXATION" IS DESCRIBED AS FOLLOWS: [ADDED 12-13-2005 BY RES. NO. 2005-5; WHICH RESOLUTION WAS SUPERSEDED AND WHICH PARCEL WAS DETACHED BY RES. NO. 2019-]

Beginning for this description at a point on the southeasterly shoreline of the Pocomoke River, said point being the northwesterly corner of lands now or formerly of Mark R. Odachowski, deed reference: Liber S. V. H. 4269, Folio 25 et. seq.; thence along the lands now or formerly of Mark R. Odachowski, the following sixteen courses: 1) S 31° 53' 17" E - 851.13' to a point; thence 2) N 80° 21' 43" E - 1430.88' to a point; thence 3) S 71° 00' 17" E - 706.86' to a found concrete monument; thence 4) N 26° 51' 54" E - 643.50' to a point; thence 5) N 22° 36' 54" E - 937.20' to a point; thence 6) N 16° 23' 27" E - 791.35' to a found concrete monument; thence 7) N 81° 23' 27" E - 453.75' to a point; thence 8) N 36° 06' 31" E - 135.34' to the center of a branch and the present Snow Hill corporate limit line; thence 9) S 35° 22' 46" E - 21.69' to a point; thence 10) N 73° 55' 17" E - 30.52' to a point; thence 11) S 47° 48' 54" E - 38.61' to a point; thence 12) S 71° 28' 27" E - 39.41' to a point; thence 13) S 89° 11' 09" E - 48.09' to a point; thence 14) S 31° 21' 48" E - 55.83' to a point; thence 15) S 54° 44' 25" E - 57.81' to a point; thence 16) S 10° 14' 42" E - 45.76' to a point; thence by with lands now or formerly of Mark R. Odachowski, deed reference Liber S. V. H. 4044, Folio 484, the following twelve courses: 1) N 45° 32' 36" E - 96.47' to a twin maple tree; thence 2) S 17° 42' 11" E - 296.27' to an iron axle found, passing through an iron pipe found a distance of 106.22' from said twin maple tree; thence 3) S 41° 42' 19" E - 271.50' to a found concrete monument, passing through an iron rod found a distance of 194.58' from said iron axle; thence 4) N 81° 02' 30" E - 346.21' to a found concrete monument at or near the northwesterly line of Maryland Route 394; thence 5) along said Maryland Route 394, with a curve to the right, having a radius of 1870.00', with an arc length of 21.26' to a point, thence 6) S 01° 12' 06" W - 13.80' to a point; thence 7) S 81° 00' 56" W - 265.50' to a point; thence 8) S 16° 27' 36" W - 170.30' to a point; thence 9) S 46° 00' 56" W - 104.50' to a point; thence 10) S 05° 24' 56" W - 173.00' to a point; thence 11) S 23° 33' 56" W - 25.00' to a point; thence 12) S 73° 12' 44" E - 417.30' to a found concrete monument; thence along the northwesterly line of Maryland Route 394, N 01° 12' 06" E - 561.18' to a point; thence across said Maryland Route 394 along the present Snow Hill corporate limit line the following three courses: 1) S 32° 27' 31" E - 77.33' to a point; thence 2) N 84° 09' 29" E - 41.30' to a point; thence 3) S 68° 35' 31" E - 1522.77' to a point; thence by with lands of the Board of Education of Worcester County, Maryland, deed reference Liber F. W. H. 466, Folio 516 et. seq., the following two courses: 1) S 35° 27' 52" E - 742.10' to a point; thence 2) S 37° 19' 14" W - 988.81' to a found concrete monument; thence along the lands now or formerly of Mark Reid Odachowski., deed reference Liber S. V. H. 3918, Folio 428 et. seq., S 45° 24' 44" E - 2260.26' to a found concrete monument; thence along the lands now or formerly of Edwin M. and Gail M. Shockley, deed reference Liber 2080, Folio 495; thence S. 82° 23' 30" E - 3.00' to a point; thence along the lands now or formerly of Mark Reid Odachowski, deed reference Liber S. V. H. 3918, Folio 428, S. 07° 36' 30" W. - 2785.22' to a point on the northwesterly line of U. S. Route 113; thence along the northwesterly line of U.S. Route 113 the following nineteen courses: 1) S. 49° 38' 53" W - 529.96 to a point; thence 2) S 45° 04' 27" W - 150.48' to a point; thence 3) S 52° 10' 01" W - 156.31' to a point; thence 4) N 43° 32' 02" W - 122.56' to an iron bar found; thence 5) S 48° 01' 58" W - 510.18' to a point; thence 6) S 03° 13' 02" E - 103.47' to a point; thence 7) S 52° 09' 59" W - 128.13' to a point; thence 8) S 52° 03' 28" W - 132.73' to a point; thence 9) S 47° 48' 55" W - 292.89' to a point;

