

AGENDA

WORCESTER COUNTY COMMISSIONERS

Worcester County Government Center, Room 1101, One West Market Street, Snow Hill, Maryland 21863

The public is invited to view this meeting live online at - <https://worcestercountymd.swagit.com/live>
Meeting Attendees are required to wear face coverings and practice social distancing.

April 20, 2021

| | Item # |
|--|--------|
| 9:00 AM - Vote to Meet In Closed Session in Commissioners' Meeting Room - Room 1101 Government Center, One West Market Street, Snow Hill, Maryland | |
| 9:01 - Closed Session: Discussion regarding the hiring of a Roads Worker II and a Grounds Utility Mechanic in Public Works, and certain personnel matters; receiving legal advice from Counsel; and performing administrative functions | |
| 10:00 - Call to Order, Prayer (Pastor Tonya McClain), Pledge of Allegiance | |
| 10:01 - Report on Closed Session; Review and Approval of Minutes of April 4, 2021 Meeting and April 13, 2021 Budget Work Session | |
| 10:05 - Chief Administrative Officer: Consent Agenda (Service Road Removal Public Hearing Request, Diakonia Renovations Bid Acceptance, Housing Rehab Septic Bid Acceptance, Housing Rehab Bid Acceptance, CDBG COVID Grant Public Hearing Request, Rezoning Case 429 Public Hearing Request, Rezoning Case 430 Public Hearing Request, Law Enforcement Assistance Grant Application Request) | 1-8 |
| 10:10 - Chief Administrative Officer: Administrative Matters (Upcoming Board Appointments, Broadband Presentations, Request to Form Broadband Committee, Grant Agreement for BAT Septic Systems, OC Library Roof Replacement Bid Acceptance, Landfill Leachate Disposal at Newark WWTP, Fire Funding Committee Update) | 9-16 |
| 10:20 - | |
| 10:30 - Appeal Hearings for Nuisance Abatement No. 20-3 and 21-1 | 18-19 |
| 10:45 - Legislative Session: Introduction of Bill on Agritourism, Introduction of Bill on Public Safety - Animal Control, Introduction of Bill on Zoning - Commercial Kennel, Introduction of Bill on Off-Premises Signs - Billboards, and Introduction of Bill on Cooperative Campgrounds - Spaces Above First Floor Elevations | 20-24 |
| 10:50 - | |
| 11:00 - | |
| 11:30 - Questions from the Press; County Commissioner's Remarks | |
| 12:00 - Closed Session: Director of Public Works Interviews | |
| Lunch | |
| 1:00 PM - Chief Administrative Officer: Administrative Matters (If Necessary) | 9-16 |

AGENDAS ARE SUBJECT TO CHANGE UNTIL THE TIME OF CONVENING

Hearing Assistance Units Available - see Weston Young, Asst. CAO.
Please be thoughtful and considerate of others.
Turn off your cell phones & pagers during the meeting!

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Minutes of the County Commissioners of Worcester County, Maryland

April 6, 2021

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

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the Commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Meeting Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions, permitted under the provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Harold L. Higgins, Assistant Chief Administrative Officer Weston Young, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Human Resources Director Stacey Norton; Finance Officer Phil Thompson, and Information Technology Director Brian Jones. Topics discussed and actions taken included the following: hiring Thomas West and Dave Waters and rehiring Denny Price as part-time, temporary Roads Workers; hiring David Lockwood as a Roads Worker III and transferring Anthony Ruggerio from Vehicle and Equipment Mechanic to Roads Worker III within the Roads Division and Cordelia Adkins as a Landfill Operator II within the Solid Waste Division of Public Works; hiring Chelsea Street and Brandon Hinkhaus as Emergency Communications Specialist Trainees in Emergency Services and Candace Savage as Budget Officer in Administration, and certain personnel matters; acknowledging the hiring of Brian Connell, Eric Lee and Jonathan Adams as part-time Deputy Sheriff's within the Sheriff's Office and Brookes Caswell as an Office Assistant IV within the State's Attorney's Office; receiving legal advice from counsel; and performing administrative functions, including receiving an FY21 monthly financial update, and discussing potential board appointments.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the Commissioners unanimously voted to adjourn their closed session at 9:42 a.m.

After the closed session, the Commissioners reconvened in open session. Commissioner Mitrecic called the meeting to order, and following a morning prayer by Pastor George Tasker of the Abundant Life Apostolic Church in Pocomoke and pledge of allegiance, announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the March 16, 2021 open session minutes as presented and closed session minutes as amended, and they also approved the minutes of their March 23 budget work session as presented.

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The Commissioners presented a years-of-service commendation to retiring Public Works Director John Tustin, recognizing his 36 years of dedicated service to Worcester County Government and highlighting the impact his contributions have had in the development of infrastructure projects that have helped to shape Worcester County.

The Commissioners presented proclamations to Diakonia Executive Director Bee Miller and Housing Program Administrator Jo Ellen Bynum recognizing April as Fair Housing Month in Worcester County to celebrate the passage of the Fair Housing Act of 1968, noting that illegal barriers to equal opportunity in housing, no matter how subtle, diminish the rights of all; while open, welcoming communities are vibrant and provide residents of all backgrounds with access to quality schools, and increased opportunities for self sufficiency and economic growth.

The Commissioners presented a proclamation to Health Officer Becky Jones and several members of her staff recognizing the week of April 5-11, 2021 as Public Health Week in Worcester County. Ms. Jones encouraged the Commissioners and members of the public to participate in the virtual Public Health Week Conference, Building Bridges to Better Health & Wellness, on April 7 and the Spring Into Wellness Walk and Scavenger Hunt at Byrd Park in Snow Hill, Cypress Park in Pocomoke, and Stephen Decatur Park in Berlin from April 10-11.

The Commissioners presented proclamations to CRICKET Center Executive Director Wendy Myers, Sheriff Matthew Crisafulli, State's Attorney Kris Heiser, and Department of Social Services (DSS) Director Roberta Baldwin and several members of her staff recognizing April as National Child Abuse Prevention Month in Worcester County and encouraging residents to remain aware and involved, so that abuse and neglect can be detected early or prevented from occurring entirely.

The Commissioners presented a proclamation recognizing April 11 - 17, 2021 as National Public Safety Telecommunicators Week in Worcester County to Emergency Services Director Billy Birch and several members of the 911 team. The Commissioners commended the County's Emergency Communications Specialists who are the first line of help for those calling the 911 Center and thanked them for their diligence and professionalism.

The Commissioners conducted a public hearing on a Comprehensive Water and Sewerage Plan amendment submitted by Wave Holdings, LLC on behalf of the owner, Margaret Bunting. Environmental Programs Director Bob Mitchell reviewed the amendment, which would expand the sewer planning area for the Ocean Pines Sanitary Service Area (SSA) to include an entire 11.5-acre property located on the east side of MD Rt. 589, north of the intersection with Gum Point Road and more specifically identified on Tax Map 21 as Parcel 72. Mr. Mitchell advised that the proposed amendment seeks to change the sewer and water planning area designations from S-6/W-6 (no planned service) to S-1/W-1 (present to two years) to serve the proposed 78,800 square-foot commercial development, which will consist of a restaurant, car wash, office, retail, and contractors' shops. He concluded that the Planning Commission found the proposed amendment to be consistent with the County's Comprehensive Development Plan and granted the application a favorable recommendation.

Commissioner Mitrecic opened the floor to receive public comment.

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Attorney Hugh Cropper concurred with the findings of the Planning Commission and County staff and asked the Commissioners to accept these findings as his testimony also.

John Salm of JW Salm Engineering advised that the majority of the property is zoned C-2, and the proposed amendment is consistent with the Comprehensive Plan, noting that this property is surrounded on three and one half sides by sewer service from Ocean Pines. From an engineering standpoint, he advised that the expansion is feasible.

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

Upon a motion by Commissioner Bertino, the Commissioners unanimously approved Resolution No. 20-7 to amend the Comprehensive Water and Sewerage Plan and for the reclassification and expansion of the sewer and water planning areas of the Ocean Pines Sanitary Service Area.

The Commissioners met with Mr. Mitchell to schedule a public hearing on an application submitted by Attorney Hugh Cropper on behalf of Wave Holdings, LLC and the owner, Margaret Bunting, to expand the Ocean Pines SSA to include an entire 11.5-acre property located on the east side of MD Rt. 589, north of the intersection with Gum Point Road and more specifically identified on Tax Map 21 as Parcel 72 to serve a proposed mixed-use development. Mr. Mitchell advised that the application proposes at build-out the provision of 45 equivalent dwelling units (EDUs) of sewer and water service from the Ocean Pines SSA. He concluded that the Planning Commission found the proposed amendment to be consistent with the County's Comprehensive Development Plan and granted the application a favorable recommendation.

Upon a motion by Commissioner Bunting, the Commissioners unanimously agreed to schedule a public hearing on May 4, 2021 to receive public comment on the proposed amendment to the Worcester County Water and Sewerage Plan to expand the Ocean Pines SSA to include the subject property.

Upon a motion by Commissioner Nordstrom, the Commissioners unanimously approved as a consent agenda the agenda item numbers 2-7 as follows: bid specifications for a replacement septic system in the Stockton area, which is to be funded through the County's current Community Development Block Grant (CDBG); bid specifications for a general rehabilitation and lead remediation project in the Pocomoke City area, which is to be funded through a combination of CDBG and State Special Loans Program funds; Ocean Pines pump stations S and P project Change Order No. 2 from Retallack and Sons in the amount of \$12,538.84 for a revised contract amount of \$407,079.06; bid specifications for the purchase of pipe for use within the Roads Division of Public Works; bid specifications for the grading and paving of bituminous concrete for approximately 24,720 square feet of parking and storage area for the Maintenance Division of Public Works; and Emergency Number Systems Board (ENSB) project No. 21-225 in the amount of \$28,759.90 for logging recorder maintenance.

Pursuant to the request of Emergency Services Director Billy Birch and upon a motion by Commissioner Nordstrom, the Commissioners unanimously approved ENSB project No. 21-224 in the amount of \$3,077,731.77 to be reimbursed to the County for costs associated with obtaining a complete 911 phone system refresh upgrade, with a five-year support contract to cover critical spare parts onsite, service plan upgrades, and onsite support staff response for the

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County's two 911 Centers, the Maryland State Police Barrack in Berlin, and the police departments in Ocean City, Ocean Pines, and Pocomoke.

Pursuant to the request of Senior Budget Accountant Kim Reynolds and upon a motion by Commissioner Nordstrom, the Commissioners unanimously authorized Commission President Mitrecic to sign the emergency Rental Assistance Program Grant Agreement between the Department of Housing and Community Development and the County Commissioners for grant funds not to exceed \$6,465,772, of which eight percent of the award will be used for administrative costs to help each sub-recipient with staffing. Ms. Reynolds advised that grant funds will be split between the County's two sub-recipients, Diakonia, Inc. and Worcester County Department of Social Services. These funds may be used to provide direct assistance and housing stability services to renters who are struggling to make rent and utility payments.

In response to questions by Commissioner Elder, Ms. Reynolds stated that the funds have not yet been awarded, but once available these funds may be used for rental and utility costs occurring between February 1, 2021 and September 30, 2022.

Upon a nomination by Commissioner Bertino, the Commissioners unanimously agreed to reappoint Vanessa Alban to the Commission for Women for an additional three-year term expiring December 31, 2023.

Pursuant to the recommendation of Chief Administrative Officer Harold Higgins and upon a motion by Commissioner Elder, the Commissioners unanimously authorized Commission President Mitrecic to sign an additional one-year lease between Lions Den Incorporated (landlord) and the County Commissioners (tenant) to continue to lease the fields in Berlin that are identified on Tax Map 32 as Parcel 7, excluding the Lions Den Clubhouse Lot for an additional one-year period from July 1, 2021 to June 30, 2022 at a total cost of \$50,000, which will be credited toward the purchase price of the property equal to the amount of the rent if the parties agree to a sale of said property. In response to a question by Commissioner Bertino, Mr. Higgins confirmed that the increased lease price was based on a proposal the Lions Club received from a private entity to lease the fields at a cost of \$84,000, and staff felt that this new lease would provide the County with the time necessary to pursue options to purchase the property.

Pursuant to the request of Budget Officer Kathy Whited and upon a motion by Commissioner Church, the Commissioners unanimously authorized Commission President Mitrecic to sign the Warehouse Rental Agreement between Royal Plus, LLC (landlord) and the County Commissioners on behalf of the Worcester County Board of Elections to continue leasing the warehouse on Belt Street in Snow Hill for an additional one-year period from May 15, 2021 to May 15, 2022 at a cost of \$6,133.33 per month.

The Commissioners met with Budget Officer Kathy Whited to review the proposed FY22 Constant Yield Advertisement, which has already been approved by the Maryland Department of Assessments and Taxation, to be advertised in area newspapers during the week of April 22, 2021. Ms. Whited explained that, in accordance with State law, the notice states that, for the tax year beginning July 1, 2021, the estimated real property assessable base will increase by 0.9%,

from \$16,218,337,542 to \$16,365,406,574, and if the County maintains the current tax rate of \$0.845 per \$100 of assessment, real property tax revenues will increase by \$1,242,733 or 0.9%. The notice states that, to fully offset the effect of increasing assessments, the real property tax rate should be reduced to \$0.8374 per \$100 of assessment, the Constant Yield Tax Rate (CYTR). The County is considering not reducing its real property tax rate enough to fully offset increasing assessments and instead proposes to adopt a real property tax rate of \$0.845 per \$100 of assessment. This tax rate is 0.9% higher than the CYTR and will generate an additional \$1,242,733 in real property tax revenues. Ms. Whited reiterated that this language is required by State law.

Upon a motion by Commissioner Bertino, the Commissioners unanimously approved the FY22 Constant Yield Tax Rate advertisement, as required by State law.

Pursuant to the request of Ms. Whited and upon a motion by Commissioner Purnell, the Commissioners unanimously approved the required advertisement entitled "Notice of Public Hearing FY22 Requested Operating Budgets," which will run in area newspapers the weeks of April 22 and April 29, 2021 advising the public that the budget hearing will take place on Tuesday, May 4, at 7:00 p.m. at the Worcester County Government Center in Snow Hill. Those seeking to speak or attend in person are encouraged to pre-register by calling County Administration at 410-632-1194. Public comments may also be submitted in advance by email at wchearing@co.worcester.md.us or in writing on or before 4:00 p.m. on May 3.

Pursuant to the request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Church, the Commissioners voted 6-1, with Commissioner Elder voting in opposition, to authorize Commission President Mitrecic to sign the former Bay Club Golf Course Forest Conservation Easement and Stormwater Management Inspection Maintenance Agreements. Mr. Mitchell stated that the Maryland Board of Public Works recently purchased the 672.92+ acres to convert the property to timber lands and a trail park system to be managed by the Maryland Department of Natural Resources. In response to a question by Commissioner Elder, Mr. Mitchell stated that the State is going to demolish the building on the site, plant trees, and add trails.

Pursuant to the recommendation of Mr. Mitchell and upon a motion by Commissioner Nordstrom, the Commissioners unanimously adopted Resolution No. 21-6 establishing a Shared Sanitary Facility serving the Lighthouse Business Park Condominium on lands owned by Dough and Tammara Clark and located at 13203 Handy Lane just north of the intersection with Hammond Road, and more specifically identified on Tax Map 9, Parcel 16. Mr. Mitchell stated that the onsite sewage and disposal system and potable well system have been installed to serve the condominium plat for the planned Lighthouse Business Park Condominium project.

The Commissioners answered questions from the press, after which they adjourned to meet again on April 20, 2020.

Minutes of the County Commissioners of Worcester County, Maryland

April 13, 2021

Budget Work Session

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

The Commissioners met at 9:00 a.m. with Chief Administrative Officer Harold Higgins, Budget Officer Kathy Whited, and Finance Officer Phil Thompson to conduct a work session to continue their review of the FY22 operating budget requests for Worcester County departments and agencies, as presented to the Commissioners during their March 16, 2021 meeting. The requested FY22 Operating Budget currently reflects estimated revenues of \$210,591,207, and requested general fund operating expenditures of \$218,604,720, which leaves a shortfall of \$8,013,513 that must be reconciled by either reductions in expenditures, additional revenues, or a combination of the two.

Recreation, Parks, Tourism, and Economic Development (RPTED) Director Tom Perlozzo gave the Commissioners an update on the re-engineering of RPTED under the new branding Maryland's Coast – Worcester County and the distribution of over \$10 million in CARES Act funding through Economic Development.

Recreation and Parks Director Kelly Rados reviewed the proposed FY22 Operating Budget of \$2,321,627 for Recreation, representing an increase of \$640,388 or 38.1%, due primarily to an anticipated allocation of \$500,000 in Program Open Space (POS) funds and Parks budget of \$1,093,181, representing a decrease of \$75,723 or (40.7%), primarily due to a reduction of POS funds; and the Boat Landings budget of \$387,155, representing an increase of \$84,840 or 28.1%, primarily due to a proposed increase in use of Waterway Improvement Grants from the State.

Based on concerns raised by Commissioner Bunting regarding traffic at the Shell Mill boat landing, Mr. Perlozzo advised that staff is researching the legal issues of imposing a boat ramp and trailer parking fee for vehicles with out-of-state license plates at County boat ramps.

The Commissioners met with Tourism and Economic Development Director Melanie Pursel to review and discuss the proposed FY22 Tourism Operating Budget of \$1,298,131, representing an increase of \$50,853 or 4.1%.

The Commissioners met with Mr. Perlozzo to review the proposed FY22 Economic Development Operating Budget of \$367,927, representing a decrease of \$34,337 or (8.5%).

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The Commissioners recessed until 11:00 a.m.

The Commissioners met with Fire Marshal Jeff McMahon to review and discuss the proposed FY22 Operating Budget of \$575,855 for the Fire Marshal's Office, representing an increase of \$39,442 or 7.4%, primarily due to vehicle replacements; and the Fire Training Center budget request of \$27,104, representing a decrease of \$23,100 or (46%).

The Commissioners met with Chief Administrative Officer Harold Higgins to review and discuss the proposed FY22 Volunteer Fire and Ambulance Funding Budget of \$8,402,603, representing an increase of \$60,480, which is less than 1%. This balance will increase by \$10,000 in Account No. 7080.030 Firemen Training.

The Commissioners met with Library Director Jennifer Ranck to review and discuss the proposed FY22 Operating Budget of \$2,794,287 for the Library, representing an increase of \$33,522 or 1.2%.

The Commissioners met with Mr. Higgins to review FY22 Operating Budget request of \$1,014,806 for County Commissioners, representing an increase of \$14 or 0%;

The Commissioners recessed for lunch.

The Commissioners met with Superintendent of Schools Lou Taylor to review and discuss the Board of Education's (BOE) proposed FY22 Operating Budget of \$97,029,875, which reflects an increase of \$2,418,636 or 2.6% over the current year adopted budget, plus school construction debt of \$12,469,356 paid by the County on behalf of the BOE. The requested BOE budget includes payroll increases of \$1,812,981 to provide for a Step and a 1% Cost of Living Adjustment (COLA) for certificated employees and a Step and a 1.5% COLA for support staff employees, and includes an increase in payroll taxes of \$145,038; \$225,000 for technology upgrades; an increase of \$41,153 in employee pension costs; a 1% increase in the hourly and mileage rates for bus contractors totaling \$43,930, and an allotment of \$22,463; \$50,000 for the Pocomoke Middle School (PMS) After-School Recreational Program; and one-time capital project funding of \$139,800 to replace the fire alarm system at PMS and \$156,000 to replace the fire alarm system at Snow Hill Middle School.

Upon a motion by Commissioner Bertino, the Commissioners voted unanimously to consider the BOE's proposed FY22 Operating Budget apart from the requested FY22 County Operating Budget.

The Commissioners met with Commission on Aging (COA) Director John Dorrough to review and discuss the proposed FY22 COA Operating Budget of \$1,603,783, representing an increase of \$102,905 or 6.9%.

The Commissioners met with Development Review and Permitting (DRP) Director Ed Tudor to review and discuss the proposed FY22 DRP Operating Budget of \$1,907,524, representing an increase of \$93,555 or 5.2%.

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The Commissioners met with Health Officer Becky Jones to review and discuss the proposed FY22 Operating Budget of \$5,676,975 for the Health Department, representing a decrease of \$6,822 or less than 1%.

The Commissioners met with Environmental Programs Director Bob Mitchell to review and discuss the proposed FY22 Operating Budget of \$1,544,806 for Environmental Programs, representing an increase of \$112,183 or 7.8%.

The Commissioners met with Warden Fulton Holland, Jr. and Assistant Warden Shytina Drummond to review and discuss the proposed FY22 County Jail Operating Budget of \$9,568,071, representing an increase of \$19,973 or less than 1%.

The Commissioners met with Mr. Higgins to review FY22 Operating Budget requests for the following agencies: \$28,900 for Orphan's Court, representing an increase of \$1,100 or 4%; \$3,419,597 for Other General Government, representing an increase of \$71,979 or 2.2%; \$206,217 for University of Maryland Extension Agency, representing a decrease of \$408 or less than 1%; \$510,254 for Other Natural Resources, representing a decrease of \$11,000 or (2.1%); \$2,530,242 for Wor-Wic Community College, representing an increase of \$112,120 or 4.6%; \$2,642,357 for Taxes Shared with Towns, representing an increase of \$297,100 or 12.7%; \$7,153,591 for Grants to Towns, representing an increase of \$1,091,633 or 18%; \$23,375,170 for Benefits and Miscellaneous, representing an increase of \$4,615,818 or 24.6%; an additional \$520,300 for Interfund Transfers to fund the 10% Reserve Fund if the Commissioners fund the entire FY22 budget as requested; \$1,103,768 for Other Social Services, representing an increase of \$498,690 or 82.4%, as outlined in the requests from the County nonprofit organizations; and \$100,001 for Other Recreation and Culture, representing an increase of \$15,001 or 17.6%.

In response to concerns raised by Commissioner Bertino, Mr. Leslie advised that the Commissioners set the criteria for the awarding of County grants. Commissioner Bertino stated that the County should allocate fire grants directly to the fire companies operating within municipalities, as they do with those operating in the unincorporated areas, rather than to the towns for distribution.

In response to a question by Commissioner Bunting, Mr. Higgins advised that staff will present recommendations at a future Commissioners' meeting regarding the proposed designation of roughly \$10 million in CARES Act funding to the County. Commissioner Bunting stated that the bulk of these funds should be allocated toward the cost of broadband, with a small portion to be designated to the County fire companies.

The Commissioners answered questions from the press, after which they adjourned to meet again on April 20, 2020.



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

ACAO Note : Proposed Public Hearing May 18th

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director
DATE: April 13, 2021
RE: RVG Management and Development Co. Correspondence - Route 50 Service Road

Pursuant to your request, I have reviewed the above referenced correspondence from Mr. Steve Dayton dated March 30, 2021. In his letter, Mr. Dayton requests the elimination of the requirement to construct a service road on the parcel located on the south side of US Route 50 west of Maryland Route 589. The requirement for the service road and the provisions for its alignment are contained in the U.S. Route 50 Transportation and Corridor Plan originally adopted by the County Commissioners on March 18, 1997 and last modified on January 17, 2017.

Since this request is for action beyond the administrative adjustments allowed for in the alignment by the staff and Planning Commission as detailed on page 7 of the plan, it will require an amendment to the plan which may only be done by the County Commissioners after a duly advertised public hearing as we discussed at our recent meeting with Mr. Dayton.

I have attached copies of the U.S. Route 50 Transportation and Corridor Plan, Section § ZS 1-118(b) of the Zoning and Subdivision Control Article, and a draft advertisement for public hearing should the County Commissioners wish to act on this request. If you need any additional information please let me know.

cc: Jennifer Keener, Deputy Director

**NOTICE
OF
PUBLIC HEARING
FOR CONSIDERATION OF
AMENDMENTS TO
THE U.S. ROUTE 50 TRANSPORTATION CORRIDOR PLAN**

Affecting Tax Map 26, Parcel 298 on the south side of U.S. Route 50

**Third Election District
Worcester County, Maryland**

Pursuant to Section 1-114 of the Worcester County Zoning Ordinance, the County Commissioners of Worcester County, Maryland will hold a public hearing to receive comments on proposed changes to the U.S. Route 50 Transportation Corridor Plan which was originally adopted on March 18, 1997 and last amended on January 17, 2017. The proposed changes are those requested by RVG Management and Development Co. on behalf of Berlin Waterfront, LLC. The public hearing will be held on:

**TUESDAY, _____
AT _____
in the
COUNTY COMMISSIONERS' MEETING ROOM
WORCETER COUNTY GOVERNMENT CENTER – ROOM 1101
ONE WEST MARKET STREET
SNOW HILL, MARYLAND 21863**

At said public hearing the County Commissioners will consider the request by RVG Management and Development Co. and the comments of the public at large. A copy of the request and the U.S. Route 50 Transportation Corridor Plan is on file and available to view electronically by contacting the Department of Development, Review and Permitting, Worcester County Government Center, One West Market Street, Room 1201, Snow Hill, Maryland 21863 Monday through Friday from 8:00 A.M. and 4:30 P.M. (except holidays), at (410) 632-1200 as well as www.co.worcester.md.us.

All interested citizens are encouraged to attend the hearing and express their views on the request. Both written and oral testimony will be accepted.

Joseph M. Mitrecic, President



Mr. Joseph Mitrecic, President
 County Commissioners
 Worcester County Maryland
 1 West Market Street
 Snow Hill, MD 21863

March 30, 2021

7018 3090 0001 6825 3463

Dear Mr. Mitrecic,

My name is Steve Dayton and I represent Berlin Waterfront, LLC/RVG Management & Development. We own the last parcel going west on Rt50 that is required by County ordinance to install a service drive across its entire length as part of the Route 50 Transportation Corridor Plan. This requirement remains in place subsequent to Resolution No. 17-3 "Repealing and Reenacting the US Route 50 Transportation Corridor Plan" adopted 1/17/2017. This resolution eliminated any need for the service drive west of our property.

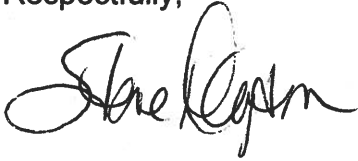
Since our purchase, we have actively tried to develop this land with no success. We have worked with multiple teams in the Economic Development office to engage many potential tenants...Target, Lowes, Harris Teeter, Kroger, Giant Foods, and Bass Pro Shops...to name a few. Even traveling to Las Vegas with the then Economic Development Director to meet with Bass Pro to discuss their locating to Ocean City on our site. We have repeatedly met with engineers along with county staff to discuss 'possible' concept plans that would have allowed cross-parcel access by either relocating the service drive, or using inter-connector roadways while still connecting to the service drive to the east. We were unable to get any definitive direction as to any relief. Without concrete plans we could not get our tenants to commit...tenants who *at the time* wanted to be in Ocean City.

The service drive requirement on our parcel is especially burdensome. It's design gave no consideration for actually developing the property as it was located 'down the middle' of the building envelope. Even with the option of moving the drive 100 – 300 feet; this still did not allow for effective development with any of the aforementioned tenant requirements. So today, we find ourselves in the same position.

With the help of County administrators and the Economic Development office, I have been guided to write this letter to request elimination of the service drive requirement on our parcel. We would ask that this request be brought before the Commissioners for a vote in the May 2021 meeting. With a codified approval, we could then begin discussion with the SHA and County to determine access to our parcel and the best way to connect to the remainder of the service drive east to Holly Grove road.

Mr. Mitrecic, I respectfully request your attention to this matter. I am available to discuss, at your convenience and to provide any information you may need from our firm. We remain committed to Ocean City and appreciate your consideration. I look forward to your response.

Respectfully,

A handwritten signature in black ink, appearing to read "Steve Dayton". The signature is fluid and cursive, with the first name "Steve" being more prominent than the last name "Dayton".

Steve Dayton
Berlin Waterfront, LLC
Map: 0026, Grid: 0001, Parcel: 0298

cc: Weston Young
Ed Tudor
Harold Higgins
Robert Mitchell
Tom PerLozzo

RESOLUTION NO. 17 - 3**RESOLUTION REPEALING AND REENACTING THE
U.S. ROUTE 50 TRANSPORTATION CORRIDOR PLAN**

WHEREAS, the County Commissioners of Worcester County adopted, on March 18, 1997, Resolution No. 97-15, a resolution adopting the U.S. Route 50 Transportation Corridor Plan (the Plan) to protect the integrity of U.S. Route 50 between Berlin and West Ocean City, to ensure that the flow of traffic to and from Ocean City and nearby areas is not impaired by future development within the corridor, and to encourage the development of alternative commercial service access and traffic circulation patterns by providing for service roads, limiting the number and location of access points and, in general, controlling access to U.S. Route 50; and

WHEREAS, the County Commissioners have amended the Plan by Resolution No. 99-6 adopted on February 2, 1999 regarding the proposed location of the service road and landscaping required along the existing Route 50 right-of-way, Resolution No. 99-17 adopted on May 4, 1999 regarding an alternative method for accomplishing construction of the required service road and placement of building facades along all road frontages, and Resolution No. 04-35 adopted on July 27, 2004 regarding to increase the required right-of-way and modify the alignment of the service road component of the Plan; and

WHEREAS, the County Commissioners established a Design Guidelines Task Force in 2016 to review and make recommendations for changes to the Design Guidelines and Standards for Commercial Uses and the U.S. Route 50 Transportation Corridor Plan; and

WHEREAS, proposed changes to the U.S. Route 50 Transportation Corridor Plan as recommended by the Design Guidelines Task Force were presented to the County Commissioners at their meeting on December 20, 2016; and

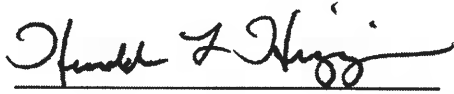
WHEREAS, the County Commissioners accepted public comment on the revised U.S. Route 50 Transportation Corridor Plan at their meeting on January 17, 2017 pursuant to a duly advertised public hearing.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that the U.S. Route 50 Transportation Corridor Plan originally adopted on March 18, 1997 by Resolution No. 97-15 and amended thereafter by Resolution No. 99-6 adopted on February 2, 1999, Resolution No. 99-17 adopted on May 4, 1999, and Resolution No. 04-35 adopted on July 27, 2004, is hereby repealed and replaced by the U.S. Route 50 Transportation Corridor Plan attached hereto and made a part hereof.

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

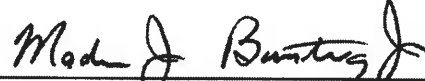
PASSED AND ADOPTED this 17th day of January, 2017.

ATTEST:



Harold L. Higgins
Chief Administrative Officer

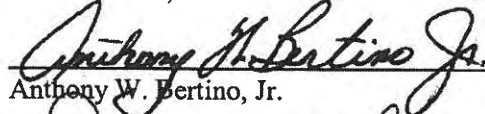
COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND



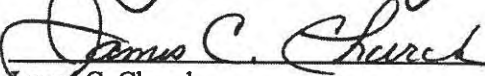
Madison J. Bunting, Jr., President



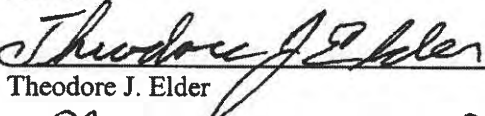
Diana Purnell, Vice President



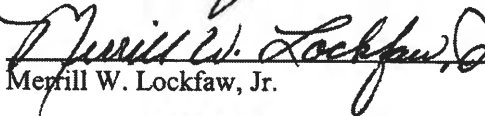
Anthony W. Bertino, Jr.



James C. Church



Theodore J. Elder



Merrill W. Lockfaw, Jr.

Absent

Joseph M. Mitrecic

**U. S. ROUTE 50
TRANSPORTATION CORRIDOR PLAN
WORCESTER COUNTY**

Worcester County Commissioners

January 17, 2017

SYNOPSIS

TITLE: U. S. Route 50 Transportation Corridor Plan

SUBJECT: *Final* Plan for Transportation Enhancements, Access Control and Land Use Management in the eastern portion of Worcester County along the U. S. Route 50 Corridor

DATE: January 17, 2017

SOURCE FOR COPIES: Department of Development Review and Permitting
Worcester County Government Center
1 West Market Street, Room 1201
Snow Hill, Maryland 21863
(410) 632-1200

www.co.worcester.md.us

TOTAL PAGES: 9 and one map

ABSTRACT: This document contains text and supporting maps depicting the area affected by the adoption and implementation of this plan. This plan sets forth goals, objectives, background/basic issues, concepts and recommendations for land use, transportation, and traffic management within the targeted sector of the U. S. Route 50 corridor.

GOAL: To create and maintain a transportation network in the affected area (as defined below) that is safe, efficient, and provides for varying modes of travel in an integrated manner that will address the future commercial development demands in the corridor, while protecting the integrity of the U. S. Route 50 arterial and observing the directives of the Comprehensive Development Plan.

GEOGRAPHICAL

PARAMETERS: The study area (hereinafter referred to as the U. S. Route 50 Transportation Corridor Planning Sector) extends from the eastern edge of the Holly Grove Road right-of-way west to the western edge of the Seahawk Road right-of-way (Parcels 89 and 411 as shown on Worcester County Tax Map 25). It is bounded to the north by U. S. Route 50 and to the south by a line one thousand (1,000) feet south of, and parallel to, the southern edge of the U. S. Route 50 right-of-way.

OBJECTIVES:

- To protect the integrity of U. S. Route 50 within the U. S. Route 50 Transportation Corridor Planning Sector.
- To ensure that the flow of traffic to and from Ocean City and the eastern County attractions is not impaired by future development within the corridor.
- To carry out the general guidelines and specific recommendations of the Transportation element of the Comprehensive Development Plan for Worcester County, Maryland, as from time to time may be amended.
- To reduce existing traffic congestion, improve circulation deficiencies, decrease accidents, avoid the exacerbation of potential points of conflicts, and develop a transportation system with sufficient capacity to accommodate the additional traffic generated by future population increases and land use development.
- To facilitate the safe and orderly movement of both local and through traffic by minimizing conflicts between types of traffic trips and, where possible, segregating traffic according to trip destination.
- To maintain the design capacity and traffic flow efficiency of both existing and future roadways by controlling access, providing adequate setbacks and separation distances, and discouraging high traffic volume development with immediate access adjacent to intersections and/or interchanges.

- To encourage the development of alternative commercial service access and traffic circulation patterns by providing for service roads, limiting the number and location of access points and, in general, controlling access to U. S. Route 50.
- To reduce vehicle miles traveled, fuel consumption, traffic overload, excessive noise, and other environmental impacts resulting from an inefficient or inadequately planned circulation and transportation system.
- To promote the employment and economic development potential within the corridor as well as protecting similar interests within the County.

BACKGROUND:

The U. S. Route 50 Transportation Corridor Planning Sector is strategically located within the U. S. Route 50 corridor. This is the major east/west transportation route for Worcester County and provides the primary means for travel for residents within the County. This roadway connects several principal population components of the County with one another (i.e., Berlin, Ocean Pines, Ocean City, and West Ocean City). It also inter-connects several important north/south roadways including U. S. Route 113 and MD Routes 589 and 611. On a regional and interstate basis, the U. S. Route 50 Transportation Corridor Planning Sector dissects a segment of the most important and highly traveled roadway on the Eastern Shore of Maryland. U. S. Route 50 also connects Worcester County with the Chesapeake Bay Bridge and the large population centers of the metropolitan portions of the State, as well as other areas important for their tourist generating potential, including the Virginia suburban portion of the Washington, D. C. area, Central and Western Maryland, and Pennsylvania.

U. S. Route 50 traverses much of the Eastern Shore as a four lane divided highway. It is significant to note that the primary exception to that is the eastern portion of Worcester County, where the numerous additional turning lane enhancements and acceleration-deceleration lanes have the effect of expanding the highway's capacity to six lanes. Despite these improvements, the Sector is a frequent site of gridlock, congestion and substandard levels of service. This is most prevalent during peak seasonal times when large numbers of non-Worcester residents are en route to the many summer attraction destinations of the eastern portion of the County. This problem has been exacerbated by the increased commercial development within the corridor as well as the residential growth within the coastal bays watershed portion of Worcester County. Current projections show this area to be the site of continued growth with a potential doubling of the population by 2030. It is difficult to quantify the effects of the Baltimore/Washington metropolitan area but it is obvious that the continued growth trends within that region will impact the seasonal traffic volumes in the Sector with an increasing degree of detriment.

Much of this was recognized in the 1989 comprehensive use plan for Worcester County which was in effect at the time this U. S. Route 50 Transportation Corridor Plan was originally adopted. That plan called for the development of a proactive approach "in the planning and programming

of future highway improvements...”to provide for the safe and efficient movement of people and goods within the County”...to circumvent the type of issues and problems that result in congestion as exemplified during the peak summer traffic in Ocean City,” and to ensure that needed improvements are implemented when required. That Plan also forecast the need for access controls to prevent deterioration of levels of service as a result of the unchecked proliferation of individual access drives, as well as limiting the location and spacing of non-residential access drives, particularly those near intersections. That Comprehensive Plan also recommended limiting the number of curb cuts, establishing a minimum setback for service roads and minimum separation distances for access points in order to protect the capacity of important arterials. The Plan further maintained that by adopting “this approach (the County) will minimize strip commercial development which results in the demand for major unplanned improvements to the road segment (creating the) need to build bypasses around congested areas.” The Comprehensive Plan adopted in 2006 states that “access controls have been helpful in maintaining roadway capacity by reducing points of conflicting vehicle movements,” states that current regulations limit the distance between and thereby the number of access points, and notes that “service roads also reduce the number of access points and increase road capacity.” The 2006 Comprehensive Plan goes on to state that “to limit conflicting vehicle movements on major roadways, interparcel connectors, service roads and other access controls should be developed as appropriate.” Relative to U. S. Route 50 specifically, the 2006 Comprehensive Plan recommends that the service road between Sea Hawk and Holly Grove Roads be constructed and that the County should work to limit additional traffic signals.

The entire study area (as referenced in “Geographical Parameters”) is problematic as a direct consequence of the factors as outlined in this section: increased tourism-related trips, local population growth, and continued commercial development along and adjacent to the U. S. Route 50 corridor. These influences alone are sufficient to create a need for a circulation and transportation plan. There remains, however, one other overriding factor that significantly outweighs these other considerations and underscores the necessity for integrated action. This problem revolves around the fact that the State has failed to acquire sufficient access control rights within the study area. Therefore, much of the nature, type, scope and degree of development (and the subsequent arterial impact) is left to the County to determine. In the years since the Plan’s initial development, there have been some unanticipated changes in the corridor. These consist primarily of the slower than anticipated development of the larger parcels beginning just west of the MD Route 589 intersection and extending to the eastern terminus of the current service road at Holly Grove Road. This is due in large part to what was a lack of viable sewerage disposal options on these properties and the mid-2000s’ economic downturn. The sewerage disposal options are being addressed in large part as a result of the current efforts to provide sewage disposal from the Glen Riddle sewage treatment plant. This option, along with a general upturn in the economy, looks to provide the momentum necessary to develop this portion of the corridor. Similarly, development on the westernmost portion of the study area has been limited because of the same reasons affecting the eastern end of the plan area. However, two additional factors come into play in this segment of the corridor. First, in this area the land is comprised of a number of generally much smaller parcels than those on the eastern end. Second,

the majority of the parcels in the area are currently developed with long standing commercial structures and uses. The expected consolidation and redevelopment of these smaller parcels has failed to happen so far and is currently not anticipated in the near term. Without consolidation and redevelopment, the imposition of a service road requirement on these smaller parcels places a burden on them disproportionate to the ultimate construction of the service road in this area. This is not to say that the extension of the service road through this area and connecting to Sea Hawk Road on the west end is not a laudable goal. The benefits of such construction are still vital to the integrity of US Route 50.

This Transportation Corridor Plan is necessary in order for the County to attempt to correct some of these problems, guide the course of future development, and effect positive change for the future of not only this immediate roadway segment but much of the region that will be impacted as a direct and indirect consequence.

RECOMMENDATIONS:

The proposed transportation recommendations contained within this section are intended to provide service for the future population, employment and commercial development expected in the County. As development proceeds, it will be necessary for these modifications to be adopted and implemented so as to provide a balance between land use and transportation considerations. Complete implementation will require the approval of this plan, several text changes, and may necessitate the programming and budgeting of significant capital expenditures. In order to implement this plan and fulfill its goals and objectives, Worcester County shall take the following actions:

1. With the exception of those properties shown on Worcester County Tax Map 26 west of Parcel 298, as individual parcels within the sector are developed, the developer shall provide for and construct that segment of the service road across the entire parcel of land as shown on the Tax Maps to conform to the route as delineated on the U. S. Route 50 Transportation Corridor Plan Map as from time to time amended. Once completed, the right-of-way for the service road shall be conveyed by deed to the County Commissioners and thereafter incorporated into the Worcester County Roads Inventory. As an alternative, the developer may with the approval of the County Commissioners, make an irrevocable offer of dedication of the right of way of the required segment of the service road to the County Commissioners documented on such form as the County Commissioners may require. It shall be recorded among the land records of the County and payment made to the County Commissioners in an amount equal to the full cost of construction of that segment of the service road as determined by the County Commissioners, which amount shall be placed in escrow for future construction of the road by the County Commissioners. In the event that the County Commissioners do not use the funds deposited to construct the road within ten (10) years of deposit or to the extent such funds are not utilized, they shall be

returned to the developer or the developer's assigns, at which time the offer of dedication of the right-of-way portion thereof, except as previously accepted by the County Commissioners, by any legal method, shall be considered rejected and released.

2. Recognizing the challenges inherent in those properties shown on Worcester County Tax Map 26 west of Parcel 298 and extending to Seahawk Road, the County Commissioners see fit to relieve those properties of the requirement to build or bond the portion of the service road as shown on the duly adopted service road alignment map. However, the County Commissioners retain the authority, without future amendment to this plan, to require the construction or bonding of the service road on individual properties in the future as shown on the service road alignment map where they determine that future consolidation and/or development of parcels in this area is of such intensity or scale as to cause a disproportionate impact to the free flow of traffic and safety for the motoring public at large and the provision of the service road is proper and necessary in accordance with the recommendations contained herein. To the extent any such bonds were previously required of any property owner within this area, any such bonds shall be returned forthwith upon the adoption of this revised plan.

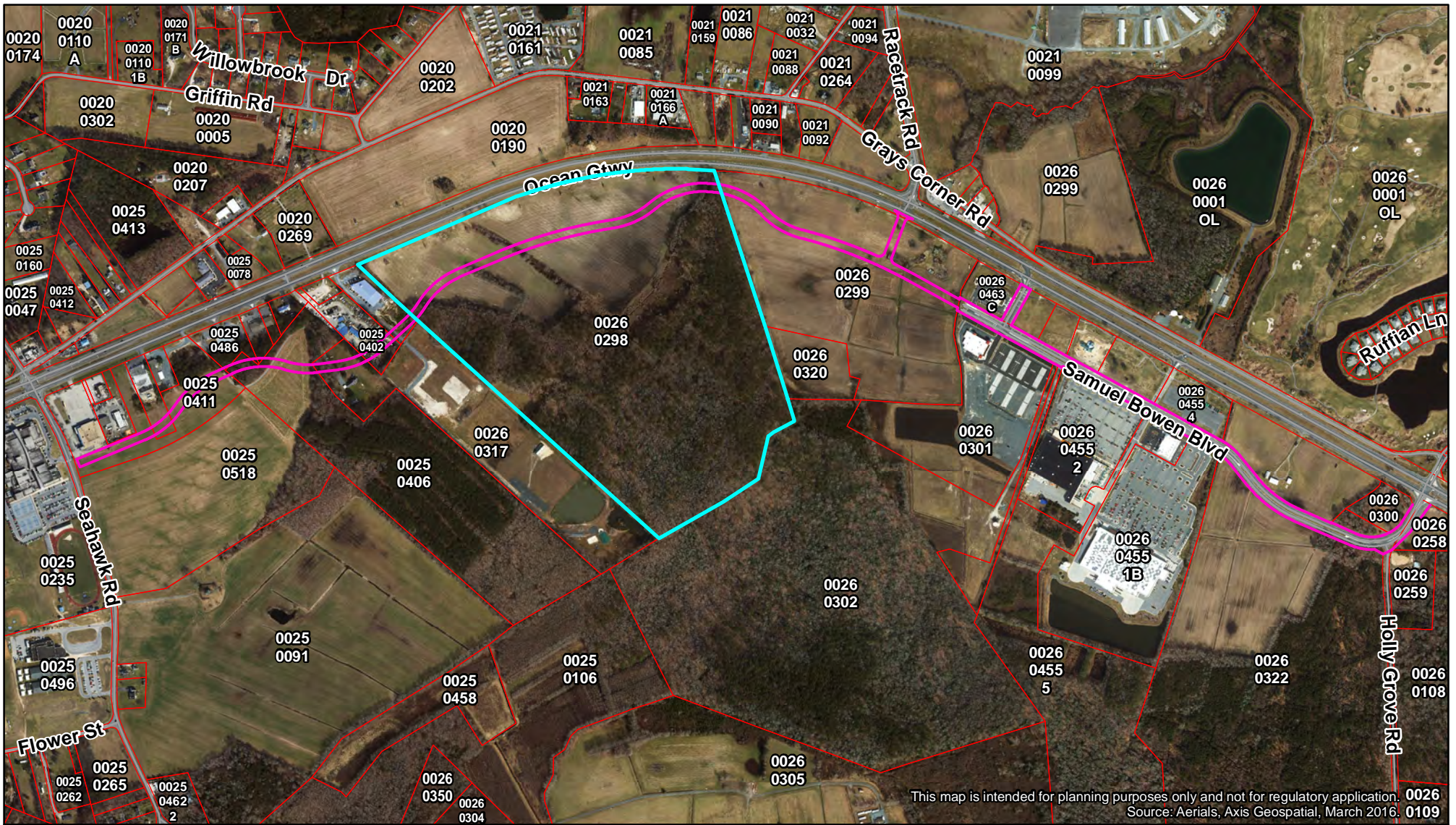
3. The service road shall be built to County standards and specifications as a collector. It shall have a right-of-way of ninety-two (92) feet. At points of access to U. S. Route 50, the service road shall not be located less than three hundred (300) feet from the existing U. S. Route 50 right-of-way; it shall be located no less than one hundred (100) feet at any other point. The service road shall be consistent with the general alignment as shown on the supporting maps, subject to minor modifications up to one hundred (100) feet in either direction of the proposed alignment at the discretion of the directors of the County Departments of Development Review and Permitting and Public Works based upon site specific conditions. Decisions of the aforementioned department heads are appealable to the Planning Commission. Major modifications greater than one hundred (100) feet but less than three hundred (300) feet in either direction from the general alignment shown on the supporting maps may be approved by the Planning Commission. Decisions of the Planning Commission are appealable to the County Commissioners. Any modification three hundred (300) feet or greater in either direction may only be approved by the County Commissioners as an amendment to this plan.

4. The first seventy-five (75) feet from the existing U. S. Route 50 right-of-way and the first fifteen (15) feet from the service road right-of-way shall be buffered with landscaping in accordance with the provisions of Section ZS 1-322 of the Worcester County Zoning Ordinance

5. Construction of all access and service roads shall be the responsibility of the developer unless alternative arrangements are approved by the County Commissioners and authorized by the State Highway Administration.
6. Access to U. S. Route 50 from the Service Road shall be limited to its terminus and to such connections as shall be designed and approved by the County Commissioners and other pertinent authorities in such a manner as to facilitate additional future interchanges, as needed. For the purposes of this document all connections regardless of ownership shall be considered part of the service road.
7. Parking in the service road right-of-way shall be prohibited.
8. On those segments of the service road that provide a direct connection to US Route 50, parcel access points shall be prohibited within one hundred twenty-five (125) feet of U. S. Route 50 as measured from the U. S. Route 50 right-of-way. Access points shall only be permitted where other road improvements are provided so as not to impede the free flow of traffic from U. S. Route 50.
9. All applications for subdivisions and site plans submitted after the adoption of this Plan shall be subject to the goals, objectives and intent of this Plan.
10. The service road shall be designed and/or built in a manner consistent with the existing or anticipated development of all parcels having access on U. S. Route 50. Provision shall also be made, where possible, to give adjacent or nearby properties within the Sector but not necessarily fronting U. S. Route 50, access to the service road either via direct access or the use of easements.
11. Once the service road has been constructed and connected to U. S. Route 50, all parcels in the sector having access to the service road should be required to forfeit their access privileges to U. S. Route 50 as part of any site plan approval, subdivision plat approval, or other similar review and approval and furthermore subject to the State Highway Administration's authority.
12. The County shall take all steps necessary to retain a minimum structure setback of one hundred (100) feet from U. S. Route 50.
13. Consistent with collector standards, there shall be a minimum structure setback of fifty (50) feet from the service road right-of-way.
14. Development in the Sector shall have sufficient setbacks to preserve and provide landscaped open space and buffering between the service road and U. S. Route 50 in order to alleviate vehicle headlight concerns, and mitigate the noise and visual impact.

ITEM 1

15. The location and number of all service road access points (to and from parcels) shall be at the discretion of the Planning Commission but in no case may the Planning Commission approve any plan proposing service road access points closer than seventy-five (75) feet from center-line to center-line.
16. The Planning Commission may request engineering analyses, including traffic impact analysis and transportation safety assessments. The cost for provision of these studies shall be paid by the developer.
17. The County Commissioners should consider retaining independent transportation design and evaluative services to examine existing and future traffic and engineering issues within the study area, and to coordinate implementation of this plan with the Planning Commission.
18. All structures placed on outlots located between U. S. Route 50 and the service road or any other such located properties shall be so designed as to provide a front facade on any side of the building which faces a public road right-of-way or an approved private road.



This map is intended for planning purposes only and not for regulatory application.
 Source: Aerials; Axis Geospatial, March 2016.



