

**WORCESTER COUNTY PLANNING COMMISSION  
MEETING MINUTES – September 1, 2022**

**Meeting Date:** September 1, 2022

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

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

**Attendance:**

**Planning Commission**

Jerry Barbiéri, Chair  
Mary Knight, Secretary  
Ken Church  
Brooks Clayville  
Marlene Ott  
Betty Smith

**Staff**

Jennifer Keener, Director, DRP  
Gary Pusey, Deputy Director, DRP  
Kristen M. Tremblay, Zoning Administrator  
Stu White, DRP Specialist  
Robert Mitchell, Director, Environmental Programs  
Roscoe Leslie, County Attorney

**I. Call to Order**

**II. Administrative Matters**

**A. Review and approval of minutes, August 4, 2022**

As the first item of business, the Planning Commission reviewed the minutes of the August 4, 2022 meeting.

**A motion was made by Ms. Ott, seconded by Ms. Knight, and carried unanimously.**

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

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for September 8, 2022. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

**C. Technical Review Committee Agenda, September 14, 2022**

As the next item of business, the Planning Commission reviewed the agenda for the Technical Review Committee meeting scheduled for September 14, 2022. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Committee.

**III. Site Plan Review §ZS1-325**

**Diakonia**

As the next item of business, the Planning Commission reviewed the site plan submittal for Diakonia. The site plan illustrates the proposed construction of a retail, office, storage, and conference building in addition to 48 one-bedroom housing units. The proposed project is located

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at 9601 Stephen Decatur Highway, Ocean City, MD, Tax Map 26, Parcels 292 & 365, Tax District 10, C-2 General Commercial District. Diakonia, Inc., is the owner of the property and Carpenter Engineering, LLC, is the engineer for the project. Scott Evans and Ronnie Carpenter were present for the review.

Mr. Evans introduced the project and described the scope of the proposal. He stated that the housing units would require a minimum one-year occupancy for the residents. Mr. Carpenter requested a reduction in parking requirements as the estimated parking for residents would be minimal. He also stated that the required EDUs have not been procured yet as they are waiting for Planning Commission approval and the results of the wetland impact study.

Mr. Evans then described the architectural design features for the facilities buildings. He explained to the Planning Commission that the architecture was designed within the spirit of the Worcester County Design Guidelines and Standards. He asked for waivers for the flat roof design and architectural detail requirements as the buildings are designed to fit the Seaside Architectural style. He explained that the main entrance to the retail/office buildings is closest to the parking area to on the north side, located within a recess of the first building. He also stated that the plan meets all pedestrian requirements and that there is a common space between the two (2) retail/office buildings as well as open gathering spaces throughout the site.

Ms. Tremblay added that the remaining Zoning Code requirements will be addressed after the Planning Commission rules on the proposal. Mr. Mitchell also added that if approved, it should be conditional on acquisition of the remaining required EDUs.

**After discussion, a motion favoring the site plan was made by Ms. Ott, seconded by Mr. Wells, and carried unanimously by the Planning Commission to conditionally approve the project with regard to staff comments.**

**IV. Residential Planned Community (RPC) Site Plan Review §ZS1-325**

**Sea Oaks Phase II**

As the next item of business, the Planning Commission performed the Step II review of Phase 2 of Sea Oaks Village RPC. The project consists of 76 townhome units and ‘active recreation courts.’ It is located on the west side of MD Route 611 (Stephen Decatur Highway) on Sea Oaks Lane, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, in the R-3 Multi-Family Residential. Sea Oaks Village, LLC is the owner of the property and Carpenter Engineering, LLC, is the engineer for the project. Steve Murphy and Ronnie Carpenter were present for the review.

Mr. Carpenter introduced the project and described the scope of the proposal. He added that the proposal consists of two (2) loop roads and contains seven (7) parking spaces designated for the

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amenities. Ms. Tremblay added that any remaining Zoning Code requirements would be addressed after the Planning Commission rules on the proposal.

**After discussion, a motion favoring the site plan was made by Ms. Knight, seconded by Ms. Smith, and carried unanimously by the Planning Commission to conditionally approve the project with regard to staff comments.**

**V. Text Amendment**

**VI. County Project**

**Lewis Road Pumping Station**

**VII. Amendment of the Worcester County Comprehensive Plan for Water and Sewerage Systems**

As the next item of business, the Planning Commission reviewed an application associated to expand the Pocomoke City sewer planning area to serve a single property, the Royal Farm store located just south of the Virginia state line in New Church Virginia in the *Master Water and Sewerage Plan (The Plan)*. Royal Farms, submitted the amendment and were represented by Mark Cropper. Robert Mitchell, Director of Environmental Programs presented the staff report to the Planning Commission.

Mr. Mitchell explained that the applicant requests the inclusion of the store's flow, estimated at 2,250 gpd, in the sewer planning area of Pocomoke City. This flow would amount to nine (9) EDUs of flow according to the Town's planning figures. He indicated that this is essentially the same application as the one the Town submitted in 2021, this time with a different applicant, Royal Farms. The store will connect to a previously installed line completed in 2010 that serves the Virginia Rest Area Plaza, which is also located in New Church, Virginia, south of this property. That plaza tied into an existing force main that runs south from the corporate limits of Pocomoke City to the Virginia state line. Mr. Mitchell added the amendment for that prior connection was approved in 2010 under Worcester County Commissioner Resolution No. 10-11. That amendment also provided for the sewer main widening project that would assist with the delivery of sewage from the southern end of the Town's service area to the plant.