thence 10) S 55° 45' 26" W - 683.83' to a point; thence 11) S 68° 51' 27" W - 366.42' to a point; thence 12) S 68° 51' 28" W - 74.38' to a point; thence 13) S 50° 14' 33" W - 152.16' to a point; thence 14) S 73° 11' 33" W - 683.46' to a point; thence 15) S 73° 58' 44" W - 146.00' to a point; thence 16) N 69° 44' 25" W - 70.56' to a point; thence 17) N 68° 24' 09" W - 50.30' to a point; thence 18) N 42° 27' 55" W - 98.00' to a point; thence 19) N 53° 25' 39" W - 57.89' to the northeasterly line of Castle Hill Drive; thence along the northeasterly line of Castle Hill Drive, the following four courses: 1) N 42° 06' 32" W - 485.89' to a point; thence 2) N 42° 00' 21" W - 634.96' to a point; thence 3) N 42° 29' 03" W - 922.95' to a point; thence 4) N 42° 13' 14" W - 274.33' to a point; thence across Maryland Route 394 to the northwesterly line of Maryland Route 394, N 42° 13' 14" W - 40.25' to a point; thence along the northwesterly line of Maryland Route 394, the three following courses: 1) N 41° 25' 03" E - 919.28' to a point; thence 2) N 41° 31' 54" E - 882.66' to a point; thence 3) N 41° 21' 39" E - 60.90' to a point; thence along the lands now or formerly of Summerfield Farms, L.L.C., deed reference Liber S. V. H. 4352, Folio 418 et. seq., and along the northerly line of Castle Way, the five following courses: 1) S 86° 32' 15" W - 44.80' to a point; thence 2) N 48° 27' 45" W - 455.00' to a point; thence 3) S 41° 32' 15" W - 5.00' to a point; thence 4) N 48° 27' 45" W - 29.96' to a point; thence 5) S 41° 35' 27" W - 125.17' to a point; thence continuing along the lands of said Summerfield Farms, L.L.C. and Castle Hill Estates Subdivision the following ten courses: 1) N 21° 49' 28" W - 96.79' to a point; thence 2) N 17° 00' 02" W - 89.87' to a point; thence 3) N 21° 02' 57" W - 47.58' to a point; thence 4) N 43° 40' 28" W - 39.27' to an iron rod found; thence 5) S 41° 35' 27" W - 210.81' to a point; thence 6) S 48° 24' 33" E - 94.65' to a point; thence 7) S 41° 35' 27" W - 55.00' to an iron rod found; thence 8) N 72° 25' 33" W - 123.03 to an iron rod found; thence 9) N 21° 33' 30" W - 132.34' to a point; thence 10) N 85° 20' 18" W - 203.47' to an iron rod found on the easterly line of Tower Drive; thence along the easterly line of Tower Drive, N 04° 39' 53" E - 1.93' to a point; thence along the line of Tower Drive, with a curve to the left, with a radius of 50.00' and an arc of 52.70' to an iron rod found; thence along the lands now or formerly of Thomas W. Stevenson, Jr., deed reference Liber S.V.H. 2949, Folio 6 et. seq., the following three courses: 1) N 48° 11' 04" E - 81.71' to an iron rod found; thence 2) N 19° 33' 44" E - 189.87' to an iron rod found; thence 3) N 85° 22' 59" W - 103.61' to an iron rod found; thence along the lands now or formerly of Robert Rider and William Farlow, deed reference Liber F.W.H. 438, folio 334, the three following courses: 1) N 70° 18' 58" W - 124.37' to a found concrete monument; thence 2) S 19° 39' 38" W - 199.69' to an iron rod found; thence 3) S 50° 51' 56" E - 95.76' to a point; thence along the northwesterly line of Tower Drive with a curve to the right, having a radius of 50.00' and an arc distance of 82.12' to a point; thence along the said Castle Hill Estates Subdivision, N 85° 23' 30" W - 200.00' to a point; thence along the lands now or formerly of Mark R. Odachowski, deed reference Liber S.V.H. 4269, Folio 25 et. seq., the eleven following courses: 1) S 04° 36' 30" W - 400.00' to a found concrete monument; thence 2) N 56° 14' 17" W - 571.29' to a point; thence 3) N 47° 06' 17" W - 231.00' to a point; thence 4) N 72° 06' 17" W - 195.52' to a point; thence 5) N 49° 36' 17" W - 320.10' to a point; thence 6) N 28° 28' 17" W - 165.00' to a point; thence 7) N 33° 46' 17" W - 330.00' to a point; thence 8) N 37° 31' 17" W - 198.00' to a point; thence 9) N 48° 01' 17" W - 80.86' to an iron pipe found; thence 10) N 87° 56' 17" W - 1223.64' to a point; thence 11) N 59° 06' 17" W - 481.73' to the easterly shoreline of the Pocomoke River; thence along the easterly shoreline of the Pocomoke River in a northeasterly direction to the place of beginning, said point of beginning bearing N 23° 28' 38" E - 2669.73' From the last point.
Containing 966.66 acres more or less.