1 - 16

Worcester County Maryland

US Rt. 50 Transportation Corridor Plan

- Samuel Bowen Blvd Right of Way
- Approximate Property Lines

**Department of Development
 Review and Permitting
 Technical Services Division**

Drawn By: MDD Reviewed By: KLH

0 1,000

Feet
 1 inch = 1,000 feet
 Map prepared on January 13, 2017.

ITEM 1

(b)

Powers of County Commissioners. It is further the intent of this Title that the duties of the County Commissioners in connection with this Title shall not include hearing and deciding questions of interpretation and enforcement that may arise. Under this Title, the County Commissioners shall have only the following duties:

(1)

Considering and adopting or rejecting proposed amendments to the text and the maps or the repeal of this Title as stated in § ZS 1-113 hereof.

(2)

Establishing a schedule of fees, charges and expenses as stated in § ZS 1-106 hereof.

(3)

Creation of the Planning Commission and appointment of its members as stated in § ZS 1-112 hereof.

(4)

Creation of the Board of Zoning Appeals and appointment of its members as stated in § ZS 1-116 hereof.

(5)

Creation of the Historic District Commission and appointment of its members as stated in § ZS 1-301 hereof.

(6)

The imposition of moratoria by resolution in order to accomplish the purposes of the Comprehensive Plan and the intent of this Title and to safeguard the planning processes and provide for smooth transitions and protection of the health, safety and welfare of the population.

(7)

Imposing impact fees and exactions as appropriate and necessary.

(8)

Considering and acting upon overlay zones and residential planned communities (RPCs) and Historical/Cultural/Agricultural Floating Zones (HCAs).

(9)

Adopting development standards.

(10)

Exercising such other powers and duties as are provided for specifically by law.

(11)

Adopting plans, including comprehensive development plans, transportation corridor plans and any plans necessary for the purposes of this Article, by resolution after public hearing pursuant to § ZS 1-114 hereof.

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



OFFICE OF THE
 COUNTY COMMISSIONERS

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

COMMISSIONERS
 JOSEPH M. MITRECIC, PRESIDENT
 THEODORE J. ELDER, VICE PRESIDENT
 ANTHONY W. BERTINO, JR.
 MADISON J. BUNTING, JR.
 JAMES C. CHURCH
 JOSHUA C. NORDSTROM
 DIANA PURNELL

Worcester County

GOVERNMENT CENTER
 ONE WEST MARKET STREET • ROOM 1103
 SNOW HILL, MARYLAND
 21863-1195

April 12, 2021

To: Harold Higgins, Chief Administrative Officer
 Worcester County Commissioners

From: Kim Reynolds, Senior Budget Accountant *K Reynolds*

Subject: CDBG Grant: Diakonia Shelter Renovations

Quotes were requested for Building 1 flooring replacement and locker purchases/installation for the Diakonia Shelter Renovation which is being funded by Community Development Block Grant # MD-19-HI-2. Three quotes were needed to proceed with contractor selection as follows:

Building 1 Flooring replacement:

| | |
|---------------------------------|-------------|
| OC Floor Gallery | \$ 8,000.00 |
| Mike's Flooring & Design Center | \$13,036.00 |
| Beach Construction | \$13,800.00 |

25 Lockers:

| | |
|-------------------|-------------|
| Home Depot | \$ 6,286.25 |
| Lockers.com | \$ 6,482.14 |
| Lyonworkspace.com | \$ 7,994.25 |

After reviewing quotes with Diakonia, Inc. Board Members, they're recommendation of contractors is OC Floor Gallery in the amount of \$8,000 for the flooring replacement. Purchase of 25 lockers from Home Depot in the amount of \$6,286.25 and installation of the lockers in the amount of \$710.40.

Copies of the quotes are attached for your review.

OC FLOOR GALLERY
 12319-301 OCEAN GATEWAY
 OCEAN CITY, MD 21842
 Telephone: 410-213-9234 Fax: 410-213-9235

ES103074

ESTIMATE

| Sold To | Ship To |
|--|--|
| DIAKONIA 12747 OLD BRIDGE RD. OCEAN CITY, MD 21842 | MARTONICK, DON 12747 OLD BRIDGE RD. OCEAN CITY, MD 21842 |

| Quote Date | Primary# | PO Number | Quote Number |
|------------|--------------|--------------------|--------------|
| 02/24/21 | 443-880-2429 | 4 BR/HALLWAY/STEPS | ES103074 |

| Inventory | Style/Item | Color/Description | Quantity | Units |
|-------------|---|------------------------------|----------|-------|
| VV017-01012 | CORETEC PRO PLUS Packing: 28.84 SF/CTN (29 CTNS) | DUXBURY OAK | 836.36 | SF |
| 02V62-01012 | TMOLDING Packing: 94" EA | DUXBURY OAK | 1.00 | EA |
| 02V17-01012 | STAIR NOSE Packing: 94" EA | DUXBURY OAK | 7.00 | EA |
| ENPWM126SGP | SHOE MOLDING | PAINTED | 300.00 | LF |
| 12 | EZRISER 1/4" X EZ TREAD RISER 8" X 48" PRIMED WHIT Packing: EA | 1/4" X 8" X 48" PRIMED WHITE | 14.00 | EA |
| | 1/4 ROUND INSTALLATION | | 300.00 | LF |
| | BASIC FLOATING INSTALL | | 836.36 | SF |
| | MOVE FURNITURE | | 680.00 | SF |
| | STEP & RISER BOXED | | 14.00 | EA |
| | TAKE-UP LOOSE VINYL | | 59.00 | SY |
| 1 | SHAW FREIGHT | | 1.00 | EA |
| 1 | FUEL CHARGE/DISPOSAL | 1 | 1.00 | EA |
| 2 | EZ TREAD FREIGHT | | 1.00 | EA |

ALL SALES ARE FINAL. AT THE DISCRETION OF O.C. FLOOR GALLERY, SOME MATERIALS MAY BE RETURNED AND ARE SUBJECT TO A RESTOCKING FEE DETERMINED AT THE TIME OF RETURN. ANY PROBLEMS ARISING FROM MOVING APPLIANCES, TOILETS, DOORS, PIANOS, POOL TABLES, ELECTRONICS, &/OR SIMILAR ITEMS ARE THE RESPONSIBILITY OF THE OWNER (i.e.: rusted fittings, water leaks, direct wiring, broken bi -folds/cutting down doors, leveling of pool table/piano, re -wiring of electronics)

| | |
|--|-----------------------------------|
| 02/24/21 | 2:58PM |
| Sales Representative(s): | Material: 3,508.44 |
| BROOK HAMROCK | Service: 4,935.53 |
| | Misc. Charges: -443.97 |
| | Sales Tax: 0.00 |
| | Misc. Tax: 0.00 |
| Unforeseen floor prep will be additional and is payable at time of install.(multiple layers of flooring,unlevel subfloor etc) Credit card balances will be run through on day of install. All balances are due upon arrivall | ESTIMATE TOTAL: \$8,000.00 |

SOLD TO
Dia Konia

PERMANENT / BILLING ADDRESS
12747 Old Bridge Rd.

CITY STATE ZIP
Ocean City Md 21842

CELL PHONE CELL / JOB PHONE
717-818-0049 Don

E-MAIL FAX
dmartonick@diakoniaoc.org

JOB LOCATION (PRIMARY / SEASONAL / RENTAL)

Mike's
Flooring & Design Center



Ocean Bay Plaza #8
1300 Coastal Highway
Fenwick Island, Delaware 19944

www.mikescarpetconnection.com
302-537-1899 / 800-298-9470 Fax 302-537-1783

FLOORING WINDOW RETAIL

How did you hear about us? tv ad

PROPOSAL / INVOICE / RECEIPT PO - DIA 0049

SOLD BY DATE SOLD INSTALL DATE INQUIRIES
Steve / CALL 443-859-1813

DATE MEASURED: 3/05/21 / DATE QUOTED: 3/09/21

INSTALLER:
DATE: approximately 2 months

INSTALLER:
DATE:

KEY LOCATION HOME: YES / NO

| ROOM | MFG / DIST | STYLE NO | PRODUCT NAME | COLOR NO | COLOR NAME | TYPE | WIDTH | LENGTH | TOTAL SQ. YD. / FT. | PRICE PER SQ. YD. / FT. | AMOUNT | ORDER INFO |
|---|------------|----------|------------------|----------|------------|------|-------|--------|---------------------|-------------------------|-------------|------------|
| stairs,landing, | USF | | Core Tec Plus HD | TBD | | LVP | | | 798.5 sf | reg. price | \$15,781.00 | |
| 4 beds,hall | | | | | | | | | | less 20 % discount | -\$3,157.00 | |
| Includes- moving furniture, removal and disposal of vinyl flooring and top layer of plywood in 1 bedroom, installation, white quarter round molding, color coordinated transitions. | | | | | | | | | | | | |
| Stairs to have one-piece matching treads, risers to match. | | | | | | | | | | | | |
| Note- due to condition of subfloor, the new floor will not be 100 % flat. | | | | | | | | | | | | |

NOTE: Any unforeseen sub floor preparation cost if required must be approved by Customer prior to continuation of installation.

SUBFLOOR: WOOD APPLIANCES: NO FURNITURE: YES Yard Sign?

Special Instructions: **\$12,624.00** SUBTOTAL

To avoid miscommunication between Mike's Carpet Connection and its valued customers, please read before signing:

Buyers Responsibilities: Closets need to be free of debris on floors. Remove all fragile, valuable, and loose items from tables, floors, cabinets, hutches, etc., and stairway walls if floor covering is to be installed in upper levels. Disconnection and/or reconnection of stereos, computers, televisions, or any other electronic equipment. Removal and replacement of bedding materials, should beds need to be moved. Key location & release authorization from property management companies. Unlocking doors & owners closets inside dwelling. These responsibilities need to occur prior to arrival for installation. Regrettably, if we need to return because of inability to gain access, or Buyer has not prepared for the installation as scheduled, a \$150.00 return trip charge will apply. 48 hour notice is required to reschedule your installation date. **Mike's Carpet Connection is not responsible for the following:** Cutting of doors if the new floor coverings are higher than the old floor coverings or any other reason. Dye-lot variations from sample. Disconnection and/or reconnection of stereos, computers, televisions, or any other electronic equipment. Reasonable chips, dents, scratches on walls, existing moldings, doors, jams, corners, or fixtures due to work performed. Leaking water valves (ice makers, toilets, washers, etc.). Delays due to shipping, manufacturing or weather problems. Moving large items such as pianos, pool tables, waterbeds, etc. unless otherwise noted on contract. Unforeseen structural or sub-floor problems upon installation, which may change the amount due on the invoice. If work is interrupted or aborted due to sub-floor structural problems, a \$150 charge per trip may apply. **Mike's Carpet Connection Responsibilities:** Professional installation according to industry standards. Removing excess flooring scraps and perform a general cleanup. Please be advised, demolition of your existing floor coverings may create extensive amounts of dust throughout your entire home. At Buyer's request, and for an additional charge, a professional cleaning crew can be scheduled after installation. Please notify Mike's Carpet Connection should you wish to do so. Removal and disposal of existing floor coverings unless otherwise noted. Removal and replacement of basic furniture unless otherwise noted. Mike's Carpet Connection will attempt to remove and replace electric stoves, refrigerators, washers, dryers, and toilets for a minimal charge. If Mike's Carpet Connection determines they are unable to remove and/or replace any appliance, it will be the Buyer's responsibility to have it done at their cost. **Warranties:** Installations for Floor Coverings and/or Window Treatments purchased and installed by Mike's Carpet Connection are warranted for one full year from the date of installation. All products and/or floor coverings have specific warranty information that is covered by that manufacturer. For a complete listing of these warranties, contact your sales person. These warranties protect you, the original purchaser, if you have purchased floor covering and/or window treatments for your own residential use in an owner-occupied residence. Rental properties void all residential manufacture and installation warranties. **NOTE:** Warranties for materials purchased but not installed by Mike's Carpet Connection are void by Mike's Carpet Connection and any product issues must be dealt directly with the manufacturer. Installation of "Owner Provided Materials" are not warranted. There are no refunds and/or returns given for materials purchased using Customer measurements. A 50% deposit of the total amount due is required before materials are ordered for your job. The balance is due upon completion of work unless otherwise noted. **Estimates are good up to 10 days from date provided.** Buyer delayed installations require payment in full. A 1.5% per month service charge will be assessed on delinquent payments. In the event Buyer defaults under the terms of this agreement, Buyer agrees to pay reasonable attorney and/or collection fees if the sums due are collected through an attorney and/or collection agency. **Our goal is to provide you with the best service possible. In order to achieve our goal, we will need your help.**

2/27/20

\$13,036.00 TOTAL

DEPOSIT REQUIRED

ADDITION OR SUBTRACTION

BALANCE DUE

COMPLETION DATE

DATE PAID IN FULL

I/we the Buyers hereby accept the above terms and conditions. Signature: **X**

THANK YOU!!!

2-3

ITEM 2

BEACH CONSTRUCTION CO.

MHIC #121721

March 22, 2021

SCOPE OF WORK FOR: DIAKONIA
36049 Old Bridge Road. Ocean City, Maryland 21842

1. GENERAL REQUIREMENTS

- A. DRAWINGS: N/A
- B. ENGINEERING: N/A
- C. PERMITS: N/A
- D. INSURANCE: General Liability & Workers Compensation insurance by Builder. Flood and Risk by Owner.
- E. All work related to the 2nd floor of the Farm House

2. Preparation

- A. Remove existing shoe moldings (base moldings will remain in place)
- B. Manage the existing furniture in each room. Wrap for protection as necessary
- C. Owner will coordinate with Installers by removing bedding and personal items And will insure timely availability of the work area

3. Installation

- A. Install approximately 776 sqft of LVP flooring, 0845V Tivoli Plus
- B. Install 12 flush mount stair treads to match new LVP flooring
- C. Paint the existing stair risers, Sherwin Williams semi-gloss
- D. Install matching transition T-molding and underlayment
- E. Supply, paint and install shoe molding, Sherwin Williams semi-gloss (paint includes existing base boards)

4. Final

- A. Flooring will be swept and all debris removed from the job site
- B. Any excess LVP will remain on site for Owners use
- C. Unforseen underlayment repair will be managed by Change Order (aprx. \$ 125.00 per sheet. L & M)

PROTECTION OF FURNISHINGS Contractor will use good judgment in protecting Owners property. However, we recommend Owner participation and good judgment.

FINAL PREPARATION AND OCCUPANCY Occupancy provided upon final payment.

GUARANTEE AND HOME BUYERS WARRANTY Beach Construction guarantees all work performed by us for one year from the date of completion. The RCPG will be the governing reference for acceptability. Material warranty by manufacturer.

CONTRACT AMOUNT \$ 13,800.00

Deposit *Non-refundable material deposit* \$ 5,800.00, Balance upon completion \$8,000.00

Agreement to proceed to contract

Date _____

✓ 1 Item Added to Cart

[Continue Shopping](#) ✕

[View Cart \(25\)](#)



Salsbury Industries 18-51000 Series 1
Compartment Single Tier 18 In. W x 78 In. H x 21
In. D Metal Locker Assembled in Gray.

Qty: 25

\$6,286.25

Cart Total: \$6,286²⁵

Taxes are calculated during checkout.

Checkout

— or —

Check out with **PayPal**

Customers Also Viewed...



Salsbury Industries
18-51000 Series 1
Compartment

★ ★ ★ ★ ★ (1)

\$203³⁰

Add To Cart



Salsbury Industries
74000 Series 4-
Tier 12 in. W x 66

★ ★ ★ ★ ★

\$265³¹

Add To Cart



Salsbury Industries
18-51000 Series 1
Compartment

★ ★ ★ ★ ★ (2)

\$192⁶⁰

Add To Cart



Salsbury
18-5200
Compartment

★ ★ ★

\$20³

Add

Feedback Live Chat

- View All Products
- Shop By Application
- Metal Lockers
- Wood Lockers
- Plastic Lockers
- Cell Phone Lockers
- Locker Benches

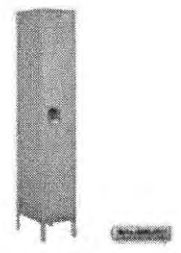
Home > Shopping Cart



Shopping Cart

Cart #: E1W2C8EJ174139

| Description | Unit Price | Quantity | Total | Edit |
|-------------|------------|----------|-------|------|
|-------------|------------|----------|-------|------|



15" Wide
Single Tier
Standard
Metal
Locker - 1
Wide - 6
Feet High -
18 Inches
Deep -
Gray -
Assembled
Model:
51168GY-A
Color: Gray

| | | | |
|---------------------|----|-------------------|---------------------------|
| \$210.00 | 25 | \$4,750.00 | Edit Item |
| \$190.00 | | | Remove |

Cart Summary

| | |
|---|------------|
| Product Subtotal | \$4,750.00 |
| Est. Shipping enter zip code | \$1,732.14 |

Est. Total
\$6,482.14

Checkout

Check out with **PayPal**

Live Chat

Sales taxes, if applicable, will be calculated.

2 - 6

ITEM 2



SHOP PRODUCTS

RESOURCE CENTER

LYON ADVANTAGE

GOVERNMENT

REQUEST QUOTE

CONTACT



Shopping Cart

Proceed to Checkout

| Product Name | Unit Price | Qty | Subtotal |
|--------------|------------|-----|----------|
|--------------|------------|-----|----------|

Single Tier
18"w x 21"d
x 78"h
Standard
Metal Locker
1 Wide



Color: DOVE GRAY
Assembly
Option: ASSEMBLED
SKU: DD5102SU

\$319.77

- 25 +

\$7,994.25

CART TOTALS

Subtotal \$7,994.25

Enter your address to view shipping options.

Select a country / region. v

State / County

City

Postcode / ZIP

UPDATE TOTALS

Tax \$0.00

Total \$7,994.25

DISCOUNT CODE



2-7



ITEM 2



INVOICE

Diakonia, Inc.



12747 Old Bridge Road
Ocean City, MD 21842
Phone 410-213-0923 | Fax 410-390-3961
info@diakoniaoc.org | diakoniaoc.org

INVOICE # 001
DATE 03-31-2021

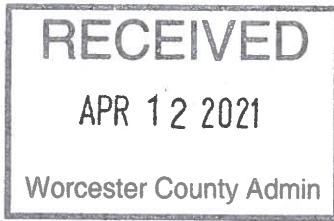
TO
Worcester County
One West Market Street, Room 1103
Snow Hill, Maryland 21863

FOR Locker installation

| Description | Amount |
|---|-----------------|
| Donald Martonick 40 hours @ \$15.00/hr. Locker Installation | 600.00 |
| plus \$2.76/hour in fringe benefits | 110.40 |
| | |
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| | |
| Total | \$710.40 |

If you have any questions concerning this invoice, contact Name | Phone | Email

THANK YOU FOR YOUR BUSINESS!



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

PLANNING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

Memorandum

To: Worcester County Commissioners
CC: File
From: Jo Ellen Bynum 
Date: 4/12/2021
Re: Housing Rehabilitation Program Bid Recommendation- Stockton Septic System

A bid opening was held Monday, April 5 for a proposed septic system replacement at a housing rehabilitation project located in Stockton. Bids were received from two contractors as follows:

Jimmy Landon Jr. Excavating, Inc.- \$14,200

2 Kuz Waste & Septic Services, LLC- \$9,125 * Please note, this bid may not be considered; incomplete and electronic submission

This project is proposed to be funded through the current CDBG housing rehabilitation grant, MD-20-CD-22. Under the purchasing guidelines of this funding source, a minimum of 3 bids is required. However, the County may request a waiver to the minimum bid requirement to avoid a re-bid situation.

After reviewing the eligible proposal with Environmental Programs, it is my recommendation to accept the bid presented by Jimmy Landon at \$14,200, contingent upon the County's receipt of a waiver to the three-bid minimum required by the State CDBG grant office. The project was advertised extensively and prospective bidders were also contacted personally by me. The existing septic has completely failed and requires bi-weekly pumping to stay operational. Additionally, there are two young children in the home and the current conditions will eventually present a health hazard to the family and the general public as the homeowner has now exhausted his available funds to have the system pumped.

ITEM 3

A copy of the competitive bid worksheet and the Jimmy Landon proposal are attached for the Commissioners review.

Competitive Bid Worksheet

Item: Housing Rehabilitation Project in Stockton, MD

Bid Deadline/Opening Date: 1:00 P.M., Monday, April 5, 2021

Bids Received by deadline = 1

John Jones
5316 Little Mill Road
Stockton, MD

Contractor's Submitting Bids

Total Quote

Jimmy Landon Jr. Excavating, Inc.
29943 Kingston Lane
Westover, MD 21871

__ \$14,200 _____

2 Kuz Waste & Septic Services, LLC
12615 Sheppards Crossing Road
Whaleyville, MD 21872

__ \$ 9,125.00 _____

**JIMMY LANDON JR EXCAVATING JIMMY LANDON JR
EXCAVATING INC.**

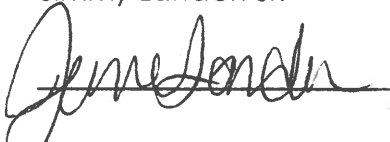
29943 Kingston lane Westover, MD 21871 | 410-430-0480 |
Jimmylandonjrexexcavating@yahoo.com

04/05/2021

Housing Rehabilitation Bid-Stockton
Worcester County, MD

**Dear Housing Rehabilitation Bid-Stockton
Worcester County, MD**

Jimmy Landon Jr.



Date

04/05/21

Jimmy Landon Jr Excavating INC.

ATTENTION: THIS BID FORM MUST BE REPRODUCED ON YOUR COMPANY LETTERHEAD AND BE SUBMITTED WITH YOUR BID PACKAGE. ALL PAGES OF WORK SCOPE WITH LINE ITEM PRICING DETAIL MUST BE INCLUDED. ANY MISSING INFO OR WORDING MAY DISQUALIFY YOUR BID. THE BID PACKAGE IS ALSO AVAILABLE ON-LINE AT www.co.worcester.md.us

BID FORM

***must be signed to be valid**

**Property of John Jones
5316 Little Mill Road
Stockton, MD 21864**

I have reviewed the specifications and provisions for rehabilitation work on the above referenced property and understand said requirements. I hereby propose to perform this work for the total price of:

Total Quote : \$ 14,200.00
Date Available to Start: 05/01/21

Date: 05/05/21

James London
Signature

James London
Typed Name

President
Title

Jimmy London Jr. Excavating
Company Name

29943 Kingston Lane
Address

Westover MD, 21871

410 430 0480
Phone Number(s)

John Jones
5316 Little Mill Road
Stockton, MD 21864
TM 86 Parcel 249
757-894-0928

01/28/21

Septic Scope of Work

- Site visits are required. Any prospective bidder needs to set up an onsite appointment with Eddie Lawson of Environmental Programs and the owner to review prior to submitting bid.
- 3 lines, 65 feet long each, with 2 foot wide trenches
- Installation 0 inch - elevation shots required. Slope is an issue.
- Dug out 4 to 5 feet and backfilled with approved sand (final depth to be determined at meeting on site).
- Minimum 1,000 gallon septic tank is required with lift station and pump. Include electrical hook up in bid.
- Final stabilization of seeding and straw is required.
- Replace plumbing to tank from house
- All disturbed areas at septic site, including stockpile area, to be cleaned up and graded.
- Any tree clearing, brush removal, trash removal, etc., bidder feels will be needed to included to complete this scope of work will need to be considered in their bid price.
- Obtain County Environmental Programs final approval before heavy equipment is pulled from the jobsite.
- The permit fee of \$325 must be included in quote

Date of site visit: 4/3/21

Project Total= 14,200

Date: 4/5/21

James London
Signature

James London
Typed Name

President
Title

Jimmy London Jr. Excavating
Company Name

29643 Kingston Lane
Address

Westover, MD 21871

410 430 0480
Phone Number(s)



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

RECEIVED

APR 12 2021

Worcester County Admin

ENGINEERING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

Memorandum

To: Worcester County Commissioners

CC: File

From: Jo Ellen Bynum 

Date: 4/12/2021

Re: Housing Rehabilitation Program Bid Recommendation- Snow Hill General Rehab

A bid opening was held Monday, April 5 for a proposed single-family housing rehabilitation project located in Snow Hill. Bids were received from two contractors as follows:

Poseidon Plumbing & Home Services- \$ 82,393

Colossal Contractors, Inc.- \$129,450

This project is proposed to be funded through the current CDBG housing rehabilitation grant, MD-20-CD-22 and the State Special Loans Program. Under the purchasing guidelines of the CDBG grant program, a minimum of 3 bids is required. However, the County may request a waiver to the minimum bid requirement to avoid a re-bid situation.

After reviewing the proposals with the Program Inspector, it is my recommendation to accept the bid submitted by Poseidon Plumbing at \$82,393, as this quote is within the +10% margin over the cost estimate allowed by the SLP loan program. This acceptance will be contingent upon the State Special Loans Program's approval of a loan to the homeowner for the balance of the funding not covered by the CDBG grant maximum and to the County's receipt of a waiver to the three-bid minimum required by the State CDBG grant office. Our program advertised the project extensively, to include personally contacting prospective bidders and holding an additional pre-bid meeting. A re-bid attempt is unlikely to yield additional results.

A copy of the Competitive Bid Worksheet, inspector's cost estimate and the Poseidon Plumbing bid are attached for the Commissioners review.

Competitive Bid Worksheet

Item: Housing Rehabilitation Project in Snow Hill

Bid Deadline/Opening Date: 1:00 P.M., Monday, April 5, 2021

Bids Received by deadline = 2

Nicole Caudell
5824 evergreen Terrace
Snow Hill, MD
Total Quote

Contractor's Submitting Bids

Poseidon Plumbing & Home Services
Sunset Ave. # 1
Ocean City, MD 21842

82,393

Colossal Contractors, Inc
4601 Sandy Spring Road
Burtonsville, MD 20866

129,450



Property of Nicole Caudell
 5824 Evergreen Terrace
 Snow Hill, MD 21863

I have reviewed the specifications and provisions for rehabilitation work on the above referenced property and understand said requirements. I hereby propose to perform this work for the total price of:

Total Quote: \$82,393.00
 Date Available to start: April 5th, 2021

Date: April 5th, 2021

MA
 Signature
Matr Stecker
 Type Name
Member, LLC
 Title
Poseidon Plumbing and Home Services
 Company Name
12637 sunset Ave #1 Ocean city, MD 21842
 Address
410-251-1096
 Phone Number(s)
135020 10-12-2021
 MHIC# Exp Date

Poseidon Plumbing & Home Services
 12637 Sunset Ave. Suite 1
 Ocean City, MD 21842
 (410)251-1096

Nicole Caudell
 5824 Evergreen Terrace
 Snow Hill, MD 21863
 443-859-3354

01/04/21
 Revised 02/05/21

SCOPE OF WORK

A: Attendance of the pre-bid meeting is mandatory for all general contractors. Contractor to obtain all necessary permits. Contractor is to subcontract and coordinate with Tesla, the solar panel installer, for removal and reinstallation of existing solar panels. Tesla's contact information will be provided at the pre-bid meeting. Contractor to safely store panels in owner garage until Tesla contractor returns to re-install. Remove existing roof shingles, felt paper underlayment, drip edge, and all flashings. Shingle color to be selected by homeowner; contractor to provide samples. Remove gutters and downspouts. Replace any damaged roof sheathing. Provide and install new thirty pound felt paper underlayment or better. Provide and install new white wide aluminum drip edge at all eaves and rakes. Provide and install ice and water shield at all eaves and rake edges as well at any valleys and at all roof and wall junctions. Provide and install one (1) new roof/attic fan with thermostat control, and with proper flashing. Provide and install new thirty year architectural shingles per manufacturer's installation instructions. Provide and install roof ridge venting with ridge caps as necessary provide and install new plumbing vent boots as required. Install new white continuous aluminum gutters and downspouts. Splash blocks are to be installed at all downspouts. Haul away all construction related debris.

PRICE: 23,739.00

B: Remove existing rear storm door and replace with builder grade storm door with self storing screen and lockset. Replace front storm door closer assembly. Install missing knock out covers in electrical panel box. Install new 10 year lithium battery smoke detectors throughout house per current code. If hard wiring all units presents extensive rework, or existing conditions make it impractical, battery operated units will be acceptable. Install Code applicable GFCI outlets in the existing kitchen sink area as well as at the exterior. Exterior units are to have water proof cover boxes. Dig out at front stoop, left side, middle support post, and add concrete to secure post. Provide and install two missing window screens at guest bedroom exterior. Repair decking boards as identified by Program Inspector at pre-bid meeting. Have licensed exterminator provide spray treatment of all decking; homeowner responsible for subsequent recommended yearly treatments.

PRICE: 9,200.00

Nicole Caudell
5824 Evergreen Terrace
Snow Hill, MD 21863
443-859-3354

01/04/21
Revised 02/05/21

C: Replace existing water heater with new 50 gallon electric unit per current Code with overflow pipe. Remove water heater and all construction related debris. Replace master bathroom toilet ball-cock assembly and flush arm; ensure proper operation. Install drain plug in existing master vanity sink. Provide and install new exterior hose bibb at front, right side of stoop. Properly secure hall guest bathroom shower door pull.

PRICE: 2,400.00

D: Remove existing electric range. Install new builder grade free standing stainless steel electric range with required anti-tip foot installed per manufacturer's installation instructions. Provide and install necessary electric cord. Install new breaker and run new service line for existing kitchen dishwasher. Make necessary repairs to guest bathroom ceiling light and exhaust fan. Vent existing bathroom exhaust fan to the exterior per current code. Check source wiring and remove for guest hall bathroom EBB wall control.

PRICE: 3,550.00

E: Have complete HVAC system cleaned and serviced. Also have system inspected regarding if system is sized properly for the house as well as the supply and return duct size and locations. Make any suggested corrections to existing duct work. Provide and install new 2-1/2 ton builder grade heat pump system with air handler, condenser unit, programmable thermostat, and all necessary supply and return duct. System to be Energy Star rated, minimum 16 SEER and sized in accordance with the ACCA's manual J or other recognized methodology. Data for heat load/loss calculations shall be based on post rehabilitation conditions. System is to be capable of heating interior to 78 E when exterior temperature is 0 F in all habitable and essential rooms. Replace existing hallway main return grill assembly and filter with pull down return type.

Provide and install fiberglass batt insulation in attic and crawlspace areas after organic growth inspection and any necessary mitigation has been completed, to meet current code requirements as possible. Install new 6 mil poly vapor barrier in crawlspace to completely cover the floor area.

PRICE: 21,699.00

ITEM 4

Nicole Caudell
5824 Evergreen Terrace
Snow Hill, MD 21863
443-859-3354

01/04/21
Revised 02/05/21

F: Repair non-operating kitchen cabinet door and cabinet drawers as possible. Install new cabinet doors at guest hall bathroom vanity and stain to match existing. Make drywall repairs to all damaged areas throughout the house. Paint all repaired areas to match existing paint as close as possible. Remove two (2) damaged interior door slabs at hall bathroom and bedroom entry doors. Install new lauan door slabs, stain and poly to match existing. Provide and install new bi-fold door pulls in guest bedroom. Clean wood and re-stain and poly two (2) window interior frames and trim. One window is in the master bedroom and one in the master bathroom.

Remove all carpeting and padding in house. Provide and install new 1/4" lauan underlayment. Seal all seams for installation of new builder grade vinyl sheet goods. Owner is to choose color and pattern; provide samples. Install new shoe moulding at all new vinyl floor areas. Install standard metal sill transition strips between new and existing flooring.

PRICE: 21,805.00

TOTAL PRICE: 82,393.00

SIGNATURE:

PRINTED NAME:

TITLE:

COMPANY NAME:

ADDRESS:

PHONE NUMBERS:

OFFICE:

CELL:

MHIC#:

EXPIRATION DATE:

DATE OF PROPOSAL:

Prepared Especially For:
 Wcr - Nicole Caudell
 5824 Evergreen Terrace
 Snow Hill, MD 21863
 443-859-3354

Prepared By:
 Lifestyle Home Inspections
 P.O. Box 1363
 Berlin, MD 21811
 410-213-2021
 walter796@aol.com
 MHIC #29042, MHBR # 19
 www.lifestylebuildersinc.com

Worcester County Rehabilitation estimate for necessary repairs

100 General Requirements

1.00 EA Remove Construction Debris 747.50

Dumpster on site

1.00 EA Inspection For Possible Organic Growth. Any
 Required Mitigation Not Included In This Cost Estimate 390.00

Crawlspace. THIS ESTIMATE DOES NOT INCLUDE ANY
 REQUIRED MITIGATION.

Total General Requirements 1,137.50

250 Demolition

1.00 EA Demolition 2,047.50

Remove solar panels for new roof shingles on garage south side.
 Remove and reinstall.

20.00 SQ Tear Off Shingles, Felt And Drip 2,600.00
 160.00 SF Remove P.t. Decking 280.80
 1.00 EA Remove Screen Door 58.50

Storm door

Total Demolition 4,986.80

300 Foundations

1.00 EA Concrete Piers 201.50

Add concrete to front stoop middle support post for stability

Total Foundations 201.50

500 Roofing

1.00 EA Roofing 975.00

Estimated costs to remove and store solar panels

1.00 EA Roofing 1,235.00

Prepared Especially For:
Wcr - Nicole Caudell
5824 Evergreen Terrace
Snow Hill, MD 21863
443-859-3354

Prepared By:
Lifestyle Home Inspections
P.O. Box 1363
Berlin, MD 21811
410-213-2021
walter796@aol.com
MHIC #29042, MHBR # 19
www.lifestylebuildersinc.com

Estimated cost to reinstall solar panels including electrical hook up

| | | | |
|-------|-----|---|-----------|
| 20.00 | Sq | Roofing Composition Shingle Certaineed 30 Year | 10,920.00 |
| 5.00 | BUN | Hip & Ridge | 942.50 |
| | D | | |
| 1.00 | EA | Roof Fan & Thermostat Cut Roof & Install, No Wiring | 416.00 |

New motor for existing roof fan, installed by electrician

| | | | |
|---------------|----------|------------------------------|--------|
| 2.00 | EA | Vent Pipe Boot | 351.00 |
| 220.00 | LF | Dripedge | 600.60 |
| 3.00 | EA | Roof Nails | 370.50 |
| 100.00 | LF | Ice Dam Barrier- Winterguard | 702.00 |
| Total Roofing | | 16,512.60 | |
| 600 | Exterior | | |
| 1.00 | EA | Exterior | 123.50 |

Front storm door closer unit installed

| | | | |
|----------|----|---------------------------------|----------|
| 1,680.00 | SF | 6" Fiberglass Faced Insul. R-19 | 3,385.20 |
|----------|----|---------------------------------|----------|

House floor insulation

| | | | |
|----------|----|---------------------------------|----------|
| 1,680.00 | SF | 9" Fiberglass Faced Insul. R-30 | 4,914.00 |
|----------|----|---------------------------------|----------|

Replace carwlspace insulation, insulation in addition falling and poor condition, possible organic growth. Main house with dryer venting into it and unable to access to inspect, assuming needs replacement. Have contractor varify.

| | | | |
|----------|----|--------------------------|----------|
| 1,680.00 | SF | 6 Mil Poly Vapor Barrier | 1,638.00 |
| 2.00 | Ea | Vinyl Sh Simonton 3052 | 148.20 |

Two screens for guest bedroom windows

| | | | |
|------|----|-----------------------|--------|
| 1.00 | EA | Larson Storm Door 36" | 559.00 |
|------|----|-----------------------|--------|

Prepared Especially For:
Wcr - Nicole Caudell
5824 Evergreen Terrace
Snow Hill, MD 21863
443-859-3354

Prepared By:
Lifestyle Home Inspections
P.O. Box 1363
Berlin, MD 21811
410-213-2021
walter796@aol.com
MHIC #29042, MHBR # 19
www.lifestylebuildersinc.com

| | | | |
|----------------|---|--|-----------|
| Total Exterior | | | 10,767.90 |
| 700 Interior | | | |
| 2.00 EA | Interior | | 104.00 |
| | <u>Hall bedroom closet door, replace pulls</u> | | |
| 2.00 EA | Door Slab Lauan 2668 | | 338.00 |
| | <u>Bedroom and hall bathroom door, slab only. Existing framework to stay</u> | | |
| 4.00 EA | Drywall Repair | | 1,404.00 |
| | <u>Ceilings and walls, minor cracks and water damage repair. Four rooms</u> | | |
| Total Interior | | | 1,846.00 |
| 720 Cabinets | | | |
| 6.00 EA | Cabinets | | 780.00 |
| | <u>Cabinet and kitchen drawer repairs. Also add doors to hall bathroom vanity</u> | | |
| Total Cabinets | | | 780.00 |
| 760 Flooring | | | |
| 146.00 Sy | Flooring, Resilient Sheet Vinyl No Wax Mannington Aristocon Or Classic | | 7,212.40 |
| | <u>Builder grade vinyl sheet goods, includes 10% waster</u> | | |
| 1,200.00 SF | 1/4" Lauan Underlayment | | 3,822.00 |
| | <u>Carpet replaced, for new vinyl floor underlayment</u> | | |
| Total Flooring | | | 11,034.40 |
| 800 Finishes | | | |
| 576.00 SF | Painting Labor , Int. 2 Coats Drywall | | 1,085.76 |

WCI - NICOLE CAUDEL
5824 Evergreen Terrace
Snow Hill, MD 21863
443-859-3354

Lifestyle Home Inspections
P.O. Box 1363
Berlin, MD 21811
410-213-2021
walter796@aol.com
MHIC #29042, MHBR # 19
www.lifestylebuildersinc.com

ITEM 4

Areas of drywall repairs

| | | |
|---------|-------------------|--------|
| 2.00 EA | Gallon Ext. Latex | 101.40 |
| 2.00 EA | Paint Door | 364.00 |

Two new interior door slabs, stain and poly

| | | |
|---------|--------------|--------|
| 2.00 EA | Paint Window | 208.00 |
|---------|--------------|--------|

Stain and poly two bedroom windows, master bedroom

| | |
|----------------|----------|
| Total Finishes | 1,759.16 |
|----------------|----------|

900 Electrical

| | | |
|---------|------------|--------|
| 1.00 EA | Electrical | 130.00 |
|---------|------------|--------|

Install missing knock out plate in panel

| | | |
|---------|------------|--------|
| 1.00 EA | Electrical | 188.50 |
|---------|------------|--------|

Repairs of guest bathroom exhaust fan and recessed light

| | | |
|---------|-------------------|--------|
| 1.00 EA | Run New Feed Line | 780.00 |
|---------|-------------------|--------|

Dishwasher connection and breaker

| | | |
|---------|-------------------------------|--------|
| 2.00 EA | Bath Fan/light & Installation | 442.00 |
|---------|-------------------------------|--------|

Vent existing bathroom exhaust fans to the exterior

| | | |
|---------|---------------------------|----------|
| 5.00 EA | Smoke Detector Hard Wired | 1,137.50 |
|---------|---------------------------|----------|

Smoke detector to current Code, battery only units OK if not feasible for hard wiring

| | | |
|---------|--|--------|
| 1.00 Ea | Receptacle Outlets - Waterproof W/ Ground Fault Cir - Rough Finish Wi | 292.50 |
|---------|--|--------|

Exterior

Prepared Especially For:
Wcr - Nicole Caudell
5824 Evergreen Terrace
Snow Hill, MD 21863
443-859-3354

Prepared By:
Lifestyle Home Inspections
P.O. Box 1363
Berlin, MD 21811
410-213-2021
walter796@aol.com
MHIC #29042, MHBR # 19
www.lifestylebuildersinc.com

| | | |
|---------------------------------|---|-----------|
| 1.00 EA | Replace Outlet With Gfci | 292.50 |
| | <u>kitchen</u> | |
| Total Electrical | 3,263.00 | |
| 1000 Plumbing | | |
| 1.00 EA | Plumbing | 221.00 |
| | <u>Replace master bathroom toilet complete ball cock assmebly</u> | |
| 1.00 EA | Plumbing | 188.50 |
| | <u>Instrall new vanity drain plug assembly</u> | |
| 1.00 EA | Water Heater, Electric-40 Gal. | 1,430.00 |
| | <u>50 gallon electric water heater. Existing unit well past normal lifespan. No visible leaks noted at time of inspection, but with other work being done, it would be prudent to replace due to age.</u> | |
| 1.00 EA | Hose Bibb- New | 292.50 |
| | <u>Right side of front stoop</u> | |
| Total Plumbing | 2,132.00 | |
| 1100 Heating & Air Conditioning | | |
| 1.00 EA | Heating & Air Conditioning | 325.00 |
| | <u>HVAC system clean and service. Also determination if current system is sufficient for square footage. Owner complains of hot summer, cold winter.</u> | |
| 1.00 EA | Replace Register Covers | 97.50 |
| | <u>Replace hallway return grill assembly</u> | |
| 1.00 EA | Heat Pump-2.5 Ton | 18,525.00 |
| | <u>Add second system, air handler, condenser, thermostat and all</u> | |

Prepared Especially For:
 Wcr - Nicole Caudell
 5824 Evergreen Terrace
 Snow Hill, MD 21863
 443-859-3354

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ductwork

| | | |
|----------------------------------|---|-----------|
| 1.00 EA | Install Dryer Vent To Exterior | 273.00 |
| Total Heating & Air Conditioning | | 19,220.50 |
| 1200 Appliances | | |
| 1.00 EA | Range, Electric Free Standing, Medium Grade | 1,293.50 |

Stainless steel

| | |
|-------------------|-----------|
| Total Appliances | 1,293.50 |
| Estimate Total... | 74,934.86 |
| Sales Tax | 1,865.41 |
| Grand Total... | 76,800.27 |

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



OFFICE OF THE
COUNTY COMMISSIONERS

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

COMMISSIONERS
JOSEPH M. MITRECIC, PRESIDENT
THEODORE J. ELDER, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
JAMES C. CHURCH
JOSHUA C. NORDSTROM
DIANA PURNELL


Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103
SNOW HILL, MARYLAND
21863-1195

ACAO Note:
Proposed Public
Hearing on May 4th

April 13, 2021

To: Harold Higgins, Chief Administrative Officer
Worcester County Commissioners

From: Kim Reynolds, Senior Budget Accountant 

Subject: Request for Public Hearing #2 CDBG COVID Round 2 Grant

This is a request to hold a second public hearing regarding the progress of the Community Development Block Grant which was awarded to the County Commissioners of Worcester County, Maryland and sub-awarded to Diakonia, Inc.

The CDBG COVID Round 2 Grant No. CV-2-17 was approved on March 27, 2020 and the close of the grant period is December 31, 2021. This grant was awarded in the amount of \$336,000. Diakonia, Inc. received \$336,000 for Emergency Rental Assistance to individuals residing in Worcester County for up to a six month period that have been negatively impacted as a result of the COVID 19 crisis.

**NOTICE OF PUBLIC HEARING
ON THE PROGRESS OF
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS
WORCESTER COUNTY, MARYLAND**

The County Commissioners of Worcester County, Maryland will conduct a Public Hearing to provide information on the progress of **COVID Round 2 Grant. Grant No. CV-2-17** which was funded under the Maryland Community Development Block Grant Program which is a federally funded program designed to assist governments with activities directed toward neighborhood and housing revitalization, economic development, and improved community facilities and services. The hearing will be held on:

**TUESDAY, MAY _____, 2021
AT _____ A.M.
IN THE COUNTY COMMISSIONERS' MEETING ROOM
ROOM 1101 – GOVERNMENT CENTER – ONE WEST MARKET STREET
SNOW HILL, MARYLAND 21863**

The purpose of the Public Hearing is to assess the program progress on the following CDBG grant received from the State of Maryland:

CV-2-17 COVID Round 2 Grant Funding is being used by Diakonia, Inc. which is located at 12747 Old Bridge Road, Ocean City, Maryland for emergency rental assistance for up to six months for residents of Worcester County, Maryland that have been negatively impacted by loss of employment or reduction in hours as a result of the COVID 19 crisis.

The total amount of the grant is \$336,000 and the CDBG grant term is scheduled to end on December 31, 2021. Diakonia, Inc. is currently utilizing funding from this grant project.

Efforts will be made to accommodate the disabled and non-English speaking residents with 3 business *days* advance notice to Weston Young, Assistant Chief Administrative Officer at 410-632-1194.

County Commissioners of Worcester County, Maryland



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>

ACAO Note:
Proposed Public
Hearing on May 18th

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Harold L. Higgins, Chief Administrative Officer
From: Edward A. Tudor, Director, Development, Review and Permitting *EAT*
Date: April 12, 2021
Re: Rezoning Case No. 429 – Daniel Strickland Hope, applicant, Hugh Cropper IV, Esquire, attorney for the applicant

Attached herewith please find the Planning Commission’s written Findings of Fact and Recommendation relative to Rezoning Case No. 429, seeking to rezone approximately 192.28 acres of land located on the southerly side of Nassawango Road, to the west of MD Route 12, northwest of Snow Hill, from RP Resource Protection District to A-1 Agricultural District. The case was reviewed by the Planning Commission at its meeting on April 1, 2021 and was given a favorable recommendation, on the condition that the area by the Pocomoke River be maintained as the RP Resource Protection District, as illustrated on Applicant’s Exhibit No. 4, the former C-1 Conservation District boundary line.

Also attached for your use is a draft public hearing notice for the required public hearing that must be held by the County Commissioners. An electronic copy has already been forwarded to Weston Young. Please advise our department at your earliest convenience as to the public hearing date so that our department can ensure that the mandatory public notice of 15 days is met via posting on the site and mailings to adjoining property owners.

Thank you for your attention to this matter. Should you have any questions or require additional information, please do not hesitate to contact me.

EAT/jkk

cc: Jennifer K. Keener, Deputy Director

NOTICE
OF
PROPOSED CHANGE IN ZONING

SOUTHERLY SIDE OF NASSAWANGO ROAD
WEST OF MD ROUTE 12

SEVENTH TAX DISTRICT
WORCESTER COUNTY, MARYLAND

Pursuant to Section 1-113 of the Worcester County Zoning Ordinance, Rezoning Case No. 429 has been filed by Hugh Cropper, IV on behalf of Daniel Strickland Hope, property owner, for an amendment to the Official Zoning Maps to change approximately 129.28 acres of land located on the southerly side of Nassawango Road, west of MD Route 12 in the Seventh Tax District of Worcester County, Maryland, from RP Resource Protection District to A-1 Agricultural District. The Planning Commission has given a favorable recommendation to the rezoning application as amended.

Pursuant to Sections 1-113 and 1-114 of the Worcester County Zoning Ordinance, the County Commissioners will hold a

PUBLIC HEARING

on

TUESDAY, _____

AT _____

IN THE COUNTY COMMISSIONERS' MEETING ROOM
WORCETER COUNTY GOVERNMENT CENTER – ROOM 1101
ONE WEST MARKET STREET
SNOW HILL, MARYLAND 21863

At said public hearing the County Commissioners will consider the rezoning application, the staff file on Rezoning Case No. 429 and the recommendation of the Planning Commission, any proposed restrictions on the rezoning, other appropriate restrictions, conditions or limitations as may be deemed by them to be appropriate to preserve, improve, or protect the general character and design of the lands and improvements being zoned or rezoned or of the surrounding or adjacent lands and improvements, and the advisability of reserving the power and authority to approve or disapprove the design of buildings, construction, landscaping or other improvements, alterations and changes made or to be made on the subject land or lands to assure conformity with the intent and purpose of applicable State laws and regulations and the County Zoning Ordinance.

Maps of the petitioned area, the staff file on Rezoning Case No. 429 and the Planning Commission's recommendation, which will be entered into record at the public hearing, are on file and available to view electronically by contacting the Department of Development, Review and Permitting, Worcester County Government Center, One West Market Street, Room 1201, Snow Hill, Maryland 21863 Monday through Friday from 8:00 A.M. and 4:30 P.M. (except holidays), at (410) 632-1200 as well as www.co.worcester.md.us.

Joseph M. Mitrecic, President

**PLANNING COMMISSION
FINDINGS OF FACT
AND
RECOMMENDATION**

REZONING CASE NO. 429

APPLICANT:

**Daniel Strickland Hope
4224 Nassawango Road
Snow Hill, Maryland 21863**

ATTORNEY FOR THE APPLICANT:

**Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842**

April 1, 2021

WORCESTER COUNTY PLANNING COMMISSION

TABLE OF CONTENTS

| | | |
|------|--|---------------|
| I. | Introductory Data | Pages 3 - 4 |
| II. | Testimony Before the Planning Commission | Pages 4 - 7 |
| III. | Findings and Conclusions | Pages 7 - 9 |
| IV. | Planning Commission Recommendation | Page 9 |
| V. | Related Material and Attachments | |
| A. | Copy of Written Staff Report | Pages 10 - 15 |
| B. | Attachments to the Staff Report: | |
| 1. | Application for Amendment of Official Zoning Map with attachment | Pages 16 - 26 |
| 2. | Maps of petitioned area | Pages 26 - 34 |
| 3. | Comments of Robert J. Mitchell, Worcester County Environmental Programs Director | Pages 35 - 37 |
| 4. | Comments of Michael Grassmann, Natural Resources Planner, State of Maryland Critical Area Commission | Pages 38 - 42 |
| 5. | Comments of James W. Meredith, District Engineer, Maryland State Highway Administration | Page 43 |
| 6. | Comments of Frank J. Adkins, Worcester County Roads Superintendent | Page 44 |
| 7. | Comments of Rob Clarke, Forester, Maryland Forest Service | Pages 45 - 46 |
| 8. | Memo requesting comments | Pages 47 - 48 |
| 9. | Applicant's Exhibit No. 4 | Page 49 |

I. INTRODUCTORY DATA

- A. CASE NUMBER: Rezoning Case No. 429, filed on September 28, 2020.
- B. APPLICANT: Daniel Strickland Hope
4224 Nassawango Road
Snow Hill, Maryland 21863
- APPLICANT'S ATTORNEY: Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842
- C. TAX MAP/PARCEL: Tax Map 70 - Parcel 18 – Parcel A - Tax District 7
- D. SIZE: The petitioned area is 192.28 acres in size.
- E. LOCATION: The petitioned area is located on the southerly side of Nassawango Road, to the west of MD Route 12, northwest of Snow Hill.
- F. CURRENT USE OF PETITIONED AREA: Tilled land, forest, a single-family dwelling with customary residential accessory structures and an agricultural storage building.
- G. CURRENT ZONING CLASSIFICATION: RP Resource Protection District.
- H. REQUESTED ZONING CLASSIFICATION: A-1 Agricultural District.
- I. ZONING HISTORY: At the time zoning was first established in the 1960's, the petitioned area was given an A-1 Agricultural District classification, with a portion of the forested waterfront area placed in the C-1 Conservation District. That designation was retained in the 1992 comprehensive rezoning. During the 2009 comprehensive rezoning, the entire property was placed in the RP Resource Protection District. This district was the former C-1 Conservation District.
- J. SURROUNDING ZONING: All adjoining and nearby properties are also zoned RP Resource Protection District. On the adjacent Parcel 18, Parcel B, also owned by the applicant, the farmed portion of the property considered upland was rezoned from RP Resource Protection District to A-1 Agricultural District as the subject of Rezoning Case No. 425 by the Worcester County Commissioners on October 6, 2020. As a condition of that approval, the wetlands adjacent to the Pocomoke River had to be retained in the RP Resource Protection District.
- K. COMPREHENSIVE PLAN: According to the 2006 Comprehensive Plan and

associated land use map, the petitioned area lies within the Agricultural and Green Infrastructure Land Use Categories.