Mr. Mitchell further explained that the current onsite septic system serving the property has failed and the option for repair is limited to a connection to public sewer. He noted that the Pocomoke City Wastewater Treatment Plant (WWTP) is already receiving their sewage as part of their septage receiving flow as the store is on a pump-and-haul arrangement at the present time. That use of the current septic system as a holding tank which needs pumping out every few days is a costly expense for the store's owner. The lack of a sufficient septic repair option is why the Royal Farms ownership group is applying for this amendment. The corporation will pay all infrastructure, connection, and associated town charges for this sewer hookup. Besides the visitor's center, this

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is the only location over the Virginia line that the town will support a tie-in to their WWTP. The transmission line is currently designated as a restricted access line and this amendment requests that designation remain, save for the addition of the subject property.

Mr. Mitchell added that he also provided the Rt 13 Utility Contract for Sewer Service between Virginia Department of Transportation (VDOT) and Pocomoke City to the Planning Commission before the meeting. That contract details how the original connection was made for the Visitor's Center. County staff also provided with the application a letter from the Town indicating support of this proposed connection, reasoning for their support of the connection, and includes the proposed contract for connection between the Town and Royal Farms.

Mr. Cropper introduced himself and indicated to the Planning Commission that he was here representing the applicant, Royal Farms. He introduced Chris Bollino, Royal Farms construction manager and Jeremy Mason, City Manager for the Town of Pocomoke City. He indicated that the 2021 amendment failed at the County Commissioner public hearing on a 3-3 tie. He further explained that Commissioner Church was not present for that hearing, and would like the opportunity to be heard on this matter. Mr. Cropper explained to the Planning Commission that the amendment was in conformance with the County Comprehensive Plan and the Town's plan, the same as the last amendment. He said the Town does receive this sewage currently via pump and haul by sewage trucks delivering to the Town's wastewater plant. He indicated that the pipe is already in the ground in front of the store, the pipe is sized for the addition of this store, everyone knows this works, and that it's just a matter of the County Commissioners approving this amendment

Mr. Cropper introduced Chris Bollino, construction manager for Royal Farms. He asked if everything was the same as before, Mr. Bollino responded it was. He asked Mr. Mason, City Manager, if everything was the same as before, Mr. Mason responded it was. He asked if the Town agreed with this connection and Mr. Mason indicated it was and referenced the letter from his office that is in the application packet. He also indicated that the Town wanted to modify the existing agreement with VDOT and VDOT has approved this connection by virtue of the connection permit approval.

Mr. Cropper introduced Jeff Harman of Becker Morgan to explain specifics involved with the connection. Mr. Harman indicated that the sewer force main running by the store is currently utilizing 18% of its capacity, the store would take another 10% of the line's capacity, leaving over 70% of the capacity for the remaining customers along the main route. Mr. Cropper stated that the owners of the Royal Farms store had replaced the system twice and could not replace the system again on the property. Due to the expenses in hauling multiple loads to the Town's plant, if they cannot secure this connection, they will have to shut down the store that has been there 29 years and lay off the 40 employees, many who are from the Pocomoke City area.

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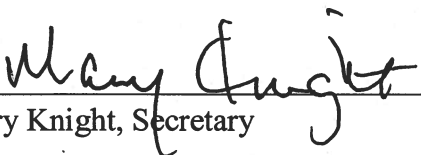
Mr. Cropper handed out an exhibit for the Planning Commission and staff that depicted the store location and environmental features adjacent to the property. They indicated drainage from the store's property would flow to Worcester County to Pitts Creek, a tributary of the Pocomoke River. Mr. Harman said that eliminating the threat of surface runoff to the creek and ending the pump and haul trips to the wastewater plant, up to four (4) times a week, would be a benefit to the local environment.

Mr. Cropper finished his presentation by stating this amendment was favorable with the Comprehensive Plan. He added positive economic talking points regarding this potential connection: that Royal Farms has invested millions of dollars in Worcester County for their existing properties and was a large employer of county residents. Regarding similar instances of cross-border service, Mr. Cropper mentioned that there are over 250 residential properties in northern Worcester County served by Delaware treatment plants, that have an assessed value of tens of millions of dollars. He closed by asking for a favorable recommendation as was done in the prior amendment by the Planning Commission.

The Planning Commission members did have a few comments. Mr. Barbierrri, Chairman, indicated that he was concerned about the accidents in the Rt 13 corridor and didn't like the idea of multiple truckloads a week from this store traversing those heavily travelled roads. Mr. Wells said he objected to the connection to the Virginia store. He said others would try to connect and if this continues then Virginia needs to establish a sewer service in the area. He also added that it would take capacity from the Pocomoke wastewater plant.

Following the discussion, a motion was made by Ms. Ott, seconded by Ms. Knight, to find this application consistent with the *Comprehensive Plan* and recommended that they forward a favorable recommendation to the County Commissioners. The vote was 4-2 with Commissioners Clayville and Wells opposed.

**VIII. Adjourn** – A motion to adjourn was made by Ms. Ott and seconded by Ms. Smith.

  
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Mary Knight, Secretary

  
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Stuart White, DRP Specialist