BE IT FURTHER RESOLVED that the aforementioned and described land being detached from the corporate boundaries of the Town of Snow Hill shall be zoned by Worcester County.

BE IT FURTHER RESOLVED that the aforementioned and described land shall upon the effective date of this resolution no longer receive any services from the Town of Snow Hill.

SECTION II: That the date of the adoption of this Resolution is May 14, 2019 and that the amendment to the Town Charter of the Town of Snow Hill hereby proposed by this enactment, shall be and

become effective on May 19, 2019 or, forty (40) days from the date of adoption, unless a petition for a referendum satisfying the requirements of Maryland Code Annotated, Local Government Article § 4-304(d) shall be filed by May 19, 2019 or, within forty (40) days from the date of adoption. An exact copy the Amendment shall be posted in the Town offices for forty (40) days following adoption of this Resolution and a fair summary of this Resolution shall be published in a newspaper having general circulation in the Town not less than four (4) times at weekly intervals within forty (40) days of the date of adoption.

SECTION III: That, within ten (10) days after the Charter Amendment hereby enacted becomes effective, either as herein provided or following a referendum, the Clerk shall send separately to the Department of Legislative Services, the following information concerning the Charter Amendment: (1) the complete text of this Resolution; (2) the date of referendum election, if any, held with respect thereto; (3) the number of votes cast for and against this Resolution by the Town Council or in a referendum; and (4) the effective date of the Charter Amendment.

SECTION IV: That the Clerk be, and he/she is specifically enjoined and instructed to carry out the provisions of Sections II and III, and as evidence of compliance herewith, the said Clerk shall cause to be affixed to the Minutes of this meeting: 1) an appropriate certificate of publication of the newspaper in which the fair summary of the Amendment shall have been published; and, 2) records of mailing referred to in Section 3 and shall further complete and execute a Certificate of Compliance.

INTRODUCED by the Town Council, at a Regular Meeting on May 14, 2019, at which meeting copies were available to the public for inspection.

ADOPTED by the Town Council, at a Regular Meeting on May 14, 2019, at which meeting copies were available to the public for inspection.

ATTEST:


Patricia Goodsell
Asst Town Manager

MAYOR AND COUNCIL
OF SNOW HILL


STEPHEN MATHEWS, Mayor


ALISON GADOUA, Councilmember


JENNY HALL, Councilmember


LATOYA PURWELL, Councilmember



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

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

February 13, 2019

Booth, Booth, Cropper & Marriner, P.C.
c/o Hugh Cropper, IV, Esquire
9923 Stephen Decatur Hwy, #D-2
Ocean City, MD 21842

Re: Town of Snow Hill de-annexation request for zoning classification

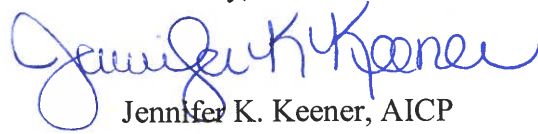
Dear Hugh:

I have reviewed your letter dated January 30, 2019 regarding the potential de-annexation of certain properties in the southerly portion of the town limits of Snow Hill. In discussion of this matter with Ed Tudor, Director, and Maureen Howarth, County Attorney, we are of the opinion that if there is a de-annexation of land, any property so included shall be received into the county with the county zoning designation that they had at the time of annexation.

As you should be aware, the properties were annexed prior to the most recent Comprehensive Rezoning and updated Zoning ordinance. Therefore, the applicable zoning designations are as shown on the official 1992 Zoning Maps (Map No. 63 and 71). Market Street is the boundary for the two main zoning classifications. Those properties on the easterly side of Market Street, including those owned by the Powell Family and the Holland Family, were zoned A-1 Agricultural District. Those properties on the westerly side of Market Street, including those now owned by Mr. and Mrs. Odachowski, were zoned R-1 Rural Residential District. In addition, there are small portions of land that were in the former C-1 Conservation District, which is the equivalent to the reclassified RP Resource Protection District, therefore those segments of land would be assigned to the RP District. I have attached copies of the 1992 zoning maps with the identified properties outlined and their associated zoning district for your reference.

While I appreciate your offer to forward any draft documents to me relative to the de-annexation process, these would best be addressed directly to my director, Ed Tudor. If you have any questions relative to this information or the attached zoning maps, please do not hesitate to contact me at (410) 632-1200, extension 1123.

Sincerely,



Jennifer K. Keener, AICP
Zoning Administrator

Enclosure

cc: Ed Tudor, Director
Phyllis Wimbrow, Deputy Director
Maureen Howarth, County Attorney
Harold Higgins, CAO
Kelly Shannahan, Asst. CAO
file