- L. **WATER AND WASTEWATER:** According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the existing structures on the subject property are currently served by private well and septic. The petitioned area has a designation of a Sewer Service Category of S-6 and W-6 (No Planned Service) in the Master Water and Sewerage Plan.
- M. **ROAD ACCESS:** The petitioned area fronts on Nassawango Road, a County-owned and -maintained roadway. The Comprehensive Plan classifies Nassawango Road as a two-lane secondary highway/minor collector highway. It should be noted that other portions of this roadway are named Dividing Creek Road and/or MD Route 364 and are State-owned and -maintained. This minor collector begins at US Route 13 in Pocomoke City and links to MD Routes 12 and 354 to the north of Snow Hill.

II. APPLICANT'S TESTIMONY BEFORE THE PLANNING COMMISSION

- A. Hugh Cropper, IV, applicant's attorney, Frank G. Lynch, Jr., surveyor, Chris McCabe, environmental consultant, and Mr. Hope, property owner, were present for the review. Mr. Cropper testified that the request is being made based upon a mistake in the assigned zoning district, and not as a result of a change in the character of the neighborhood. Therefore, no precedence would be set.

Mr. Cropper stated that the property has road frontage on Nassawango Road and abuts the Pocomoke River. As noted in the staff report, the property had been primarily zoned A-1 Agricultural District with the fringe of wetlands along the river zoned C-1 Conservation District until the comprehensive rezoning in 2009, when the property had been rezoned to RP Resource Protection District. Mr. Cropper proffered that his client is willing to retain the original C-1 District boundary line in the RP Resource Protection District, or Mr. Lynch can field delineate and provide a metes and bounds survey, depending on the preference of the board.

Philosophically, Mr. and Mrs. Hope are good stewards of the environment and the land has been in the family for generations, and they wish want to keep this farm in the family. Their goal is to protect the farm and the timber operation, and the A-1 Agricultural District will give them the flexibility in uses to grow the farm. The A-1 Agricultural District allows the agricultural structures associated with the farm as a principal permitted use. Mr. Cropper referenced the quote on the Agricultural Land Use category from the Comprehensive Plan as stated in the

staff report, which stressed the significance of agriculture to Worcester County.

Submitted as Applicant's Exhibit No. 1 is the deed to the farm from 1965 (Liber 184 Folio 433).

Mr. Cropper introduced his first witness, Chris McCabe, environmental consultant and owner of Coastal Compliance Solutions, LLC. Submitted as Applicant's Exhibit No. 2 were copies of the A-1 Agricultural and RP Resource Protection District regulations for comparison. Mr. McCabe read the purpose and intent statements for each district. He confirmed that the RP Resource Protection District statement does not include a reference to agriculture or forestry. He concurred that the land area located outside of the former C-1 Conservation District boundary line is more appropriate for an A-1 Agricultural District classification. Mr. McCabe referenced Mr. Clarke's comments that the property has been under an active timber management plan even before his tenure as a county Forester beginning in 1978 with the Maryland Forest Service. Mr. McCabe stated that agricultural structures are a special exception in the RP Resource Protection District, as well as single-family dwellings. Both uses are permitted uses in the A-1 Agricultural District, as are roadside stands and other similar uses. Mr. Cropper alleged that the county created a non-conforming single-family dwelling by downzoning the property. Mr. McCabe also noted that any new development would likely require compliance with various environmental regulations such as stormwater management, Critical Area, and Forestry. He stated that the Critical Area regulations apply within 1,000 feet of the river, and that a 100-foot to 300-foot buffer may apply to the property. Mr. McCabe agreed that certain special exception uses in the A-1 Agricultural District such as roadside stands and agritainment facilities would allow this property to be supported under an agricultural use, and the A-1 Agricultural District is more consistent with the Comprehensive Plan.

Mr. Cropper requested that the staff report be incorporated into the record. He stated that the RP Resource Protection District aligns with the Green Infrastructure Land Use Category of the Comprehensive Plan in approximately 90% of the county. However, this is not the case when applied to the petitioned area. Submitted as Applicant's Exhibit No. 3 were the Formal Notice of Zoning Action, Resolution No. 20-4, and the County Commissioners' Findings of Fact, all of which were associated with Rezoning Case No. 425. Mr. Cropper stated that he also represented Mr. and Mrs. Hope on Rezoning Case No. 425, which was a request to rezone approximately fifty-four acres of the adjoining property from RP Resource Protection District to A-1 Agricultural District.

Mr. Cropper summarized that there would be no environmental harm caused as a result of the rezoning of the petitioned area, and that in the forty-four years that

the property was zoned as A-1 Agricultural District, the property owners have shown that they were good stewards of the environment. He stated that other farms to the north and south of the petitioned area were currently zoned A-1 Agricultural District, but in this particular instance, the county expanded the RP Resource Protection District line around Milburn Landing. He reiterated that the A-1 Agricultural District is more consistent with the Comprehensive Plan and the Land Use Map designation as Agricultural. In reference to the findings that the Planning Commission must make, he noted that there has not been a change in population, transportation, or any other factor. The use of the land will remain the same, however the existing uses will be brought into compliance.

Mr. Cropper introduced his second witness, Frank Lynch, Jr., land surveyor. Mr. Lynch stated that he had worked on the adjoining property and testified as a witness in Rezoning Case No. 425. Overall, Parcel A (the petitioned area) and Parcel B (subject to Rezoning Case No. 425) were one large farm that had been subdivided in half. He noted that in the RP Resource Protection District, agricultural and minor subdivisions were special exception uses. If Mr. and Mrs. Hope would like to subdivide a lot, it would require Board of Zoning Appeals approval for the subdivision action. Mr. Cropper stated that in the Resource Conservation Area (RCA) of the Critical Area regulations, a subdivision is allowed at a density of one lot per twenty acres. Mr. Lynch concurred that the RP Resource Protection District regulations were inconsistent with the Critical Area regulations. Mr. Cropper said that the entire property will need to be rezoned to A-1 Agricultural District, otherwise if the forested area along Nassawango Road was retained in the RP Resource Protection District, then the property owner would have to apply for a special exception to the Board of Zoning Appeals to subdivide in order to access the road frontage. Mr. Lynch concurred that the timber management and agricultural activities are more closely aligned with the A-1 Agricultural District, and that the RP Resource Protection District was a mistake.

Mr. Lynch stated that he testified before the county during the 2009 and 1992 comprehensive rezoning processes, and confirmed that the county does not send a certified letter to every property owner when held. Mr. Hope was not aware that his property had been rezoned in 2009. Mr. Hope explained that his grandfather had purchased the land in the 1920's, and the house has been on the farm since then. He stated that there have been hogs, corn, potatoes, and the land is now in a soybean and corn rotation. The property has been a working farm with crops, the timber management has been ongoing for decades, and it is a very productive property for growing timber. Mr. Hope reiterated that he was unaware of the 2009 rezoning of his property. He stated that he is not desirous of building anything beyond a sustainable working farm.

Mr. Tudor clarified a statement made by Mr. Cropper relative to the existing uses within the RP Resource Protection District. The non-conformities section of the zoning code states that any use or structure that was in existence at the time of the rezoning, which is permitted as a special exception use in the new zoning district, shall not be deemed non-conforming, but rather a conforming special exception. This provision does not require the property owner to seek any additional approval from the Board of Zoning Appeals to maintain or add to the existing agricultural structures or single-family dwelling.

Mr. Mitchell, Director of the Department of Environmental Programs asked for clarification on the area to be rezoned. Mr. Cropper stated that the area by the river, previously zoned C-1 Conservation District, is proposed to be retained in the RP Resource Protection District. Submitted as Applicant's Exhibit No. 4 was a copy of the recorded boundary line adjustment plat for Parcels A and B, which delineates the zoning district boundary line.

In closing, Mr. Cropper stated that the findings of fact as outlined in Rezoning Case No. 425 were all true for the petitioned area as well.

III. PLANNING COMMISSION'S FINDINGS AND CONCLUSIONS

- A. Regarding the definition of the neighborhood: The Planning Commission found that because Mr. Cropper was basing his argument for rezoning solely upon a claim of mistake in existing zoning, a definition of the neighborhood was not applicable.
- B. Regarding population change: The Planning Commission concluded that there has been no significant change to the population of the vicinity surrounding the petitioned area since the comprehensive rezoning of 2009.
- C. Regarding availability of public facilities: The Planning Commission found that there would be no impact upon public facilities as it pertains to wastewater disposal and the provision of potable water, as the single-family dwelling is served by a private septic system and well. Mr. Mitchell's memo stated that the subject property is in the S-6 category (no planned service) of the Master Water and Sewerage Plan. Additionally, the Planning Commission found that the Critical Area designation of Resource Conservation Area (RCA) limits development to one dwelling per 20 acres; thus, the petitioned area could theoretically have a maximum of two lots with one dwelling each. Fire and ambulance service will be available from the Snow Hill Volunteer Fire Company's facility, approximately ten minutes away from the subject property. No comments were received from the fire company with regard to this review. Police protection will be available from the Maryland State Police Barracks in

Berlin, approximately thirty minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately ten minutes away. No comments were received from either the Maryland State Police or the Worcester County Sheriff's Department. The petitioned area is served by the following schools: Snow Hill Elementary School, Snow Hill Middle School, and Snow Hill High School. No comments were received from the Worcester County Board of Education. In consideration of its review, the Planning Commission found that there will be no negative impacts to public facilities and services resulting from the proposed rezoning, and the site will be subject to the limitations of private water and wastewater as well as the Critical Area regulations.

- D. Regarding present and future transportation patterns: The Planning Commission found that the petitioned area fronts on Nassawango Road, a County-owned and -maintained roadway. The Comprehensive Plan classifies Nassawango Road as a two-lane secondary highway/minor collector highway. It should be noted that other portions of this roadway are named Dividing Creek Road and/or MD Route 364 and are State-owned and -maintained. This minor collector begins at US Route 13 in Pocomoke City and links to MD Routes 12 and 354 to the north of Snow Hill. James W. Meredith, District Engineer for the Maryland Department of Transportation State Highway Administration (MDOT SHA) District 1 office commented by letter (copy attached) that if development of the property is proposed in the future, the MDOT SHA may require a traffic impact study to determine potential impacts to the surrounding state roadway network and that future development may also require an access permit to be issued from his office. He also stated that with the exception of the aforementioned comments, MDOT SHA has no objection to a rezoning determination by Worcester County. Frank J. Adkins, Worcester County Roads Superintendent, responded by memo (copy attached) that he had no comment at this time. Based upon its review, the Planning Commission found that there will be no negative impact to the transportation patterns arising from the proposed rezoning of the petitioned area as no significant changes are anticipated.
- E. Regarding compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact to waters included on the State's impaired waters list or having an established total maximum daily load requirement: The Planning Commission found that the petitioned area is current tilled lands and forested wetlands, and is improved with a single-family dwelling, accessory residential buildings, and agricultural buildings. Additionally, the Planning Commission agreed that the petitioned area has historically been cultivated fields, and that the existing use of the property for a single-family dwelling is consistent with the A-1 Agricultural District. Based upon its review, the Planning Commission found that the proposed rezoning of the petitioned area from RP Resource Protection District to A-1 Agricultural

District, excluding the area designated as the former C-1 Conservation District adjacent to the Pocomoke River on Applicant's Exhibit No. 4, is compatible with existing and proposed development and existing environmental conditions in the area.

- F. Regarding compatibility with the Comprehensive Plan: The Planning Commission found that according to the Comprehensive Plan and associated land use plan map, the petitioned area lies within the Agricultural and Green Infrastructure Land Use categories within the Comprehensive Plan. Therefore, rezoning the petitioned area would further its compatibility with the Comprehensive Plan. They agreed that the portion of the petitioned area containing wetlands and located adjacent to the Pocomoke River is more consistent with the Green Infrastructure category and should remain in the RP Resource Protection District. Based upon its review, the Planning Commission found that the proposed rezoning of the petitioned area from RP Resource Protection District to A-1 Agricultural District, excluding the area designated as the former C-1 Conservation District adjacent to the Pocomoke River on Applicant's Exhibit No. 4, is compatible with the Comprehensive Plan and in keeping with its goals and objectives.

IV. PLANNING COMMISSION RECOMMENDATION

- A. In consideration of its findings and testimony provided to the Commission, the Planning Commission concluded that there is a mistake in the existing zoning of the petitioned area. Given the current and historical use of the petitioned area as tilled lands and residential use, as well as the Agricultural Land Use category in the Comprehensive Plan, the Planning Commission found that it was a mistake to have placed the petitioned area in the RP Resource Protection District designation during the 2009 comprehensive rezoning. The uplands portion of the petitioned area should have received an A-1 Agricultural District zoning classification so as to be consistent with the Land Use Map. The Planning Commission also concurred that the findings of fact provided for Rezoning Case No. 425 on the adjoining parcel are applicable to the current request. Based upon its review, the Planning Commission concluded that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan and gave a favorable recommendation to Rezoning Case No. 429, seeking a rezoning of the petitioned area from RP Resource Protection District to A-1 Agricultural District, on the condition that the portion of the petitioned area formerly zoned C-1 Conservation District and located adjacent to the Pocomoke River, as illustrated on the survey provided as Applicant's Exhibit No. 4 be retained in the RP Resource Protection District.

V. RELATED MATERIALS AND ATTACHMENTS

STAFF REPORT**REZONING CASE NO. 429**

PROPERTY OWNER: Daniel Strickland Hope
4224 Nassawango Road
Snow Hill, Maryland 21863

ATTORNEY: Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842

TAX MAP/PARCEL INFO: Tax Map 70 - Parcel 18 – Parcel A - Tax District 7

SIZE: The petitioned area is 192.28 acres in size.

LOCATION: The petitioned area is located on the southerly side of Nassawango Road, to the west of MD Route 12, northwest of Snow Hill.

CURRENT USE OF PETITIONED AREA: Tilled land, forest, a single-family dwelling with customary residential accessory structures and an agricultural storage building.

CURRENT ZONING CLASSIFICATION: RP Resource Protection District

REQUESTED ZONING CLASSIFICATION: A-1 Agricultural District

APPLICANT'S BASIS FOR REZONING: The application indicates that there was a mistake made in the existing zoning.

ZONING HISTORY: At the time zoning was first established in the 1960's, the petitioned area was given an A-1 Agricultural District classification, with a portion of the forested waterfront area placed in the C-1 Conservation District. That designation was retained in the 1992 comprehensive rezoning. During the 2009 comprehensive rezoning, the entire property was placed in the RP Resource Protection District. This district was the former C-1 Conservation District.

SURROUNDING ZONING: All adjoining and nearby properties are also zoned RP Resource Protection District. On the adjacent Parcel 18, Parcel B, also owned by the applicant, the farmed portion of the property considered upland was rezoned from RP Resource Protection District to A-1 Agricultural District as the subject of Rezoning Case No. 425 by the Worcester County Commissioners on October 6, 2020. As a condition of that approval, the wetlands adjacent to the Pocomoke River had to be retained in the RP Resource Protection District.

COMPREHENSIVE PLAN:

According to Chapter 2 – Land Use of the Comprehensive Plan and associated land use map, the petitioned area lies within the Agricultural and Green Infrastructure Land Use Categories. With regard to the Agricultural 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. The county must do all it can do to preserve farming as a viable industry. This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. Large contiguous areas of productive farms and forest shall be maintained for agricultural uses and residential and other conflicting land uses, although permitted, are discouraged.” (Page 18)

With respect to the Green Infrastructure Land Use Category, the Comprehensive Plan states that this category addresses state and locally designated natural and open spaces and that these are designated to preserve environmentally significant areas and to maintain the environmental functionality of the County’s landscape. It states that greenways improve water quality, provide flood control and maintain the County’s rural and coastal character. The Comprehensive Plan further states that this category includes conservation zones, which are highly restricted due to their special sensitivity and that conservation areas are defined by their soils (muck), state owned natural areas, existing conservation zoning, tidal wetlands, and selected riparian corridors. It also states that greenway and conservation areas have distinct physical characteristics which make them special habitat areas or place extreme limitations on development and that such areas are “place dependent”, that is, they only occur at specific locations. Their identification and preservation must be proactively addressed and after-the-fact mitigation and restoration is expensive and often of limited effect. The Comprehensive Plan also states that the green infrastructure system is designed to maintain existing resource areas and, where absent, create sufficient natural “corridors” linking larger green “hubs”.

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.
5. Locate new development in or near existing population centers and within planned growth centers.
6. Infill existing population centers without overwhelming their existing character.
7. Work with municipalities to develop annexation guidance policies that encourage infill within a municipality and then provide for logical community extensions.
8. Regulate development to minimize consumption of land, while continuing the county’s rural and coastal character.

9. Minimize conflicts among land uses due to noise, smoke, dust, odors, lighting, and heavy traffic.
11. Set high environmental standards for new development, especially in designated growth areas.
12. Develop green infrastructure system.
13. Expand the protection of the Coastal Bays and the Pocomoke River drainage basins through watershed plans and their implementation.
19. Limit rural development to uses compatible with agriculture and forestry.
20. Direct new development in growth areas to planned communities.

(Pages 12, 13)

In Chapter 3, Natural Resources, pertinent objectives include the following:

1. Use a systems approach to environmental planning addressing pollution at or close to its source and use sustainable development techniques.
2. Instill environmental stewardship as a universal ethic.
3. Identify and protect environmentally sensitive areas.
4. Restore and/or enhance natural resource functions where possible.
8. Conserve resources by reducing unnecessary consumption.
10. Establish sufficient buffers for sensitive areas.

(Page 33)

In Chapter 7 – Transportation, the Comprehensive Plan states that “[t]he county’s rural road system continues to have an excellent service record. Local car and truck traffic share this system with farm machinery. On-going maintenance will remain the primary need for these roads. Due to their configuration, rural roads within this plan’s growth areas will require improvements to handle the expected additional traffic.” (Page 80)

Chapter 7 also states that “MD 364 Dividing Creek/Nassawango Road (Two Lane Secondary Highway/Minor Collector Highway) This minor collector begins at US 13 west of Pocomoke City and links to MD 354 to the north of Snow Hill. This roadway’s current configuration should be adequate for the planning period.” (Page 87)

In this same chapter, under the heading General Recommendations – Roadways, it states the following:

1. **Acceptable Levels of Service**—It is this plan’s policy that the minimal acceptable level of service for all roadways be LOS C. Developers shall be responsible for maintaining this standard.

2. Rural Roadways—Institute access controls for rural roads if their LOS drops below B for daily peak traffic.
3. Traffic studies--Developers should provide traffic studies to assess the effect of each major development on the LOS for nearby roadways.
4. Impacted Roads--Roads that regularly have LOS D or below during weekly peaks are considered “impacted.” Areas surrounding impacted roads should be planned for minimal development (infill existing lots). Plans and funding for improving such roads should be developed.
5. Impacted Intersections--Upgrade intersections that have fallen below a LOS C, for example, the intersection of US 13 and MD 756 Old Snow Hill Road, intersection of MD 589 and US 50.

(Page 87)

WATER AND WASTEWATER: According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the existing structures on the subject property are currently served by private well and septic, with a designation of a Sewer Service Category of S-6 and W-6 (No Planned Service) in the Master Water and Sewerage Plan. No comments were received from John H. Tustin, P.E., Director of Public Works, or John Ross, P.E., Deputy Director of Public Works.

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

OtA – Othello silt loams, severe limitations to on-site wastewater disposal
 HbA – Hambrook sandy loam, severe limitations to on-site wastewater disposal
 SadB – Sassafra sandy loam, severe limitations to on-site wastewater disposal
 HuA – Hurlock loamy sand, severe limitations to on-site wastewater disposal

EMERGENCY SERVICES: Fire and ambulance service will be available from the Snow Hill Volunteer Fire Company, located approximately ten minutes away. No comments were received from the fire company with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately thirty minutes away, and the Worcester County Sheriff’s Office in Snow Hill, approximately ten minutes away. No comments were received from the Maryland State Police Barracks or from the Sheriff’s Office.

ROADWAYS AND TRANSPORTATION: The petitioned area fronts on Nassawango Road, a County-owned and -maintained roadway. The Comprehensive Plan classifies Nassawango Road as a two-lane secondary highway/minor collector highway. It should be noted that other portions of this roadway are named Dividing Creek Road and/or MD Route 364 and are State-owned and -maintained. This minor collector begins at US Route 13 in Pocomoke City and links to MD Routes 12 and 354 to the north of Snow Hill. James W. Meredith, District Engineer for the Maryland Department of Transportation State Highway Administration (MDOT SHA) District 1 commented by letter (copy attached) that he had no objection to the rezoning request. Frank J.

Adkins, Worcester County Roads Superintendent, responded by memo (copy attached) that he had no comments at this time.

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 School, Snow Hill Middle School, and Snow Hill High School. 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 partially located within the boundaries of the Chesapeake Bay Critical Area (CBCA). He states that this portion of the parcel is designated as a Resource Conservation Area (RCA) and has an associated 100-foot buffer from the mean high water line of tidal waters, the edge of the bank of tributary streams, and the landward extent of tidal wetlands. He further states that RCA's are areas characterized by nature-dominated environments (i.e. wetlands, forests and abandoned fields) and resource-utilization activities (i.e. agriculture, forestry, fisheries and aquaculture). He stated that allowed uses within the A-1 Agricultural District support the County's farms and forestry operations. Furthermore, Mr. Mitchell states that if the proposed rezoning is approved, lands within the boundaries of the RCA must abide by the allowances of §NR 3-206.

Any rezoning application located wholly or partially within the Critical Area require that notification be sent to the Critical Area Commission (CAC). Mr. Mitchell has attached the comments provided by Michael Grassmann, Natural Resources Planner with the CAC. Mr. Grassmann states that a zoning map amendment may only be made in the Critical Area on the basis of a mistake in the existing zoning *and* a local jurisdiction must determine that the change is wholly consistent with the Critical Area land classification. Mr. Grassmann further states that the A-1 zone is *mostly* consistent with the RCA classification as evidenced by the A-1 Agricultural District in the County zoning code as being *intended to preserve, encourage and protect the County's farms and forestry operations*. However, Mr. Grassmann pointed out that there are certain uses allowed in the A-1 District that would not be permitted in the RCA, such as landing strips, spray irrigation fields and storage lagoons for Class II effluent, and large solar energy systems. Therefore, the County must ensure that the site complies with the RCA use limits in the code. Mr. Grassmann states that any future development of this site, including construction of a dwelling and accessory structures, or any future subdivision of this property, must be governed by the County and State Critical Area regulations, including rules and regulations regarding lot coverage, forest and developed woodland clearing, buffer establishment, and RCA density.

For those lands outside of the CBCA, Mr. Mitchell notes that those areas will be subject to the Forest Conservation Law. The afforestation threshold is 20% and the reforestation threshold is 50%.

FLOOD ZONE: The FIRM map (24047C0250H, effective July 16, 2015) indicates that this property is located in Zone X (Area of Minimal Flood Hazard) and A (100-year flood).

Fee Received
9/28/2020

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. 429

Date Received by Office of County Commissioners: _____

Date Received by Development, Review and Permitting: 9/28/2020

Date Reviewed by Planning Commission: 4/1/2021

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): 70
- B. Parcel Number(s): 18
- C. Lot Number(s), if applicable: A
- D. Tax District Number: 7th

III. Physical Description of Property

- A. Located on the South side of Nassawango River Road.
- B. Consisting of a total of 192.28 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): RP, Resource Protection
(Name and Zoning District)
- B. Acreage of zoning classification(s) in "A" above: 192.28
- C. Requested zoning classification(s): A-1, Agricultural District
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: _____

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:

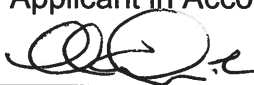
This rezoning is based upon a mistake. A more detailed summary is attached.

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: 9923 Stephen Decatur Hwy., D-2, Ocean City,
MD 21842 Phone Number: 410-4213-2681
 E-Mail: hcropper@bbcmlaw.com
 Date: September 29, 2020

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

Signature: 
 Printed Name of Owner: _____
Daniel S. Hope
 Mailing Address: 4224 Nassawango Road, Snow Hill, MD 21863
 Phone Number: 410-430-4095
 E-Mail: _____
dpinewood@gmail.com.com
 Date: September 29, 2020

(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 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 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

INTRODUCTION

Daniel S. Hope, by his attorney, Hugh Cropper IV, respectfully submits the following in support of his Application for Amendment of Official Zoning Map:

Parcel A, 192 acres, has been in the Hope Family since the 1960's. In approximately 1998, the property was surveyed, and a copy of that recorded survey is attached. As shown on that survey, the majority was zoned A-1, Agricultural District. The survey also showed existing dwelling unit, garage, shed, and other outbuildings located on the property. It also showed an entrance road.

The property was again surveyed in 2007, and a Boundary Line Adjustment was approved in February 2008.

Approximately 25 acres of the property is tillable. This agricultural use has existed since approximately 1937.

The property has been a certified Tree Farm for over 50 years. The February 22, 1965 deed to Ann S. Hope, Mr. Hope's mother, is attached. It specifically references the timber, and includes a reservation of timber rights: "to all of the timber, but not including ornamental trees and shrubs, growing and standing on the above described property..." It is clear that commercial timber dates back prior to 1965.

The current property owner, Daniel S. Hope, has resided there with his wife, Jana, for many years. There is a large pond on the property where they train their dogs. They have raised Chesapeake Bay Retrievers on the property

for many, many years.

The RP, Resource Protection Zoning, does not allow single family dwellings, without a special exception. As such, the property is a non-conformity. This working farm has been in operation for many years, along with the single-family dwelling, and accessory uses. The rezoning of the property to A-1, Agricultural District, will bring those uses into conformity. According to SDAT records, the primary structure was built in 1920.

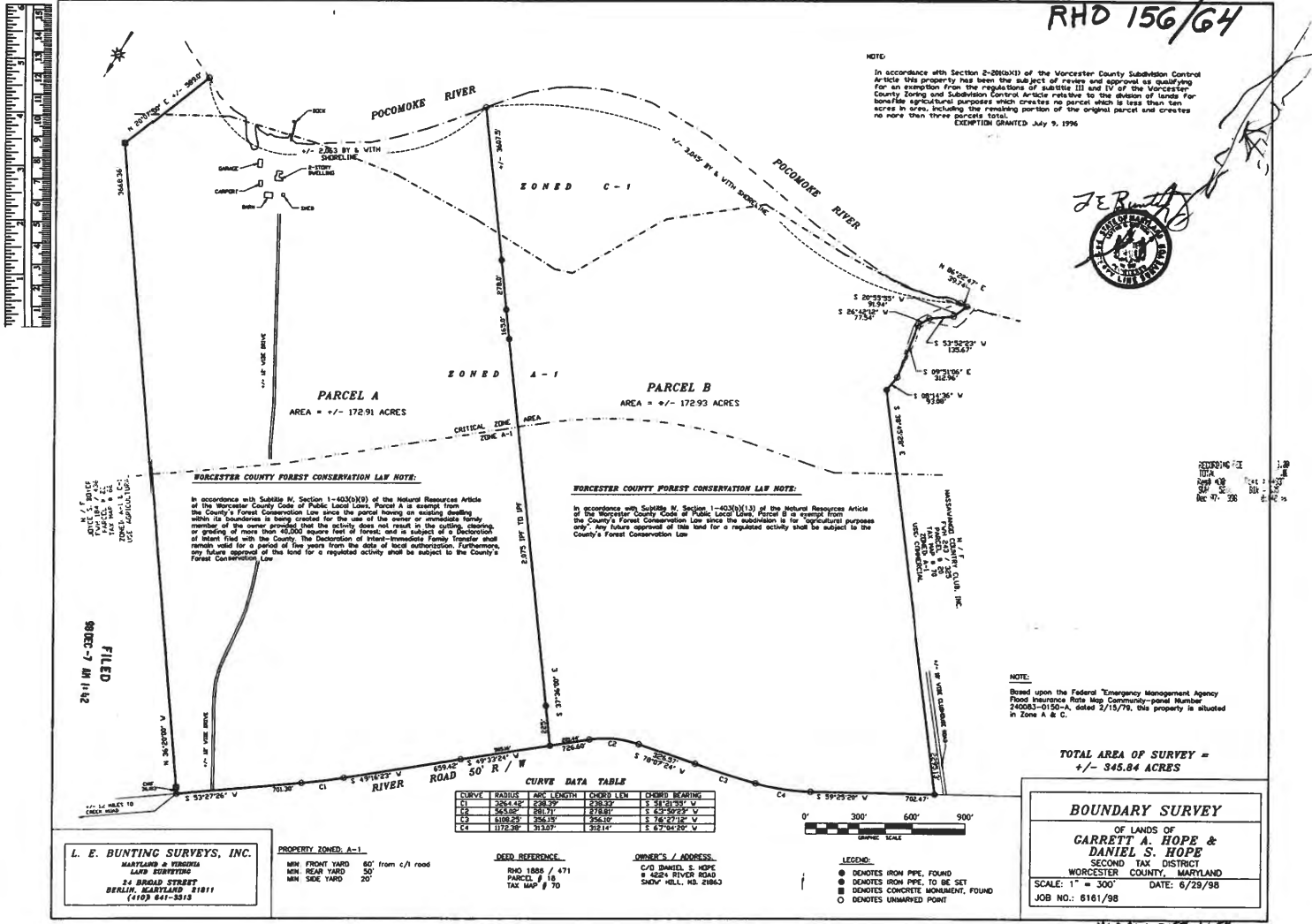
A large portion of the property is in the Critical Area, and the A-1, Agricultural District will be consistent with the RCA designation.

Respectfully submitted,



Hugh Cropper IV
Attorney for Owner Daniel S. Hope

RHD 156/64



WORCESTER COUNTY CIRCUIT COURT (Part Book) Plat Book RHD 156, p. 64, HSA, C2157, 6455. Date available, Printed 09/21/2020.

1986

LIBER 184 PAGE 433

PROOF-READ

3-15-65 By mail to Granter

RECORDED IN THE OFFICE OF THE CLERK OF THE DISTRICT COURT OF MARYLAND FOR THE DISTRICT OF WORCESTER COUNTY, MARYLAND, ON MARCH 15, 1965, AT 10:00 A.M.

RECORD NO. 433

THIS DEED, made this 22nd day of February, in the year nine-
 teen hundred and sixty-five, by Clarence W. Strickland and Nannie
 E. Strickland, his wife, of Worcester County, State of Maryland,
 witnesseth that in consideration of love and affection and other
 good and valuable considerations, the said Clarence W. Strickland
 and Nannie E. Strickland, his wife, do hereby grant and convey unto
 Anne S. Hope, of Worcester County, State of Maryland, her heirs and
 assigns, forever in fee simple, but subject to the reservations
 hereinafter set forth, all that tract, part of a tract, or parcel
 of land lying and being situate in the Seventh Election District
 of Worcester County, Maryland, on the southerly or southeasterly
 side of the county road leading from Snow Hill to Milbourne's
 Landing and Pocomoke City, which was formerly known as parts of
 "The Selby Farm" and "The John Wicks Farm", saving and excepting
 therefrom, however, all that portion of said tract as granted and
 conveyed by deed of even date herewith from the said grantors herein
 to Joyce S. Boyer which is intended to be recorded among the land
 records of Worcester County, Maryland, simultaneously herewith,
 which said deed granted the northernmost part of said tract on the
 southerly or southeasterly side of said road; and being all of the
 same tract or parcel of land firstly described in a deed from Levin
 C. Bailey, Assignee, to the said Clarence W. Strickland and Nannie
 E. Strickland, his wife, dated January 7, 1937, and recorded
 among said land records in Liber B.P. No. 31, folio 141, et seq.,
 saving and excepting the portion thereof conveyed to Joyce S.
 Boyer, aforesaid; to which said deed and to the references therein
 contained, reference is hereby made for a more particular descrip-
 tion of the property hereby conveyed.

TOGETHER with the buildings and improvements thereupon being
 and erected and all rights, ways, waters, privileges, appurtenances
 and advantages thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described and hereby granted
 property unto the said Anne S. Hope, her heirs and assigns, for-

LMPR 184 PAGE 440

ever in fee simple, subject, however, to a reservation unto the grantors herein during their joint lives or the life of the survivor, to all of the timber, but not including ornamental trees and shrubs, growing and standing on the above described property, with the right to the said grantors, their agents, servants, employees, or assignees, with the necessary machinery or tools, to enter said land and cut and remove any and all of said timber at any time during joint lives of the grantors or the life of the survivor or for such time thereafter as may be set forth in any contract made during their respective lifetimes, with full rights of ingress, egress, and regress over the said land for said purpose.

AND said grantors hereby covenant that they will warrant specially the property hereby conveyed and that they will execute such other and further assurances of the same as may be requisite.

WITNESS the hands and seals of said grantors.

Witness: *Clarence W. Strickland* (SEAL)
Clarence W. Strickland
Patricia G. Berdan
Patricia G. Berdan
Nannie E. Strickland (SEAL)
Nannie E. Strickland

STATE OF MARYLAND, WORCESTER COUNTY, to wit:

On this the 22nd day of February, 1965, before me, Patricia G. Berdan, the undersigned officer, personally appeared Clarence W. Strickland and Nannie E. Strickland, his wife, known or satisfactorily proven to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed same for the purposes therein contained.

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

Patricia G. Berdan
Patricia G. Berdan, Notary Public

1965 Mar 2..... The foregoing..... *ded*..... filed for record and is accordingly recorded among the land records of Worcester County, Md., in Liber. F.W.H. No. 184 folios 439, 440
..... *Frank H. Hales* Clerk

Real Property Data Search

Search Result for WORCESTER COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|--|---|--|
| Special Tax Recapture: AGRICULTURAL TRANSFER TAX | | |
| Account Identifier: | District - 07 Account Number - 005202 | |
| Owner Information | | |
| Owner Name: | HOPE DANIEL STRICKLAND | Use: AGRICULTURAL |
| | | Principal Residence: YES |
| Mailing Address: | 4224 NASSAWANGO RD SNOW HILL MD 21863-3622 | Deed Reference: /02646/ 00576 |
| Location & Structure Information | | |
| Premises Address: | 4224 NASSAWANGO RD SNOW HILL 21863-0000 | Legal Description: PARCEL A 192.28 ACS SOUTH SIDE RIVER RD BNDRY LN ADJ DANIEL HOPE |
| Map: | Grid: | Parcel: |
| 0070 | 0004 | 0018 |
| Neighborhood: | Subdivision: | Section: |
| 7010060.24 | 0000 | |
| Block: | Lot: | Assessment Year: |
| | A | 2020 |
| Plat No: | Plat Ref: | 156064 |
| | 0225/ 0013 | |
| Town: None | | |
| Primary Structure Built | Above Grade Living Area | Finished Basement Area |
| 1920 | 3,024 SF | |
| | | Property Land Area |
| | | 192.2800 AC |
| Stories | Basement | Type |
| 2 | NO | STANDARD UNIT |
| Exterior | Quality | Full/Half Bath |
| FRAME/ | 3 | 3 full/ 1 half |
| Garage | Last Notice of Major Improvements | |
| 1 Detached | | |
| Value Information | | |
| | Base Value | Value |
| | | As of |
| | | 01/01/2020 |
| Land: | 149,900 | 149,900 |
| Improvements | 111,700 | 113,000 |
| Total: | 261,600 | 262,900 |
| Preferential Land: | 32,500 | |
| | | Phase-in Assessments |
| | | As of |
| | | 07/01/2020 |
| | | As of |
| | | 07/01/2021 |
| | | 262,033 |
| | | 262,467 |
| | | 32,500 |
| | | 32,500 |
| Transfer Information | | |
| Seller: HOPE GARRETT A & DANIEL | Date: 02/16/1999 | Price: \$0 |
| Type: NON-ARMS LENGTH OTHER | Deed1: SVH /02646/ 00576 | Deed2: |
| Seller: HOPE GARRETT ANTHONY & | Date: 12/08/1992 | Price: \$0 |
| Type: NON-ARMS LENGTH OTHER | Deed1: RHO /01886/ 00471 | Deed2: |
| Seller: HOPE CLIFTON & CHARLES R | Date: 12/08/1992 | Price: \$0 |
| Type: NON-ARMS LENGTH OTHER | Deed1: RHO /01886/ 00469 | Deed2: |
| Exemption Information | | |
| Partial Exempt Assessments: | Class | |
| | | 07/01/2020 |
| County: | 000 | 0.00 |
| State: | 000 | 0.00 |
| Municipal: | 000 | 0.00 0.00 |
| | | 07/01/2021 |
| | | 0.00 0.00 |
| Special Tax Recapture: AGRICULTURAL TRANSFER TAX | | |
| Homestead Application Information | | |
| Homestead Application Status: Approved 09/08/2008 | | |

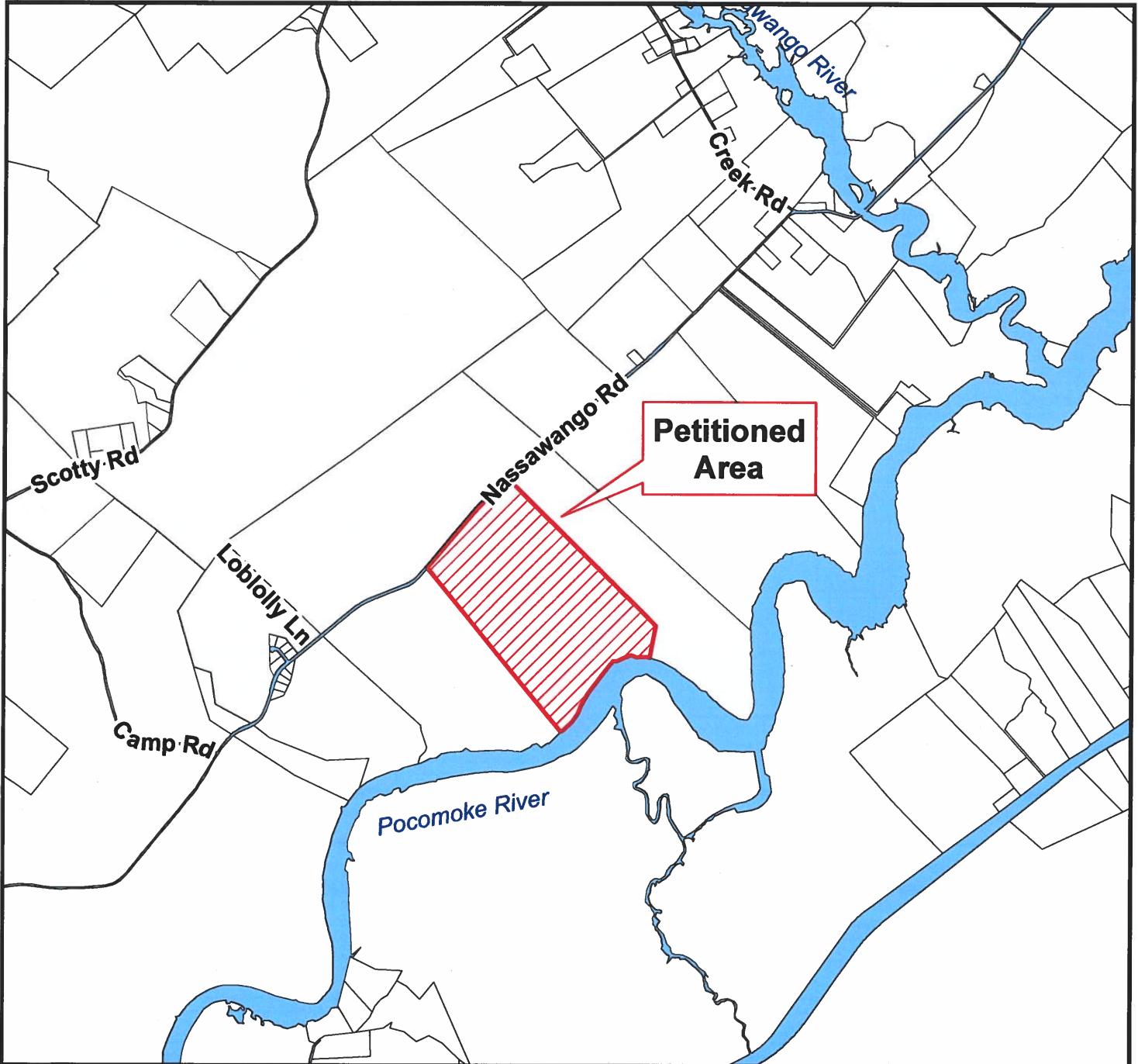


WORCESTER COUNTY, MARYLAND

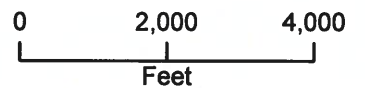


REZONING CASE NO. 429
RP Resource Protection to A-1 Agricultural District
Tax Map: 70, Parcel 18

LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2020



Source: Worcester County GIS Data Layers

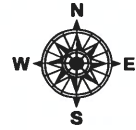
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: JKK



WORCESTER COUNTY, MARYLAND

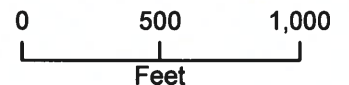


REZONING CASE NO. 429
RP Resource Protection to A-1 Agricultural District
Tax Map: 70, Parcel 18

AERIAL MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2020



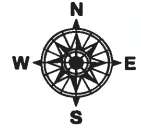
Source: Worcester County GIS Data Layers, 2019 Aerial Imagery

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: JKK

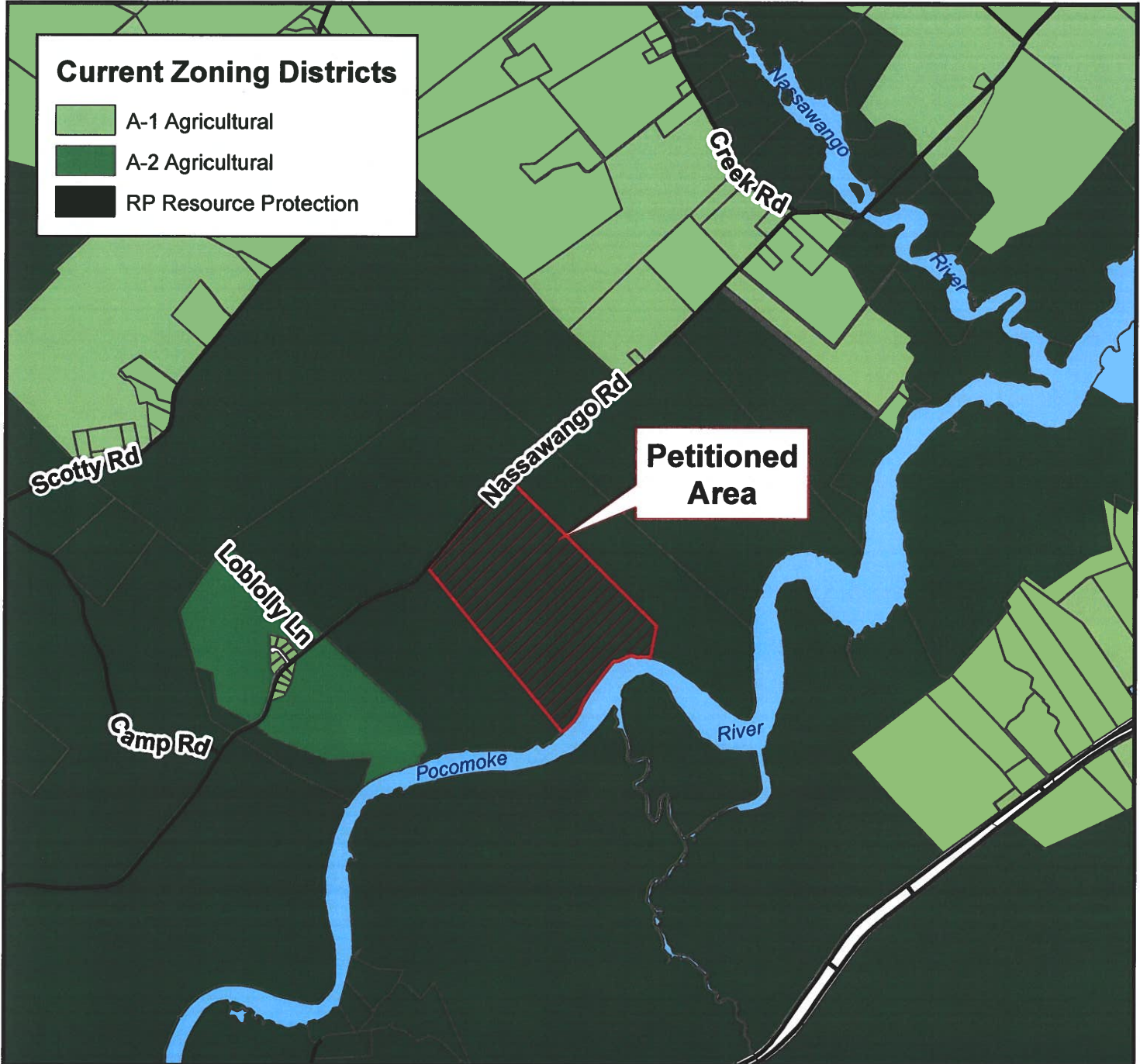


WORCESTER COUNTY, MARYLAND

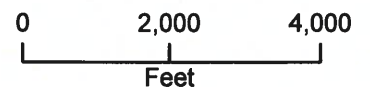


REZONING CASE NO. 429
RP Resource Protection to A-1 Agricultural District
Tax Map: 70, Parcel 18

ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2020



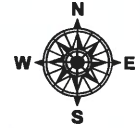
Source: Worcester County GIS Data Layers, 2009 Official Zoning Districts

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: JKK

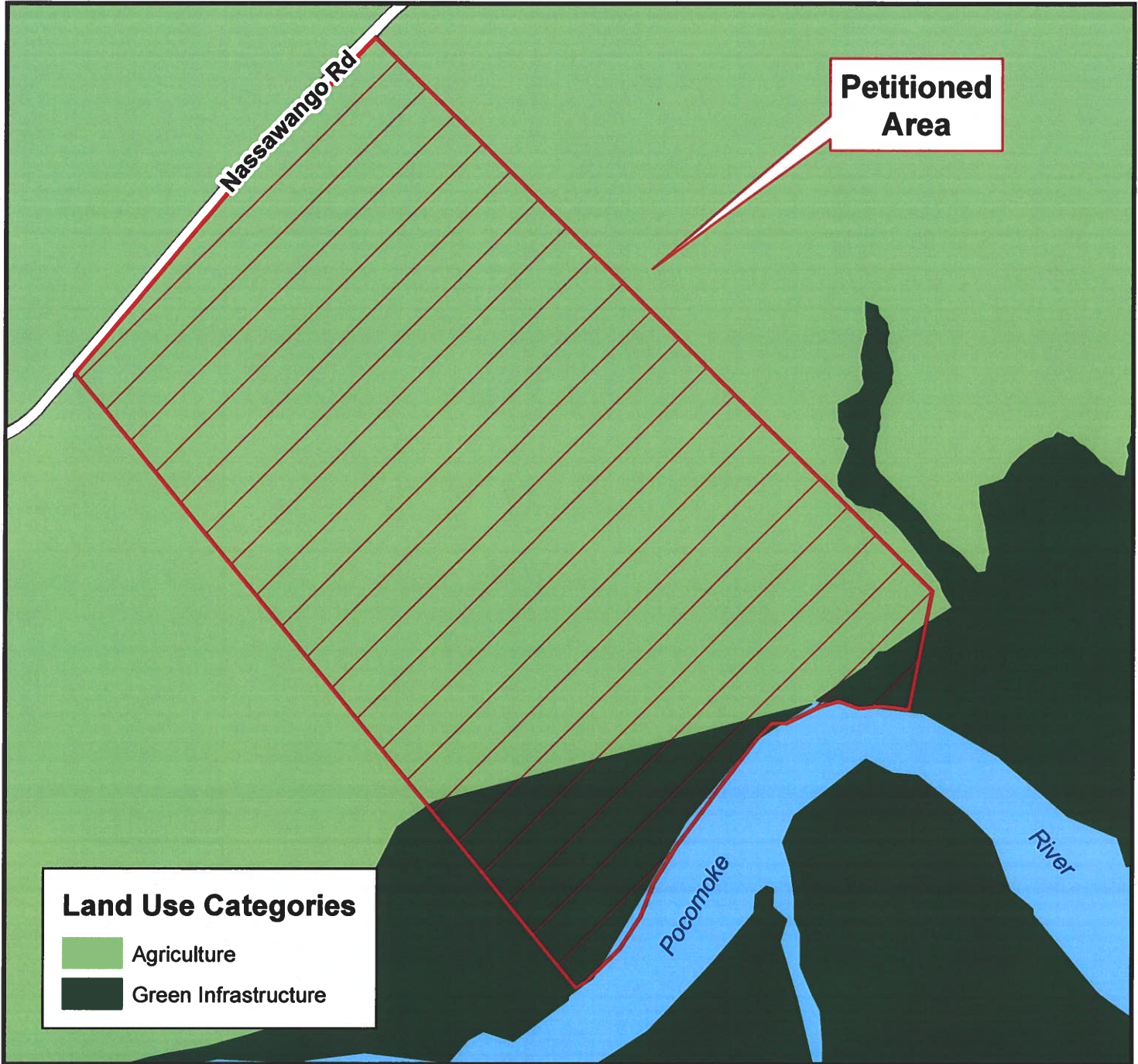


WORCESTER COUNTY, MARYLAND

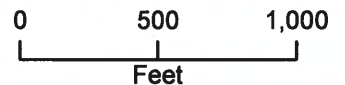


REZONING CASE NO. 429
RP Resource Protection to A-1 Agricultural District
Tax Map: 70, Parcel 18

LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2020



Source: Worcester County GIS Data Layers, 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: JKK

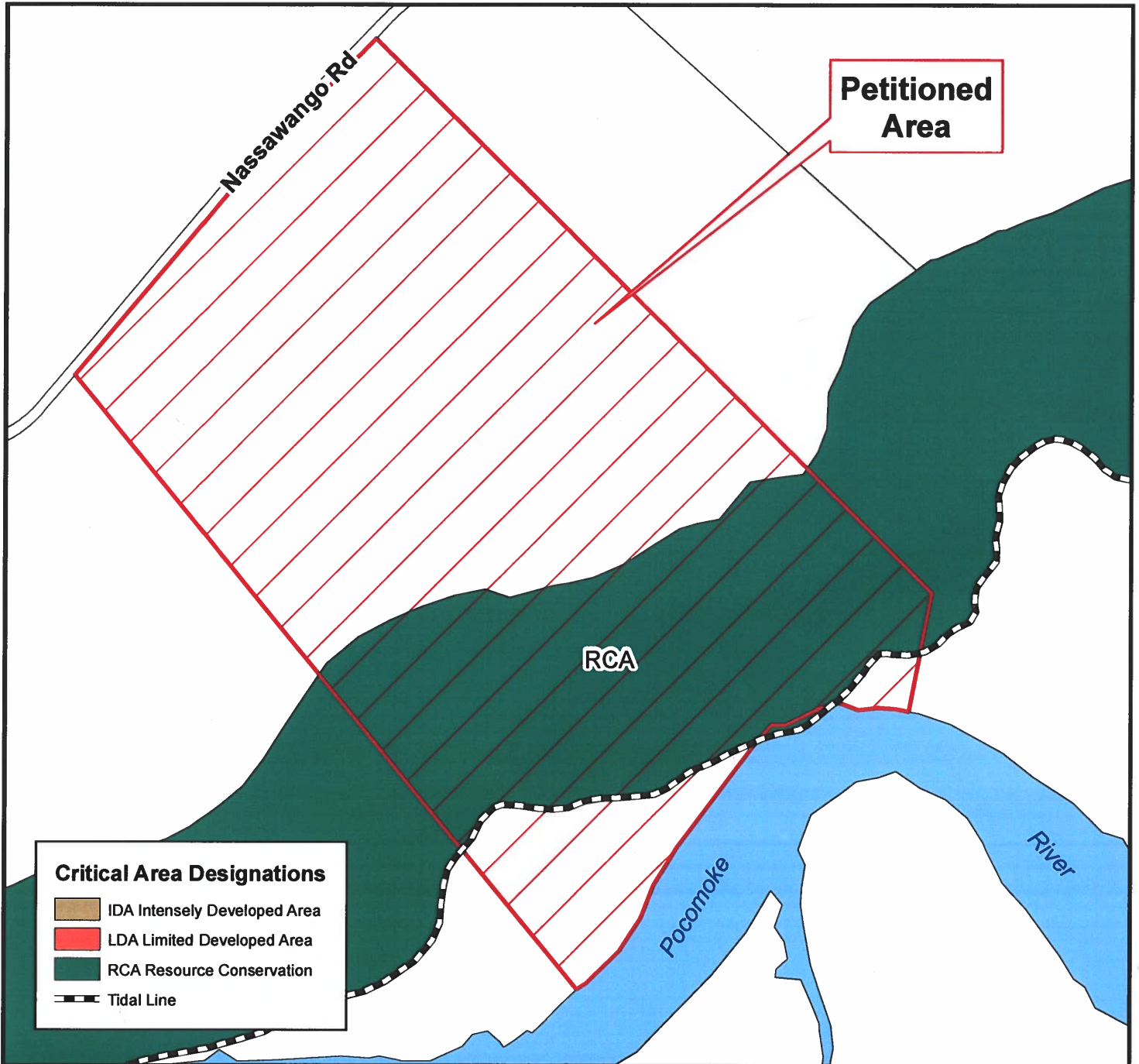


WORCESTER COUNTY, MARYLAND

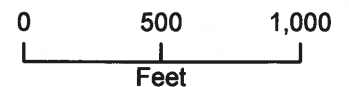


REZONING CASE NO. 429
RP Resource Protection to A-1 Agricultural District
Tax Map: 70, Parcel 18

CHESAPEAKE BAY CRITICAL AREA MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2020



Source: Worcester County GIS Data Layers, Chesapeake Bay Critical Area 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: JKK

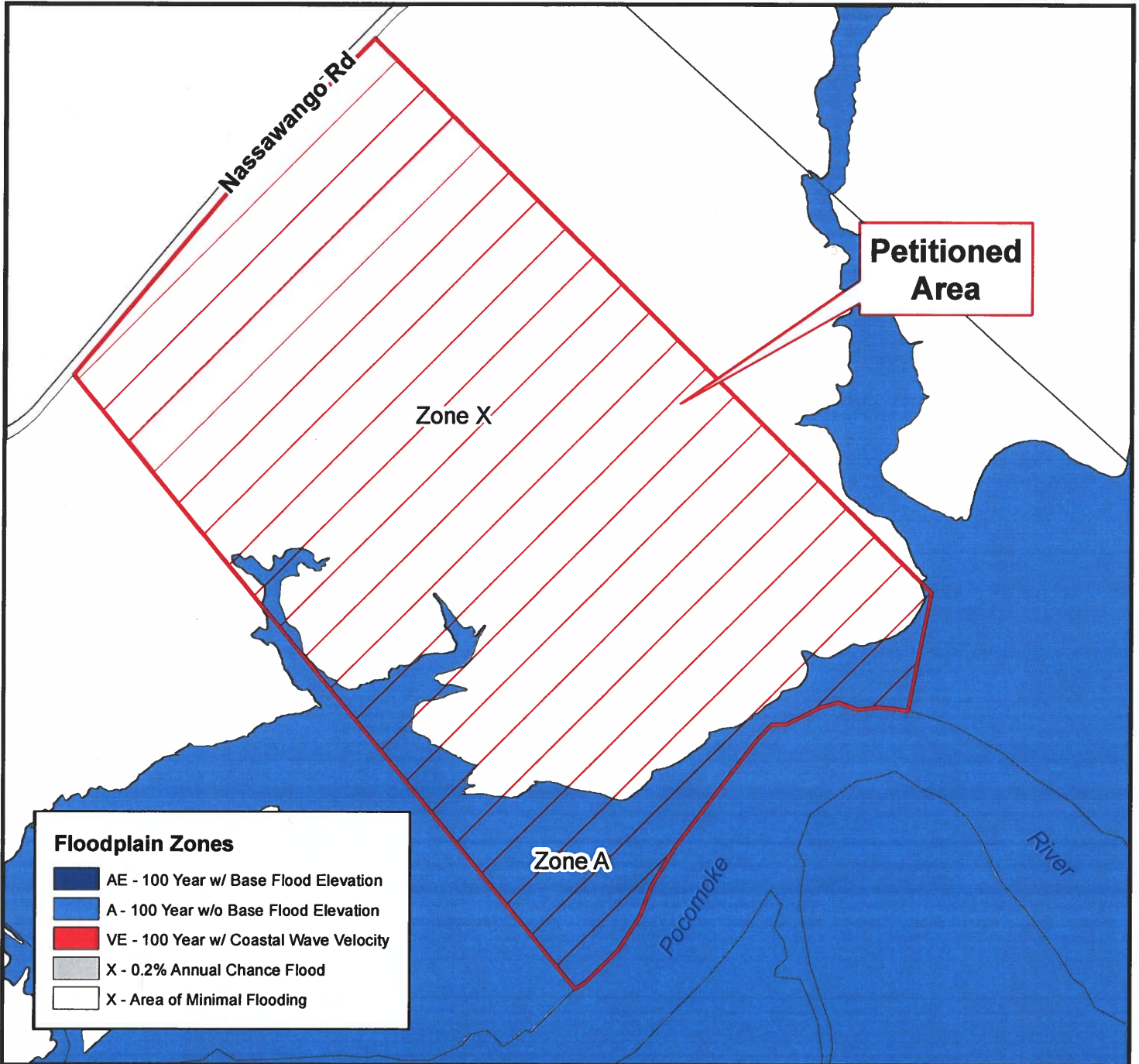


WORCESTER COUNTY, MARYLAND

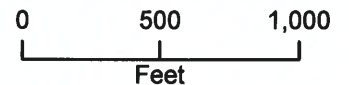


REZONING CASE NO. 429
RP Resource Protection to A-1 Agricultural District
Tax Map: 70, Parcel 18

FLOODPLAIN MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2020



Source: Worcester County GIS Data Layers, 2015 FEMA Flood Insurance Rate Map

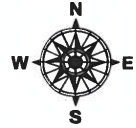
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: JKK

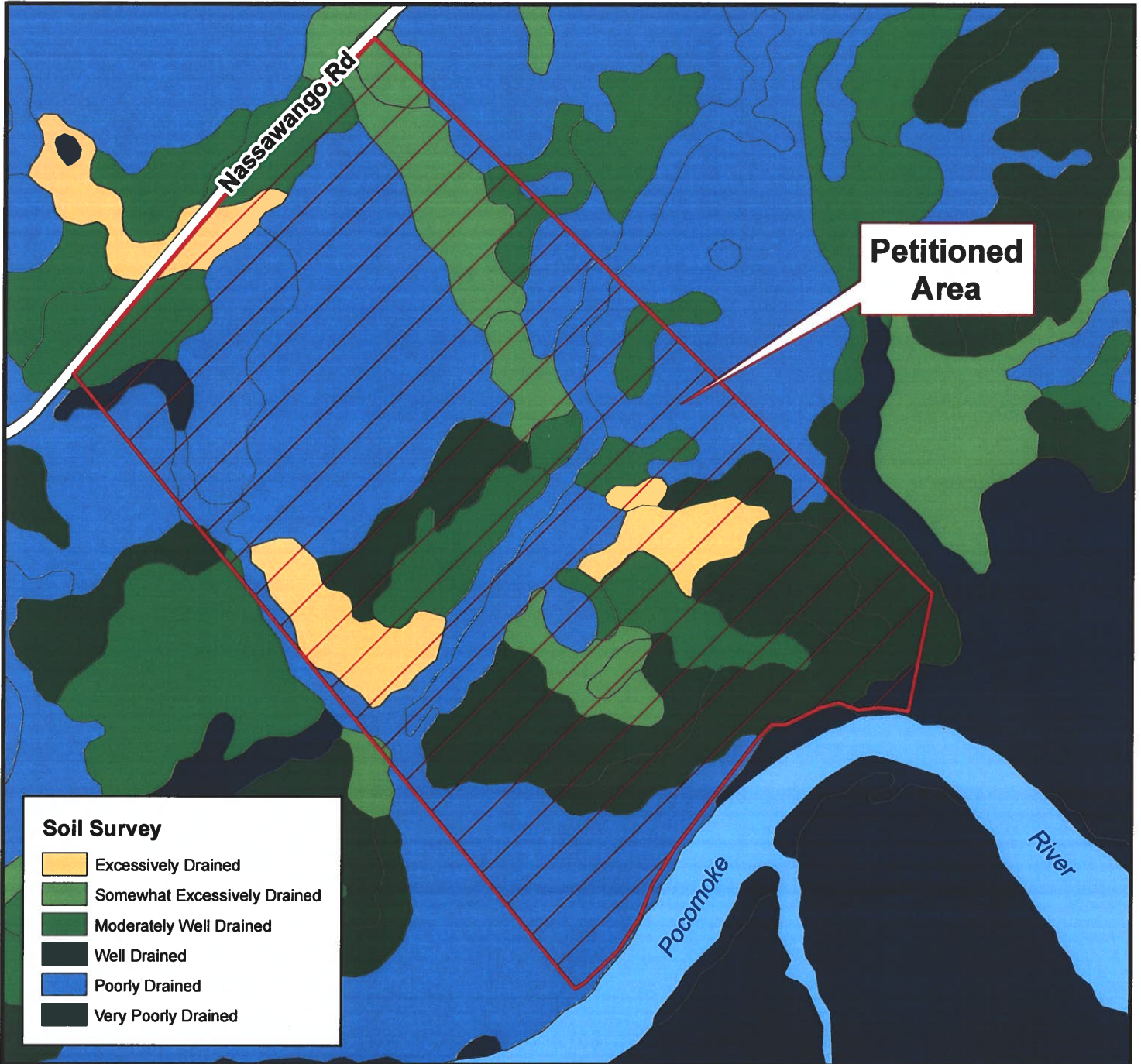


WORCESTER COUNTY, MARYLAND

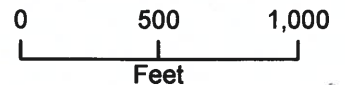


REZONING CASE NO. 429
RP Resource Protection to A-1 Agricultural District
Tax Map: 70, Parcel 18

SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2020



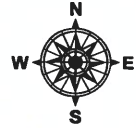
Source: Worcester County GIS Data Layers, 2007 Soil Survey

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: JKK

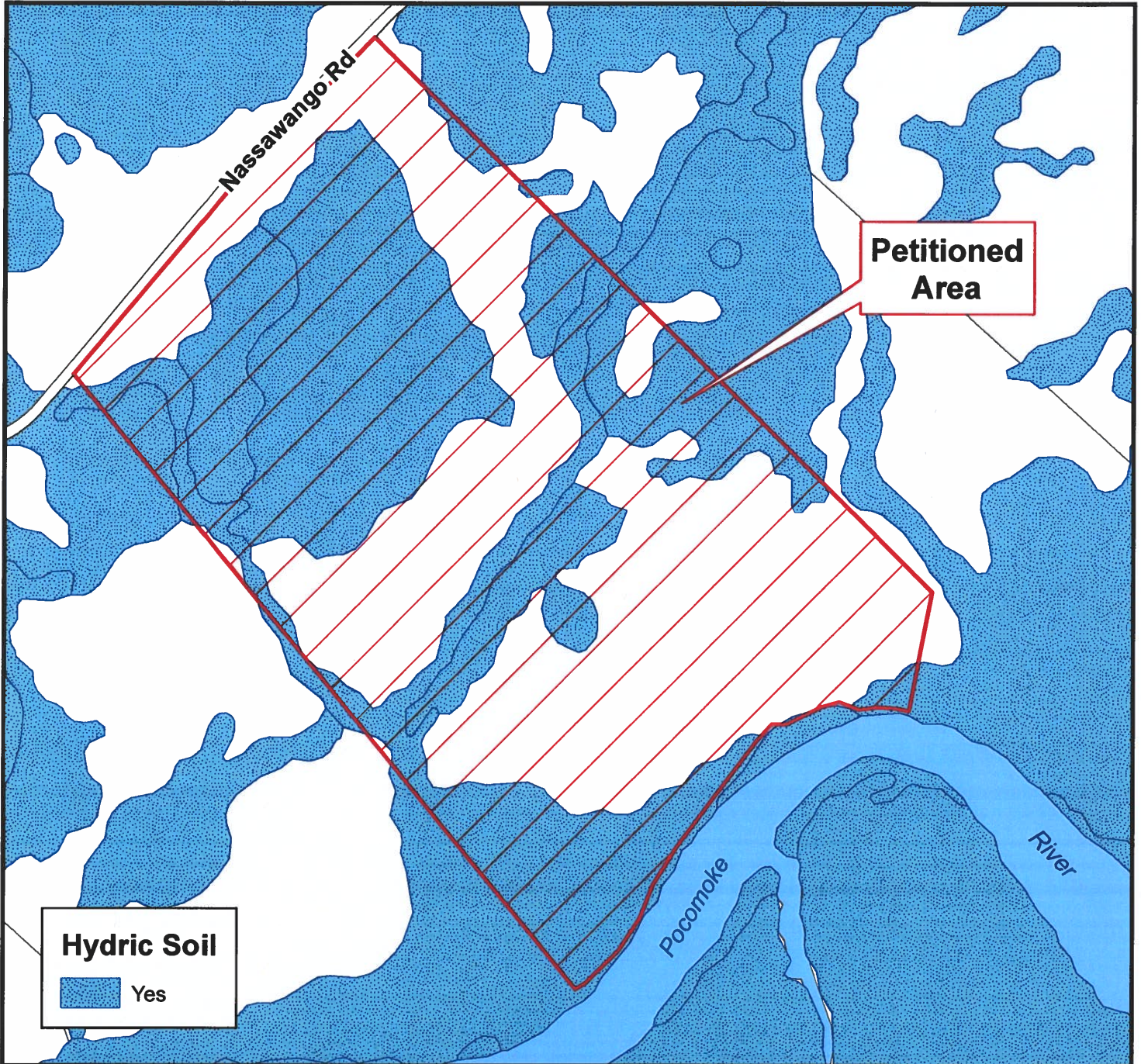


WORCESTER COUNTY, MARYLAND

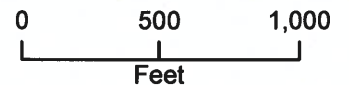


REZONING CASE NO. 429
RP Resource Protection to A-1 Agricultural District
Tax Map: 70, Parcel 18

HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2020



Source: Worcester County GIS Data Layers, 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: JKK



Worcester County
Department of Environmental Programs

Memorandum

To: Jennifer Keener, Deputy Director, DDRP

From: Robert J. Mitchell 
Director, Environmental Programs

Subject: **EP Staff Comments on Rezoning Case No. 429**
Worcester County Tax Map 70, Parcel 18 Lot A
Reclassify approximately 192.28 Total Acres of
RP- Resource Protection District to A-1 Agricultural District

Date: 11/10/20

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 ZS1-113(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 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 mostly an agricultural land use designation in the Land Use Map in the Worcester County Comprehensive Plan (*Comprehensive Plan*), while the remaining portions along the Pocumoke River are located in the Green Infrastructure District. The Green Infrastructure land use designation addresses state and locally designated natural and open spaces. These areas are designated to preserve environmentally significant areas and to maintain the environmental functionality of the county’s landscape. Greenways improve water quality, provide flood control and maintain the county’s rural and coastal character. The Agricultural land use designation is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. It is expected that residential and other conflicting land uses although permitted, are discouraged within this district. The areas adjacent properties are all in the Agricultural

land use district save the portions directly fronting the Pocomoke River, where a Green Infrastructure designation is found.

2. The existing residence on the property is served by private well and septic at the present time. The subject property has a designation of a Sewer and Water Service Category of S-6/W-6 and (No Planned Service) in the *Master Water and Sewerage Plan*.
3. This rezoning is partially located within the Chesapeake Bay Critical Area (CBCA). The parcel is designated as a Resource Conservation Area (RCA) and has an associated 100ft buffer from the mean high water line of tidal water, the edge of the bank of tributary streams, and landward extent of tidal wetlands. RCA's are areas characterized by nature-dominated environments (i.e. wetlands, forests, abandoned fields) and resource-utilization activities (i.e. agricultural, forestry, fisheries, aquaculture). Allowed uses within the A-1 Zoning District support the County's farms and forestry operations. As the attached letter from the Critical Area Commission asserts, the A-1 zone is *mostly* consistent with the RCA classification but not entirely, and there are uses that are allowed in the A-1 zone that are not permitted in the RCA.
4. It should be noted that if the proposed rezoning is approved, lands within RCA boundaries must abide by the allowances in §NR 3-206. This includes, but is not limited to, lot coverage, clearing, and density limitations. Also, no new commercial, industrial, or institutional uses can be permitted within approval of a Growth Allocation. Though they are not claimed here, any existing industrial or commercial facilities may not exceed density specified in §NR 3-206(c)(3).
5. This proposed rezoning is also proposed for portions of the property located in an area outside the CBCA; therefore, that area will also be subject to the Forest Conservation Law (FCL). The property has not been subject to the FCL, due to all permitted construction having occurred prior to the implementation of the Law. A change from RP to A-1 would not change the afforestation/reforestation thresholds when/if the property is further developed to the point that compliance with the law is required. The afforestation threshold will remain at 20 percent and the reforestation threshold will remain at 50 percent should rezoning be granted.
6. The boundary of the RP zone does not follow the green infrastructure boundary of the 2006 Land Use Plan in this location, however there are several reasons why this property is zoned RP.
7. The purpose of the RP is to preserve environmentally significant areas of the County and includes those areas which pose constraints for development or where development could have a substantially adverse environmental effect. The district serves to maintain the environmental functionality of the landscape. Full text is provided below in Note #10.
8. Among other things, the criteria used to determine RP zone boundaries included presence of Critical Area, extensive woodland, hydric soils/wetlands, and a riparian corridor.

9. These parcels are consistent with the purpose of the RP zone and the criteria used to map the boundary of this zone. The subject parcel is primarily wooded and part of a large contiguous tract of private and publicly owned woodland corridor protecting the Pocomoke River. The subject parcel includes extensive Chesapeake Bay Critical Area (the land on the parcel that is not wooded is mainly in the Critical Area). The parcel is adjacent to a “wetland of special state concern” and Sensitive Species Project Review Area. The zoning designation is consistent with the RP zoning in this portion of the river corridor: Land that is primarily wooded, whether privately or publicly owned, is zoned RP in this corridor. Protection of contiguous riparian woodland in this location is key to the continued health of the Pocomoke River—both its water quality and the quality of habitat. (Maps are attached)
10. Text from §ZS 1-215 for the RP District - *Purpose and Intent: protect its natural resources in all areas. The district includes those areas of the County which pose constraints for development or where development could have a substantially adverse environmental effect. This district serves to maintain the environmental functionality of the landscape by avoiding or minimizing disturbance of sensitive areas which generally include tidal and nontidal wetlands, state-owned natural areas, selected riparian corridors, conservation areas, and muck and alluvial soils. Development potential within this district is severely limited; however, some minor development may be carried out, provided it is done in a manner sufficiently sensitive to the existing natural environment and visual character of the site.*
11. It would appear that reasons exist for a restriction in the change for the zoning reclassification for the entire property. The applicant should be prepared to address why portions of the property where sensitive areas exist and where a Green Infrastructure land use designation exists should be included in this zoning reclassification.

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

Attachments

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor



Charles C. Deegan
Chairman
Katherine Charbonneau
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

October 27, 2020

Ms. Jenelle Gerthoffer
Worcester County Department of Environmental Programs
One West Market Street – Room 1306
Snow Hill, Maryland 21863

Re: Rezoning Case No. 429: Hope, Daniel & Jana
4224 Nassawango Road (Tax Map 70, Parcel 18, Lot A)

Dear Ms. Gerthoffer:

Thank you for providing information on the proposed rezoning of the above referenced parcel. The 192.28 acre property is located partially the Critical Area, with 60 acres of land designated as Resource Conservation Area (RCA). The proposed rezoning would change the property from Resource Protection (RP) to Agricultural District (A-1). The petitioned area is located at 4224 Nassawango Road in Snow Hill on Tax Map 70, Parcel 18, Lot A.

The applicant is arguing that a mapping mistake was made in the Comprehensive Rezoning in 2009. A zoning map amendment in the Critical Area can only be made in the Critical Area on the basis of mistake in the existing zoning *and* a local jurisdiction must determine that the change is wholly consistent with the Critical Area land classification (Natural Resources Article 8-1809(h)(2)). The A-1 zone is *mostly* consistent with the RCA classification as evidenced by the description of the A-1 Agricultural District in the County's zoning code as being *intended to preserve, encourage and protect the County's farms and forestry operations*. However, the A-1 zone allows certain uses that are not permitted in the RCA per Worcester County Code NR 3-206 and NR 3-217. These uses include, but are not limited to, landing strips, spray irrigation fields and storage lagoons for Class II effluent, and large solar energy systems. Therefore, the County must ensure that the site complies with the RCA use limits outlined in the Code.

Additionally, the County's text amendment for adding special events to the RCA use table is still pending revision, so commercial non-agriculture functions and events cannot be hosted on the RCA portions of the property until such time as the Critical Area Commission approves the revised language and it is adopted into the Worcester County Code.

Any future development of this site, including construction of a dwelling and accessory structures, or any future subdivision of this property, must be governed by Worcester County Code NR3:II Chesapeake Bay Critical Area and COMAR Title 27, including, but not limited to, rules and regulations regarding lot coverage, forest and developed woodland clearing, Buffer

Ms. Jenelle Gerthoffer
October 27, 2020
Page 2 of 2

establishment, and RCA density. Where Worcester County Code NR3:II and COMAR Title 27 differ, the stricter rule or regulation shall prevail.

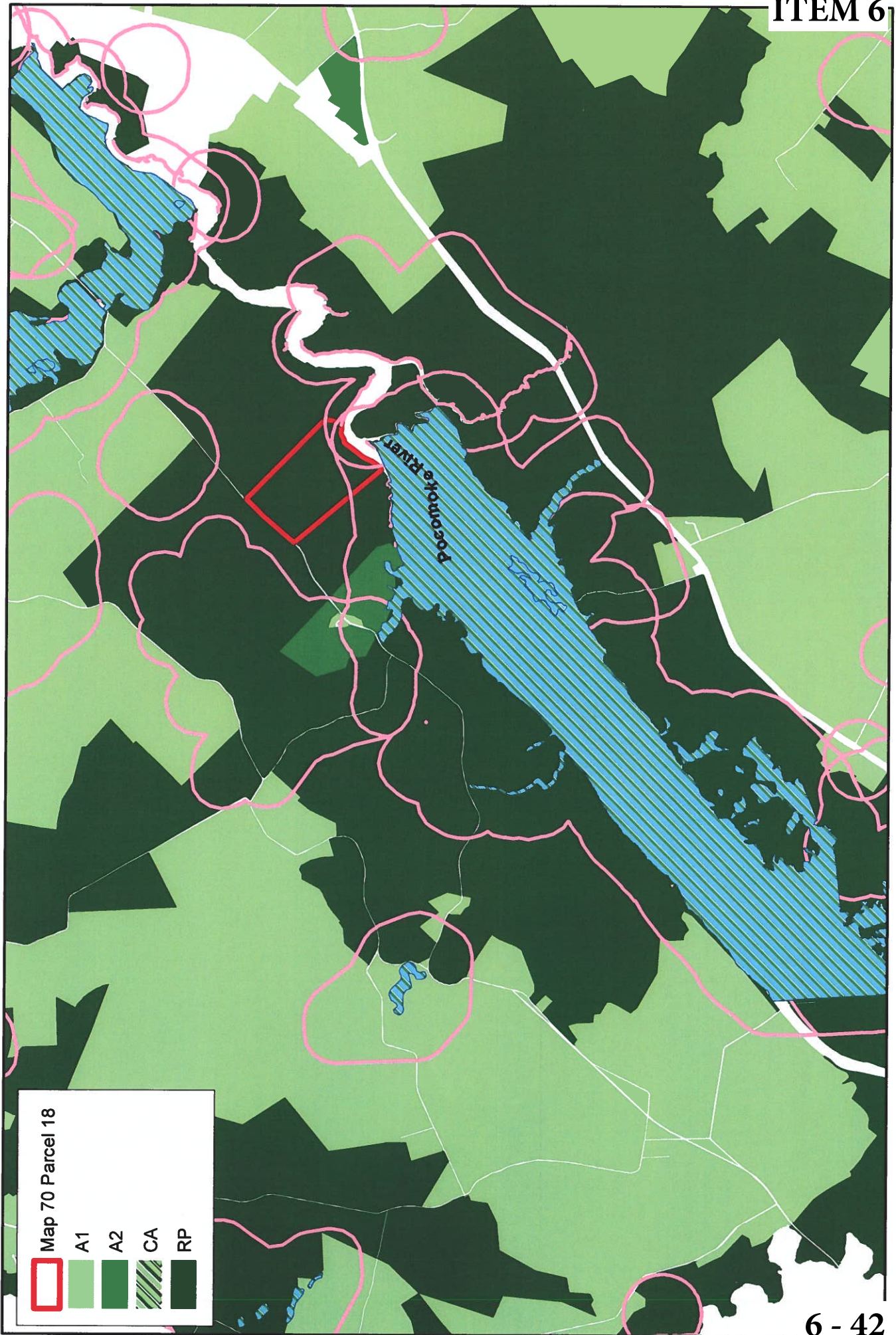
Please include this letter in the file and submit it as part of the record. In addition, please notify the Commission in writing of the decision made in this case. Thank you for the opportunity to comment. If you have any questions, please contact me at (410) 260-3462 or by emailing me at michael.grassmann@maryland.gov.

Sincerely,



Michael Grassmann
Natural Resources Planner

File: WO 399-20

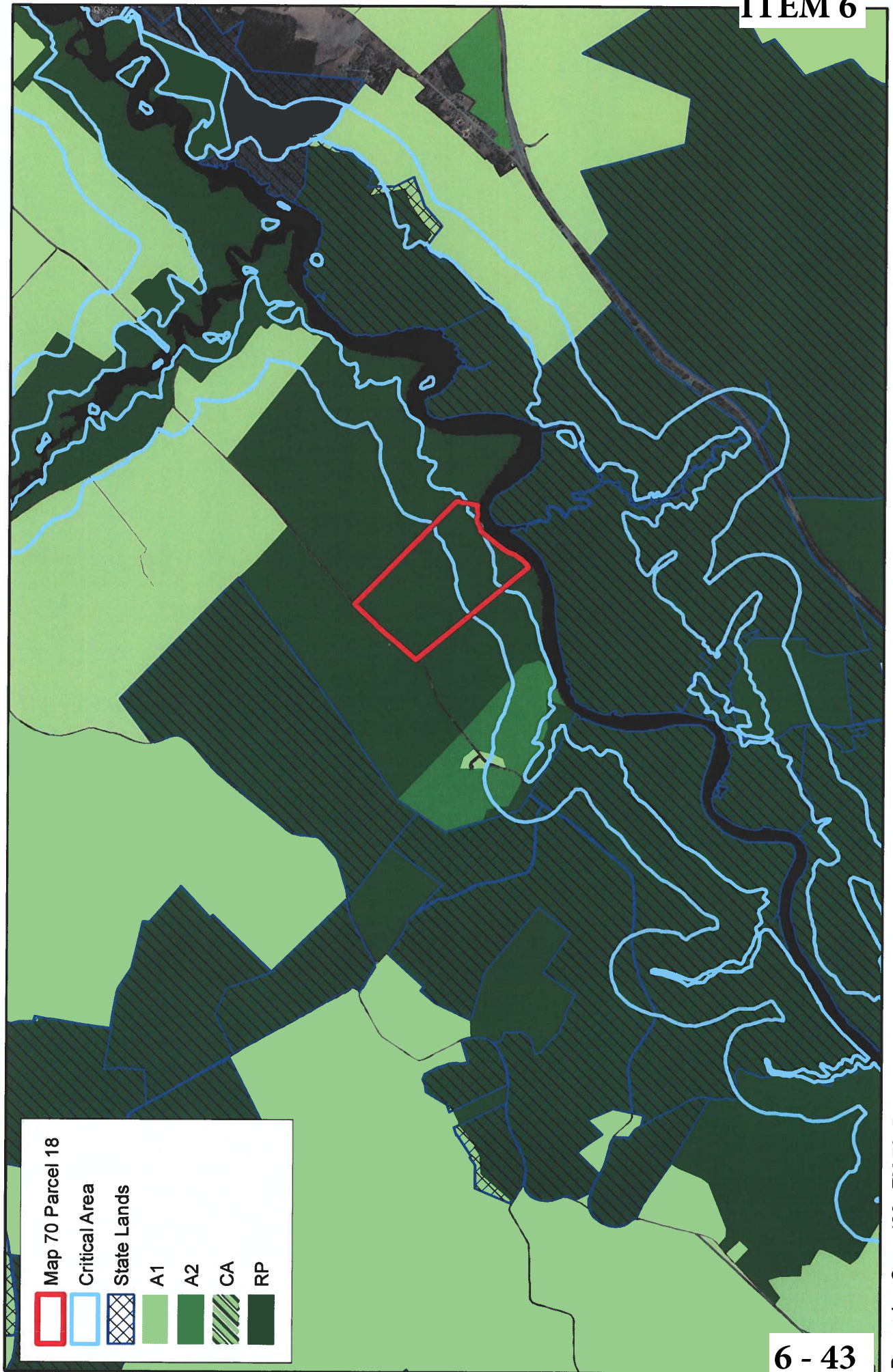


Map 70 Parcel 18

- Map 70 Parcel 18
- A1
- A2
- CA
- RP



Re-zoning Case 429: TM 70, Parcel 18
Zoning, Wetland of Special State Concern, Sensitive Species Project Review Area

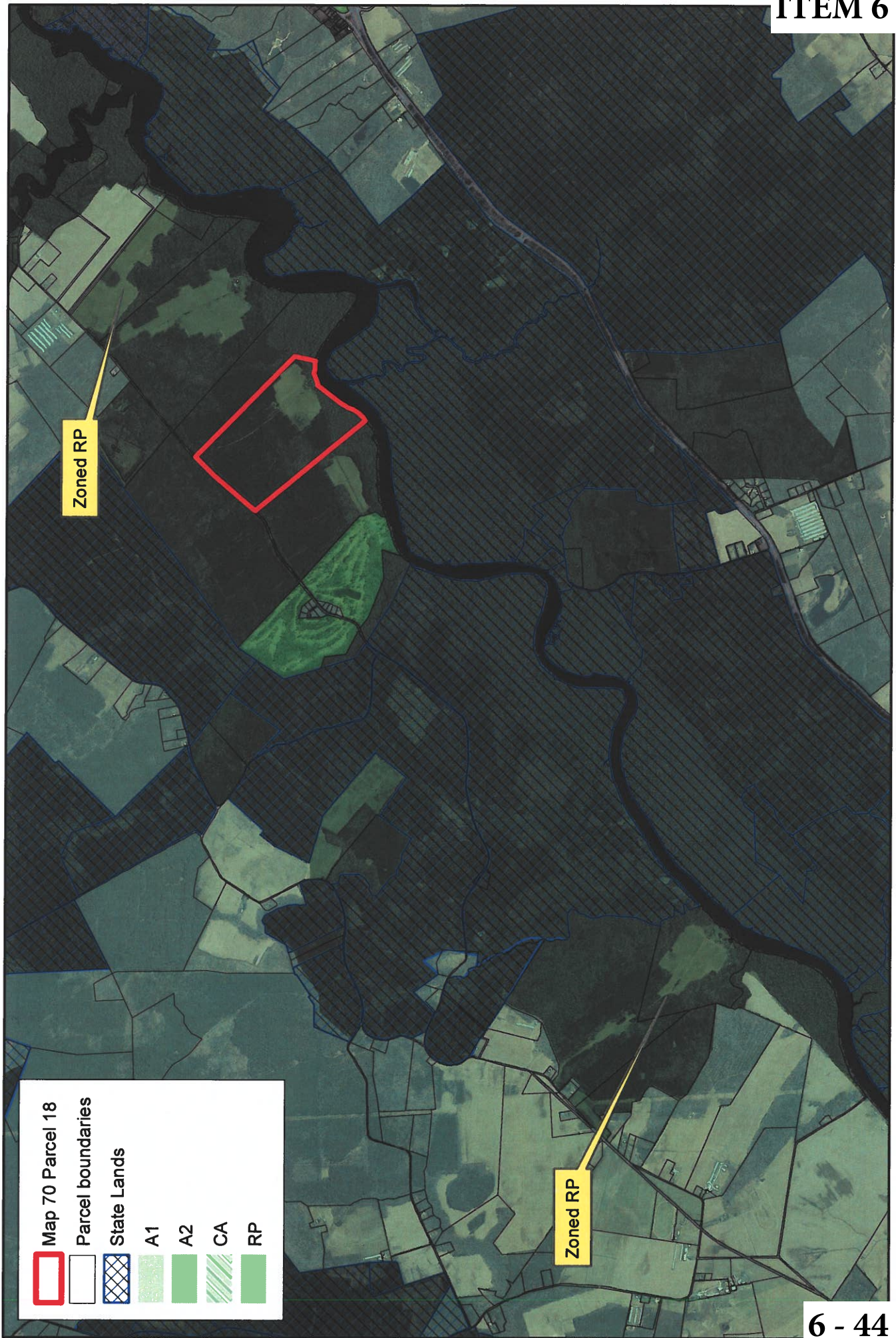


Map 70 Parcel 18

- Critical Area
- State Lands
- A1
- A2
- CA
- RP



Re-zoning Case 429: TM 70, Parcel 18
Zoning, Critical Area, State Lands



0 0.4 0.8 1.6 Miles



STATE HIGHWAY
ADMINISTRATION

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

October 23, 2020

Ms. Jennifer Keener
Deputy Director
Department of Development Review and Permitting
Worcester County Government Center
One West Market Street, Room 1201
Snow Hill MD 21863

Dear Ms. Keener:

Thank you for the opportunity to review the Rezoning Application from Hugh Cropper for Rezoning Case No. 429 – Daniel S. and Jana P. Hope. The property is described as Tax Map 70, Parcel number 18, Lot number A, Tax District number 7th, located on the south side of River Road, in Worcester County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the application and associated documents. We are pleased to respond.

Rezoning is a land use issue, which is not under the jurisdiction of the MDOT SHA. If development of the property is proposed in the future, District 1 will require a concept study to determine potential impacts to the surrounding State roadway network, with the potential for a traffic study and permitting, as necessary.

As reflected in our aforementioned comments, MDOT SHA has no objection to the rezoning as determined by Worcester County. Thank you for the opportunity to provide a response. If you have any questions regarding this response, please feel free to contact Mr. Daniel Wilson, District 1 Access Management Regional Engineer, via email at dwilson12@mdot.maryland.gov or by calling him directly at 410-677-4048.

Sincerely,

James W. Meredith,
District Engineer

cc: Mr. Dallas Baker, D-1 Assistant District Engineer Project Development, MDOT SHA
Mr. Rodney Hubble, Resident Maintenance Engineer, Snow Hill Shop, MDOT SHA
Mr. Tony Turner, Asst. Resident Maintenance Engineer, Snow Hill Shop, MDOT SHA
Mr. Daniel Wilson, D-1 Access Management Regional Engineer, MDOT SHA



Worcester County
DEPARTMENT OF PUBLIC WORKS
6113 TIMMONS ROAD
SNOW HILL, MARYLAND 21863

MEMORANDUM

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

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

TO: Jennifer Keener, Deputy Director
FROM: Frank J. Adkins, Roads Superintendent (FA)
DATE: October 13, 2020
RE: Rezoning Case No. 429, 430 and 431

DIVISIONS

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

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

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

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

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

.....
Upon review of the above referenced rezoning case, I offer the following comments:

* Rezoning Case 429: No comments at this time.

Rezoning Case 430: No comments at this time.

Rezoning Case 431: No comments at this time.

Should you have any questions, please do not hesitate to contact me.

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

FJA/ll
\\wfile2\users\llawrence\Rezoning\Rezoning Case 429.430.431.doc

Rezonings ITEM 6
Case No. 429

Jennifer Keener

From: April Mariner
Sent: Thursday, October 8, 2020 2:09 PM
To: Jennifer Keener
Subject: FW: Rezonings

FYI

April L. Mariner
Office Assistant IV
Worcester County Development Review & Permitting
amariner@co.worcester.md.us
410-632-1200 x1172

From: Rob Clarke -DNR- <rob.clarke@maryland.gov>
Sent: Thursday, October 8, 2020 2:06 PM
To: April Mariner <amariner@co.worcester.md.us>
Subject: Re: Rezonings

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

Hi April,

I am doing well, thanks.

I can vouch for the fact that the Hope Farm (case 429) and Cellarhouse Farms (case 430) have been under active forest management and members of the American Tree Farm System for decades. I have worked on forest management activities with 3 generations of the Strickland / Hope families. In both cases, their forest management activities predate my tenure here as county forester, which started in 1978. I have no other comments on these two requests.

I have no comments case 431.

Thanks for the opportunity to provide input.



Rob Clarke
Forester
Maryland Forest Service
Department of Natural Resources
10990 Market Lane
Princess Anne, Maryland 21853-2910
Rob.Clarke@maryland.gov
(410) 651-2004 (O)
(443)235-1636 (M)
[Website](#) | [Facebook](#) | [Twitter](#)

On Thu, Oct 8, 2020 at 1:37 PM April Mariner <amariner@co.worcester.md.us> wrote:

Good Afternoon Rob, I hope this email finds you well. I have attached 3 memos requesting comment for three upcoming Rezoning Cases. Please send any comments back to me and I will pass them along. Thank you and have a great day!

April L. Mariner

Office Assistant IV

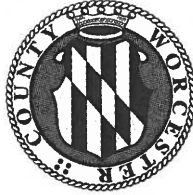
Worcester County Development Review & Permitting

amariner@co.worcester.md.us

410-632-1200 x1172

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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 SERVICE DIVISION

MEMO

TO: Robert Mitchell, Director, Worcester County Environmental Programs
Billy Birch, Director, Worcester County Emergency Services
Matthew Crisafulli, Sheriff, Worcester County Sheriff's Office
John H. Tustin, P.E., Director, Worcester County Public Works Department
John Ross, P.E., Deputy Director, Worcester County Public Works Department
Frank Adkins, Roads Superintendent, Worcester County Public Works Department
Jeff McMahan, Fire Marshal, Worcester County Fire Marshal's Office
Tom Perlozzo, Director of Recreation and Parks, Tourism & Economic Development
Louis H. Taylor, Superintendent, Worcester County Board of Education
James Meredith, District Engineer, Maryland State Highway Administration
Lt. Earl W. Starnes, Commander, Barracks V, Maryland State Police
Rebecca L. Jones, Health Officer, Worcester County Health Department
Rob Clarke, State Forester, Maryland Forest Services
Nelson D. Brice, District Conservationist, Worcester County Natural Resources Conservation Service
Trey Heiser, Fire Chief, Snow Hill Volunteer Fire Department

FROM: Jennifer K. Keener, Deputy Director *JKK*

DATE: October 8, 2020

RE: Rezoning Case No. 429- Daniel S. and Janna P. Hope, Property Owners, and Hugh Cropper, IV, Attorney- South of River Road at Pocomoke River, Southwest of Snow Hill

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application at a forthcoming meeting. This application seeks to rezone approximately 192.28 acres of land shown on Tax Map 70 as Parcel 18, Parcel A, from RP Resource Protection District to A-1 Agricultural District. Uses allowed in the District include, but are not limited to, single family dwellings, agriculture, grain dryers, feed mills, agricultural processing

plants, aquaculture or seafood processing facilities and landing sites, sawmills, and commercial hosting of non-agricultural functions and events.

For your reference I have attached a copy of the rezoning application and location and zoning maps showing the property petitioned for rezoning.

The Planning Commission would appreciate any comments you or your designee might offer with regard to the effect that this application and potential subsequent development of the site may have on plans, facilities, or services for which **your** agency is responsible. ***If no response is received by NOVEMBER 13, 2020, the Planning Commission will have to assume that the proposed rezoning, in your opinion, will have no effect on your agency, that the application is compatible with your agency's plans, that your agency has or will have adequate facilities and resources to serve the proposed rezoning and its subsequent land uses and that you have no objection to the Planning Commission stating this information in its report to the Worcester County Commissioners. If I have not received your response by that date I will note same in the staff report I prepare for the Planning Commission's review.***

If you have any questions or require further information, please do not hesitate to call this office or email me at jkkeener@co.worcester.md.us. On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments

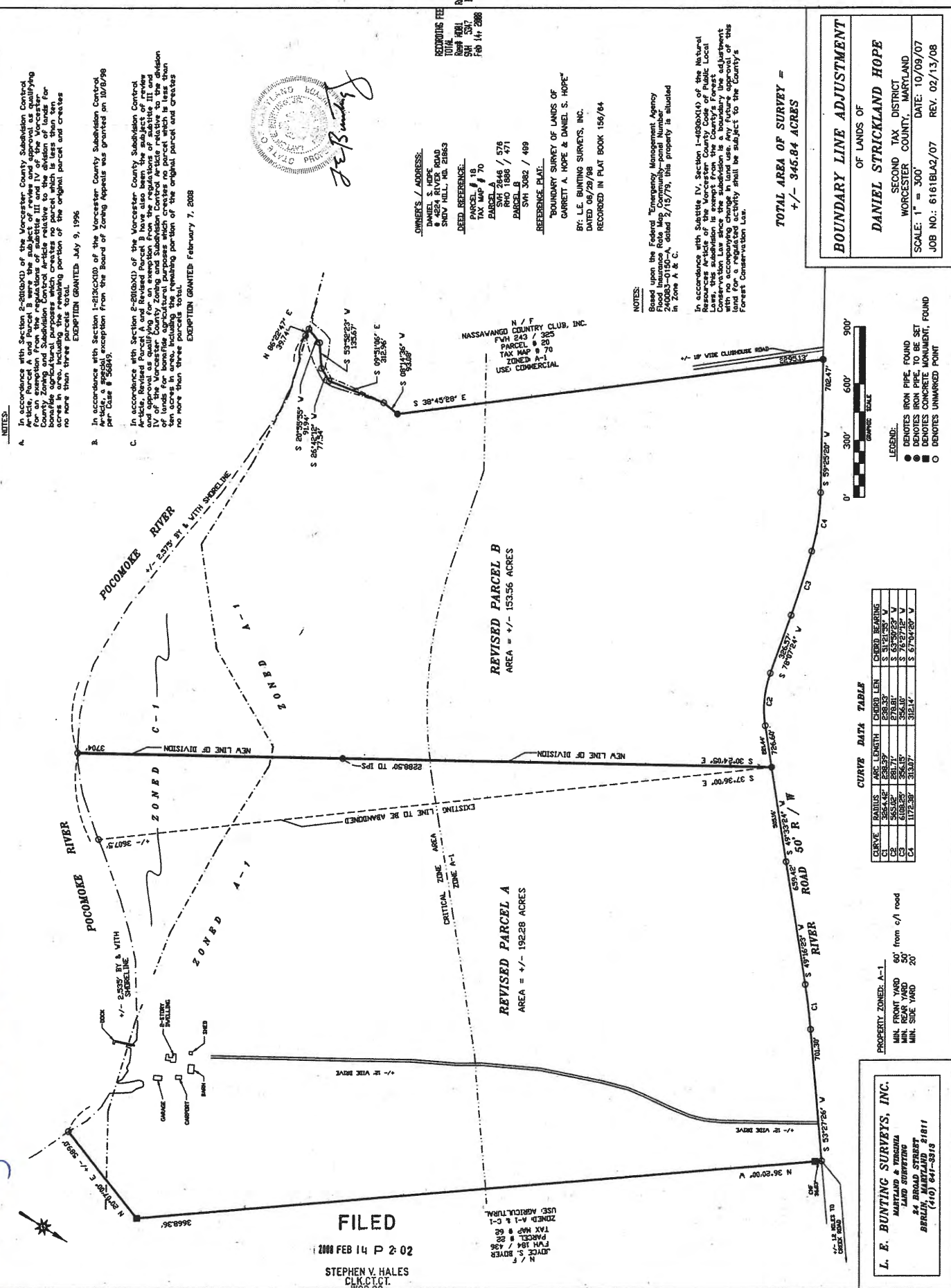
Applicant's Exhibit No. 4
 Rezoning Case No. 489

S.V.H. 225/13

MSA 654 2157 7443

0100010

49



NOTES:

- A. In accordance with Section 2-202B(1) of the Worcester County Subdivision Control Act, Parcel A and Parcel B were the subject of review and approval as qualifying for an exemption from the regulations of Subtitle III and IV of the Worcester County Zoning Ordinance. The total area of the parcels is less than ten acres in area, including the remaining portion of the original parcel and creates no more than three lots. EXEMPTION GRANTED July 9, 1996.
- B. In accordance with Section 2-213C(1) of the Worcester County Subdivision Control Act, a special exception from the Board of Zoning Appeals was granted on 10/09/98 per Case # 15894.
- C. In accordance with Section 2-202B(1) of the Worcester County Subdivision Control Act, Revised Parcel A and Revised Parcel B were the subject of review and approval as qualifying for an exemption from the regulations of Subtitle III and IV of the Worcester County Zoning Ordinance. The total area of the parcels is less than ten acres in area, including the remaining portion of the original parcel and creates no more than three parcels total. EXEMPTION GRANTED February 7, 2008.



OWNERS / ADDRESS:
 DANIEL S. HOPE
 424 RIVER ROAD
 SHOH HILL, MD 21885

DEED REFERENCE:
 PARCEL # 18
 TAX MAP # 70
 PARCEL A
 FWH 1846 / 475
 RMD 1846 / 471
 PARCEL B
 SVH 3082 / 489

BOUNDARY SURVEY OF LANDS OF
 GARRETT A. HOPE & DANIEL S. HOPE
 BY: L.E. BUNTING SURVEYS, INC.
 DATED 06/29/98
 RECORDED IN PLAT BOOK 156/64

RECORDING FEE
 TOTAL
 \$ 3.00
 \$ 3.00
 \$ 7.00
 \$ 6.00
 \$ 2.00
 \$ 2.00

NOTES:
 Based upon the Federal Emergency Management Agency Flood Insurance Rate Map Community-Pool Number 240003-0150-A, dated 2/15/79, this property is situated in Zone A & C.

In accordance with Subtitle IV, Section 1-402B(1) of the Worcester County Code of Public Local Laws, this subdivision is exempt from the County's Forest Land Use Ordinance. Any future subdivision of this land for a regulated activity shall be subject to the County's Forest Conservation Law.

TOTAL AREA OF SURVEY =
 +/- 345.84 ACRES

| | |
|--------------------------|----------------------------|
| BOUNDARY LINE ADJUSTMENT | |
| OF LANDS OF | |
| DANIEL STRICKLAND HOPE | |
| SECOND TAX DISTRICT | WORCESTER COUNTY, MARYLAND |
| SCALE: 1" = 300' | DATE: 10/09/07 |
| JOB NO.: 6161BLA2/07 | REV. 02/13/08 |

LEGEND:
 ● DENOTES IRON PIPE FOUND
 ○ DENOTES IRON PIPE TO BE SET
 ■ DENOTES CONCRETE MONUMENT FOUND
 ○ DENOTES UNMARKED POINT

CURVE DATA TABLE

| CURVE | BEARING | ARC LENGTH | CHORD LEN | CHORD BEARING |
|-------|---------------|------------|-----------|---------------|
| C1 | S 83°27'06" V | 703.39' | 690.33' | S 83°27'06" V |
| C2 | S 53°25'20" V | 600.00' | 578.81' | S 53°25'20" V |
| C3 | S 76°07'21" V | 355.40' | 355.40' | S 76°07'21" V |
| C4 | S 37°36'04" E | 312.14' | 312.14' | S 37°36'04" E |

PROPERTY ZONED: A-1
 MIN. FRONT YARD 60' from c/r road
 MIN. REAR YARD 50'
 MIN. SIDE YARD 20'

L. E. BUNTING SURVEYS, INC.
 MARYLAND & VIRGINIA
 LAND SURVEYING
 24 BROAD STREET
 BRIDGEVILLE, MARYLAND 21811
 (410) 641-3575

FILED
 2008 FEB 14 P 2:02
 STEPHEN V. HALES
 CLK. CT. CL.



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>

ACAO Note:
Proposed Public
Hearing on May 18th

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Harold L. Higgins, Chief Administrative Officer
From: Edward A. Tudor, Director, Development, Review and Permitting *EAT*
Date: April 12, 2021
Re: Rezoning Case No. 430 – Cellar House Farms, LP, applicant, Hugh Cropper IV, Esquire, attorney for the applicant

Attached herewith please find the Planning Commission’s written Findings of Fact and Recommendation relative to Rezoning Case No. 430, seeking to rezone approximately 387.5 acres of land located on the southerly side of Cellar House Road, to the northeast of Whitesburg Road, northeast of Pocomoke City, from RP Resource Protection District to A-1 Agricultural District. The case was reviewed by the Planning Commission at its meeting on April 1, 2021 and was given a favorable recommendation, on the condition that the portion of the petitioned area the area designated in the Green Infrastructure Land Use Category and illustrated on Applicant’s Exhibit No. 5 be retained in the RP Resource Protection District.

Also attached for your use is a draft public hearing notice for the required public hearing that must be held by the County Commissioners. An electronic copy has already been forwarded to Weston Young. Please advise our department at your earliest convenience as to the public hearing date so that our department can ensure that the mandatory public notice of 15 days is met via posting on the site and mailings to adjoining property owners.

Thank you for your attention to this matter. Should you have any questions or require additional information, please do not hesitate to contact me.

EAT/jkk

cc: Jennifer K. Keener, Deputy Director

NOTICE
OF
PROPOSED CHANGE IN ZONING

SOUTHERLY SIDE OF CELLAR HOUSE ROAD
NORTHEAST OF WHITESBURG ROAD

SEVENTH TAX DISTRICT
WORCESTER COUNTY, MARYLAND

Pursuant to Section 1-113 of the Worcester County Zoning Ordinance, Rezoning Case No. 430 has been filed by Hugh Cropper, IV on behalf of Cellar House Farms, Limited Partnership, property owner, for an amendment to the Official Zoning Maps to change approximately 387.5 acres of land located on the southerly side of Cellar House Road, northeast of Whitesburg Road in the Seventh Tax District of Worcester County, Maryland, from RP Resource Protection District to A-1 Agricultural District. The Planning Commission has given a favorable recommendation to the rezoning application as amended.

Pursuant to Sections 1-113 and 1-114 of the Worcester County Zoning Ordinance, the County Commissioners will hold a

PUBLIC HEARING

on

TUESDAY, _____

AT _____

IN THE COUNTY COMMISSIONERS' MEETING ROOM
WORCETER COUNTY GOVERNMENT CENTER – ROOM 1101
ONE WEST MARKET STREET
SNOW HILL, MARYLAND 21863

At said public hearing the County Commissioners will consider the rezoning application, the staff file on Rezoning Case No. 430 and the recommendation of the Planning Commission, any proposed restrictions on the rezoning, other appropriate restrictions, conditions or limitations as may be deemed by them to be appropriate to preserve, improve, or protect the general character and design of the lands and improvements being zoned or rezoned or of the surrounding or adjacent lands and improvements, and the advisability of reserving the power and authority to approve or disapprove the design of buildings, construction, landscaping or other improvements, alterations and changes made or to be made on the subject land or lands to assure conformity with the intent and purpose of applicable State laws and regulations and the County Zoning Ordinance.

Maps of the petitioned area, the staff file on Rezoning Case No. 430 and the Planning Commission's recommendation, which will be entered into record at the public hearing, are on file and available to view electronically by contacting the Department of Development, Review and Permitting, Worcester County Government Center, One West Market Street, Room 1201, Snow Hill, Maryland 21863 Monday through Friday from 8:00 A.M. and 4:30 P.M. (except holidays), at (410) 632-1200 as well as www.co.worcester.md.us.

Joseph M. Mitrecic, President

**PLANNING COMMISSION
FINDINGS OF FACT
AND
RECOMMENDATION**

REZONING CASE NO. 430

APPLICANT:

**Cellar House Farms, Limited Partnership
c/o Robert Graham
1878 Silverado Trail
Napa, California 94558**

ATTORNEY FOR THE APPLICANT:

**Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842**

April 1, 2021

WORCESTER COUNTY PLANNING COMMISSION

TABLE OF CONTENTS

| | | |
|------|---|---------------|
| I. | Introductory Data | Pages 3 - 4 |
| II. | Testimony Before the Planning Commission | Pages 4 - 6 |
| III. | Findings and Conclusions | Pages 6 - 8 |
| IV. | Planning Commission Recommendation | Page 8 |
| V. | Related Material and Attachments | |
| | A. Testimony before the Planning Commission on Rezoning Case No. 429 | Pages 9 - 11 |
| | B. Copy of Written Staff Report | Pages 12 - 17 |
| | C. Attachments to the Staff Report: | |
| | 1. Application for Amendment of Official Zoning Map with attachment | Pages 18 - 24 |
| | 2. Maps of petitioned area | Pages 25 - 32 |
| | 3. Comments of Robert J. Mitchell, Worcester County Environmental Programs Director | Pages 33 - 35 |
| | 4. Comments of Michael Grassmann, Natural Resources Planner, State of Maryland Critical Area Commission | Pages 36 - 40 |
| | 5. Comments of James W. Meredith, District Engineer, Maryland State Highway Administration | Page 41 |
| | 6. Comments of Frank J. Adkins, Worcester County Roads Superintendent | Page 42 |
| | 7. Comments of Rob Clarke, Forester, Maryland Forest Service | Pages 43 - 44 |
| | 8. Memo requesting comments | Pages 45 - 46 |

I. INTRODUCTORY DATA

A. CASE NUMBER: Rezoning Case No. 430, filed on September 28, 2020.

B. APPLICANT: Cellar House Farms, Limited Partnership
 c/o Robert Graham
 1878 Silverado Trail
 Napa, California 94558

APPLICANT'S ATTORNEY: Hugh Cropper, IV
 9923 Stephen Decatur Highway, D-2
 Ocean City, Maryland 21842

C. TAX MAP/PARCEL: Tax Map 69 – Parcels 25 and 27 - Tax District 7

D. SIZE: The petitioned area is 387.5 acres in size.

E. LOCATION: The petitioned area is located on the southerly side of Cellar House Road, northeast of Whitesburg Road, northeast of Pocomoke City.

F. CURRENT USE OF PETITIONED AREA: Tilled land, forest, and a single-family dwelling with accessory structures.

G. CURRENT ZONING CLASSIFICATION: RP Resource Protection District.

H. REQUESTED ZONING CLASSIFICATION: A-1 Agricultural District.

I. ZONING HISTORY: At the time zoning was first established in the 1960's, the petitioned area was given an A-1 Agricultural District classification, with a portion of the waterfront area where the single-family dwelling is located placed in the R-3 Multi-Family Residential District. That designation was retained in the 1978 comprehensive rezoning. During the 1992 comprehensive rezoning, the property was placed completely in the A-1 Agricultural District. During the 2009 comprehensive rezoning, the entire property was placed in the RP Resource Protection District.

J. SURROUNDING ZONING: Adjoining and nearby properties are also zoned RP Resource Protection District, with the exception of those bordering Cellar House Road and Nassawango Road, which are currently zoned A-1 Agricultural District.

K. COMPREHENSIVE PLAN: According to the 2006 Comprehensive Plan and associated land use map, the petitioned area lies primarily within the Agricultural

Land Use Category, with a small portion of area along the tributaries within the Green Infrastructure Land Use Category.

- L. **WATER AND WASTEWATER:** According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the existing structures on the subject property are currently served by private well and septic. The petitioned area has a designation of a Sewer Service Category of S-6 and W-6 (No Planned Service) in the Master Water and Sewerage Plan.
- M. **ROAD ACCESS:** The petitioned area fronts on Cellar House Road, a County-owned and -maintained roadway. It should be noted that Cellar House Road is less than half a mile in length, beginning and ending at Nassawango Road, which is State-owned and -maintained.

II. APPLICANT'S TESTIMONY BEFORE THE PLANNING COMMISSION

- A. Hugh Cropper, IV, applicant's attorney, Frank G. Lynch, Jr., surveyor, Chris McCabe, environmental consultant, Jack Graham, and Robert Graham, property owners, were present for the review. Mr. Cropper testified that the request is being made based upon a mistake in the assigned zoning district, and not as a result of a change in the character of the neighborhood. Mr. Cropper stated that the property is immediately south of Milburn Landing, and there was a very clear assertion of a mistake in the rezoning of the property to RP Resource Protection District. The adjoining property is state-owned, and also zoned RP Resource Protection District. As his testimony, Mr. Cropper requested to incorporate the testimony provided for Rezoning Case No. 429, which was reviewed by the Planning Commission at the meeting just prior to this case. [Attached under Section V of the Planning Commission Findings of Fact].

Mr. Cropper stated that the petitioned area has a rich history, and has the oldest house on the Pocomoke river dating back to 1750. He stated that the petitioned area was a working, sustainable farm, and Mr. Jack Graham has a strong desire to keep it that way for future generations, with the ability to create a minor subdivision for lots for the family. Submitted as Applicant's Exhibit No. 1 was a photograph of the existing dwelling dating back to the 1950's.

Mr. Cropper introduced his first witness, Chris McCabe, environmental consultant and owner of Coastal Compliance Solutions, LLC. Mr. McCabe reiterated the differences between the purpose and intent statements for the A-1 Agricultural District and RP Resource Protection District regulations. He noted that this is the type of farm that is intended to be preserved, and that the purpose and intent statement of the A-1 Agricultural District is reflected in the uses of this property.

Mr. McCabe referenced Mr. Clarke's comments that the property has been under an active timber management plan even before his tenure as a county Forester beginning in 1978 with the Maryland Forest Service. Mr. McCabe concurred that the property owner was seeking ways to sustain the farm so that it isn't sold. Mr. Cropper stated that legacy families such as the Graham's are the best stewards of the environment. He summarized that the house was built over 250 years ago, that the petitioned area had been zoned A-1 Agricultural District for forty-four years, and was downzoned in 2009, though there had been no change in use to justify it.

Mr. Cropper introduced his second witness, Frank G. Lynch, Jr., land surveyor. Mr. Lynch stated that he had prepared a plat of the petitioned area. He noted that his previous statements about minor subdivisions that were made in the testimony under Rezoning Case No. 429 apply to this case as well. Mr. Cropper noted that there may have been a few lots previously subdivided from this farm, so there may be only a few divisions remaining. Similar to the previous testimony, Mr. Cropper stated that in the Resource Conservation Area (RCA) of the Critical Area regulations, a subdivision is allowed at a density of one lot per twenty acres. Mr. Lynch concurred that the RP Resource Protection District regulations were inconsistent with the Critical Area regulations. Mr. Lynch concurred that the timber management and agricultural activities are more closely aligned with the A-1 Agricultural District, and that the RP Resource Protection District was a mistake.

Mr. Cropper introduced Robert Graham, member of Cellar House Limited Partnership, as his next witness. Mr. Jack Graham is his father, and he has four other siblings. The property was purchased by his father in 1965, at which time a full restoration was done on the dwelling. Mr. Jack Graham has generally lived either at the property or in town since then. Submitted as Applicant's Exhibit No. 2 was an aerial photograph from the 1940's or 1950's when the property had two former tenant houses (circled). The tenant houses were moved to the front of the parcel and two lots were subdivided around them on Cellar House Road. Mr. Graham identified the main colonial house, the large white barn that is still on the property, as well as the former turkey house that is no longer on the property. Mr. Graham noted that the property had been under tobacco production at that time, and currently it is in corn and soybeans. Submitted as Applicant's Exhibit No. 3 was another aerial photograph of the petitioned area from a different angle. Submitted as Applicant's Exhibit No. 4 were two current aerial photographs of the petitioned area.

With respect to the 2009 comprehensive rezoning, Mr. Graham stated that he was not aware of the rezoning of his property until recently. His neighbor also just found out about the 2009 rezoning, and the neighbor is the last sliver of RP Resource Protection District zoned land between the petitioned area and the existing farms to the south, which are currently zoned A-1 Agricultural District.

Mr. Graham noted that they are the highest elevation farm in the area, with a marker set at 37 feet. Mr. Cropper also stated that Mr. Jack Graham is one of the biggest advocates for historic preservation, and while they understand that it was easy to see how a mistake was made given the rezoning of the adjoining state-owned lands to RP Resource Protection District, the petitioned area is not able to be sustained if it remains under the RP District designation.

In closing, Mr. Cropper stated that the petitioned area is more consistent with the A-1 Agricultural District and the associated Agricultural Land Use category of the Comprehensive Plan with the exception of the fringes which are in the Green Infrastructure Lane Use Category. The Land Use Map was submitted as Applicant's Exhibit No. 5. Mr. Cropper stated that his clients would retain the wetlands shown in the Green Infrastructure Land Use Category as RP Resource Protection District. He also noted that the findings of fact as outlined in Rezoning Case No. 425 were all true for the petitioned area as well.

III. PLANNING COMMISSION'S FINDINGS AND CONCLUSIONS

- A. Regarding the definition of the neighborhood: The Planning Commission found that because Mr. Cropper was basing his argument for rezoning solely upon a claim of mistake in existing zoning, a definition of the neighborhood was not applicable.
- B. Regarding population change: The Planning Commission concluded that there has been no significant change to the population of the vicinity surrounding the petitioned area since the comprehensive rezoning of 2009.
- C. Regarding availability of public facilities: The Planning Commission found that there would be no impact upon public facilities as it pertains to wastewater disposal and the provision of potable water, as the single-family dwelling is served by a private septic system and well. Mr. Mitchell's memo stated that the subject property is in the S-6 category (no planned service) of the Master Water and Sewerage Plan. Additionally, the Planning Commission found that the Critical Area designation of Resource Conservation Area (RCA) limits development to one dwelling per 20 acres; thus, the petitioned area could theoretically have a maximum of two lots with one dwelling each. Fire and ambulance service will be available from the Snow Hill Volunteer Fire Company's facility, approximately ten minutes away from the subject property. No comments were received from the fire company with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately thirty minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately ten minutes away. No comments were

received from either the Maryland State Police or the Worcester County Sheriff's Department. The petitioned area is served by the following schools: Snow Hill Elementary School, Snow Hill Middle School, and Snow Hill High School. No comments were received from the Worcester County Board of Education. In consideration of its review, the Planning Commission found that there will be no negative impacts to public facilities and services resulting from the proposed rezoning, and the site will be subject to the limitations of private water and wastewater as well as the Critical Area regulations.

- D. Regarding present and future transportation patterns: The Planning Commission found that the petitioned area fronts on Cellar House Road, a County-owned and -maintained roadway which is less than half a mile in total length, and terminates at each end on Nassawango Road. The Comprehensive Plan classifies Nassawango Road as a two-lane secondary highway/minor collector highway. It should be noted that other portions of this roadway are named Dividing Creek Road and/or MD Route 364 and are State-owned and -maintained. This minor collector begins at US Route 13 in Pocomoke City and links to MD Routes 12 and 354 to the north of Snow Hill. James W. Meredith, District Engineer for the Maryland Department of Transportation State Highway Administration (MDOT SHA) District 1 office commented by letter (copy attached) that if development of the property is proposed in the future, the MDOT SHA may require a traffic impact study to determine potential impacts to the surrounding state roadway network and that future development may also require an access permit to be issued from his office. He also stated that with the exception of the aforementioned comments, MDOT SHA has no objection to a rezoning determination by Worcester County. Frank J. Adkins, Worcester County Roads Superintendent, responded by memo (copy attached) that he had no comment at this time. Based upon its review, the Planning Commission found that there will be no negative impact to the transportation patterns arising from the proposed rezoning of the petitioned area as no significant changes are anticipated.
- E. Regarding compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact to waters included on the State's impaired waters list or having an established total maximum daily load requirement: The Planning Commission found that the petitioned area is current tilled lands and forested wetlands, and is improved with a single-family dwelling, accessory residential buildings, and agricultural structures. Additionally, the Planning Commission agreed that the petitioned area has historically been cultivated fields, and that the existing use of the property for a single-family dwelling is consistent with the A-1 Agricultural District. Based upon its review, the Planning Commission found that the proposed rezoning of the petitioned area from RP Resource Protection District to A-1 Agricultural District, excluding the area designated in the Green Infrastructure Land Use

Category as illustrated on Applicant's Exhibit No. 5, is compatible with existing and proposed development and existing environmental conditions in the area.

- F. Regarding compatibility with the Comprehensive Plan: The Planning Commission found that according to the Comprehensive Plan and associated land use plan map, the petitioned area lies within the Agricultural and Green Infrastructure Land Use categories within the Comprehensive Plan. Therefore, rezoning the petitioned area would further its compatibility with the Comprehensive Plan. They agreed that the portion of the petitioned area containing wetlands and located in the Green Infrastructure category and should remain in the RP Resource Protection District. Based upon its review, the Planning Commission found that the proposed rezoning of the petitioned area from RP Resource Protection District to A-1 Agricultural District, excluding the area designated in the Green Infrastructure Land Use Category as illustrated on Applicant's Exhibit No. 5, is compatible with the Comprehensive Plan and in keeping with its goals and objectives.

IV. PLANNING COMMISSION RECOMMENDATION

- A. In consideration of its findings and testimony provided to the Commission, the Planning Commission concluded that there is a mistake in the existing zoning of the petitioned area. Given the current and historical use of the petitioned area as tilled lands, as well as the Agricultural Land Use category in the Comprehensive Plan, the Planning Commission found that it was a mistake to have placed the petitioned area in the RP Resource Protection District designation during the 2009 comprehensive rezoning. The majority of the petitioned area should have received an A-1 Agricultural District zoning classification so as to be consistent with the Land Use Map. The Planning Commission also concurred that the findings of fact provided for Rezoning Case No. 425 are applicable to the current request. Based upon its review, the Planning Commission concluded that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan and gave a favorable recommendation to Rezoning Case No. 430, seeking a rezoning of the petitioned area from RP Resource Protection District to A-1 Agricultural District, on the condition that the portion of the petitioned area the area designated in the Green Infrastructure Land Use Category and illustrated on Applicant's Exhibit No. 5 be retained in the RP Resource Protection District.

V. RELATED MATERIALS AND ATTACHMENTS

Planning Commission Testimony for Rezoning Case No. 429, April 1, 2021

Tax Map 70, Parcel 18, Parcel A, a request to change approximately 129.28 acres of land located on the southerly side of Nassawango Road, west of MD Route 12 in the Seventh Tax District of Worcester County, Maryland, from RP Resource Protection District to A-1 Agricultural District.

Hugh Cropper, IV, applicant's attorney, Frank G. Lynch, Jr., surveyor, Chris McCabe, environmental consultant, and Mr. Hope, property owner, were present for the review. Mr. Cropper testified that the request is being made based upon a mistake in the assigned zoning district, and not as a result of a change in the character of the neighborhood. Therefore, no precedence would be set.

Mr. Cropper stated that the property has road frontage on Nassawango Road and abuts the Pocomoke River. As noted in the staff report, the property had been primarily zoned A-1 Agricultural District with the fringe of wetlands along the river zoned C-1 Conservation District until the comprehensive rezoning in 2009, when the property had been rezoned to RP Resource Protection District. Mr. Cropper proffered that his client is willing to retain the original C-1 District boundary line in the RP Resource Protection District, or Mr. Lynch can field delineate and provide a metes and bounds survey, depending on the preference of the board.

Philosophically, Mr. and Mrs. Hope are good stewards of the environment and the land has been in the family for generations, and they wish want to keep this farm in the family. Their goal is to protect the farm and the timber operation, and the A-1 Agricultural District will give them the flexibility in uses to grow the farm. The A-1 Agricultural District allows the agricultural structures associated with the farm as a principal permitted use. Mr. Cropper referenced the quote on the Agricultural Land Use category from the Comprehensive Plan as stated in the staff report, which stressed the significance of agriculture to Worcester County.

Submitted as Applicant's Exhibit No. 1 is the deed to the farm from 1965 (Liber 184 Folio 433).

Mr. Cropper introduced his first witness, Chris McCabe, environmental consultant and owner of Coastal Compliance Solutions, LLC. Submitted as Applicant's Exhibit No. 2 were copies of the A-1 Agricultural and RP Resource Protection District regulations for comparison. Mr. McCabe read the purpose and intent statements for each district. He confirmed that the RP Resource Protection District statement does not include a reference to agriculture or forestry. He concurred that the land area located outside of the former C-1 Conservation District boundary line is more appropriate for an A-1 Agricultural District classification. Mr. McCabe referenced Mr. Clarke's comments that the property has been under an active timber management plan even before his tenure as a county Forester beginning in 1978 with the Maryland Forest Service. Mr. McCabe stated that agricultural structures are a special exception in the RP Resource Protection District, as well as single-family dwellings. Both uses are permitted uses in the A-1 Agricultural District, as are roadside stands and other similar uses. Mr. Cropper alleged that the county created a non-conforming single-family dwelling by downzoning the property. Mr. McCabe also noted that any new development would likely require compliance with various environmental regulations such as stormwater management, Critical Area, and Forestry. He stated that the Critical Area regulations apply within 1,000 feet of the river, and that a 100-foot to 300-foot buffer may apply

to the property. Mr. McCabe agreed that certain special exception uses in the A-1 Agricultural District such as roadside stands and agritainment facilities would allow this property to be supported under an agricultural use, and the A-1 Agricultural District is more consistent with the Comprehensive Plan.

Mr. Cropper requested that the staff report be incorporated into the record. He stated that the RP Resource Protection District aligns with the Green Infrastructure Land Use Category of the Comprehensive Plan in approximately 90% of the county. However, this is not the case when applied to the petitioned area. Submitted as Applicant's Exhibit No. 3 were the Formal Notice of Zoning Action, Resolution No. 20-4, and the County Commissioners' Findings of Fact, all of which were associated with Rezoning Case No. 425. Mr. Cropper stated that he also represented Mr. and Mrs. Hope on Rezoning Case No. 425, which was a request to rezone approximately fifty-four acres of the adjoining property from RP Resource Protection District to A-1 Agricultural District.

Mr. Cropper summarized that there would be no environmental harm caused as a result of the rezoning of the petitioned area, and that in the forty-four years that the property was zoned as A-1 Agricultural District, the property owners have shown that they were good stewards of the environment. He stated that other farms to the north and south of the petitioned area were currently zoned A-1 Agricultural District, but in this particular instance, the county expanded the RP Resource Protection District line around Milburn Landing. He reiterated that the A-1 Agricultural District is more consistent with the Comprehensive Plan and the Land Use Map designation as Agricultural. In reference to the findings that the Planning Commission must make, he noted that there has not been a change in population, transportation, or any other factor. The use of the land will remain the same, however the existing uses will be brought into compliance.

Mr. Cropper introduced his second witness, Frank Lynch, Jr., land surveyor. Mr. Lynch stated that he had worked on the adjoining property and testified as a witness in Rezoning Case No. 425. Overall, Parcel A (the petitioned area) and Parcel B (subject to Rezoning Case No. 425) were one large farm that had been subdivided in half. He noted that in the RP Resource Protection District, agricultural and minor subdivisions were special exception uses. If Mr. and Mrs. Hope would like to subdivide a lot, it would require Board of Zoning Appeals approval for the subdivision action. Mr. Cropper stated that in the Resource Conservation Area (RCA) of the Critical Area regulations, a subdivision is allowed at a density of one lot per twenty acres. Mr. Lynch concurred that the RP Resource Protection District regulations were inconsistent with the Critical Area regulations. Mr. Cropper said that the entire property will need to be rezoned to A-1 Agricultural District, otherwise if the forested area along Nassawango Road was retained in the RP Resource Protection District, then the property owner would have to apply for a special exception to the Board of Zoning Appeals to subdivide in order to access the road frontage. Mr. Lynch concurred that the timber management and agricultural activities are more closely aligned with the A-1 Agricultural District, and that the RP Resource Protection District was a mistake.

Mr. Lynch stated that he testified before the county during the 2009 and 1992 comprehensive rezoning processes, and confirmed that the county does not send a certified letter to every property owner when held. Mr. Hope was not aware that his property had been rezoned in 2009.

Mr. Hope explained that his grandfather had purchased the land in the 1920's, and the house has been on the farm since then. He stated that there have been hogs, corn, potatoes, and the land is now in a soybean and corn rotation. The property has been a working farm with crops, the timber management has been ongoing for decades, and it is a very productive property for growing timber. Mr. Hope reiterated that he was unaware of the 2009 rezoning of his property. He stated that he is not desirous of building anything beyond a sustainable working farm.

Mr. Tudor clarified a statement made by Mr. Cropper relative to the existing uses within the RP Resource Protection District. The non-conformities section of the zoning code states that any use or structure that was in existence at the time of the rezoning, which is permitted as a special exception use in the new zoning district, shall not be deemed non-conforming, but rather a conforming special exception. This provision does not require the property owner to seek any additional approval from the Board of Zoning Appeals to maintain or add to the existing agricultural structures or single-family dwelling.

Mr. Mitchell, Director of the Department of Environmental Programs asked for clarification on the area to be rezoned. Mr. Cropper stated that the area by the river, previously zoned C-1 Conservation District, is proposed to be retained in the RP Resource Protection District. Submitted as Applicant's Exhibit No. 4 was a copy of the recorded boundary line adjustment plat for Parcels A and B, which delineates the zoning district boundary line.

In closing, Mr. Cropper stated that the findings of fact as outlined in Rezoning Case No. 425 were all true for the petitioned area in this case. Following the discussion, a motion was made by Mr. Clayville, seconded by Ms. Knight, and carried unanimously to find the proposed amendment to rezone the petitioned area from RP Resource Protection District to A-1 Agricultural District consistent with the Comprehensive Plan based on a mistake in the zoning of the property, and forward a favorable recommendation to the Worcester County Commissioners. The motion included the adoption of the Findings of Fact from Rezoning Case No. 425, and on the condition that the area by the Pocumoke River be maintained as the RP Resource Protection District, as illustrated on Applicant's Exhibit No. 4, the former C-1 Conservation District boundary line.

STAFF REPORT**REZONING CASE NO. 430**

PROPERTY OWNER: Cellar House Farms, Limited Partnership
c/o Robert Graham
1878 Silverado Trail
Napa, California 94558

ATTORNEY: Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842

TAX MAP/PARCEL INFO: Tax Map 69 - Parcels 25 and 27 - Tax District 7

SIZE: The petitioned area is 387.5 acres in size.

LOCATION: The petitioned area is located on the southerly side of Cellar House Road, northeast of Whitesburg Road, northeast of Pocomoke City.

CURRENT USE OF PETITIONED AREA: Tilled land, forest, and a single-family dwelling with accessory structures.

CURRENT ZONING CLASSIFICATION: RP Resource Protection District

REQUESTED ZONING CLASSIFICATION: A-1 Agricultural District

APPLICANT'S BASIS FOR REZONING: The application indicates that there was a mistake made in the existing zoning.

ZONING HISTORY: At the time zoning was first established in the 1960's, the petitioned area was given an A-1 Agricultural District classification, with a portion of the waterfront area where the single-family dwelling is located placed in the R-3 Multi-Family Residential District. That designation was retained in the 1978 comprehensive rezoning. During the 1992 comprehensive rezoning, the property was placed completely in the A-1 Agricultural District. During the 2009 comprehensive rezoning, the entire property was placed in the RP Resource Protection District.

SURROUNDING ZONING: Adjoining and nearby properties are also zoned RP Resource Protection District, with the exception of those bordering Cellar House Road and Nassawango Road, which are currently zoned A-1 Agricultural District.

COMPREHENSIVE PLAN:

According to Chapter 2 – Land Use of the Comprehensive Plan and associated land use map, the petitioned area lies primarily within the Agricultural Land Use Category, with a small portion of

area along the tributaries within the Green Infrastructure Land Use Category. With regard to the Agricultural 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. The county must do all it can do to preserve farming as a viable industry. This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. Large contiguous areas of productive farms and forest shall be maintained for agricultural uses and residential and other conflicting land uses, although permitted, are discouraged.” (Page 18)

With respect to the Green Infrastructure Land Use Category, the Comprehensive Plan states that this category addresses state and locally designated natural and open spaces and that these are designated to preserve environmentally significant areas and to maintain the environmental functionality of the County’s landscape. It states that greenways improve water quality, provide flood control and maintain the County’s rural and coastal character. The Comprehensive Plan further states that this category includes conservation zones, which are highly restricted due to their special sensitivity and that conservation areas are defined by their soils (muck), state owned natural areas, existing conservation zoning, tidal wetlands, and selected riparian corridors. It also states that greenway and conservation areas have distinct physical characteristics which make them special habitat areas or place extreme limitations on development and that such areas are “place dependent”; that is, they only occur at specific locations. Their identification and preservation must be proactively addressed and after-the-fact mitigation and restoration is expensive and often of limited effect. The Comprehensive Plan also states that the green infrastructure system is designed to maintain existing resource areas and, where absent, create sufficient natural “corridors” linking larger green “hubs”.

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.
5. Locate new development in or near existing population centers and within planned growth centers.
6. Infill existing population centers without overwhelming their existing character.
8. Regulate development to minimize consumption of land, while continuing the county’s rural and coastal character.
9. Minimize conflicts among land uses due to noise, smoke, dust, odors, lighting, and heavy traffic.
11. Set high environmental standards for new development, especially in designated growth areas.
12. Develop green infrastructure system.

13. Expand the protection of the Coastal Bays and the Pocomoke River drainage basins through watershed plans and their implementation.
19. Limit rural development to uses compatible with agriculture and forestry.
20. Direct new development in growth areas to planned communities.

(Pages 12, 13)

In Chapter 3, Natural Resources, pertinent objectives include the following:

1. Use a systems approach to environmental planning addressing pollution at or close to its source and use sustainable development techniques.
2. Instill environmental stewardship as a universal ethic.
3. Identify and protect environmentally sensitive areas.
4. Restore and/or enhance natural resource functions where possible.
8. Conserve resources by reducing unnecessary consumption.
10. Establish sufficient buffers for sensitive areas.

(Page 33)

In Chapter 7 – Transportation, the Comprehensive Plan states that “[t]he county’s rural road system continues to have an excellent service record. Local car and truck traffic share this system with farm machinery. On-going maintenance will remain the primary need for these roads. Due to their configuration, rural roads within this plan’s growth areas will require improvements to handle the expected additional traffic.” (Page 80)

Chapter 7 also states that “MD 364 Dividing Creek/Nassawango Road (Two Lane Secondary Highway/Minor Collector Highway) This minor collector begins at US 13 west of Pocomoke City and links to MD 354 to the north of Snow Hill. This roadway’s current configuration should be adequate for the planning period.” (Page 87)

In this same chapter, under the heading General Recommendations – Roadways, it states the following:

1. **Acceptable Levels of Service**—It is this plan’s policy that the minimal acceptable level of service for all roadways be LOS C. Developers shall be responsible for maintaining this standard.
3. **Traffic studies**--Developers should provide traffic studies to assess the effect of each major development on the LOS for nearby roadways.
4. **Impacted Roads**--Roads that regularly have LOS D or below during weekly peaks are considered “impacted.” Areas surrounding impacted roads should be planned for minimal development (infill existing lots). Plans and funding for improving such roads should be developed.

5. Impacted Intersections--Upgrade intersections that have fallen below a LOS C, for example, the intersection of US 13 and MD 756 Old Snow Hill Road, intersection of MD 589 and US 50.

(Page 87)

WATER AND WASTEWATER: According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the existing dwelling on the subject property is served by private well and septic, with a designation of a Sewer and Water Service Category of S-6 and W-6 (No Planned Service) in the Master Water and Sewerage Plan. No comments were received from John H. Tustin, P.E., Director of Public Works, or John Ross, P.E., Deputy Director of Public Works.

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

FadA – Fallsington sandy loams, severe limitations to on-site wastewater disposal
 HbB – Hambrook sandy loam, severe limitations to on-site wastewater disposal
 NnA – Nassawango fine sandy loam, severe limitations to on-site wastewater disposal
 SadB – Sassafras sandy loam, severe limitations to on-site wastewater disposal

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

ROADWAYS AND TRANSPORTATION: The petitioned area fronts on Cellar House Road, a County-owned and -maintained roadway. It should be noted that Cellar House Road is less than half a mile in length, beginning and ending at Nassawango Road, which is State-owned and -maintained. James W. Meredith, District Engineer for the Maryland Department of Transportation State Highway Administration (MDOT SHA) District 1 commented by letter (copy attached) that he had no objection to the rezoning request. Frank J. Adkins, Worcester County Roads Superintendent, responded by memo (copy attached) that he had no comments at this time.

SCHOOLS: The petitioned area is within Zone 5 of the Worcester County Public School Zones and is served by the following schools: Pocomoke Elementary School, Pocomoke Middle School, and Pocomoke High School. 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 within the boundaries of the Chesapeake Bay Critical Area (CBCA). He states that this portion of the parcel is designated as a Resource Conservation Area (RCA) and has an associated 100-foot buffer from the mean high water line of tidal waters, the edge of the bank of tributary streams, and the landward extent of

tidal wetlands. He further states that RCA's are areas characterized by nature-dominated environments (i.e. wetlands, forests and abandoned fields) and resource-utilization activities (i.e. agriculture, forestry, fisheries and aquaculture). He stated that allowed uses within the A-1 Agricultural District support the County's farms and forestry operations. Furthermore, Mr. Mitchell states that if the proposed rezoning is approved, lands within the boundaries of the RCA must abide by the allowances of §NR 3-206.

Any rezoning application located wholly or partially within the Critical Area require that notification be sent to the Critical Area Commission (CAC). Mr. Mitchell has attached the comments provided by Michael Grassmann, Natural Resources Planner with the CAC. Mr. Grassmann states that a zoning map amendment may only be made in the Critical Area on the basis of a mistake in the existing zoning *and* a local jurisdiction must determine that the change is wholly consistent with the Critical Area land classification. Mr. Grassmann further states that the A-1 zone is *mostly* consistent with the RCA classification as evidenced by the A-1 Agricultural District in the County zoning code as being *intended to preserve, encourage and protect the County's farms and forestry operations*. However, Mr. Grassmann pointed out that there are certain uses allowed in the A-1 District that would not be permitted in the RCA, such as landing strips, spray irrigation fields and storage lagoons for Class II effluent, and large solar energy systems. Therefore, the County must ensure that the site complies with the RCA use limits in the code. Mr. Grassmann states that any future development of this site, including construction of a dwelling and accessory structures, or any future subdivision of this property, must be governed by the County and State Critical Area regulations, including rules and regulations regarding lot coverage, forest and developed woodland clearing, buffer establishment, and RCA density.

For those lands outside of the CBCA, Mr. Mitchell notes that those areas will be subject to the Forest Conservation Law. The afforestation threshold is 20% and the reforestation threshold is 50%.

FLOOD ZONE: The FIRM map (24047C0250H, effective July 16, 2015) indicates that this property is located in Zone X (Area of Minimal Flood Hazard) and A (100-year flood).

PRIORITY FUNDING AREA: The petitioned area is not within a designated Priority Funding Area.

INCORPORATED TOWNS: This site is not within one mile of any incorporated town.

ADDITIONAL COMMENTS RECEIVED: Comments received from various agencies, etc. are attached and are summarized as follows:

Rob Clarke, DNR Forester: On behalf of the Maryland Forest Service, Mr. Clarke confirmed that the subject property has been under active forest management and the property owners are members of the American Tree Farm system. These activities pre-date his tenure as a county forester which started in 1978.

Fee received
9/28/2020

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. 430

Date Received by Office of County Commissioners: _____

Date Received by Development, Review and Permitting: 9/28/2020

Date Reviewed by Planning Commission: 4/1/2021

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): 69
- B. Parcel Number(s): 25 and 27
- C. Lot Number(s), if applicable: _____
- D. Tax District Number: 7th

III. Physical Description of Property

- A. Located on the east side of Cellar House Road.
- B. Consisting of a total of 387.5 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): RP, Resource Protection
(Name and Zoning District)
- B. Acreage of zoning classification(s) in "A" above: 387.467
- C. Requested zoning classification(s): A-1, Agricultural District
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: 387.5

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. A more detailed summary will be submitted.

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: 9923 Stephen Decatur Hwy., D-2, Ocean City, MD
21842
 Phone Number: 410-213-2681
 E-Mail: hcropper@bbcmlaw.com
 Date: September 28, 2020

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

Signature:  _____
 Printed Name of Owner: _____
Cellar House Farm Limited Partnership
c/o Robert S. Graham
 Mailing Address: 1878 Silverado Trail, Napa, CA 94558
 Phone Number: 530-412-0610
 E-Mail: paintedrock@ltol.com
 Date: September 28, 2020

(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 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 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.

Real Property Data Search

Search Result for WORCESTER COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|--|---|--|
| Special Tax Recapture: AGRICULTURAL TRANSFER TAX | | |
| Account Identifier: District - 07 Account Number - 005954 | | |
| Owner Information | | |
| Owner Name: | CELLAR HOUSE FARM LIMITED PARTNERSHIP | Use: AGRICULTURAL NO |
| Mailing Address: | 2634 CELLAR HOUSE RD POCOMOKE MD 21851-3622 | Principal Residence: NO |
| | | Deed Reference: /01889/ 00512 |
| Location & Structure Information | | |
| Premises Address: | 2634 CELLAR HOUSE RD POCOMOKE 21851-0000 | Legal Description: 135.85 ACS CELLAR HOUSE FARM SE SIDE R-364 |
| Map: 0069 | Grid: 0024 | Parcel: 0025 |
| Neighborhood: 7010060.24 | Subdivision: 0000 | Block: |
| | | Lot: |
| | | Assessment Year: 2020 |
| | | Plat No: |
| | | Plat Ref: |
| Town: None | | |
| Primary Structure Built 1700 | Above Grade Living Area 2,856 SF | Finished Basement Area |
| | | Property Land Area 135.8500 AC |
| Stories 2 | Basement YES | Type STANDARD UNIT |
| | | Exterior BRICK/ |
| | | Quality 3 |
| | | Full/Half Bath 1 full/ 1 half |
| | | Garage |
| | | Last Notice of Major Improvements |
| Value Information | | |
| | Base Value | Value |
| | | As of 01/01/2020 |
| | | As of 07/01/2020 |
| | | As of 07/01/2021 |
| Land: | 135,100 | 135,100 |
| Improvements | 74,700 | 73,900 |
| Total: | 209,800 | 209,000 |
| Preferential Land: | 35,100 | 35,100 |
| | | 209,000 |
| | | 209,000 |
| | | 35,100 |
| Transfer Information | | |
| Seller: GRAHAM JOHN L III & MARTHA K | Date: 12/21/1992 | Price: \$0 |
| Type: ARMS LENGTH MULTIPLE | Deed1: RHO /01889/ 00512 | Deed2: |
| Seller: GRAHAM JOHN L III | Date: 12/21/1992 | Price: \$0 |
| Type: ARMS LENGTH MULTIPLE | Deed1: RHO /01889/ 00507 | Deed2: |
| Seller: E S ADKINS & CO | Date: 12/09/1968 | Price: \$0 |
| Type: NON-ARMS LENGTH OTHER | Deed1: FWH /00218/ 00071 | Deed2: |
| Exemption Information | | |
| Partial Exempt Assessments: | Class | 07/01/2020 |
| County: | 000 | 0.00 |
| State: | 000 | 0.00 |
| Municipal: | 000 | 0.00 0.00 |
| | | 0.00 0.00 |
| Special Tax Recapture: AGRICULTURAL TRANSFER TAX | | |
| Homestead Application Information | | |
| Homestead Application Status: No Application | | |
| Homeowners' Tax Credit Application Information | | |
| Homeowners' Tax Credit Application Status: No Application | | |
| | Date: | |

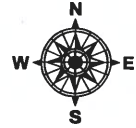
Real Property Data Search

Search Result for WORCESTER COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|--|--|--|
| Special Tax Recapture: AGRICULTURAL TRANSFER TAX | | |
| Account Identifier: District - 07 Account Number - 005768 | | |
| Owner Information | | |
| Owner Name: | CELLAR HOUSE FARM LIMITED PARTNERSHIP | Use: AGRICULTURAL Principal Residence: NO |
| Mailing Address: | 2634 CELLAR HOUSE RD POCOMOKE MD 21851-3622 | Deed Reference: /01889/ 00512 |
| Location & Structure Information | | |
| Premises Address: | R-364 HWY SNOW HILL 21863-0000 | Legal Description: 251.617 ACS PT CELLAR HOUSE FARM SE SIDE R-364 |
| Map: 0069 | Grid: 0024 | Parcel: 0027 |
| Neighborhood: 7010066.24 | Subdivision: 0000 | Section: |
| Block: | Lot: | Assessment Year: 2020 |
| Plat No: | Plat Ref: | |
| Town: None | | |
| Primary Structure Built | Above Grade Living Area | Finished Basement Area |
| | | Property Land Area 251.6100 AC |
| Stories | Basement | Type |
| | | Exterior |
| | | Quality |
| | | Full/Half Bath |
| | | Garage |
| | | Last Notice of Major Improvements |
| Value Information | | |
| | Base Value | Value |
| | | As of |
| | | 01/01/2020 |
| Land: | 47,100 | 47,100 |
| Improvements | 0 | 0 |
| Total: | 47,100 | 47,100 |
| Preferential Land: | 47,100 | 47,100 |
| | | Phase-In Assessments |
| | | As of |
| | | 07/01/2020 |
| | | As of |
| | | 07/01/2021 |
| | | 47,100 |
| | | 47,100 |
| Transfer Information | | |
| Seller: GRAHAM JOHN L III & MARTHA K | Date: 12/21/1992 | Price: \$0 |
| Type: ARMS LENGTH MULTIPLE | Deed1: RHO /01889/ 00512 | Deed2: |
| Seller: GRAHAM JOHN L III | Date: 12/21/1992 | Price: \$0 |
| Type: ARMS LENGTH MULTIPLE | Deed1: RHO /01889/ 00507 | Deed2: |
| Seller: E S ADKINS X CO | Date: 01/26/1990 | Price: \$167,500 |
| Type: ARMS LENGTH IMPROVED | Deed1: RHO /01619/ 00033 | Deed2: |
| Exemption Information | | |
| Partial Exempt Assessments: | Class | 07/01/2020 |
| County: | 000 | 0.00 |
| State: | 000 | 0.00 |
| Municipal: | 000 | 0.00 0.00 |
| | | 07/01/2021 |
| | | 0.00 0.00 |
| Special Tax Recapture: AGRICULTURAL TRANSFER TAX | | |
| Homestead Application Information | | |
| Homestead Application Status: No Application | | |
| Homeowners' Tax Credit Application Information | | |
| Homeowners' Tax Credit Application Status: No Application | | |
| Date: | | |

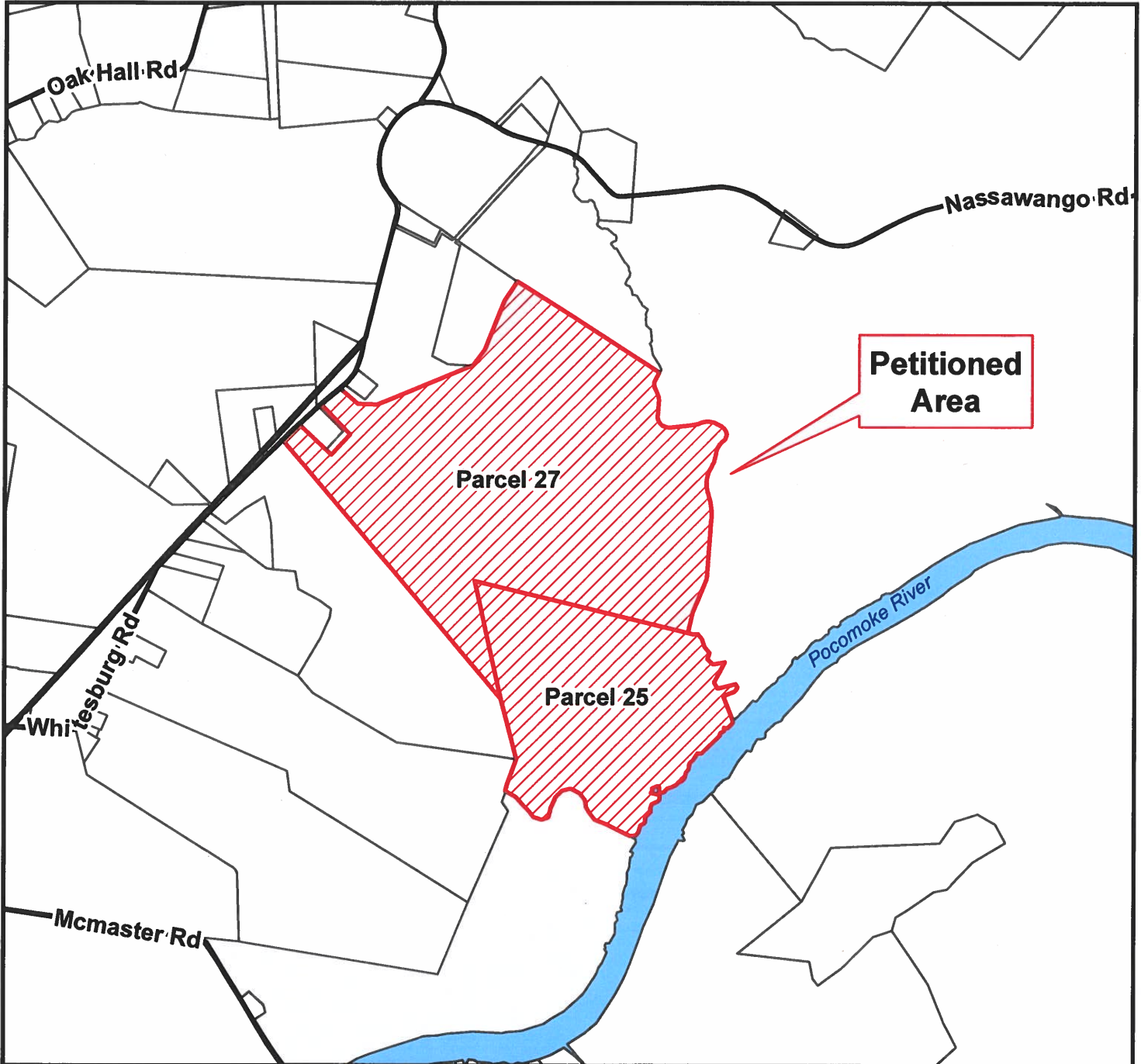


WORCESTER COUNTY, MARYLAND

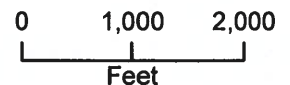


REZONING CASE NO. 430
RP Resource Protection to A-1 Agricultural District
Tax Map: 69, Parcel 25 and 27

LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2020



Source: Worcester County GIS Data Layers

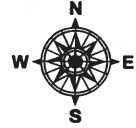
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: JKK



WORCESTER COUNTY, MARYLAND

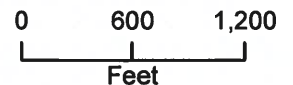


REZONING CASE NO. 430
RP Resource Protection to A-1 Agricultural District
Tax Map: 69, Parcel 25 and 27

AERIAL MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2020



Source: Worcester County GIS Data Layers, 2019 Aerial Imagery

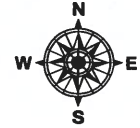
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Drawn By: KLH

Reviewed By: JKK

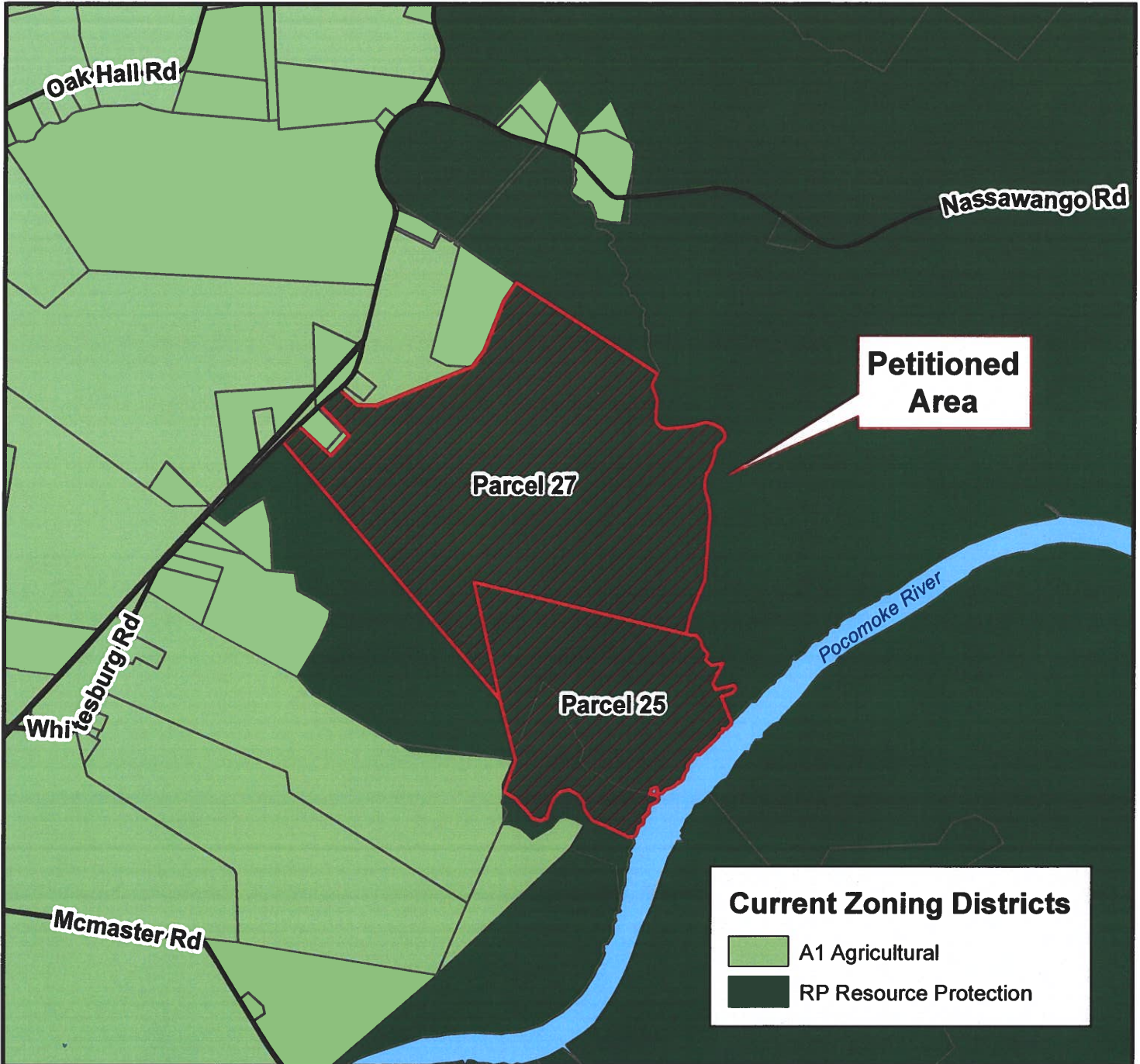


WORCESTER COUNTY, MARYLAND

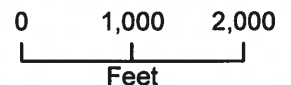


REZONING CASE NO. 430
RP Resource Protection to A-1 Agricultural District
Tax Map: 69, Parcel 25 and 27

ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2020



Source: Worcester County GIS Data Layers, 2009 Official Zoning Districts

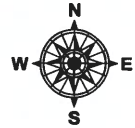
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Drawn By: KLH

Reviewed By: JKK

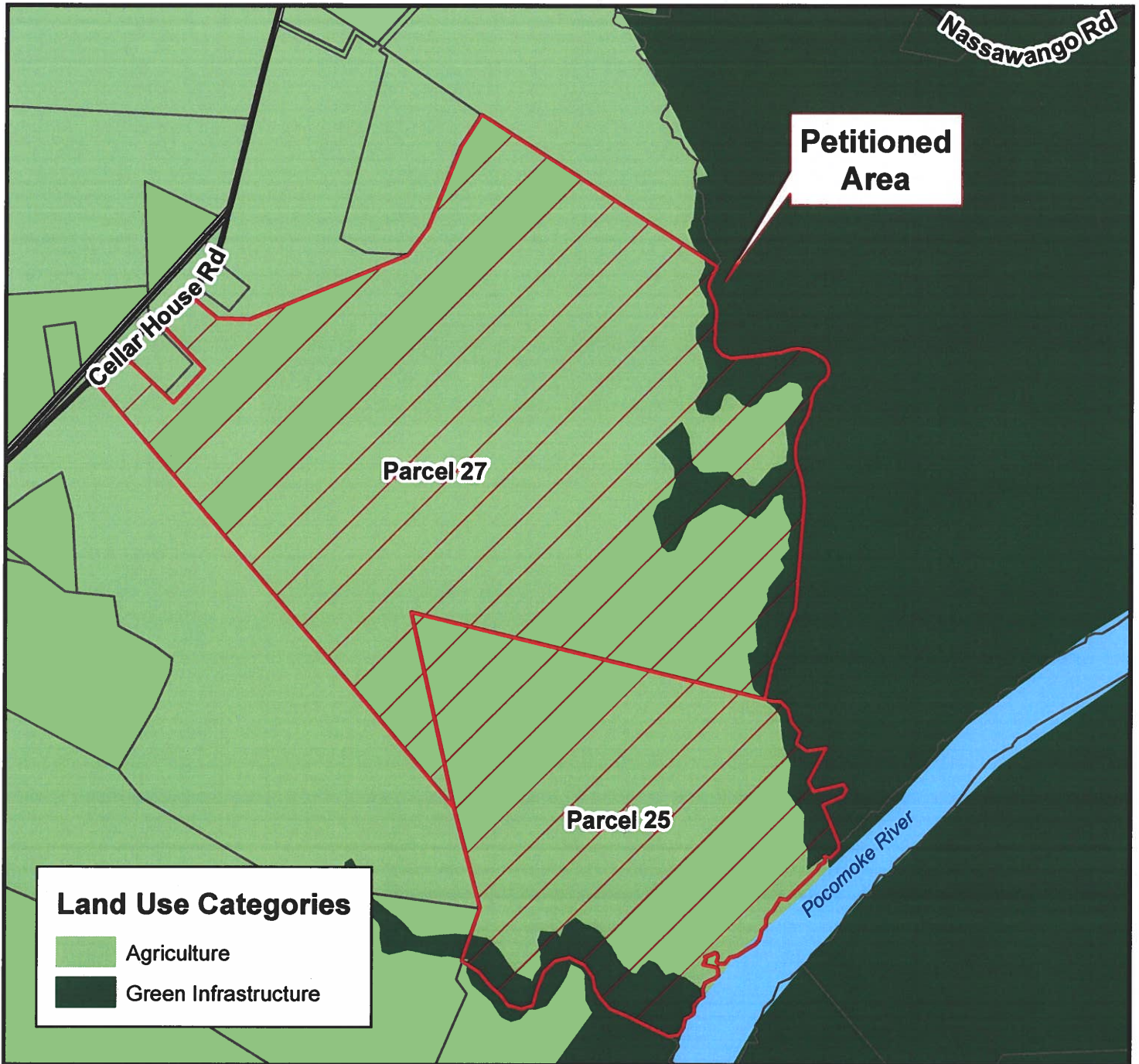


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 430
RP Resource Protection to A-1 Agricultural District
Tax Map: 69, Parcel 25 and 27

LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2020

Source: Worcester County GIS Data Layers, 2006 Land Use Maps

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: JKK

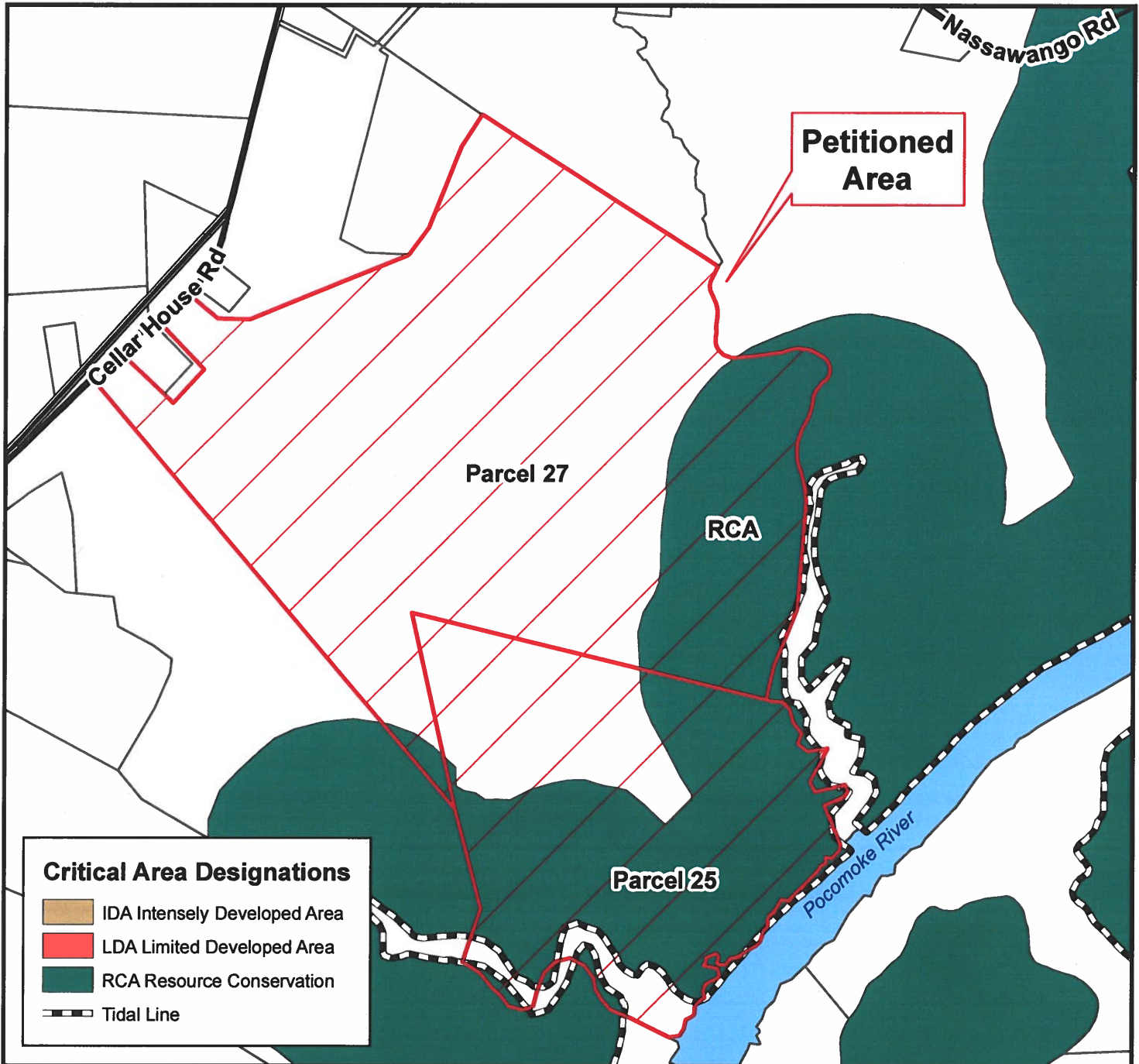


WORCESTER COUNTY, MARYLAND

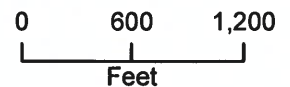


REZONING CASE NO. 430
RP Resource Protection to A-1 Agricultural District
Tax Map: 69, Parcel 25 and 27

CHESAPEAKE BAY CRITICAL AREA MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2020



Source: Worcester County GIS Data Layers, Chesapeake Bay Critical Area Program

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: JKK

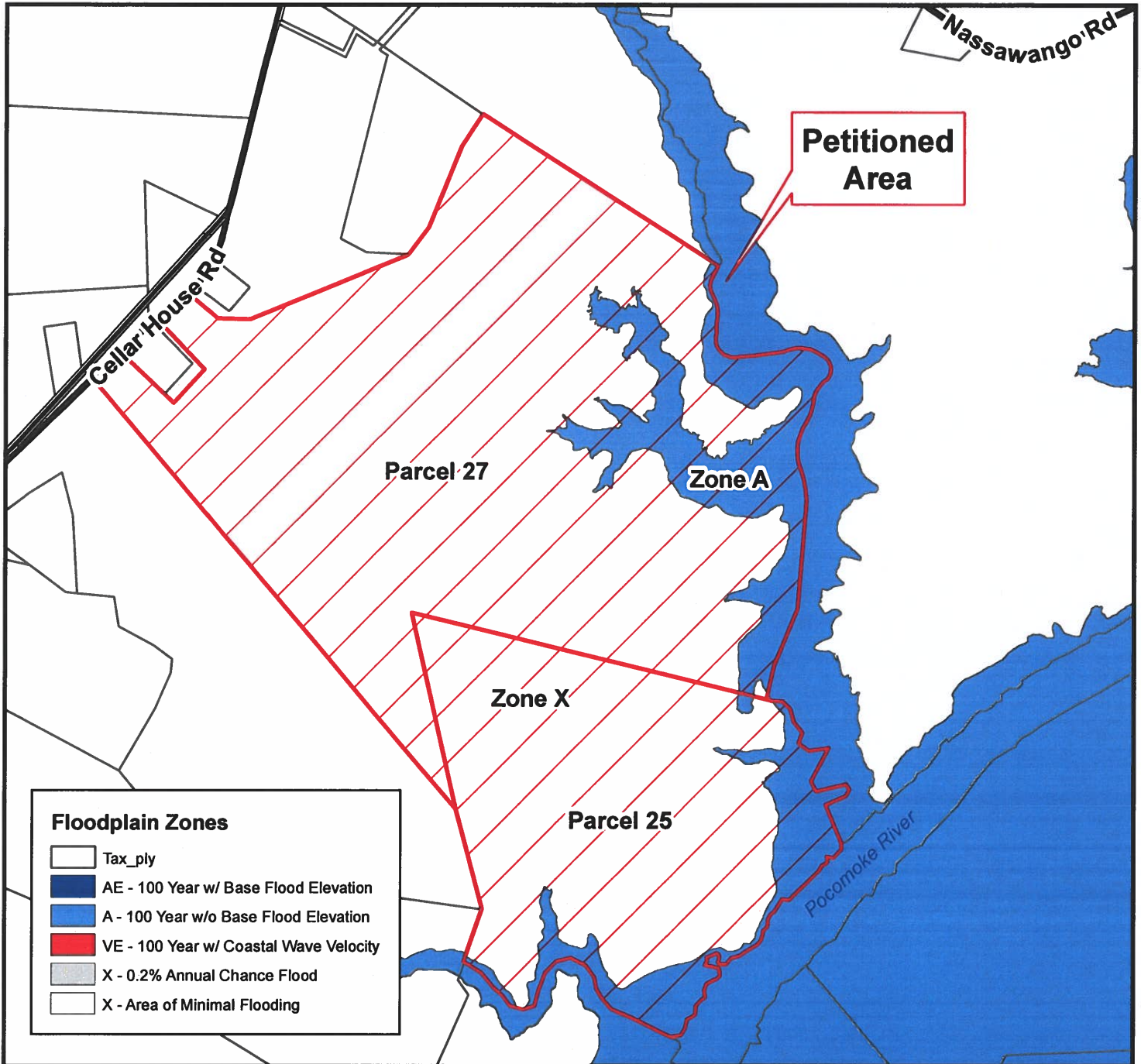


WORCESTER COUNTY, MARYLAND

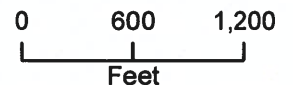


REZONING CASE NO. 430
RP Resource Protection to A-1 Agricultural District
Tax Map: 69, Parcel 25 and 27

FLOODPLAIN MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2020



Source: Worcester County GIS Data Layers, 2015 FEMA Flood Insurance Rate Maps

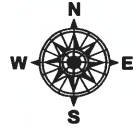
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: JKK



WORCESTER COUNTY, MARYLAND

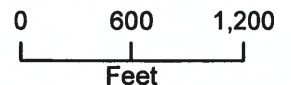


REZONING CASE NO. 430
RP Resource Protection to A-1 Agricultural District
Tax Map: 69, Parcel 25 and 27

SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2020



Source: Worcester County GIS Data Layers, 2007 Soil Survey

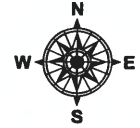
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: JKK

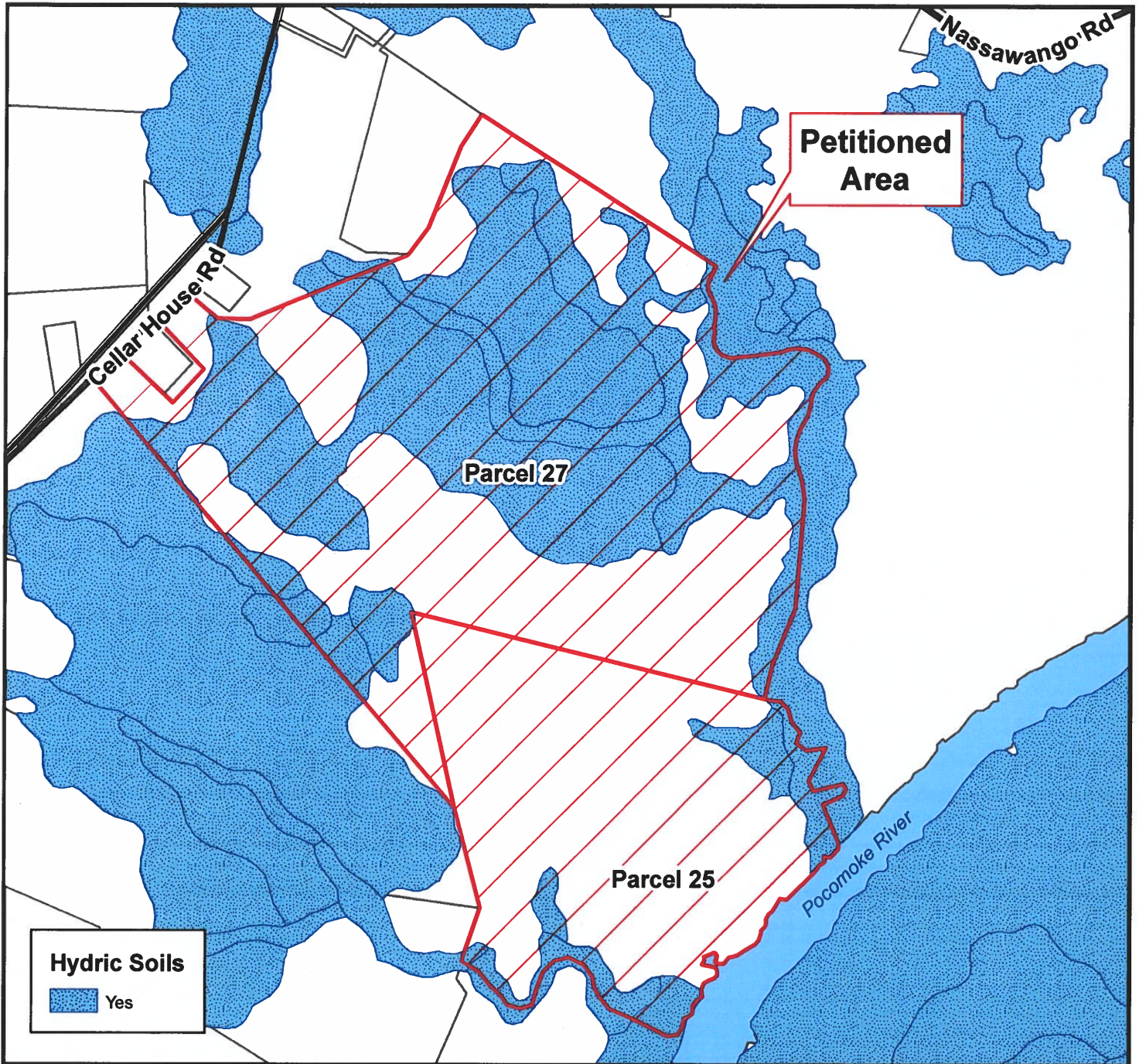


WORCESTER COUNTY, MARYLAND

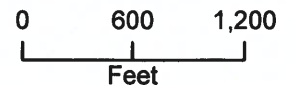


REZONING CASE NO. 430
RP Resource Protection to A-1 Agricultural District
Tax Map: 69, Parcel 25 and 27

HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared October 2020



Source: Worcester County GIS Data Layers, 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: JKK



Worcester County
Department of Environmental Programs

Memorandum

To: Jennifer Keener, Deputy Director, DDRP

From: Robert J. Mitchell 
Director, Environmental Programs

Subject: **EP Staff Comments on Rezoning Case No. 430**
Worcester County Tax Map 70, Parcels 25 and 27
Reclassify approximately 387.5 Total Acres of
RP- Resource Protection District to A-1 Agricultural District

Date: 11/10/20

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 ZS1-113(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 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 mostly an agricultural land use designation in the Land Use Map in the Worcester County Comprehensive Plan (*Comprehensive Plan*), while the remaining portions along the southern edge of Parcel 25 and the eastern edge of Parcel 27 are located in the Green Infrastructure District. The Green Infrastructure land use designation addresses state and locally designated natural and open spaces. These areas are designated to preserve environmentally significant areas and to maintain the environmental functionality of the county’s landscape. Greenways improve water quality, provide flood control and maintain the county’s rural and coastal character. The Agricultural land use designation is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. It is expected that residential and other conflicting land uses although permitted, are discouraged within this

2. district. The adjacent properties to the north are entirely covered with a Green Infrastructure land use district, with the properties to the south mostly carrying an Agricultural designation save the portions of those properties directly fronting the Pocomoke River, where a Green Infrastructure designation is found.
3. The existing residence on the property is served by private well and septic at the present time. The subject property has a designation of a Sewer and Water Service Category of S-6/W-6 and (No Planned Service) in the *Master Water and Sewerage Plan*.
4. This rezoning is partially located within the Chesapeake Bay Critical Area (CBCA). The parcel is designated as a Resource Conservation Area (RCA) and has an associated 100ft buffer from the mean high water line of tidal water, the edge of the bank of tributary streams, and landward extent of tidal wetlands. RCA's are areas characterized by nature-dominated environments (i.e. wetlands, forests, abandoned fields) and resource-utilization activities (i.e. agricultural, forestry, fisheries, aquaculture). Allowed uses within the A-1 Zoning District support the County's farms and forestry operations. As the attached letter from the Critical Area Commission asserts, the A-1 zone is *mostly* consistent with the RCA classification but not entirely, and there are uses that are allowed in the A-1 zone that are not permitted in the RCA.
5. It should be noted that if the proposed rezoning is approved, lands within RCA boundaries must abide by the allowances in §NR 3-206. This includes, but is not limited to, lot coverage, clearing, and density limitations. Also, no new commercial, industrial, or institutional uses can be permitted within approval of a Growth Allocation. Though they are not claimed here, any existing industrial or commercial facilities may not exceed density specified in §NR 3-206(c)(3).
6. This proposed rezoning is also proposed for portions of the property located in an area outside the CBCA; therefore, that area will also be subject to the Forest Conservation Law (FCL). The property has not been subject to the FCL, due to all permitted construction having occurred prior to the implementation of the Law. A change from RP to A-1 would not change the afforestation/reforestation thresholds when/if the property is further developed to the point that compliance with the law is required. The afforestation threshold will remain at 20 percent and the reforestation threshold will remain at 50 percent should rezoning be granted.
7. The boundary of the RP zone does not follow the green infrastructure boundary of the 2006 Land Use Plan in this location, however there are several reasons why this property is zoned RP.
8. The purpose of the RP is to preserve environmentally significant areas of the County and includes those areas which pose constraints for development or where development could have a substantially adverse environmental effect. The district serves to maintain the environmental functionality of the landscape. Full text is provided below in Note #10.
9. Among other things, the criteria used to determine RP zone boundaries included presence of Critical Area, extensive woodland, hydric soils/wetlands, and a riparian corridor.

10. These parcels are consistent with the purpose of the RP zone and the criteria used to map the boundary of this zone. The subject parcels are primarily wooded and part of a large contiguous tract of private and publicly owned woodland corridor protecting the Pocomoke River. The subject parcels include extensive Chesapeake Bay Critical Area (the land on the parcel that is not wooded is mainly in the Critical Area). The parcels are adjacent to a “wetland of special state concern” and Sensitive Species Project Review Area. The zoning designation is consistent with the RP zoning in this portion of the river corridor: Land that is primarily wooded, whether privately or publicly owned, is zoned RP in this corridor. Protection of contiguous riparian woodland in this location is key to the continued health of the Pocomoke River, both its water quality and the quality of habitat. (Maps are attached)
11. Text from §ZS 1-215 for the RP District - *Purpose and Intent: protect its natural resources in all areas. The district includes those areas of the County which pose constraints for development or where development could have a substantially adverse environmental effect. This district serves to maintain the environmental functionality of the landscape by avoiding or minimizing disturbance of sensitive areas which generally include tidal and nontidal wetlands, state-owned natural areas, selected riparian corridors, conservation areas, and muck and alluvial soils. Development potential within this district is severely limited; however, some minor development may be carried out, provided it is done in a manner sufficiently sensitive to the existing natural environment and visual character of the site.*
12. It would appear that reasons exist for a restriction in the change for the zoning reclassification for the entire property. The applicant should be prepared to address why portions of the property where sensitive areas exist and where a Green Infrastructure land use designation exists should be included in this zoning reclassification.

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

Attachments

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor



Charles C. Deegan
Chairman

Katherine Charbonneau
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

October 28, 2020

Ms. Jenelle Gerthoffer
Worcester County Department of Environmental Programs
One West Market Street – Room 1306
Snow Hill, Maryland 21863

Re: Rezoning Case No. 430: Cellar House Farms Limited Partnership
East Side of Cellar House Road (Tax Map 69, Parcels 25 & 27)

Dear Ms. Gerthoffer:

Thank you for providing information on the proposed rezoning of the above referenced parcel. The 387.5 acre property is located partially the Critical Area, with 130 acres of land designated as Resource Conservation Area (RCA). The proposed rezoning would change the property from Resource Protection (RP) to Agricultural District (A-1). The petitioned area is located on the East Side of Cellar House Road in Pocomoke, Tax Map 69, Parcels 25 and 27.

The applicant is arguing that a mapping mistake was made in the Comprehensive Rezoning in 2009. A zoning map amendment in the Critical Area can only be made in the Critical Area on the basis of mistake in the existing zoning *and* a local jurisdiction must determine that the change is wholly consistent with the Critical Area land classification (Natural Resources Article 8-1809(h)(2)). The A-1 zone is *mostly* consistent with the RCA classification as evidenced by the description of the A-1 Agricultural District in the County's zoning code as being *intended to preserve, encourage and protect the County's farms and forestry operations*. However, the A-1 zone allows certain uses that are not permitted in the RCA per Worcester County Code NR 3-206 and NR 3-217. These uses include, but are not limited to, landing strips, spray irrigation fields and storage lagoons for Class II effluent, and large solar energy systems. Therefore, the County must ensure that the site complies with the RCA use limits outlined in the Code.

Additionally, the County's text amendment for adding special events to the RCA use table is still pending revision, so commercial non-agriculture functions and events cannot be hosted on the RCA portions of the property until such time as the Critical Area Commission approves the revised language and it is adopted into the Worcester County Code.

Any future development of this site, including construction of a dwelling and accessory structures, or any future subdivision of this property, must be governed by Worcester County Code NR3:II Chesapeake Bay Critical Area and COMAR Title 27, including, but not limited to, rules and regulations regarding lot coverage, forest and developed woodland clearing, Buffer

Ms. Jenelle Gerthoffer
October 28, 2020
Page 2 of 2

establishment, and RCA density. Where Worcester County Code NR3:II and COMAR Title 27 differ, the stricter rule or regulation shall prevail.

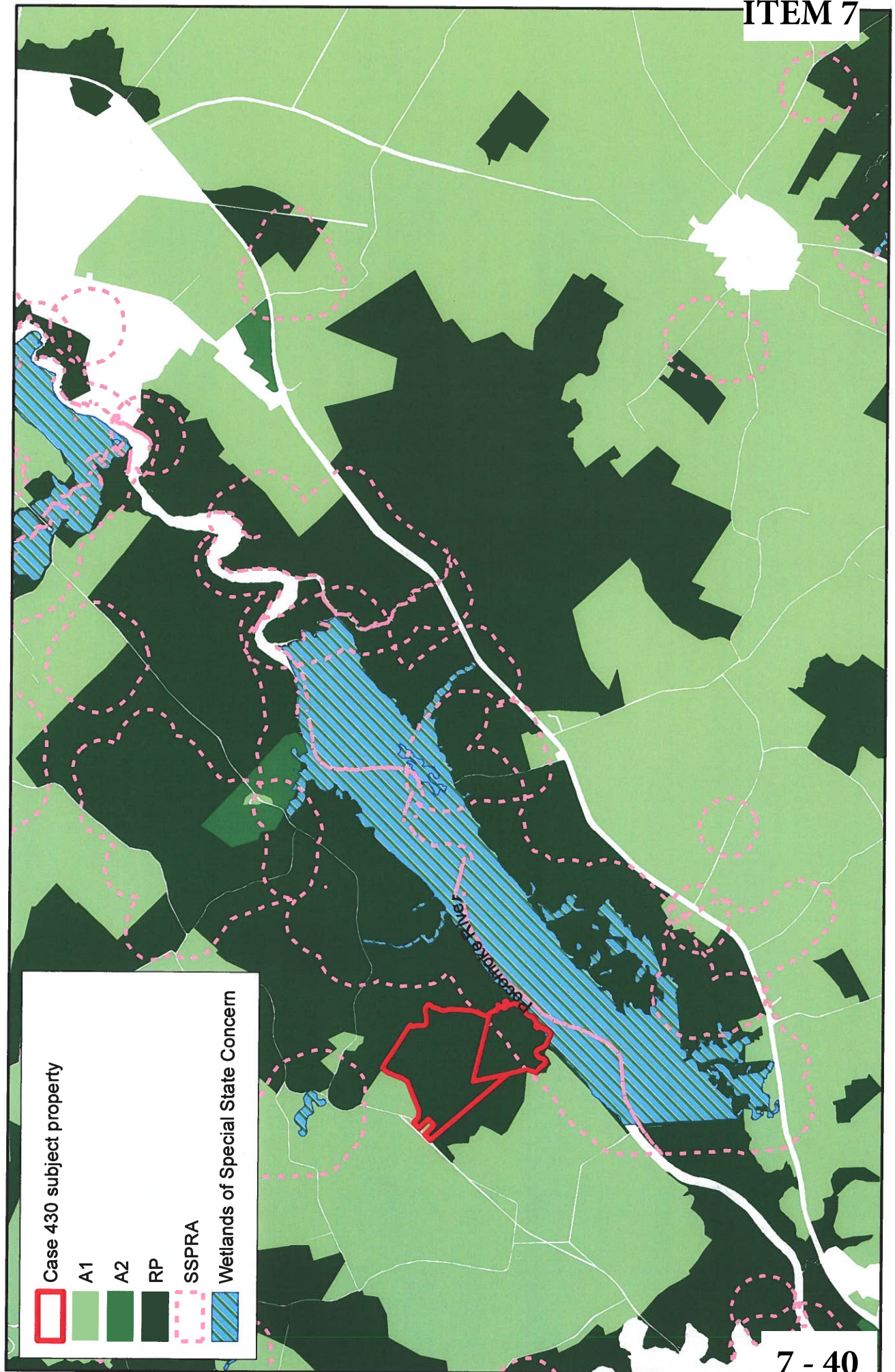
Please include this letter in the file and submit it as part of the record. In addition, please notify the Commission in writing of the decision made in this case. Thank you for the opportunity to comment. If you have any questions, please contact me at (410) 260-3462 or by emailing me at michael.grassmann@maryland.gov.







Sincerely,



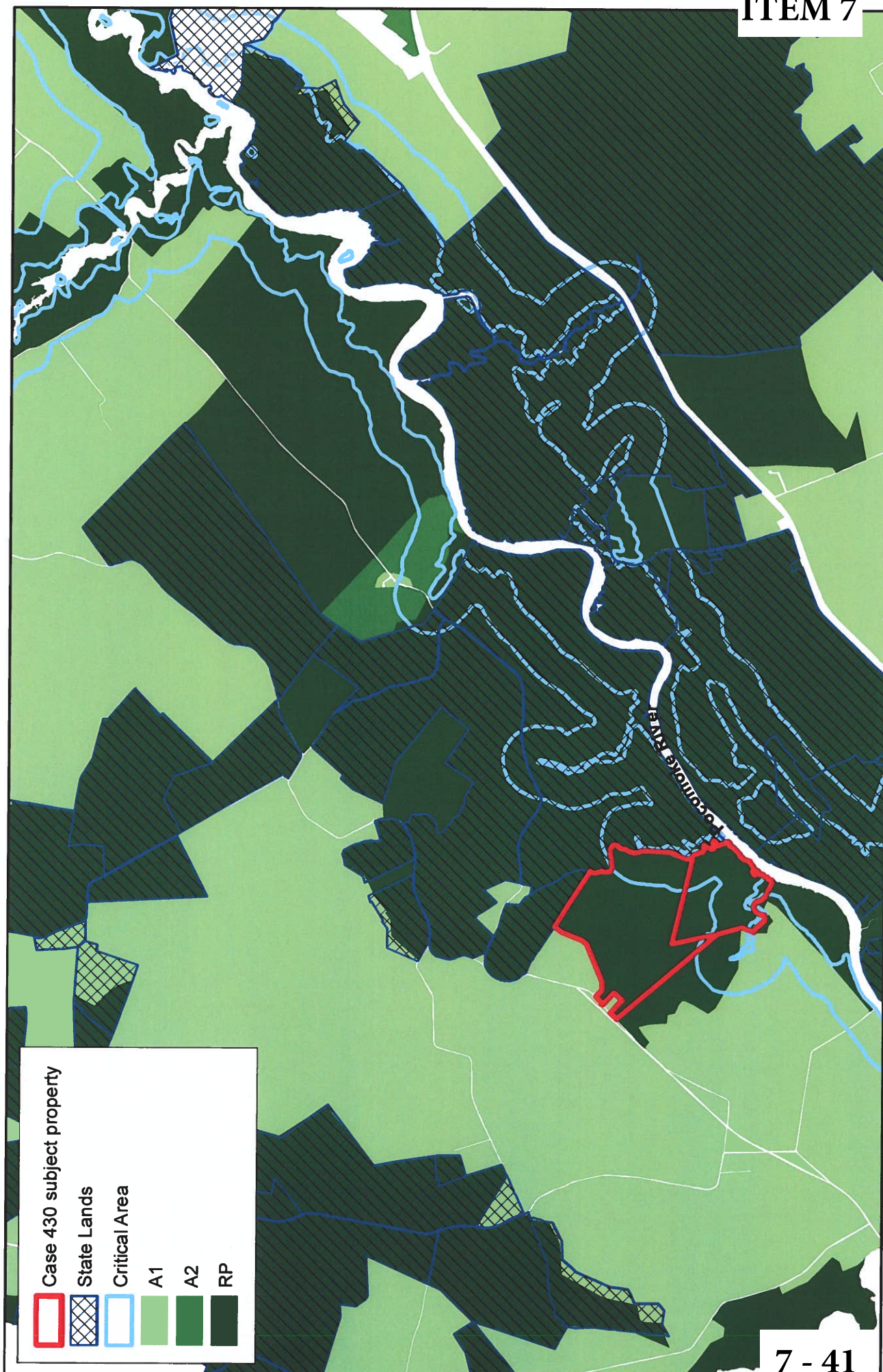
Michael Grassmann
Natural Resources Planner

File: WO 399-20



| | |
|---|-----------------------------------|
|  | Case 430 subject property |
|  | A1 |
|  | A2 |
|  | RP |
|  | SSPRA |
|  | Wetlands of Special State Concern |

0 0.5 1 2 Miles



Case 430 subject property

State Lands

Critical Area

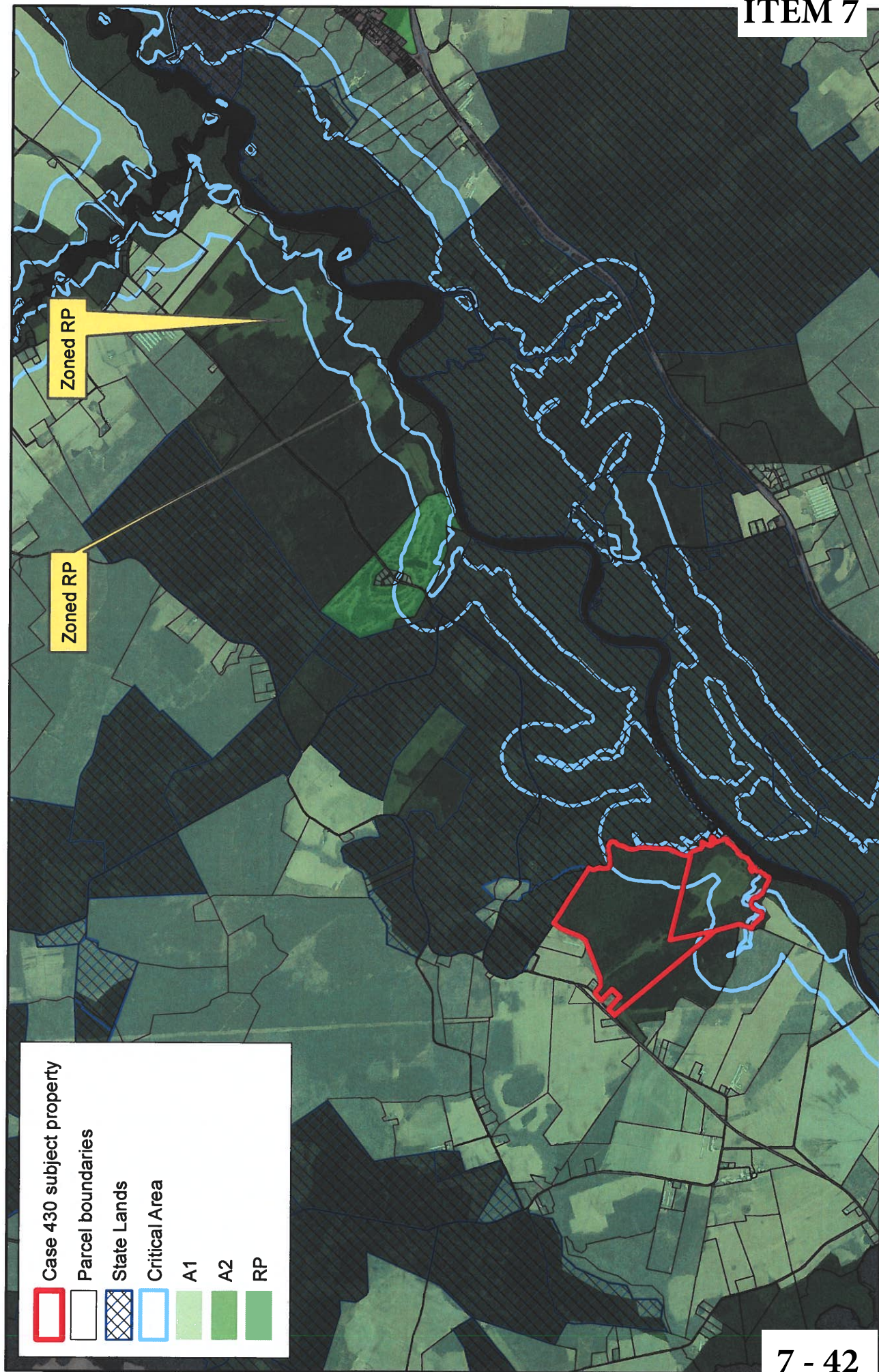
A1

A2

RP

0 0.5 1 2 Miles

Re-zoning Case 430: State lands/Critical Area
TM 65, Parcels 25, 27



| | |
|--|---------------------------|
| | Case 430 subject property |
| | Parcel boundaries |
| | State Lands |
| | Critical Area |
| | A1 |
| | A2 |
| | RP |

Re-zoning Case 430: State lands/Critical Area/Aerial Image
TM 65, Parcels 25, 27



STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Gregory Slater
Secretary

Tim Smith, P.E.
Administrator

October 23, 2020

Ms. Jennifer Keener
Deputy Director
Department of Development Review and Permitting
Worcester County Government Center
One West Market Street, Room 1201
Snow Hill MD 21863

Dear Ms. Keener:

Thank you for the opportunity to review the Rezoning Application from Hugh Cropper for Rezoning Case No. 430 – Cellar House Farm Limited Partnership. The property is described as Tax Map 69, Parcel numbers 25 and 27, Tax District number 7th, located on the east side of Cellar House Road, in Worcester County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the application and associated documents. We are pleased to respond.

Rezoning is a land use issue, which is not under the jurisdiction of the MDOT SHA. If development of the property is proposed in the future, District 1 will require a concept study to determine potential impacts to the surrounding State roadway network, with the potential for a traffic study and permitting, as necessary.

As reflected in our aforementioned comments, MDOT SHA has no objection to the rezoning as determined by Worcester County. Thank you for the opportunity to provide a response. If you have any questions regarding this response, please feel free to contact Mr. Daniel Wilson, District 1 Access Management Regional Engineer, via email at dwilson12@mdot.maryland.gov or by calling him directly at 410-677-4048.

Sincerely,

James W. Meredith,
District Engineer

cc: Mr. Dallas Baker, D-1 Assistant District Engineer Project Development, MDOT SHA
Mr. Rodney Hubble, Resident Maintenance Engineer, Snow Hill Shop, MDOT SHA
Mr. Tony Turner, Asst. Resident Maintenance Engineer, Snow Hill Shop, MDOT SHA
Mr. Daniel Wilson, D-1 Access Management Regional Engineer, MDOT SHA



Worcester County
DEPARTMENT OF PUBLIC WORKS
6113 TIMMONS ROAD
SNOW HILL, MARYLAND 21863

MEMORANDUM

TO: Jennifer Keener, Deputy Director
FROM: Frank J. Adkins, Roads Superintendent (FA)
DATE: October 13, 2020
RE: Rezoning Case No. 429, 430 and 431

.....

Upon review of the above referenced rezoning case, I offer the following comments:

Rezoning Case 429: No comments at this time.

* **Rezoning Case 430:** No comments at this time.

Rezoning Case 431: No comments at this time.

Should you have any questions, please do not hesitate to contact me.

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

FJA/lj
\\wfile2\users\llawrence\Rezoning\Rezoning Case 429.430.431.doc

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

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

DIVISIONS

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

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

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

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

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

Rezoning ITEM 7
Case No. 430

Jennifer Keener

From: April Mariner
Sent: Thursday, October 8, 2020 2:09 PM
To: Jennifer Keener
Subject: FW: Rezoning

FYI

April L. Mariner
Office Assistant IV
Worcester County Development Review & Permitting
amariner@co.worcester.md.us
410-632-1200 x1172

From: Rob Clarke -DNR- <rob.clarke@maryland.gov>
Sent: Thursday, October 8, 2020 2:06 PM
To: April Mariner <amariner@co.worcester.md.us>
Subject: Re: Rezoning

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

Hi April,

I am doing well, thanks.

I can vouch for the fact that the Hope Farm (case 429) and Cellarhouse Farms (case 430) have been under active forest management and members of the American Tree Farm System for decades. I have worked on forest management activities with 3 generations of the Strickland / Hope families. In both cases, their forest management activities predate my tenure here as county forester, which started in 1978. I have no other comments on these two requests.

I have no comments case 431.

Thanks for the opportunity to provide input.



Rob Clarke
Forester
Maryland Forest Service
Department of Natural Resources
10990 Market Lane
Princess Anne, Maryland 21853-2910
Rob.Clarke@maryland.gov
(410) 651-2004 (O)
(443)235-1636 (M)
[Website](#) | [Facebook](#) | [Twitter](#)

On Thu, Oct 8, 2020 at 1:37 PM April Mariner <amariner@co.worcester.md.us> wrote:

Good Afternoon Rob, I hope this email finds you well. I have attached 3 memos requesting comment for three upcoming Rezoning Cases. Please send any comments back to me and I will pass them along. Thank you and have a great day!

April L. Mariner

Office Assistant IV

Worcester County Development Review & Permitting

amariner@co.worcester.md.us

410-632-1200 x1172

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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 SERVICE DIVISION

MEMO

TO: Robert Mitchell, Director, Worcester County Environmental Programs
 Billy Birch, Director, Worcester County Emergency Services
 Matthew Crisafulli, Sheriff, Worcester County Sheriff's Office
 John H. Tustin, P.E., Director, Worcester County Public Works Department
 John Ross, P.E., Deputy Director, Worcester County Public Works Department
 Frank Adkins, Roads Superintendent, Worcester County Public Works Department
 Jeff McMahon, Fire Marshal, Worcester County Fire Marshal's Office
 Tom Perlozzo, Director of Recreation and Parks, Tourism & Economic Development
 Louis H. Taylor, Superintendent, Worcester County Board of Education
 James Meredith, District Engineer, Maryland State Highway Administration
 Lt. Earl W. Starner, Commander, Barracks V, Maryland State Police
 Rebecca L. Jones, Health Officer, Worcester County Health Department
 Rob Clarke, State Forester, Maryland Forest Services
 Nelson D. Brice, District Conservationist, Worcester County Natural Resources Conservation Service
 Dicky Gladding, Fire Chief, Pocomoke Volunteer Fire Department

FROM: Jennifer K. Keener, Deputy Director *JKK*

DATE: October 8, 2020

RE: Rezoning Case No. 430- Cellar House Farm Limited Partnership, Property Owner, and Hugh Cropper, IV, Attorney- East Side of Cellar House Road, Pocomoke, Maryland

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application at a forthcoming meeting. This application seeks to rezone approximately 387.5 acres of land shown on Tax Map 69 as Parcels 25 and 27, from RP Resource Protection District to A-1 Agricultural District. Uses allowed in the District include, but are not limited to, single family dwellings, agriculture, grain dryers, feed mills, agricultural processing

plants, aquaculture or seafood processing facilities and landing sites, sawmills, and commercial hosting of non-agricultural functions and events.

For your reference I have attached a copy of the rezoning application and location and zoning maps showing the property petitioned for rezoning.

The Planning Commission would appreciate any comments you or your designee might offer with regard to the effect that this application and potential subsequent development of the site may have on plans, facilities, or services for which **your** agency is responsible. ***If no response is received by NOVEMBER 13, 2020, the Planning Commission will have to assume that the proposed rezoning, in your opinion, will have no effect on your agency, that the application is compatible with your agency's plans, that your agency has or will have adequate facilities and resources to serve the proposed rezoning and its subsequent land uses and that you have no objection to the Planning Commission stating this information in its report to the Worcester County Commissioners. If I have not received your response by that date I will note same in the staff report I prepare for the Planning Commission's review.***

If you have any questions or require further information, please do not hesitate to call this office or email me at jkkeener@co.worcester.md.us. On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments

OFFICE OF THE STATE'S ATTORNEY FOR WORCESTER COUNTY

Kristin Heiser
State's Attorney



106 Franklin Street
Snow Hill, MD 21863

Circuit Court Division (410) 632-2166
Fax (410) 632-3250
www.worcestersao.com

District Court Division (410) 632-2177
Fax (410) 632-2175
sao@co.worcester.md.us

April 7, 2021

Worcester County Commissioners
1 West Market Street
Snow Hill, Maryland 21863

Dear Commissioners:

I am writing to request approval to submit a grant application on behalf of the Office of the State's Attorney to the Bureau of Justice Assistance to fund an additional prosecutor and coordinator of victim/witness services for the Office, as well as an additional case manager for the LEAD (Law Enforcement Assisted Diversion) project, and the purchase of 3 vans for use by the case managers to dispatch to calls for service.

We plan to apply for a \$339,914 grant to cover the cost of these salaries, benefits and equipment. None of the funding requires a match, and should we receive the grant funding, Worcester County taxpayers would benefit greatly.

Thank you for your time and consideration of this matter.

Regards,

Kristin Heiser
State's Attorney for Worcester County

Department of Justice – BJA FY21 Smart Prosecution Grant Proposal - LEAD

This Law Enforcement Assisted Diversion (“LEAD”) project will serve Worcester County, Maryland to significantly improve the multi-disciplinary and inter-agency responses of project partners to address the chronic behavioral health needs of its citizens, particularly those needs which frequently lead to criminality or victimization, resulting in involvement in the criminal justice system. Project partners will collaborate to embed social workers employed by the Worcester County Health Department (WCHD) on shifts with first responders and law enforcement in each jurisdiction throughout Worcester County. In the event a first responder comes into contact with someone who has an ongoing behavioral health issue unlikely to be resolved by a one-time interaction with a first responder or by the criminal justice system generally, that shift’s social worker will be dispatched directly to the scene. They will assess the individual’s behavioral health needs, refer for services, and in some cases provide services directly. They will also provide ongoing coordination of care among service providers and join project partners at monthly multi-disciplinary meetings to track progress, to assess which partner is best equipped to assist with the ongoing needs of the individual, and to ensure all project partner agencies are accountable for their roles. Any behavioral health need will be addressed, including but not limited to: homelessness, mental health issues, chronic medical issues, vulnerable adult-related concerns, child welfare concerns, substance abuse issues and domestic violence. The individual will receive help as soon as first responders recognize the issue and dispatch the social worker, and will no longer wait for follow-up by another agency days or weeks later.

Involving social workers on these calls for service also frees up police resources on scene, requiring fewer police per shift, and cuts down on repeat non-emergency calls for service requiring EMS and ambulance response. Ultimately the project aims to address the underlying behavioral health issues for LEAD participants, which will reduce their involvement in the criminal justice system and/or prevent their victimization. Contrary to the typical service-on-demand model, this program seeks to expand the original LEAD concept to offer services without even the necessity of a request from the person needing assistance. In addition, project partners will begin implementation of LEAD by examining each agency's records to determine repetitive calls for service, and then cross-referencing records to develop and identify specific individuals or family units which may benefit from access to resources prior to even receiving a call for service.

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



OFFICE OF THE
 COUNTY COMMISSIONERS

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

COMMISSIONERS
 JOSEPH M. MITRECIC, PRESIDENT
 THEODORE J. ELDER, VICE PRESIDENT
 ANTHONY W. BERTINO, JR.
 MADISON J. BUNTING, JR.
 JAMES C. CHURCH
 JOSHUA C. NORDSTROM
 DIANA PURNELL

Worcester County

GOVERNMENT CENTER
 ONE WEST MARKET STREET • ROOM 1103
 SNOW HILL, MARYLAND
 21863-1195

April 9, 2021

TO: Worcester County Commissioners
 FROM: Karen Hammer, Administrative Assistant V
 SUBJECT: Upcoming Board Appointments - Terms Beginning January 1, 2021

Attached, please find copies of the Board Summary sheets for all County Boards or Commissions (8), which have current or upcoming vacancies (11 total). I have circled the members whose terms have expired or will expire on each of these boards.

Page 2, List of Pending Board Appointments under each Commissioners name.

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

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

Vice President Elder – You have **One (1)** reappointment needed:

- Michael Day to the Tourism Advisory Committee

Commissioner Bertino – You have **Five (5)** reappointments needed:

- Jeff Knepper – passed – Ethics Board
- Donna Dillon to the Housing Review Board
- Cathy Gallagher to the Social Services Advisory Board
- Frederick Stiehl to the Water & Sewer Advisory Council, Ocean Pines
- Bob Poremski (**Resigned**) - replacement to the Water & Sewer Advisory Council, Ocean Pines
-

All Commissioners:

- Drug and Alcohol Abuse Council; (2 resignations: Ms. Nordstrom and Rev. D'Amario), (Passing of Dr. Cragway, Jr.), Mr. Orris hopes to have recommendations for The Commissioners later this year, **however**, if the Commissioners have someone they'd like to appoint, please advise.
- At Large position on Local Development Council For the Ocean Downs Casino-4 yr. Mark Wittmyer - (Business – Ocean Pines)
- **Solid Waste Advisory Committee - letter from Town of Berlin (page 11), nominating James Charles to replace Jamey Latchum - Town of Berlin 4-year**
- Water and Sewer Advisory Council - Ocean Pines (Frederick Stiehl and Bob Poremski)

Pending Board Appointments - By Commissioner

- District 1 - Nordstrom** All District Appointments Received. Thank you!
- District 2 - Purnell** All District Appointments Received. Thank you!
- District 3 - Church** All District Appointments Received. Thank you!
- District 4 - Eder** p. 12 - Tourism Advisory Committee (Michael Day) - 4-year
- District 5 - Bertino** p. 3 Ethics Board - Passing of Jeff Knepper - 4-year
 p. 6 - Housing Review Board (Donna Dillon) - 3-year
 p. 8 - Social Services Advisory Board (Cathy Gallagher) - 3-year
 p. 13 - Water & Sewer Advisory Council - Ocean Pines (Frederick Stiehl and Bob Poremski) - 4-year
- District 6 - Bunting** All District Appointments Received. Thank you
- District 7 - Mitrecic** p. 8 - Social Services Advisory Board (Marie Campione-Lawrence) - 3-year

All Commissioners

- p. 4 - (3) Drug and Alcohol Abuse Council; (2 resignations: Ms. Nordstrom and Rev. D'Amario), (Passing of Dr. Cragway, Jr.), Mr. Orris hopes to have recommendations for The Commissioners later this year, **however**, if the Commissioners have someone they'd like to appoint, please advise.
- p. 7 - (1) Local Development Council for Ocean Downs Casino (Mark Wittmyer and- At-Large - business or institution representative in immediate proximity to Ocean Downs) - 4-year
- p. 10 - (1) **Solid Waste Advisory Committee - letter from Town of Berlin (page 11), nominating James Charles to replace Jamey Latchum - Town of Berlin 4-year**
- p. 13 - (2) Water and Sewer Advisory Council - Ocean Pines (Frederick Stiehl and Bob Poremski) - 4-year

ETHICS BOARD

ITEM 9

Reference: Public Local Law, Section CG 5-103

Appointed by: County Commissioners

Function: Advisory
Maintain all Ethics forms; develop procedures and policies for advisory opinions to persons subject to the Ethics Law and for processing complaints alleging violations of the Ethics Law; conduct a public information program regarding the purpose and application of the Ethics Law; annually certify compliance to the State; and recommend any changes to the Commissioners in order to comply with State Ethics Law.

Number/Term: 7/4 years
Terms expire December 31st

Compensation: \$50 per meeting

Meetings: As Necessary

Special Provisions:

Staff Contact: Roscoe Leslie, County Attorney (410-632-1194)

Current Members:

Table with 4 columns: Member's Name, Nominated By, Resides, Years of Term(s). Rows include Bruce Spangler, David Deutsch, Faith Mumford, Mickey Ashby, Frank Knight, Jeff Knepper, and Joseph Stigler.

Prior Members: (Since 1972)

- List of names and terms: J.D. Quillin, III (02-08), Charles Nelson (90-09), Gabriel Purnell (05-09), Barbara Derrickson (07-11), Henry P. Walters (11-14), William Long (98-14), L. Richard Phillips (93-98), Marigold Henry (94-98), Louis Granados (94-99), Kathy Philips (90-00), Mary Yenney (98-05), Bill Ochse (99-07), Randall Mariner (00-08), Wallace D. Stein (02-08), William Kuhn (90-09), Walter Kissel (05-09), Marion Chambers (07-11), Jay Knerr (11-14), Robert I. Givens, Jr. (98-14), Diana Purnell (09-14), Kevin Douglas (08-16), Lee W. Baker (08-16), Richard Passwater (09-17).

* = Appointed to fill an unexpired term

Reference: PGL Health-General, Section 8-1001

Appointed by: County Commissioners

Functions: Advisory
 Develop and implement a plan for meeting the needs of the general public and the criminal justice system for alcohol and drug abuse evaluation, prevention and treatment services.

Number/Term: At least 18 - At least 7 At-Large, and 11 ex-officio (also several non-voting members)
 At-Large members serve 4-year terms; Terms expire December 31

Compensation: None

Meetings: As Necessary

Special Provisions: Former Alcohol and Other Drugs Task Force was converted to Drug and Alcohol Abuse Council on October 5, 2004.

Staff Contact: Jack Orris, Council Secretary, Health Department (410-632-1100, ext. 1038)
 Doug Dods, Council Chair, Sheriff's Office (410-632-1111)

Current Members:

| <u>Name</u> | <u>Representing</u> | <u>Years of Term(s)</u> |
|--------------------------------|--|-----------------------------------|
| <u>At-Large Members</u> | | |
| Donna Nordstrom | Knowledge of Substance Abuse Treatment | * 19-21 |
| Rev. Matthew D'Amario | Knowledge of Substance Abuse Issues | *18-21 |
| Eric Gray (Christina Purcell) | Substance Abuse Treatment Provider | *15-18, 18-22 |
| Sue Abell-Rodden | Recipient of Addictions Treatment Services | 10-14-18, 18-22 |
| Colonel Doug Dods | Knowledgeable on Substance Abuse Issues | 04-10 (advisory), 10-14-18, 18-22 |
| Jim Freeman, Jr. | Knowledgeable on Substance Abuse Issues | 04-11-15, 15-19, 19-23 |
| Jennifer LaMade | Knowledgeable on Substance Abuse Issues | *12-15, 15-19, 19-23 |
| Mimi Dean | Substance Abuse Prevention Provider | *18-19, 19-23 |
| Kim Moses | Knowledgeable on Substance Abuse Issues | 08-12-16-20, 20-24 |
| Dr. Roy W. Cragway, Jr. | Knowledgeable on Substance Abuse Issues | *17-20, 20-24 |

Resigned

Resigned

Ex-Officio Members

| | | |
|------------------------------------|---------------------------------------|------------------------|
| Rebecca Jones | Health Officer | Ex-Officio, Indefinite |
| Roberta Baldwin | Social Services Director | Ex-Officio, Indefinite |
| Spencer Lee Tracy, Jr. | Juvenile Services, Regional Director | Ex-Officio, Indefinite |
| Trudy Brown | Parole & Probation, Regional Director | Ex-Officio, Indefinite |
| Kris Heiser | State's Attorney | Ex-Officio, Indefinite |
| Burton Anderson | District Public Defender | Ex-Officio, Indefinite |
| Sheriff Matt Crisafulli | County Sheriff | Ex-Officio, Indefinite |
| William Gordy (Eloise Henry Gordy) | Board of Education President | Ex-Officio, Indefinite |
| Diana Purnell | County Commissioners | Ex-Officio, Indefinite |
| Judge Brian Shockley (Jen Bauman) | Circuit Court Administrative Judge | Ex-Officio, Indefinite |

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

| | | |
|--------------------------------------|-------------------------------------|------------------------|
| Judge Gerald Purnell (Tracy Simpson) | District Court Administrative Judge | Ex-Officio, Indefinite |
| Donna Bounds | Warden, Worcester County Jail | Ex-Officio, Indefinite |

Advisory Members

| | | |
|--------------------------------------|---|------------|
| Lt. Earl W. Starner | Maryland State Police | Since 2004 |
| Charles "Buddy" Jenkins | Business Community - Jolly Roger Amusements | |
| Chief Ross Buzzuro (Lt. Rick Moreck) | Ocean City Police Dept. | |
| Leslie Brown | Hudson Health Services, Inc. | |
| James Mcquire, P.D. | Health Care Professional - Pharmacist | Since 2018 |
| Shane Ferguson | Wor-Wic Community College Rep. | Since 2018 |
| Jessica Sexauer, Director | Local Behavioral Health Authority | Since 2018 |

Prior Members:

Since 2004

| | |
|-----------------------------------|--------------------------------|
| Vince Gisriel | Chief Kirk Daugherty -SHPD |
| Michael McDermott | Mike Shamburek - Hudson Health |
| Marion Butler, Jr. | Shirleen Church - BOE |
| Judge Richard Bloxom | Tracy Tilghman (14-15) |
| Paula Erdie | Marty Pusey (04-15) |
| Tom Cetola | Debbie Goeller |
| Gary James (04-08) | Peter Buesgens |
| Vickie Wrenn | Aaron Dale |
| Deborah Winder | Garry Mumford |
| Garry Mumford | Sharon Smith |
| Judge Theodore Eschenburg | Jennifer Standish |
| Andrea Hamilton | Karen Johnson (14-17) |
| Fannie Birkhead | Rev. Bill Sterling (13-17) |
| Sharon DeMar Reilly | Kat Gunby (16-18) |
| Lisa Gebhardt | William McDermott |
| Jenna Miller | Sheriff Reggie Mason |
| Dick Stegmaier | Colleen Wareing (*06-19) |
| Paul Ford | |
| Megan Griffiths | |
| Ed Barber | |
| Eloise Henry-Gordy | |
| Lt. Lee Brumley | |
| Ptl. Noal Waters | |
| Ptl. Vicki Fisher | |
| Chief John Groncki | |
| Chief Arnold Downing | |
| Frank Pappas | |
| Captain William Harden | |
| Linda Busick (06-10) | |
| Sheriff Chuck Martin | |
| Joel Todd | |
| Diane Anderson (07-10) | |
| Joyce Baum (04-10) | |
| James Yost (08-10) | |
| Ira "Buck" Shockley (04-13) | |
| Teresa Fields (08-13) | |
| Frederick Grant (04-13) | |
| Doris Moxley (04-14) | |
| Commissioner Merrill Lockfaw | |
| Kelly Green (08-14) | |
| Sheila Warner - Juvenile Services | |
| Chief Bernadette DiPino - OCPD | |

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

HOUSING REVIEW BOARD

ITEM 9

Reference: Public Local Law §BR 3-104

Appointed by: County Commissioners

Function: Regulatory/Advisory
To decide on appeals of code official's actions regarding the Rental Housing Code. Decide on variances to the Rental Housing Code.
Review Housing Assistance Programs.

Number/Term 7/3 year terms
Terms expire December 31st

Compensation: \$50 per meeting (policy)

Meetings: As Needed

Special Provisions: Immediate removal by Commissioners for failure to attend meetings.

Staff Support: Development Review & Permitting Department
Jo Ellen Bynum, Housing Program Administrator - 410-632-1200, x 1171

Current Members:

| <u>Member's Name</u> | <u>Nominated By</u> | <u>Resides</u> | <u>Years of Terms(s)</u> |
|----------------------|---------------------|----------------|--------------------------|
| Donna Dillon | D-5, Bertino | Ocean Pines | 08-11-14-17, 17-20 |
| Jake Mitrecic | D-7, Mitrecic | Ocean City | 15-18, 18-21 |
| C. D. Hall | D-1, Nordstrom | Pocomoke | 10-13-16-19, 19-22 |
| Debbie Hileman | D-6, Bunting | Ocean Pines | 10-13-16-19, 19-22 |
| Chase Church | D-3, Church | Ocean Pines | *19-20, 20-23 |
| Scott Tingle | D-4, Elder | Snow Hill | 14-17-20, 20-23 |
| Davida Washington | D-2, Purnell | Ocean Pines | *21-24 |

Prior Members:

- | | |
|----------------------------|----------------------------|
| Phyllis Mitchell | Albert Bogdon (02-06) |
| William Lynch | Jamie Rice (03-07) |
| Art Rutter | Howard Martin (08) |
| William Buchanan | Marlene Ott (02-08) |
| Christina Alphonsi | Mark Frostrom, Jr. (01-10) |
| Elsie Purnell | Joseph McDonald (08-10) |
| William Freeman | Sherwood Brooks (03-12) |
| Jack Dill | Otho Mariner (95-13) |
| Elbert Davis | Becky Flater (13-14) |
| J. D. Quillin, III (90-96) | Ruth Waters (12-15) |
| Ted Ward (94-00) | John Glorioso (*06-19) |
| Larry Duffy (90-00) | Sharon Teagle (00- 20) |
| Patricia McMullen (00-02) | |
| William Merrill (90-01) | |
| Debbie Rogers (92-02) | |
| Wardie Jarvis, Jr. (96-03) | |

* = Appointed to fill an unexpired term

**LOCAL DEVELOPMENT COUNCIL
FOR THE OCEAN DOWNS CASINO**

ITEM 9

Reference: Subsection 9-1A-31(c) - State Government Article, Annotated Code of Maryland

Appointed by: County Commissioners

Function: **Advisory**
Review and comment on the multi-year plan for the expenditure of the local impact grant funds from video lottery facility proceeds for specified public services and improvements; Advise the County on the impact of the video lottery facility on the communities and the needs and priorities of the communities in the immediate proximity to the facility.

Number/Term: 15/4-year terms; Terms Expire December 31

Compensation: None

Meetings: At least semi-annually

Special Provisions: Membership to include State Delegation (or their designee); one representative of the Ocean Downs Video Lottery Facility, seven residents of communities in immediate proximity to Ocean Downs, and four business or institution representatives located in immediate proximity to Ocean Downs.

Staff Contacts: Kim Moses, Public Information Officer, 410-632-1194
Roscoe Leslie, County Attorney, 410-632-1194

Current Members:

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

Prior Members:

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

Since 2009

Todd Ferrante ° (09-16) Charlie Dorman (12-19)
Joe Cavilla (12-17)
James N. Mathias, Jr. ° (09-18)
Ron Taylor ° (09-14)
James Rosenberg (09-19)
Rod Murray ° (*09-19)

* = Appointed to fill an unexpired term/initial terms staggered
° = Charter Member

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

Appointed by: County Commissioners

Functions: Advisory
 Review activities of the local Social Services Department and make recommendations to the State Department of Human Resources.
 Act as liaison between Social Services Dept. and County Commissioners.
 Advocate social services programs on local, state and federal level.

Number/Term: 9 to 13 members/3 years
 Terms expire June 30th

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

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

Special Provisions: Members to be persons with high degree of interest, capacity & objectivity, who in aggregate give a countywide representative character. Maximum 2 consecutive terms, minimum 1-year between reappointment
 Members must attend at least 50% of meetings
 One member (ex officio) must be a County Commissioner
 Except County Commissioner, members may not hold public office.

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

Current Members:

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

Resigned

* = Appointed to fill an unexpired term

SOCIAL SERVICES BOARD
(Continued)

ITEM 9

Prior Members: (Since 1972)

| | |
|-------------------------------|----------------------------|
| James Dryden | Jeanne Lynch (00-02) |
| Sheldon Chandler | Michael Reilly (00-03) |
| Richard Bunting | Oliver Waters, Sr. (97-03) |
| Anthony Purnell | Charles Hinz (02-04) |
| Richard Martin | Prentiss Miles (94-06) |
| Edward Hill | Lakeshia Townsend (03-06) |
| John Davis | Betty May (02-06) |
| Thomas Shockley | Robert "BJ" Corbin (01-06) |
| Michael Delano | William Decoligny (03-06) |
| Rev. James Seymour | Grace Smearman (99-07) |
| Pauline Robertson | Ann Almand (04-07) |
| Josephine Anderson | Norma Polk-Miles (06-08) |
| Wendell White | Anthony Bowen (96-08) |
| Steven Cress | Jeanette Tressler (06-09) |
| Odetta C. Perdue | Rev. Ronnie White (08-10) |
| Raymond Redden | Belle Redden (09-11) |
| Hinson Finney | E. Nadine Miller (07-11) |
| Ira Hancock | Mary Yenney (06-13) |
| Robert Ward | Dr. Nancy Dorman (07-13) |
| Elsie Bowen | Susan Canfora (11-13) |
| Faye Thornes | Judy Boggs (02-14) |
| Frederick Fletcher | Jeff Kelchner (06-15) |
| Rev. Thomas Wall | Laura McDermott (11-15) |
| Richard Bundick | Emma Klein (08-15) |
| Carmen Shrouck | Wes McCabe (13-16) |
| Maude Love | Nancy Howard (09-16) |
| Reginald T. Hancock | Judy Stinebiser (13-16) |
| Elsie Briddell | Arlette Bright (11-17) |
| Juanita Merrill | Tracey Cottman (15-17) |
| Raymond R. Jarvis, III | Ronnie White (18-19) |
| Edward O. Thomas | Wayne Ayer *(19-20) |
| Theo Hauck | |
| Marie Doughty | |
| James Taylor | |
| K. Bennett Bozman | |
| Wilson Duncan | |
| Connie Quillin | |
| Lela Hopson | |
| Dorothy Holzworth | |
| Doris Jarvis | |
| Eugene Birckett | |
| Eric Rauch | |
| Oliver Waters, Sr. | |
| Floyd F. Bassett, Jr. | |
| Warner Wilson | |
| Mance McCall | |
| Louise Matthews | |
| Geraldine Thweat (92-98) | |
| Darryl Hagy (95-98) | |
| Richard Bunting (96-99) | |
| John E. Bloxom (98-00) | |
| Katie Briddell (87-90, 93-00) | |
| Thomas J. Wall, Sr. (95-01) | |
| Mike Pennington (98-01) | |
| Desire Becketts (98-01) | |
| Naomi Washington (01-02) | |
| Lehman Tomlin, Jr. (01-02) | |

* = Appointed to fill an unexpired term

Updated: November 17, 2020
Printed: March 5, 2021

Reference: County Commissioners' Resolution 5/17/94 and 03-6 on 2/18/03

Appointed by: County Commissioners

Function: Advisory
Review and comment on Solid Waste Management Plan, Recycling Plan, plans for solid waste disposal sites/facilities, plans for closeout of landfills, and to make recommendations on tipping fees.

Number/Term: 11/4-year terms; Terms expire December 31st.

Compensation: \$50 per meeting expense allowance, subject to annual appropriation

Meetings: At least quarterly

Special Provisions: One member nominated by each County Commissioner; and one member appointed by County Commissioners upon nomination from each of the four incorporated towns.

Staff Support: Solid Waste - Solid Waste Superintendent - Mike Mitchell - (410-632-3177)
Solid Waste - Recycling Coordinator - Mike McClung - (410-632-3177)
Department of Public Works - John Tustin - (410-632-5623)

Current Members:

| <u>Member's Name</u> | <u>Nominated By</u> | <u>Resides</u> | <u>Years of Term(s)</u> |
|---------------------------|-----------------------|----------------|-------------------------|
| Vaughn White | D-2, Purnell | Berlin | *19-21 |
| Jamey Latchum | Town of Berlin | | *17, 17-21 |
| Hal Adkins | Town of Ocean City | | *20-21 |
| Bob Gilmore | D-5, Bertino | Ocean Pines | *21-22 |
| George Linvill | D-1, Nordstrom | Pocomoke | 14-18, 18-22 |
| George Dix | D-4, Elder | Snow Hill | *10-10-14-18, 18-22 |
| Mike Poole | D-6, Bunting | Bishopville | 11-15-19, 19-23 |
| Granville Jones | D-7, Mitrecic | Berlin | *15-16-20, 20-24 |
| Michelle Beckett-El Soloh | Town of Pocomoke City | | *19-20, 20-24 |
| Gary Weber | Town of Snow Hill | | 20-24 |
| Don Furbay | D-3, Church | Berlin | 20-24 |

See Letter next page James Charles nominated

Prior Members: (Since 1994)

Ron Cascio (94-96)
Roger Vacovsky, Jr. (94-96)
Lila Hackim (95-97)
Raymond Jackson (94-97)
William Turner (94-97)
Vernon "Corey" Davis, Jr. (96-98)
Robert Mangum (94-98)
Richard Rau (94-96)
Jim Doughty (96-99)
Jack Peacock (94-00)
Hale Harrison (94-00)
Richard Malone (94-01)
William McDermott (98-03)

Fred Joyner (99-03)
Hugh McFadden (98-05)
Dale Pruitt (97-05)
Frederick Stiehl (05-06)
Eric Mullins (03-07)
Mayor Tom Cardinale (05-08)
William Breedlove (02-09)
Lester D. Shockley (03-10)
Woody Shockley (01-10)
John C. Dorman (07-10)
Robert Hawkins (94-11)
Victor Beard (97-11)
Mike Gibbons (09-14)

Hank Westfall (00-14)
Marion Butler, Sr. (00-14)
Robert Clarke (11-15)
Bob Donnelly (11-15)
Howard Sribnick (10-16)
Dave Wheaton (14-16)
Wendell Purnell (97-18)
George Tasker (*15-20)
Rodney Bailey *19
Steve Brown *10-19
Bob Augustine 16-19
Michael Pruitt *15-19
James Rosenburg (*06-19)

* = Appointed to fill an unexpired term



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811
Phone 410-641-2770 Fax 410-641-2816
www.berlinmd.gov

March 15, 2021

Mayor
Zack Tyndall

Vice President
Dean Burrell

Council Members
Jay Knerr
Shaneka Nichols
Jack Orris
Troy Purnell

Town Attorney
David Gaskill

Town Administrator
Jeffrey Fleetwood

Worcester County Solid Waste
Attn: Mike Mitchell
7091 Central Site Lane
Newark, MD 21841

Re: Town of Berlin

Effective March 31, 2021 David Wheaton will be retiring as the Superintendent of Public Works and will be replaced by James "Jimmy" Charles.

Please add Mr. Charles as Berlin's designated representative for all commission meetings and grant the same authority that was granted to Mr. Wheaton related to all Solid Waste functions for the Town of Berlin.

Sincerely,


Jeff Fleetwood
Town Administrator

Reference: County Commissioners' Resolution of May 4, 1999 and 03-6 of 2/18/03

Appointed by: County Commissioners

Function: Advisory
 Advise the County Commissioners on tourism development needs and recommend programs, policies and activities to meet needs, review tourism promotional materials, judge tourism related contests, review applications for State grant funds, review tourism development projects and proposals, establish annual tourism goals and objectives, prepare annual report of tourism projects and activities and evaluate achievement of tourism goals and objectives.

Number/Term: 7/4-Year term - Terms expire December 31st

Compensation: \$50 per meeting expense allowance

Meetings: At least bi-monthly (6 times per year), more frequently as necessary

Special Provisions: One member nominated by each County Commissioner

Staff Contact: Tourism Department – Melanie Pursel, Director of Tourism 410-632-3110

Current Members:

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

Prior Members: Since 1972

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

* = Appointed to fill an unexpired term

1 = Served on informal ad hoc committee prior to 1990, Committee abolished between 1995-1999

2 = All members terms reduced by 1-year in 2003 to convert to 4-year terms

**WATER AND SEWER ADVISORY COUNCIL
OCEAN PINES SERVICE AREA**

ITEM 9

Reference: County Commissioners' Resolution of November 19, 1993

Appointed by: County Commissioners

Function: Advisory
Advise Commissioners on water and sewer needs of the Service Area; review amendments to Water and Sewer Plan; make recommendations on policies and procedures; review and recommend charges and fees; review annual budget for the service area.

Number/Term: 5/4-year terms
Terms Expire December 31

Compensation: Expense allowance for meeting attendance as authorized in the budget.

Meetings: Monthly

Special Provisions: Must be residents of Ocean Pines Service Area

Staff Support: Department of Public Works - Water and Wastewater Division
John Ross - (410-641-5251)

Current Members:

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

Resigned

Prior Members: (Since 1993)

Andrew Bosco (93-95)
Richard Brady (96-96, 03-04)
Michael Robbins (93-99)
Alfred Lotz (93-03)
Ernest Armstrong (93-04)
Jack Reed (93-06)
Fred Henderson (04-06)
E. A. "Bud" Rogner (96-07)
David Walter (06-07)
Darwin "Dart" Way, Jr. (99-08)
Aris Spengos (04-14)
Gail Blazer (07-17)
Mike Hegarty (08-17)
Michael Reilly (14-18)

* = Appointed to fill an unexpired term



**Choptank Electric
Cooperative**

A Touchstone Energy[®]
Cooperative



Broadband Public-Private Partnership Discussion

Presented by
Mike Malandro
President & CEO



**Choptank
Fiber**

Choptank Electric Cooperative

By the Numbers

99.98%

Average System
Availability Index in 2020

1.04

Average Number of
Outages Experienced per
Member per Year

49,747

Calls Made to Call Center

152

Full-time Employees

6,328

Miles of Line

8.72

Meters per Mile

Choptank Electric by the Numbers

- 55,188 Membership Accounts
- Incorporated in 1938
- ~\$450 Million Assets
- ~\$150 Million Annual Revenue
- ~3.8 Million Paid in Personal Property Taxes Annually (\$550K in Worcester)
- Operating in All Nine Eastern Shore Counties
- Governed by Board of Ten Directors Elected by Members
- 600+ Miles of Fiber Optic Backbone Facilities
- Members Voted 97.7% for Member Regulation in August 2020



**Choptank Electric
Cooperative**

A Touchstone Energy[®]
Cooperative



ITEM 10



Product Offering

Up to 100 Mbps \$84.95/month

Up to 250 Mbps \$99.95/month

Up to 1,000 Mbps (1 Gig) \$139.95/month

No data caps. Same speed upload & download.

Visit www.choptankfiber.com for more information.

Fiber to the Home (FTTH)

Choptank Fiber Business Update

- Website launched with initial build areas
- First customers connected April 2021
- Dropped out of FCC RDOF auction due to economics
- Still committed to serving underserved Choptank members in 10 years
- Working with counties on Public-Private Partnership opportunities
- Pursuing all reasonable funding options to escalate project schedule
- Already have fiber inventory and in manufacturer's production schedule – Long Lead Time on Materials (Up to 1Yr)
- Still committed to "No Home Left Behind"

County Conversation Action Items

- Present a three-year business model for delivering broadband to 6,400 underserved County residents
- Put forth Choptank's recommended model for delivering broadband to more County residents



The Three-Year Business Model



| 5 Year Capex and Investment Required (\$000's) | | | | | | | | | |
|--|----------------|-----------------|-----------------|----------------|--------------|-----------------|-----------|-------|-----------------|
| | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Total | Unit Cost | Units | Total |
| Design and Engineering | \$1,694 | \$0 | \$0 | \$0 | \$0 | \$1,694 | \$2,746 | 617 | \$1,694 |
| Project & Construction Mgmt | \$145 | \$794 | \$728 | \$0 | \$0 | \$1,667 | \$2,702 | 617 | \$1,667 |
| Headend/Office Space | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$411,982 | 0 | \$0 |
| Field Network Equipment | \$1,009 | \$0 | \$0 | \$0 | \$0 | \$1,009 | \$168,090 | 6 | \$1,009 |
| Aerial Construction | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | 0 | \$0 |
| Underground Construction | \$1,222 | \$12,218 | \$11,200 | \$0 | \$0 | \$24,640 | \$39,933 | 617 | \$24,640 |
| Contingency | \$203 | \$651 | \$596 | \$0 | \$0 | \$1,450 | 5.0% | | \$1,450 |
| Total Fiber Construction | \$4,273 | \$13,663 | \$12,524 | \$0 | \$0 | \$30,460 | | | \$30,460 |
| Design and Engineering | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | 0 | \$0 |
| Project & Construction Mgmt | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | 0 | \$0 |
| RAN Equipment | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | 0 | \$0 |
| FWA Construction | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | 0 | \$0 |
| Total Backhaul | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | 0 | \$0 |
| Contingency | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | 0.0% | | \$0 |
| Total FWA Construction | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | | | \$0 |
| Total Construction | \$4,273 | \$13,663 | \$12,524 | \$0 | \$0 | \$30,460 | | | \$30,460 |
| Fiber Drop Construction | \$0 | \$1,332 | \$2,381 | \$1,306 | \$94 | \$5,112 | \$1,529 | 3,343 | \$5,112 |
| FWA CPE | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$537 | 0 | \$0 |
| Subscriber Equipment | \$0 | \$305 | \$545 | \$299 | \$22 | \$1,170 | \$350 | 3,343 | \$1,170 |
| Contingency | \$0 | \$82 | \$146 | \$80 | \$6 | \$314 | 5.0% | | \$314 |
| Total Customer Equip & Instal | \$0 | \$1,718 | \$3,072 | \$1,685 | \$121 | \$6,596 | | | \$6,596 |
| Other Capex | \$200 | \$25 | \$79 | \$102 | \$111 | \$516 | | | \$516 |
| Total Project Capital Costs | \$4,473 | \$15,406 | \$15,675 | \$1,787 | \$232 | \$37,572 | | | \$37,572 |

Project Cost Details

- 6,400 total underserved – 3,400 Choptank Members
- Total project \$37M
- Distribution construction \$30M
- Cost of customer installs and equipment ~ \$7M – Varies based on take rate (50% assumed)
- Choptank leverages existing backbone for cost savings
- Agree with CTC study – Choptank used actual historical construction costs for business model
- Third party conducted feasibility study

The Three-Year Business Model



| 5 Year Capex and Investment Required (\$000's) | | | | | | | | | |
|--|----------------|-----------------|-----------------|----------------|--------------|-----------------|-----------|-------|-----------------|
| | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Total | Unit Cost | Units | Total |
| Design and Engineering | \$1,694 | \$0 | \$0 | \$0 | \$0 | \$1,694 | \$2,746 | 617 | \$1,694 |
| Project & Construction Mgmt | \$145 | \$794 | \$728 | \$0 | \$0 | \$1,667 | \$2,702 | 617 | \$1,667 |
| Headend/Office Space | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$411,982 | 0 | \$0 |
| Field Network Equipment | \$1,009 | \$0 | \$0 | \$0 | \$0 | \$1,009 | \$168,090 | 6 | \$1,009 |
| Aerial Construction | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | 0 | \$0 |
| Underground Construction | \$1,222 | \$12,218 | \$11,200 | \$0 | \$0 | \$24,640 | \$39,933 | 617 | \$24,640 |
| Contingency | \$203 | \$651 | \$596 | \$0 | \$0 | \$1,450 | 5.0% | | \$1,450 |
| Total Fiber Construction | \$4,273 | \$13,663 | \$12,524 | \$0 | \$0 | \$30,460 | | | \$30,460 |
| Design and Engineering | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | 0 | \$0 |
| Project & Construction Mgmt | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | 0 | \$0 |
| RAN Equipment | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | 0 | \$0 |
| FWA Construction | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | 0 | \$0 |
| Total Backhaul | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | 0 | \$0 |
| Contingency | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | 0.0% | | \$0 |
| Total FWA Construction | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | | | \$0 |
| Total Construction | \$4,273 | \$13,663 | \$12,524 | \$0 | \$0 | \$30,460 | | | \$30,460 |
| Fiber Drop Construction | \$0 | \$1,332 | \$2,381 | \$1,306 | \$94 | \$5,112 | \$1,529 | 3,343 | \$5,112 |
| FWA CPE | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$537 | 0 | \$0 |
| Subscriber Equipment | \$0 | \$305 | \$545 | \$299 | \$22 | \$1,170 | \$350 | 3,343 | \$1,170 |
| Contingency | \$0 | \$82 | \$146 | \$80 | \$6 | \$314 | 5.0% | | \$314 |
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| Other Capex | \$200 | \$25 | \$79 | \$102 | \$111 | \$516 | | | \$516 |
| Total Project Capital Costs | \$4,473 | \$15,406 | \$15,675 | \$1,787 | \$232 | \$37,572 | | | \$37,572 |

Partnership Details

- To meet three-year timeline – turnkey project
- Choptank will provide oversight and project management

Choptank Preferred Model



Partnership Details

- Beginning of each year – County determines funding goal
- Choptank plans and allocates resources based on anticipated support
- On average, \$1,000,000 = 200 actual connected customers not passings
- County would pay AFTER the connection is active
- Nominal up-front obligation by County
- Limited risk for County – County provides connection support only for actual connections

Questions?



Choptank
Fiber



**Choptank Electric
Cooperative**

A Touchstone Energy®
Cooperative



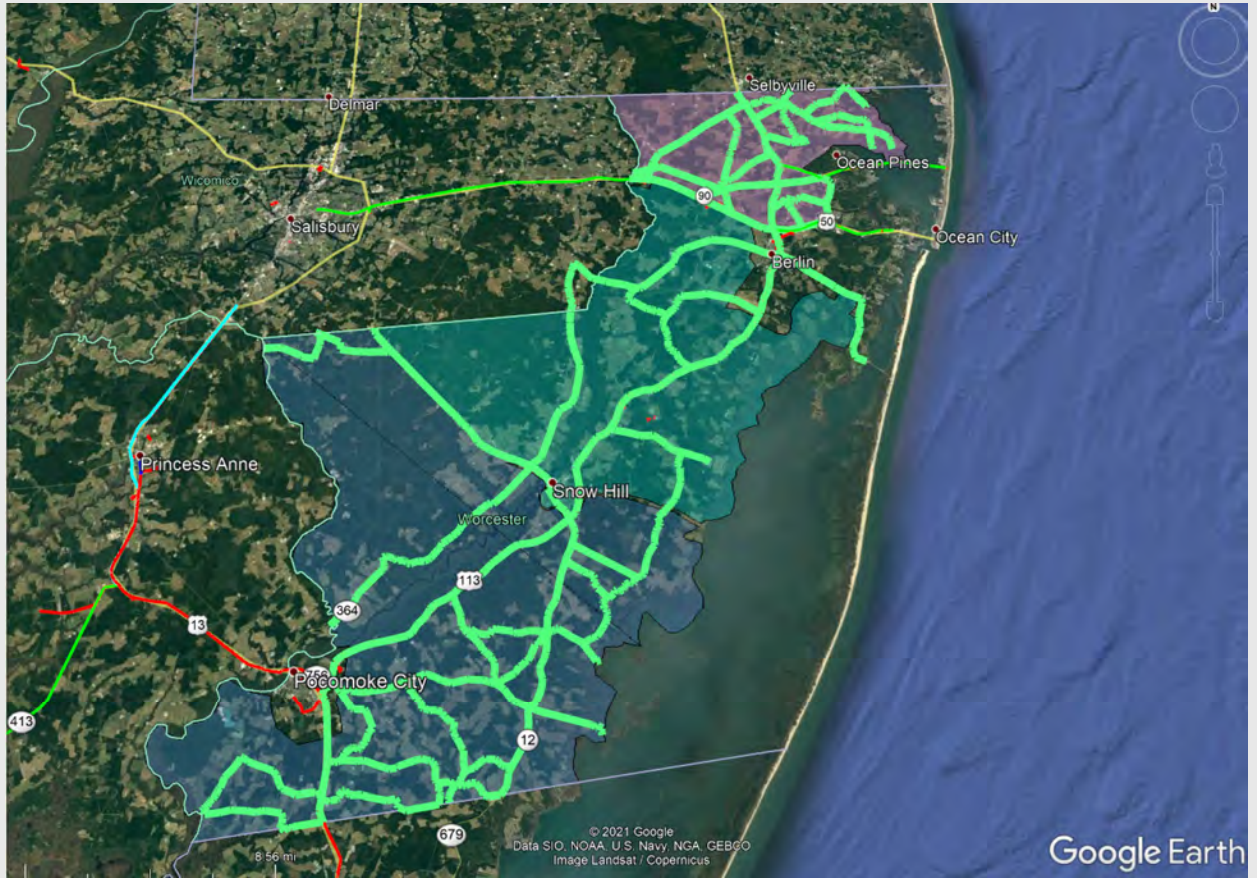
WORCESTER COUNTY

Fiber Deployment
April 6th 2021



Talkie Fiber Path

- 366 Miles Backbone
- 630 Total Fiber Miles
(not including house drops)



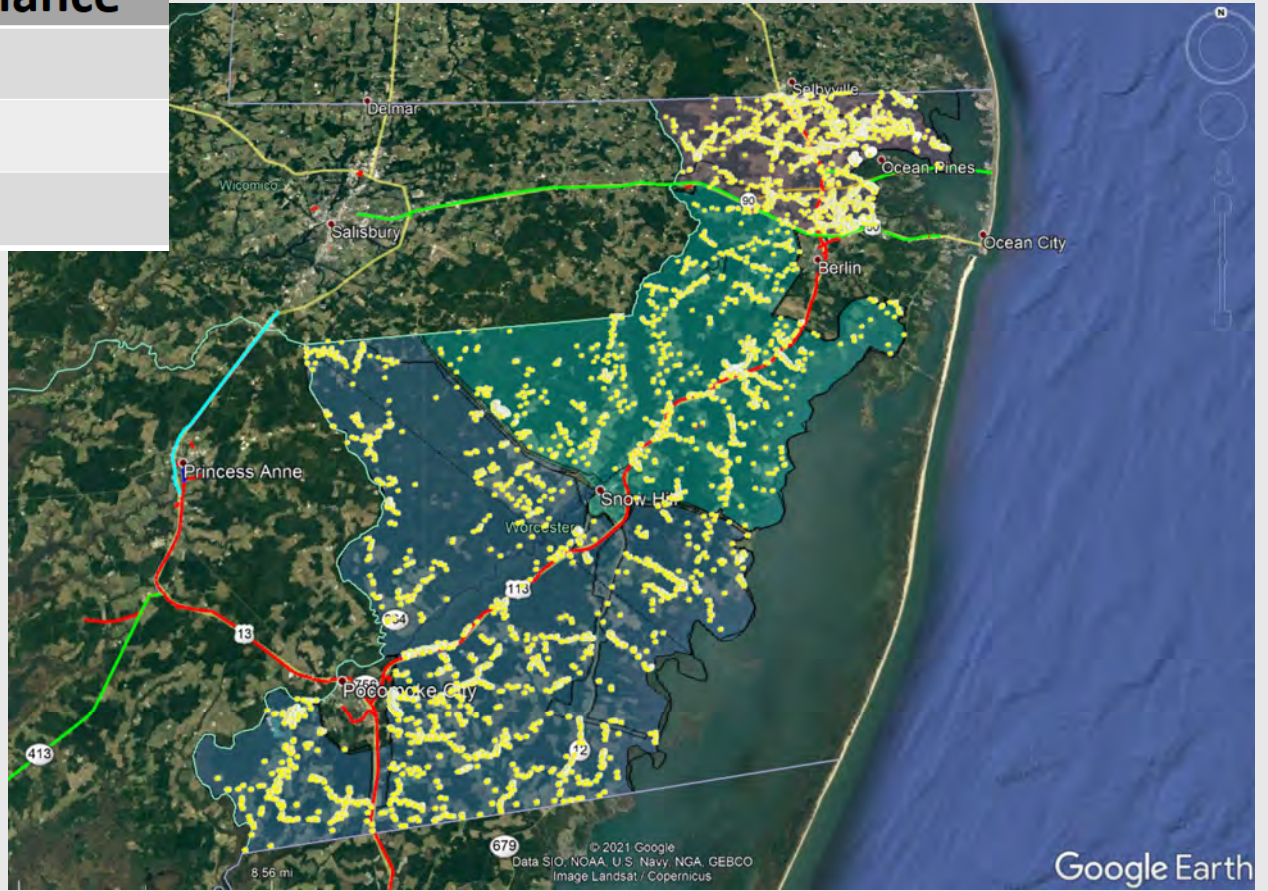
| Area | Passings | Performance |
|----------|----------|-------------|
| North | 3,313 | Gigabit |
| Central | 1,277 | Gigabit |
| Southern | 1,560 | Gigabit |

MDBC Backbone

(red)

Areas without Internet

(based on CTC Study)



- Year 1 Pink 2500 Homes
- Year 2 Yellow 2000 Homes
- Year 3 Green 1600 Homes

First 6 months

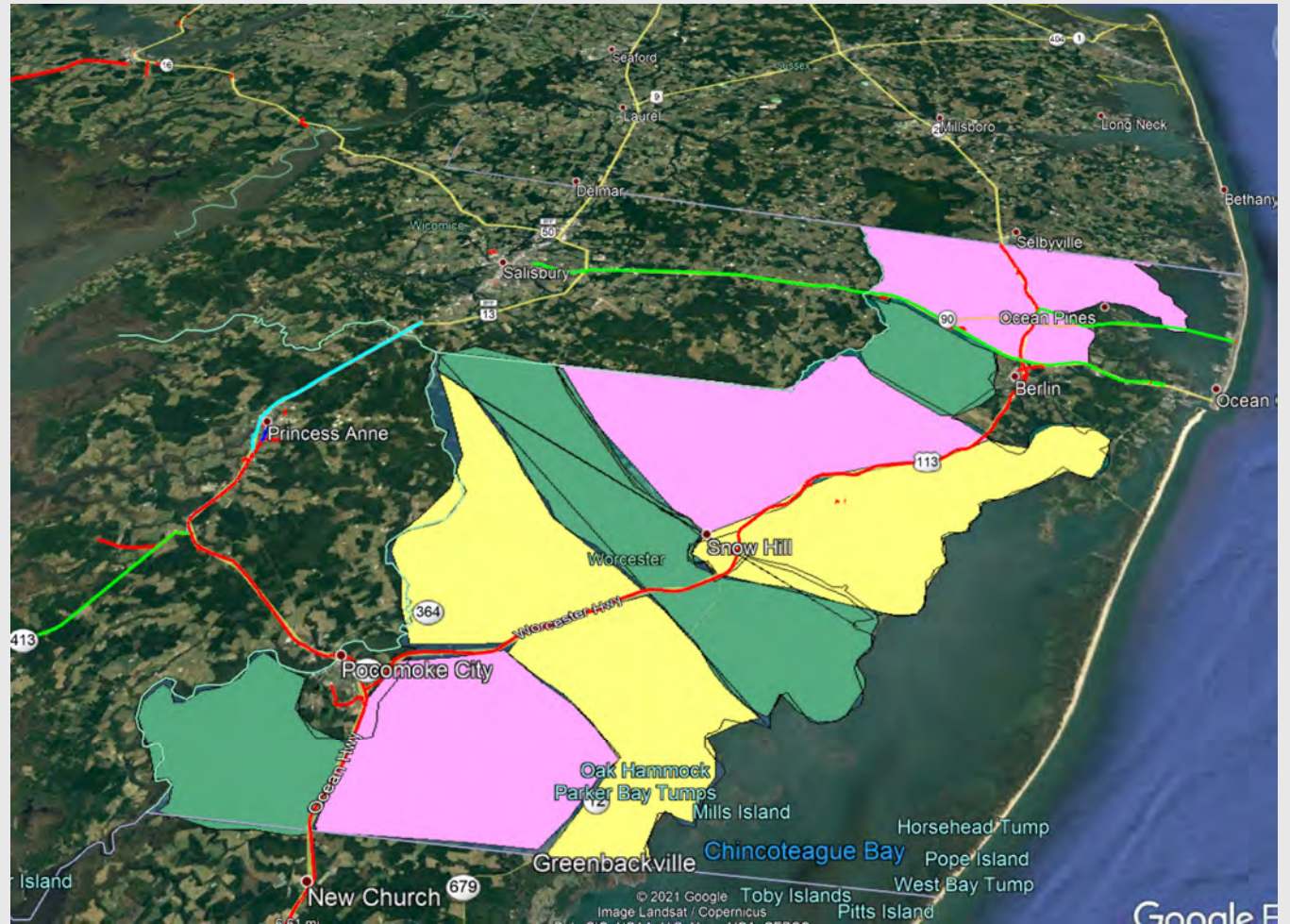
- 1) Purchase Building
- 2) Setup 2 Remote Cabinets & Build Out Central office
 - MDBC for Splice Points
- 3) Start the Permit Process
- 4) Start Construction

Months 6- 18

- 1) Complete Pink Areas
- 2) Start Construction on Yellow Areas by Month 12

Months 19- 36

- 1) Complete Yellow Areas
- 2) Start Construction on Green Areas by Month 19



FOTP Deployment Schedule



Comments

| | Year 1 | Year 2 | Year 3 | Total |
|----------------------|---------------------|---------------------|--------------------|---------------------|
| Fiber | \$2,990,010 | \$2,325,563 | \$1,328,893 | \$6,644,466 |
| Conduit | \$1,495,005 | \$1,162,782 | \$664,447 | \$3,322,233 |
| Vault | \$1,450,005 | \$1,127,782 | \$644,447 | \$3,222,233 |
| Construction | \$17,940,058 | \$13,953,379 | \$7,973,359 | \$39,866,796 |
| Distribution Cabinet | \$118,800 | \$92,400 | \$52,800 | \$264,000 |
| Terminals | \$359,213 | \$279,388 | \$159,650 | \$798,250 |
| Grants | (\$1,000,000) | (\$1,000,000) | (\$1,000,000) | (\$3,000,000) |
| Total | \$23,353,090 | \$17,941,292 | \$9,823,596 | \$51,117,978 |

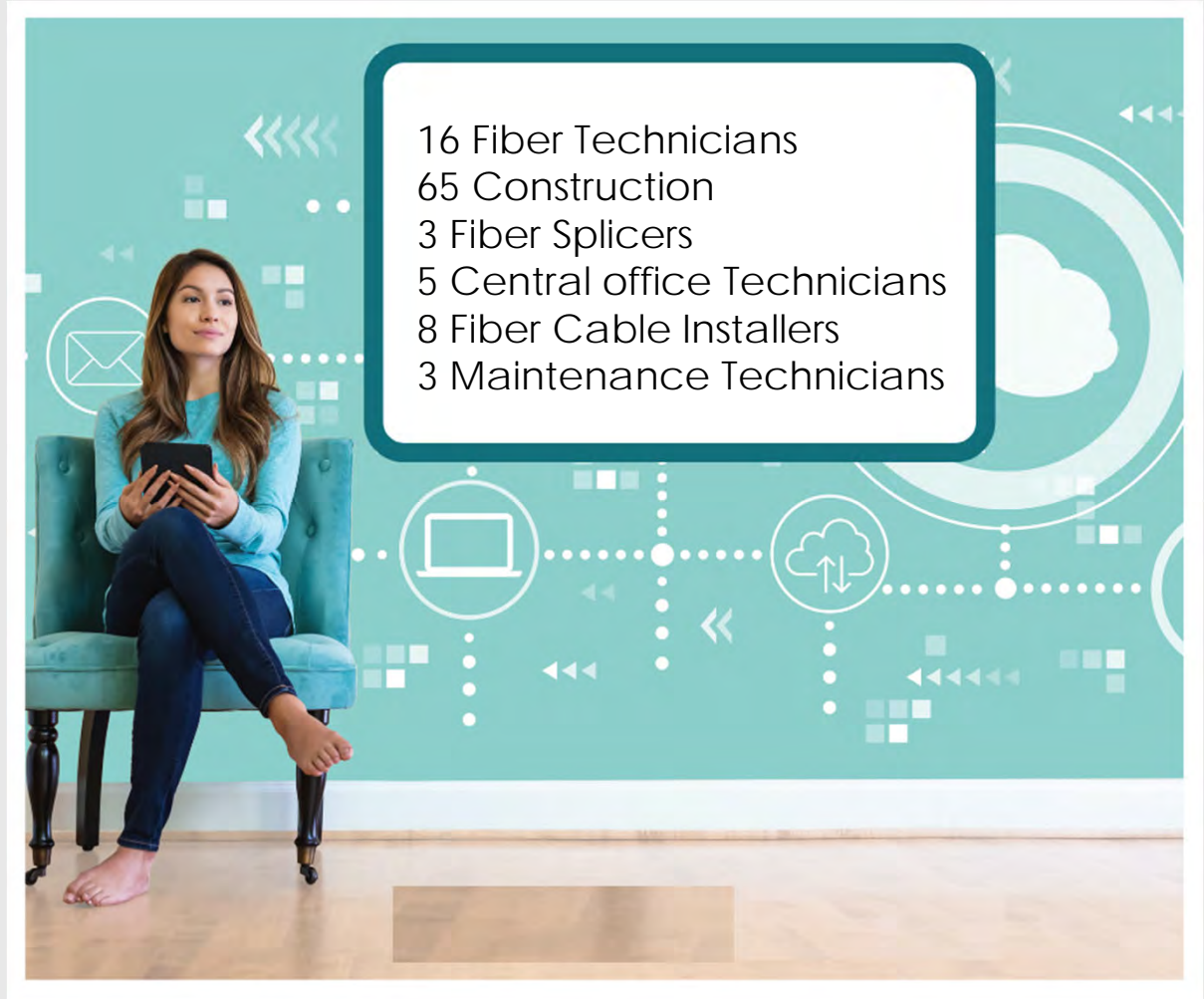
Talkie will pay for the CPE and home drops. No additional cost to the subscriber for long driveways / Farm lanes. Approximate cost \$5,850,000 Talkie will maintain at our cost the network, maintenance, repairs, support, miss utility tickets and customer support as well as upgrades

Talkie will provide service to government essential locations at no cost for 20 years. 12 Fibers will be allocated for county use along the backbone.



Local Jobs

100 Total +
Jobs Created



Items not included in the budget to be paid by Talkie

Startup expenses

- Buildout of the Central Office \$700,000
- 2 Remote Fiber Cabinets \$500,000
- 30 Ford Trucks \$1,050,000
- Customer Drops and CPE \$5,850,000
- Splice Cases \$94,500

Yearly expenses

- Maintenance of Fiber Network \$400,000
- Miss Utility Locates \$120,000
- Equipment Replacement Fund \$190,000

Over 25 Years \$17,750,000 Cost to maintain the fiber network.
Free Internet essential locations 20 Years. \$62,395 per location \$811,135



Proposal

Talkie will build and maintain the Fiber network in 3 years or less with the assistance of county Funding. Talkie will own the Fiber Network and will maintain the network at our cost.

Talkie will lease the Dark Fiber.

12 Fiber's will be for county use.
Value \$18,757,500 over 25 years

Talkie will provide Essential locations Gig internet at no cost for 20 years

Not limited to: Pocomoke Fire * Pocomoke EMS * Pocomoke Police * Stockton Fire
* Girdletree Fire * Berlin Fire * Berlin Police * Newark Fire * Showell Fire * Snow Hill Police
* Snow Hill Fire * Ocean Pines Police * Ocean Pines Fire

DOIT Rates as of 2019. \$150.00 per mile + \$250 Annual
Maintenance Cost Per Mile

100% of the residents on the CTC Study Will be
eligible for service after the 3 year construction is complete.
Construction will start in 30 Days after funding.





DEPARTMENT OF
INFORMATION TECHNOLOGY

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1003
SNOW HILL, MARYLAND 21863
TEL:410.632.5610
www.co.worcester.md.us/departments/it

To: Weston Young

From: Brian Jones, IT Director

Re: Formation of Broadband Committee

Date: April 12, 2021

At the request on the Commissioners to form a Broadband Committee, I am recommending the following professionals to represent this committee.

| <u>Name</u> | <u>Title</u> | <u>Email Address</u> | <u>Phone number</u> |
|-----------------|------------------------|--|---------------------|
| Brian Jones | Director of IT-WC | bjones@co.worcester.md.us | 410-726-5823 |
| Jennifer Keener | Asst. Dir. Of DRP | jkeener@co.worcester.md.us | |
| Kelly Henry | GIS Manager | khenry@co.worcester.md.us | |
| Mike Hutchinson | Public Works | mhutchinson@co.worcester.md.us | 443-365-3931 |
| Frank Adkins | Roads | fadkins@co.worcester.md.us | |
| Melanie Pursel | Dir of Econ Dev | mpursel@co.worcester.md.us | 410-430-8776 |
| James Hamilton | Asst Dir of Emer Svcs. | jhamilton@co.worcester.md.us | 443-783-0671 |
| Devon Singer | Dir of IT-BOE | desinger@worcesterk12.org | 703-477-9047 |
| Andre' Demattia | Talkie | andre.demattia@talkiefiber.com | 240-538-1609 |
| Steve Crawford | Skyline | scrawford@skyline.net | 443-974-7829 |

Suggestions:

Three County Commissioners
Choptank COOP Representatives
Board of Education
Member of AGH
Citizen(s) of unserved areas
Tri County Council Representatives
Local Area Chamber of Commerce Representatives

Mission of committee: To work with our chosen contractor (Talkie) to bring fiber-based broadband throughout the county. Seek out federal and state grants and bring forth local funding recommendations to Commissioners.



Worcester County
Department of Environmental Programs

Memorandum

To: Harold L. Higgins, Chief Administrative Officer

From: Robert J. Mitchell, LEHS 
Director, Environmental Programs

Subject: **Grant Agreement**
Oversight of Best Available Technology (BAT) Systems - FY 22 and FY 23

Date: 4/12/21

Attached you will find a grant agreement prepared by the Maryland Department of the Environment (MDE) for administration and enforcement of regulations promulgated by the state for septic systems that utilize best available technology (BAT) for the removal of nitrogen. These regulations established requirements for operation and maintenance of BAT systems for the life of the system. The state is desirous of ensuring that the operation and maintenance of these units is being maintained by the owners.

These grants are part of the state allowance up to 10% of the Bay Restoration Fund (BRF) to be distributed to a local public entity delegated by MDE to cover reasonable costs associated with the implementation of these regulations. These funds would go towards local expenses relating to data entry, owner correspondence, and tracking of required mandatory operation and maintenance of BAT septic systems.

Since the inception of the BRF grant funding in Maryland, the Department of Environmental Programs has managed the local program for MDE. In that time close to 400 of these systems, including large flow systems, have been installed in Worcester County with grants totaling over \$4.0MM. We also managed the pretreatment upgrades in Somerset for two years when their program was without a management entity.

The proposed level of annual funding we would be eligible for totals \$38,000.

Citizens and Government Working Together

We welcome this potential funding for the local program management effort and will apply these funds wisely to our administrative costs. These duties fall within our overall scope of responsibility as the local Approving Authority for onsite sewage systems. We respectfully request concurrence from the County Commissioners on this agreement so we continue to implement these procedures and provide the data entry and submittals to claim these funds.

As always, I will be available to discuss with you and the County Commissioners at your convenience.

Attachment

1. Grant Agreement from MDE

GRANT AGREEMENT
Regarding Oversight of Best Available Technology (BAT) Systems

THIS GRANT AGREEMENT (hereafter referred to as “the Agreement”) is made this ____ day of _____, 2021, by and between the Maryland Department of the Environment (hereafter referred to as “MDE”), acting for and on behalf of the **State of Maryland** (hereafter referred to as the “State”) and the **Worcester County Department of Environmental Programs** (hereafter referred to as the “Grantee”), for the benefit of **Worcester County, Maryland**, a body corporate and politic (hereafter referred to as “the County”), acting by and through its Health Officer or another official authorized to administer and enforce environmental laws (the “County Health Officer”).

RECITALS

WHEREAS, pursuant to Section 1-301 of the Environment Article of the Annotated Code of Maryland, the Secretary of MDE (hereafter referred to as, the “Secretary”) (i) is responsible for carrying out and enforcing the provisions of the Environment Article of the Annotated Code of Maryland and the rules and regulations adopted thereunder, and (ii) may delegate duties, powers and functions to a health officer for a county or to another county official authorized to administer and enforce environmental laws; and

WHEREAS, in accordance with Section 9-1603 of the Environment Article of the Annotated Code of Maryland, the Secretary has authorized the MDE Director of the Water Quality Financing Administration (the “Administration”) to implement Environment Article, Title 9, Subtitle 16 of the Annotated Code of Maryland, and all acts supplemental thereto or amendatory thereof (the “MWQFA Act”); and

WHEREAS, pursuant to Section 9-1605.2 of the MWQFA Act, the State has established the Bay Restoration Fund to provide grants from certain Bay Restoration Fees to provide financial assistance to a local public entity to implement regulations adopted by MDE and codified at Code of Maryland Regulation (COMAR 26.04.02.07) for on-site sewage disposal systems that utilize BAT (as defined herein); and

WHEREAS, the Secretary hereby delegates to the Grantee and the Grantee hereby accepts the delegation of duties, powers and functions of MDE related to oversight of the operations and maintenance of on-site sewage disposal systems that utilize BAT as set forth in this Agreement and MDE has determined to provide financial assistance to the Grantee for the BAT systems located within the boundaries of the County from certain Bay Restoration Fees received by MDE pursuant to Section 9-1605.2 of the MWQFA Act.

NOW THEREFORE, in consideration of the foregoing and the mutual promises and covenants hereinafter set forth, MDE and the Grantee, each intending to be legally bound, hereby agree as follows:

ARTICLE I

DEFINITIONS

Section 1.01. Definitions. Unless specifically provided otherwise or the context otherwise requires, when used in this Agreement:

“Administration” has the meaning set forth in the Recitals of this Agreement.

“BAT” or “Best Available Technology” means a technology that has been approved by the MDE as a best available technology for removing nitrogen from onsite sewage disposal systems.

“BRF/BAT Program” means the program for financial assistance from certain Bay Restoration Fees established in accordance with Section 9-1605.2 of the Environment Article of the Annotated Code of Maryland (the “Enabling Act”) to implement the regulations codified at Code of Maryland Regulation (COMAR 26.04.02.07) related to the installation, operations and maintenance of on-site sewage disposal systems that utilize the best available technology for the removal of nitrogen.

“Certified Service Provider” means an individual who is certified by the MDE to perform operation and maintenance on BAT systems.

“County” has the meaning set forth in the first paragraph of this Agreement.

“County Health Officer” has the meaning set forth in the first paragraph of this Agreement.

“Enforcement” means, (i) mailing written notice to the property owner of any failure to comply with the operation and maintenance requirements of MDE with respect to the BAT system of the property owner not less than three (3) separate times for each compliance failure, at least one (1) notice must be sent by certified mail and the others by first-class mail, postage prepaid, (ii) if available, imposing any fines or penalties available under the local laws of the County, and (iii) if any compliance failure continues for more than 30 days after the enforcement actions described in (i) and (ii) above have been completed, referral of such compliance failure to MDE for enforcement under the laws of the State.

“Final installation inspection” means the inspection of a fully operational BAT system, including approval of installation and functionality of electrical systems and grading of site location.

“Grantee” has the meaning set forth in the first paragraph of this Agreement.

“Installation date” means the date the BAT system is placed in the ground at the property location.

“MDE” has the meaning set forth in the first paragraph of this Agreement.

“MWQFA Act” has the meaning set forth in the Recitals of this Agreement.

“Secretary” has the meaning set forth in the Recitals of this Agreement.

“Sewage Treatment Unit” means a device designed and constructed to receive sewage and to provide treatment to reduce organic and inorganic matter and includes septic tanks, BAT, aerobic treatment units, or any other approved devices.

“State” has the meaning set forth in the first paragraph of this Agreement.

Section 1.02. Rules of Construction. Unless the context clearly indicates to the contrary, in this Agreement, (i) words importing the singular number include the plural number and words importing the plural number include the singular number, (ii) words of the masculine gender include correlative words of the feminine and neuter genders, and (iii) any reference to a particular Article or Section shall be to such Article or Section of this Agreement.

ARTICLE II

AGREEMENT

Section 2.01. Scope of Work. As part of the Grantee’s responsibilities under this Agreement, the Grantee agrees to perform the following:

- (a) Oversight of BAT Systems – The Grantee shall carry out and enforce the regulatory requirements for all BAT systems within the boundaries of the County in accordance with Maryland law and regulations governing BAT systems.
- (b) Pre- BAT Installation – The Grantee shall perform a technical, administrative, and legal review of the location where the BAT system will be installed. The Grantee legal review of the property must demonstrate a reasonable effort by the Grantee to determine that the BAT system is installed within the boundaries of the property, which may include boundaries obtained from a recorded plat or deed, a location survey or any other reasonably reliable source for obtaining property boundaries information. The Grantee shall verify a Maryland-certified BAT installer will be present during the BAT installation.
- (c) BAT Installation Inspections – The Grantee shall inspect the installation of all BAT systems. This inspection shall include verifying that (i) the BAT installer is certified, (ii) the BAT is installed, and (iii) the BAT system is installed properly according to all of the manufacturer’s specifications based on confirmations from the installer.

- (d) **Data Management** – The Grantee accepts responsibility for the entry of all data related to BAT systems required by MDE into the Best Available Technology Management and Network database (BATMN), in accordance with this Agreement. The Grantee shall verify that all required data is entered into the BATMN. The Grantee shall either enter any missing data or require that the installer enter the missing data. The following data shall be entered into the BATMN:
1. The final installation inspection performed by the Grantee shall be entered into the BATMN database within 45 days of performing the inspection.
 2. All subsequent Grantee inspections of BAT systems shall be entered into the BATMN database within 30 days following inspection.
 3. Verify all BAT systems are accurately entered into the BATMN database, even if they were not funded, to track the operation maintenance of those units.
 4. The Grantee shall enter all Bay Restoration Fee funded drain-fields, sewer connections, and holding tanks into the BATMN database within 30 days of installation.
 5. Update the BATMN database, as needed, so the data within the database is accurate.
- (e) **Personnel Training** – The Grantee shall ensure that appropriate staff members attend training about BAT systems provided by the MDE and other entities.
- (f) **Complaint Investigation** - The Grantee shall investigate complaints regarding BAT systems in accordance with this Agreement.
- (g) **Enforcement** – The Grantee shall take compliance/ enforcement action consistent with State and/or County laws and regulations. Violation notices and administrative actions will be technically accurate and legally sound.
- (h) **Operation and Maintenance Compliance** – The Grantee shall ensure that owners of BAT systems are meeting the COMAR regulations as it pertains to required inspections and the necessary maintenance.
1. For the purposes of this Agreement, MDE will consider a BAT system out of compliance for operation and maintenance once more than 548 days have passed since the date of the most recent BAT service.
 2. The compliance rate for the Maryland county controlled by the Grantee will be calculated by MDE as a percentage using the total number of

installed BAT systems within the Maryland county as the denominator and the number that are in compliance as the numerator.

3. MDE will compute the compliance rate semi-annually (Table 2) and provide this information to the Grantee.
 4. MDE will take into consideration special situations where requiring the operation and maintenance of a BAT system is not applicable. These situations may include, but are not limited to foreclosures and vacant properties. The Grantee shall provide a list to MDE of the addresses to be temporarily eliminated from the compliance calculations along with the justification for each site. MDE will review the list and remove all sites with valid justifications from the compliance rate calculations.
 5. The Grantee agrees that not less than 80% of the BAT systems within the Maryland county under its control shall meet the operations and maintenance requirements of this Agreement. If the compliance rate falls below 80%, the Grantee shall submit a comprehensive plan to MDE for approval. This plan must outline specific changes the Grantee will implement to achieve the 80% compliance rate requirement.
- (i) Reporting to MDE – The Grantee shall provide MDE with a quarterly report that includes the BAT system activities completed by the Grantee within the reporting period. The report must be submitted to MDE within 30 days after the end of the quarter and shall include the following:
1. Number of new BAT units installed and installation inspections.
 2. On-site inspections performed by the Grantee not associated with new installations.
 3. Number of violations issued by the Grantee.
 4. Narrative of BAT actions the Grantee performed within that quarter.

Section 2.02. Quality Assurance. As part of the Administration's responsibilities under this Agreement, the Administration agrees to perform the following:

- (a) Report Evaluations – MDE will review the quarterly reports submitted by the Grantee to verify compliance with the provisions of this Agreement. MDE will notify the Grantee of deficiencies within 30 days of receiving a quarterly report.

- (b) Field Evaluations – MDE employees may accompany the Grantee on inspections to ensure that the State regulations are being consistently applied across the State. The Grantee shall cooperate with MDE in the performance of this responsibility.
- (c) Meetings – MDE may hold periodic meetings with the Grantee to provide the Grantee with updates on legal and policy issues relating to the BRF/BAT Program. The MDE may require the Grantee to attend performance meetings if MDE determines that the performance of the Grantee under this Agreement, including but not limited to deficiencies in quarterly reporting or lack of compliance with State regulations. The Grantee agrees to attend any meeting so required by MDE.

Section 2.03. Financial Provisions.

- (a) Payment Obligation – Subject to the budget set forth in this Agreement, MDE agrees to provide funding through the Administration to the Grantee for fulfilling the responsibilities of the BRF/BAT Program delegated to the Grantee under this Agreement. The budget details for this Agreement are contained in Appendix A and Table 1 of this Agreement.
- (b) Disbursement Process - Semi-annually, the Grantee shall submit an invoice to the Administration to request payment for work completed under this Agreement. One-half of the total annual grant amount will be available for payment once the first quarter report is submitted to and approved by the Administration. The second half of the total annual grant amount will be available once the third quarter report is submitted to and approved by the Administration. The Administration will pay on behalf of MDE submitted invoices within 30 days of report approval, if the quarterly reports show the Grantee met the minimum requirements in this Agreement.
- (c) Withholdings - Payments of invoices will be withheld if the terms and conditions of this Agreement are not met.
- (d) Funding Contingencies. The State grant assistance to be awarded under this Agreement is contingent upon legislative budget appropriations, the continued existence of funding under the MWQFA Act, availability of State funds, and approval by the Maryland Board of Public Works. Notwithstanding anything stated in this Agreement to the contrary, MDE reserves the right to terminate this Agreement at any time, if funding is unavailable.

ARTICLE II

MISCELLANEOUS

Section 3.01. Notices. All notices, requests, objections, waivers, rejections, agreements, approvals, and consents of any kind made pursuant to this Agreement shall be in writing, unless expressly stated otherwise herein. Any such communication shall be sufficiently given and shall be deemed given when hand delivered or mailed by registered or certified mail, postage prepaid, to the respective party at the address specified below:

MDE: Maryland Department of the Environment
1800 Washington Blvd., Suite #515
Baltimore, Maryland 21230-1718
Attention: Karl "Eddie" Daniels

Grantee: Worcester County Department of Environmental Programs
108 East Main Street
Salisbury, Maryland 21801
Attention: Robert Mitchell, Director

Section 3.02. Binding Effect. This Agreement shall inure to the benefit of and shall be binding upon MDE and the Grantee and their respective successors and assigns.

Section 3.03. Severability. It is understood and agreed by the parties that if any term or provision of this Agreement is held to be illegal or in conflict with Maryland law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

Section 3.04. Execution in Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 3.05. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Maryland.

Section 3.06. Captions. The captions or headings in this Agreement are for convenience only and shall not in any way define, limit or describe the scope or intent of any provisions or sections of this Agreement.

Section 3.07. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between the parties hereto with respect to the subject matter of this Agreement.

Section 3.08. Amendment of this Agreement. This Agreement, or any part hereof, may be amended from time to time hereafter only by an instrument in writing jointly executed by MDE and the Grantee.

Section 3.09. Term of this Agreement. This Agreement is effective from July 1, 2021 through June 30, 2023, unless earlier terminated as permitted herein.

Section 3.10. Termination. Notice of intention to terminate all or a portion of this Agreement must be given in writing at least 60 days in advance of termination.

Section 3.11. Assignment and Subcontracting. The parties agree that no assignment or transfer of this Agreement, or of any interest in this Agreement, will occur unless both parties agree in writing. The parties agree that no services required under this Agreement may be performed under a subcontract unless both parties agree in writing.

Section 3.12. Delegation Not to Relieve Obligations. The delegation by the Grantee of any of the duties described in Section 2.01 shall not relieve the Grantee of any obligations under this Agreement in connection with the oversight of operations and maintenance of the BAT systems under its control.

REMAINDER OF PAGE LEFT BLANK

IN WITNESS WHEREOF, the parties have executed this agreement by causing the same to be signed.

GRANTEE



Robert Mitchell
Director, Department of Environmental Programs

Joseph M. Mitrecic, President
Worcester County Commissioners

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Tom French
Director
Operational Services Administration

Terri Wilson
Director
Office of Budget and Infrastructure
Financing

Approved as to form and legal sufficiency this

_____ day of _____

Assistant Attorney General

APPENDIX A

**BUDGET DETAIL
Worcester County, Maryland**

The Grantee agrees to administer and enforce the Best Available Technology (BAT) laws and regulations for the systems located within the related County.

FUNDING FY2022 – FY2023: up to \$38,000.00

Annual Funding Formula:

The funding amount for the Grantee for each County is broken down by County in table 1. The minimum amount available annually for a County under this grant is \$35,000. The maximum grant amount available annually for a County under this grant is \$120,000.



Worcester County

DEPARTMENT OF PUBLIC WORKS

6113 TIMMONS ROAD

SNOW HILL, MARYLAND 21863

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

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

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John H. Tustin, P.E., Director *JHT*
DATE: April 13, 2021
SUBJECT: Ocean City Library Roof Replacement Bids

DIVISIONS

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

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

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

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

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

On Monday April 12, 2021, four (4) bids were received and opened for replacement of the shingle roof systems at the Worcester County Library located in Ocean City, Maryland. The bid forms are enclosed for your review and a summary of the bid pricing is as follows:

| BID | BIDDER | PRICE |
|-----|----------------------------------|------------|
| 1 | Dynamic General Contracting, LLC | 120,000.00 |
| 2 | Ruff Roofing & Sheet Metal Inc. | 121,726.00 |
| 3 | ServiceMax of Delmarva, LLC | 138,000.00 |
| 4 | Vertex Roofing Contractors Inc. | 165,000.00 |

Upon receipt of the bids, the architectural firm of Davis Bowen & Friedel, Inc. reviewed the bids and provided their recommendation to award the project to the lowest bidder, Dynamic General Contracting, LLC, at a total cost of \$120,000.00.

Funding, \$113,892.00, to support this project, shall be provided as partial reimbursement by Local Government Insurance Trust per the enclosed email message from Ms. Dorie Schwartz. It is requested that the County support this project by providing additional funds of \$6,108.00 to award this project to Dynamic General Contracting, LLC. It is paramount that this building receives a replacement roof system for the pending hurricane season.

If you have any questions, please feel free to contact me.

Attachments

cc: Kenneth J. Whited, Maintenance Superintendent

Ken Whited

From: Dorie Schwartz <Dorie@lgit.org>
Sent: Monday, April 12, 2021 4:27 PM
To: Ken Whited
Subject: *EXTERNAL*:RE: Ocean City Roof Replacement Project - LGIT Commitment Letter

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

Hi Ken,

Once repairs have been completed LGIT agrees to pay \$104,050.43 plus \$9,841.95 in code upgrades.

Sent from my Verizon Samsung Galaxy smartphone

----- Original message -----

From: Ken Whited <kenwhited@co.worcester.md.us>
Date: 4/12/21 4:03 PM (GMT-05:00)
To: Dorie Schwartz <Dorie@lgit.org>
Subject: Ocean City Roof Replacement Project - LGIT Commitment Letter

Dorie: I am preparing a request to the County Administrator requesting award of the roofing contract to the low bidder Dynamic General Contracting LLC. The Public Works director, Mr. John Tustin, has asked me to seek confirmation of LGIT's reimbursement/commitment to pay the County \$104,050.43 for the roofing portion and \$9,841.95 for the Town of Ocean City's building code requirements. Below is copied dialog you provided on January 29 and John is asking for an email message from you with a more recent date.

I would appreciate a response so I can get this project awarded as we discussed earlier today.

Regards,

Kenneth J. Whited
Maintenance Superintendent
Worcester County
Department of Public Works
Maintenance Division
6113 Timmons Road
Snow Hill, MD 21863
TE: Office (410) 632-3766 Cell (443) 783-0046

January 29, 2021

Hi Ken,

Per our discussion today, LGIT will cover the Davis, Bowen & Friedel costs of \$10,700 and \$850. The County should pay these invoices and LGIT will add them to the final claim figure. We agreed that the County should move forward with getting bids for the roof project and provide them to LGIT should the cost exceed \$104,050.43 plus \$9,841.95 in code upgrades.

Please let me know if you have any questions.

Thanks,

Dorie

Competitive Bid Worksheet

Item: 2021 Roof Replacement Project

Worcester County Library – Ocean City Branch

Bid Deadline/Opening Date: 1:00 P.M., Monday, April 12, 2021

Bids Received by deadline = 4

Vendor's Submitting Bids

Base Bid Total Cost

ServiceMax of Delmarva, LLC
116 West Chestnut Street
Salisbury, Maryland 21801

\$ 138,000

Ruff Roofers Inc.
1420 Knecht Ave.
Baltimore, Maryland 21227

\$ 121,726

Dynamic General Contracting, LLC
731 Generals Highway
Millersville, Maryland 21108

\$ 120,000

Vertex Roofing
9137 Euclid Ct.
Manassas, Virginia 20110

\$ 165,000

Roof Replacement, Worcester County Public Library, Ocean City, MD

0085B044.B01

DOCUMENT 004113 - BID FORM - STIPULATED SUM (SINGLE-PRIME CONTRACT)

1.1 BID INFORMATION

- A. Bidder: Dynamic General Contracting, LLC.
- B. Project Name: Roof Replacement, Worcester County Public Library
- C. Project Location: 10003 Ocean Highway, Ocean City, Maryland
- D. Owner: County Commissioners of Worcester County Maryland
- E. Owner's Representative: Kenneth J. Whited, Maintenance Superintendent
- F. Architect: Davis Bowen and Friedel, Inc., 601 E Main Street, Salisbury, MD, 21804.

G. CERTIFICATIONS AND BASE BID

- H. Base Bid, Single-Prime (All Trades) Contract: The undersigned Bidder, having carefully examined the Procurement and Contracting Requirements, Conditions of the Contract, Drawings, Specifications, and all subsequent Addenda, as prepared by Davis Bowen and Friedel, Inc. and Architect's consultants, having visited the site, and being familiar with all conditions and requirements of the Work, hereby agrees to furnish all material, labor, equipment and services, including all scheduled allowances, necessary to complete the construction of the above-named project, according to the requirements of the Procurement and Contracting Documents, for the stipulated sum of:

- 1. One Hundred Twenty Thousand Dollars (\$ 120,000.00).
- 2. The above amount may be modified by amounts indicated by the Bidder on the attached Document 004322 "Unit Prices Form"

1.2 BID GUARANTEE

- A. The undersigned Bidder agrees to execute a contract for this Work in the above amount and to furnish surety as specified within 10 days after a written Notice of Award, if offered within 60 days after receipt of bids, and on failure to do so agrees to forfeit to Owner the attached cash, cashier's check, certified check, U.S. money order, or bid bond, as liquidated damages for such failure, in the following amount constituting five percent (5%) of the Base Bid amount above:

- 1. Six Thousand Dollars (\$ 6,000.00).

- B. In the event Owner does not offer Notice of Award within the time limits stated above, Owner will return to the undersigned the cash, cashier's check, certified check, U.S. money order, or bid bond.

1.3 SUBCONTRACTORS AND SUPPLIERS

A. The following companies shall execute subcontracts with the Prime Contractor for the portion of the Work indicated:

- 1. Roofing Work: Manufacture for slates Ecostar , Supplier ABC Supply No Subcontractors
- 2. Fiber Cement Siding and Trim Work: Manufacture Hardy Supplier ABC Supply No Subcontractors

1.4 TIME OF COMPLETION

A. The undersigned Bidder proposes and agrees hereby to commence the Work of the Contract Documents on a date specified in a written Notice to Proceed to be issued by Owner and shall fully complete the Work by June 9, 2021.

1.5 ACKNOWLEDGEMENT OF ADDENDA

A. The undersigned Bidder acknowledges receipt of and use of the following Addenda in the preparation of this Bid:

- 1. Addendum No. 1, dated _____.
- 2. Addendum No. 2, dated _____.
- 3. Addendum No. 3, dated _____.
- 4. Addendum No. 4, dated _____.

1.6 BID SUPPLEMENTS


A. The following supplements are a part of this Bid Form and are attached hereto.

- 1. Bid Form Supplement - Unit Prices.
- 2. Bid Form Supplement - Bid Bond Form (AIA Document A310).

1.7 CONTRACTOR'S LICENSE

A. The undersigned further states that it is a duly licensed contractor, for the type of work proposed, with the authorities having jurisdiction and that all fees, permits, etc., pursuant to submitting this proposal have been paid in full.

1.8 SUBMISSION OF BID

- A. Respectfully submitted this 12th day of April, 2021.
- B. Submitted By Dynamic General Contracting, LLC. (Name of bidding firm or corporation).
- C. Authorized Signature:  (Handwritten signature).
- D. Signed By: Ioannis Kiotsekoglou President (Type or print name).

Roof Replacement, Worcester County Public Library, Ocean City, MD

0085B044.B01

- E. Title: President (Owner/Partner/President/Vice President).
- F. Witness By: [Handwritten Signature] (Handwritten signature).
- G. Attest: [Handwritten Signature] (Handwritten signature).
- H. By: Ioannis Kiotsekoglou (Type or print name).
- I. Title: Secretary (Corporate Secretary or Assistant Secretary).
- J. Street Address: 731 Generals Hwy
- K. City, State, Zip Millersville MD 21108
- L. Phone: 410-697-9160
- M. License No.: 02606074
- N. Federal ID No.: 83-3250568 (Affix Corporate Seal Here).

END OF DOCUMENT 004113

Roof Replacement, Worcester County Public Library, Ocean City, MD

0085B044.B01

DOCUMENT 004321 - ALLOWANCE FORM


1.1 BID INFORMATION

- A. Bidder: Dynamic General Contracting, LLC.
- B. Project Name: Roof Replacement, Worcester County Public Library.
 - 1. Project Location: 10003 Ocean Highway, Ocean City, Maryland
- C. Owner: County Commissioners of Worcester County Maryland
 - 1. Owner's Representative: Kenneth J. Whited, Maintenance Superintendent
- D. Architect: Davis Bowen and Friedel, Inc., 601 E Main Street, Salisbury, Md., 21804.

1.2 D FORM SUPPLEMENT

- A. This form is required to be attached to the Bid Form.
- B. The undersigned Bidder certifies that Base Bid submission to which this Bid Supplement is attached includes those allowances described in the Contract Documents and scheduled in Section 012100 "Allowances."

1.3 SUBMISSION OF BID SUPPLEMENT

- A. Respectfully submitted this 12th day of April, 2021.
- B. Submitted By: Dynamic General Contracting, LLC (Insert name of bidding firm or corporation).
- C. Authorized Signature:  (Handwritten signature).
- D. Signed By: Ioannis Kiotsekoglou (Type or print name).
- E. Title: President (Owner/Partner/President/Vice President).

END OF DOCUMENT 004321

Roof Replacement, Worcester County Public Library, Ocean City, MD

0085B044.B01

DOCUMENT 004322 - UNIT PRICES FORM

1.1 BID INFORMATION

- A. Bidder: Dynamic General Contracting, LLC.
- B. Project Name: Roof Replacement, Worcester County Public Library.
 - 1. Project Location: 10003 Ocean Highway, Maryland
- C. Owner: County Commissioners of Worcester County Maryland
 - 1. Owner's Representative: Kenneth J. Whited, Maintenance Superintendent
- D. Architect: Davis Bowen and Friedel, Inc., 601 E Main Street, Salisbury, Md., 21804.

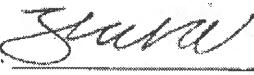
1.2 BID FORM SUPPLEMENT

- A. This form is required to be attached to the Bid Form.
- B. The undersigned Bidder proposes the amounts below be added to or deducted from the Contract Sum on performance and measurement of the individual items of Work.
- C. If the unit price does not affect the Work of this Contract, the Bidder shall indicate "NOT APPLICABLE."

1.3 UNIT PRICES SHEATHING AND SIDING

- A. Unit-Price No. 1: 19/32" Roof Sheathing.
 - 1. Eighty Dollars (\$ 80.00) per unit (32 sq. ft).
- B. Unit -Price No 2: Fiber Cement Siding.
 - 1. Twenty five Dollars (\$ 25.00) per unit (sq. ft).

1.4 SUBMISSION OF BID SUPPLEMENT

- A. Respectfully submitted this 12th day of April, 2021.
- B. Submitted By: Dynamic General Contracting, LLC. (Insert name of bidding firm or corporation).
- C. Authorized Signature:  (Handwritten signature).
- D. Signed By: Ioannis Kiotsekoglou (Type or print name).

ITEM 14

Roof Replacement, Worcester County Public Library, Ocean City, MD

0085B044.B01

E. Title: President (Owner/Partner/President/Vice President).

END OF DOCUMENT 004322

UNIT PRICES FORM

004322 - 2

AIA Document A310™ - 2010

Bid Bond

CONTRACTOR:

(Name, legal status and address)
DYNAMIC GENERAL CONTRACTING, LLC

731 Generals Highway
Millersville MD 21108

OWNER:

(Name, legal status and address)
County Commissioners of Worcester County Maryland

One Market Street

BOND AMOUNT: 5%

SURETY:

(Name, legal status and principal place of business)

Pennsylvania National Mutual Casualty Insurance Company

P.O. Box 2361
Harrisburg PA 17105

Snow Hill MD 21863

Five Percent of the Amount Bid

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

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

PROJECT:

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

Roof Replacement, Worcester County Public Library

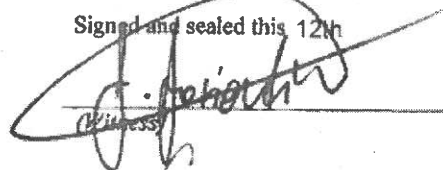
Project Number, if any:

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

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

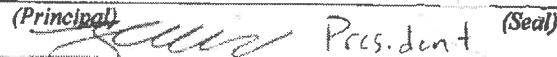
When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement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

Signed and sealed this 12th day of April 2021



(Witness)
Catherine Mathews, Witness

DYNAMIC GENERAL CONTRACTING, LLC

(Principal)  (Seal)

(Title) 
Pennsylvania National Mutual Casualty Insurance Company

(Surety)  (Seal)

(Title) Benjamin L. Mathews, Attorney-in-fact

Incl.

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PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY
Harrisburg, Pennsylvania

1485

POWER OF ATTORNEY

Know All Men By these Presents, That PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY, a corporation of the Commonwealth of Pennsylvania, does hereby make, constitute and appoint ANTHONY J. PUNG, CATHERINE M. MATHEWS, BENJAMIN L. MATHEWS, AND ADAM GRAP, ALL OF COLUMBIA, MARYLAND (EACH) its true and lawful Attorney(s)-in-Fact to make, execute, seal and deliver for and on its behalf, as surety, as its act and deed:

ANY AND ALL BONDS AND UNDERTAKINGS PROVIDED THE AMOUNT OF NO ONE BOND OR UNDERTAKING EXCEEDS THE SUM OF THREE MILLION DOLLARS ----- (\$3,000,000.00) ALL POWER AND AUTHORITY HEREBY CONFERRED SHALL HEREBY EXPIRE AND TERMINATE WITHOUT NOTICE AT MIDNIGHT ON JULY 31, 2029, AS RESPECTS EXECUTION SUBSEQUENT THERETO.

And the execution of such bonds in pursuance of these presents shall be as binding upon said Company as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Harrisburg, Pennsylvania, in their own proper persons.

This appointment is made by and under the authorization of a resolution adopted by the Board of Directors of the Company on October 24, 1973 at Harrisburg, Pennsylvania which is shown below and is now in full force and effect.

RESOLVED, that (1) the President, any Vice President, the Secretary, or any Department Secretary shall have power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Company, and affix the Company's seal thereto, bonds, undertakings, recognizance's, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any of such Officers of the Company may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-Fact with authority to execute waivers and consents on behalf of the Company; and (3) the signature of any such Officer or of any Assistant Secretary or Department Assistant Secretary and the Company seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seal when so used whether heretofore or hereafter, being hereby adopted by the Company as the original signature of such Officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

In Witness Whereof: PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY has caused these presents to be signed and its corporate seal to be hereto affixed on July 9, 2019.

PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY



Mark Fitzgerald
Mark Fitzgerald, Vice President - Surety

Commonwealth of Pennsylvania, County of Dauphin - ss:

On July 9, 2019, before me appeared Mark Fitzgerald to me personally known, who being by me duly sworn, did say that he resides in the New Jersey, that he is the Vice President - Surety of PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY, that he is the individual described in and who executed the preceding instrument, and that the seal affixed to said instrument is the corporate seal of said Company, and that said instrument was signed and sealed on behalf of said Company by authority and direction of said Company, and the said office acknowledged said instrument to be the free act and deed of said Company.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Traci A Kimmich, Notary Public
City Of Harrisburg, Dauphin County
My Commission Expires Oct 31, 2020
Member, Pennsylvania Association of Notaries

Traci A. Kimmich
Notary Public

I, Mark Fitzgerald, Vice President - Surety of the PENNSYLVANIA NATIONAL MUTUAL CASUALTY INSURANCE COMPANY, a corporation of the Commonwealth of Pennsylvania, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by the said Company, which is still in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the corporate seal of said Company on April 12, 2021

Mark Fitzgerald
Vice President - Surety



1420 Knecht Ave.
Baltimore, MD 21227



410-242-2400
Fax 410-247-7171

**SEALED BID FOR
WORCESTER COUNTY LIBRARY
ROOF REPLACEMENT**

**Office of the County Commissioners
Worcester County Government Center
1 West Market Street
Room 1103
Snow Hill, Maryland 21863**

Due Date:
April 12, 2021
1:00 PM

RESIDENTIAL • INDUSTRIAL • COMMERCIAL • INSTITUTIONAL ROOFING & SIDING • SHEET METAL WORK

www.ruffroofers.com

MEMBER:

National Roofing Contractors Association · Mid-Atlantic Roofing Contractors Association · Associated Builders & Contractors
Building Congress & Exchange · Better Business Bureau (A+) · Maryland Homebuilders Association

1420 Knecht Ave.
Baltimore, MD 21227



410-242-2400
Fax 410-247-7171

TABLE OF CONTENTS

1. Bid Form
2. Allowance Form
3. Unit Price Form
4. Bid Bond
5. Maryland License

RESIDENTIAL • INDUSTRIAL • COMMERCIAL • INSTITUTIONAL ROOFING & SIDING • SHEET METAL WORK

www.ruffroofers.com

MEMBER:

**National Roofing Contractors Association • Mid-Atlantic Roofing Contractors Association • Associated Builders & Contractors
Building Congress & Exchange • Better Business Bureau (A+) • Maryland Homebuilders Association**

Roof Replacement, Worcester County Public Library, Ocean City, MD

0085B044.B01

DOCUMENT 004113 - BID FORM - STIPULATED SUM (SINGLE-PRIME CONTRACT)

1.1 BID INFORMATION

- A. Bidder: Ruff Roofing and Sheet Metal, Inc.
- B. Project Name: Roof Replacement, Worcester County Public Library
- C. Project Location: 10003 Ocean Highway, Ocean City, Maryland
- D. Owner: County Commissioners of Worcester County Maryland
- E. Owner's Representative: Kenneth J. Whited, Maintenance Superintendent
- F. Architect: Davis Bowen and Friedel, Inc., 601 E Main Street, Salisbury, MD, 21804.

G. CERTIFICATIONS AND BASE BID

- H. Base Bid, Single-Prime (All Trades) Contract: The undersigned Bidder, having carefully examined the Procurement and Contracting Requirements, Conditions of the Contract, Drawings, Specifications, and all subsequent Addenda, as prepared by Davis Bowen and Friedel, Inc. and Architect's consultants, having visited the site, and being familiar with all conditions and requirements of the Work, hereby agrees to furnish all material, labor, equipment and services, including all scheduled allowances, necessary to complete the construction of the above-named project, according to the requirements of the Procurement and Contracting Documents, for the stipulated sum of:

- 1. One hundred twenty-one thousand, seven hundred and twenty-six Dollars (\$ 121,726.00).
- 2. The above amount may be modified by amounts indicated by the Bidder on the attached Document 004322 "Unit Prices Form"

1.2 BID GUARANTEE

- A. The undersigned Bidder agrees to execute a contract for this Work in the above amount and to furnish surety as specified within 10 days after a written Notice of Award, if offered within 60 days after receipt of bids, and on failure to do so agrees to forfeit to Owner the attached cash, cashier's check, certified check, U.S. money order, or bid bond, as liquidated damages for such failure, in the following amount constituting five percent (5%) of the Base Bid amount above:
 - 1. Six thousand and eighty-six and 30/100 Dollars (\$6,086.30).
- B. In the event Owner does not offer Notice of Award within the time limits stated above, Owner will return to the undersigned the cash, cashier's check, certified check, U.S. money order, or bid bond.

1.3 SUBCONTRACTORS AND SUPPLIERS

- A. The following companies shall execute subcontracts with the Prime Contractor for the portion of the Work indicated:
 1. Roofing Work: N/A
 2. Fiber Cement Siding and Trim Work: N/A

1.4 TIME OF COMPLETION

- A. The undersigned Bidder proposes and agrees hereby to commence the Work of the Contract Documents on a date specified in a written Notice to Proceed to be issued by Owner and shall fully complete the Work by June 9, 2021.

1.5 ACKNOWLEDGEMENT OF ADDENDA

- A. The undersigned Bidder acknowledges receipt of and use of the following Addenda in the preparation of this Bid:
 1. Addendum No. 1, dated N/A
 2. Addendum No. 2, dated _____
 3. Addendum No. 3, dated _____
 4. Addendum No. 4, dated _____


1.6 BID SUPPLEMENTS

- A. The following supplements are a part of this Bid Form and are attached hereto.
 1. Bid Form Supplement - Unit Prices.
 2. Bid Form Supplement - Bid Bond Form (AIA Document A310).

1.7 CONTRACTOR'S LICENSE

- A. The undersigned further states that it is a duly licensed contractor, for the type of work proposed, with the authorities having jurisdiction and that all fees, permits, etc., pursuant to submitting this proposal have been paid in full.

1.8 SUBMISSION OF BID

- A. Respectfully submitted this 8th day of April, 2021.
- B. Submitted By Ruff Roofing and Sheet Metal, Inc. (Name of bidding firm or corporation).
- C. Authorized Signature:  (Handwritten signature).
- D. Signed By: Robert Ruff (Type or print name).

Roof Replacement, Worcester County Public Library, Ocean City, MD

0085B044.B01

- E. Title: Vice President (Owner/Partner/President/Vice President).
- F. Witness By: *Julia Metzger* (Handwritten signature).
- G. Attest: *[Signature]* (Handwritten signature).
- H. By: Timothy Caldwell, P.E. (Type or print name).
- I. Title: Corporate Secretary (Corporate Secretary or Assistant Secretary).
- J. Street Address: 1420 Knecht Avenue.
- K. City, State, Zip Baltimore, Maryland 21227.
- L. Phone: (410) 242-2400.
- M. License No.: 03620479.
- N. Federal ID No.: 46-4760683 (Affix Corporate Seal Here).

END OF DOCUMENT 004113



Roof Replacement, Worcester County Public Library, Ocean City, MD

0085B044.B01

DOCUMENT 004321 - ALLOWANCE FORM


1.1 BID INFORMATION

- A. Bidder: Ruff Roofing and Sheet Metal, Inc.
- B. Project Name: Roof Replacement, Worcester County Public Library.
 - 1. Project Location: 10003 Ocean Highway, Ocean City, Maryland
- C. Owner: County Commissioners of Worcester County Maryland
 - 1. Owner's Representative: Kenneth J. Whited, Maintenance Superintendent
- D. Architect: Davis Bowen and Friedel, Inc., 601 E Main Street, Salisbury, Md., 21804.

1.2 D FORM SUPPLEMENT

- A. This form is required to be attached to the Bid Form.
- B. The undersigned Bidder certifies that Base Bid submission to which this Bid Supplement is attached includes those allowances described in the Contract Documents and scheduled in Section 012100 "Allowances."

1.3 SUBMISSION OF BID SUPPLEMENT

- A. Respectfully submitted this 8th day of April, 2021.
- B. Submitted By: Ruff Roofing and Sheet Metal, Inc. (Insert name of bidding firm or corporation).
- C. Authorized Signature:  (Handwritten signature).
- D. Signed By: Robert Ruff (Type or print name).
- E. Title: Vice President (Owner/Partner/President/Vice President).

END OF DOCUMENT 004321

Roof Replacement, Worcester County Public Library, Ocean City, MD

0085B044.B01

DOCUMENT 004322 - UNIT PRICES FORM

1.1 BID INFORMATION

- A. Bidder: Ruff Roofing and Sheet Metal, Inc.
- B. Project Name: Roof Replacement, Worcester County Public Library.
 - 1. Project Location: 10003 Ocean Highway, Maryland
- C. Owner: County Commissioners of Worcester County Maryland
 - 1. Owner's Representative: Kenneth J. Whited, Maintenance Superintendent
- D. Architect: Davis Bowen and Friedel, Inc., 601 E Main Street, Salisbury, Md., 21804.


1.2 BID FORM SUPPLEMENT

- A. This form is required to be attached to the Bid Form.
- B. The undersigned Bidder proposes the amounts below be added to or deducted from the Contract Sum on performance and measurement of the individual items of Work.
- C. If the unit price does not affect the Work of this Contract, the Bidder shall indicate "NOT APPLICABLE."

1.3 UNIT PRICES SHEATHING AND SIDING

- A. Unit-Price No. 1: 19/32" Roof Sheathing.
 - 1. One hundred and ninety Dollars (\$ 190.00) per unit (32 sq. ft).
- B. Unit -Price No 2: Fiber Cement Siding.
 - 1. Twenty-two Dollars (\$ 22.00) per unit (sq. ft).

1.4 SUBMISSION OF BID SUPPLEMENT

- A. Respectfully submitted this 8th day of April, 2021.
- B. Submitted By: Ruff Roofing and Sheet Metal, Inc. (Insert name of bidding firm or corporation).
- C. Authorized Signature:  (Handwritten signature).
- D. Signed By: Robert Ruff (Type or print name).

ITEM 14

Roof Replacement, Worcester County Public Library, Ocean City, MD

0085B044.B01

E. Title: Vice President (Owner/Partner/President/Vice President).

END OF DOCUMENT 004322

AIA Document A310™ - 2010

Bld Bond

CONTRACTOR:

(Name, legal status and address)

RUFF ROOFING AND SHEET METAL, INC.
1420 Knecht Avenue
Baltimore, MD 21227

SURETY:

(Name, legal status and principal place of business)

UNITED STATES SURETY COMPANY
One Texas Station Court, Suite 230
Timonium, MD 21093

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

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

OWNER:

(Name, legal status and address)

COUNTY COMMISSIONERS OF WORCESTER COUNTY MARYLAND
1 West Market Street
Snow Hill, MD 21863

BOND AMOUNT: FIVE PERCENT OF THE AMOUNT BID _____ (5%)

PROJECT:

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

WORCESTER COUNTY LIBRARY ROOF REPLACEMENT

Project Number, if any:

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

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

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

Signed and sealed this 12TH day of APRIL, 2021

[Signature]

(Witness)

[Signature]

(Witness)

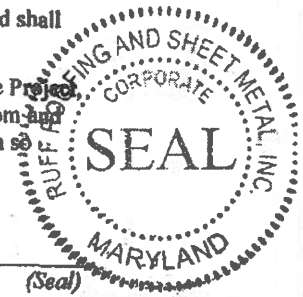
RUFF ROOFING AND SHEET METAL, INC.

[Signature] (Principal) (Seal)

UNITED STATES SURETY COMPANY

[Signature] (Surety) (Seal)

(Title) Janet A. Lari, Attorney in Fact



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TOKIOMARINE
HCC

POWER OF ATTORNEY
AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, Texas Bonding Company, an assumed name of American Contractors Indemnity Company, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

Michael H. Shaver, Janet A. Lari, Jon C. Capan

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed *****Unlimited***** Dollars (***unlimited***). This Power of Attorney shall expire without further action on April 23rd, 2022. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 1st day of June, 2018.

AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

State of California
County of Los Angeles



By: [Signature]
Daniel P. Aguilar, Vice President

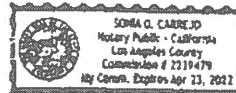
A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

On this 1st day of June, 2018, before me, Sonia O. Carrejo, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (seal)



I, Kio Lo, Assistant Secretary of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have herunto set my hand and affixed the seals of said Companies at Los Angeles, California this 14th day of April, 2021.

Corporate Seals
Bond No. 04122021
Agency No. 12103



[Signature]
Kio Lo, Assistant Secretary

90 County

State of Maryland
License

03620479

03838454

16280528



RUFF ROOFING AND SHEET METAL INC
1420 KNECHT AVE
BALTIMORE MD 21227

RUFF ROOFING AND SHEET METAL INC
1420 KNECHT AVE
BALTIMORE MD 21227

20

| COPY | UNIT | TYPE OF LICENSE | NO OF LIC | COST |
|------|------|---|-----------|-------|
| 77 | 040 | CONSTRUCTION FIRM (NOT FOR HOME IMPROVEMENT) | 1 | 40.00 |

DATE OF ISSUE:
MO DAY YR
05/05/2020

MONTHS PAID:
12

| | | | |
|--------------|-------|-------------|-------|
| ISSUING FEES | 2.00 | | |
| TOTAL | 42.00 | AMOUNT PAID | 42.00 |

THIS LICENSE MUST BE PUBLICLY DISPLAYED
AND EXPIRES ON **APRIL 30, 2021**

ISSUED BY

JULIE L. ENSOR, CLERK OF CIRCUIT COURT
P.O. Box 6754
TOWSON, MARYLAND 21285-6754 (410)887-2607

SKL



April 9, 2021

County Commissioners
Worcester County MD

RE: Ocean City Library Bid Clarifications

- Servicemax of Delmarva, LLC bid was based on field measurements not the scale on the drawings which appear to be mislabeled.
- Subcontractors and suppliers will be determined after the bid to best schedule work. The current supply of materials has a long lead time and one distributor may be able to procure materials quicker than others. We may also elect to supplement our work force with some subcontractor labor with our supervision to better get the job done on schedule.

Sincerely,

A handwritten signature in black ink, appearing to read "Timo Rajala".

Timo Rajala
Managing Member
Servicemax of Delmarva, LLC

DOCUMENT 004113 - BID FORM - STIPULATED SUM (SINGLE-PRIME CONTRACT)

1.1 BID INFORMATION

- A. Bidder: Servicemax of Delmarva, LLC.
- B. Project Name: Roof Replacement, Worcester County Public Library
- C. Project Location: 10003 Ocean Highway, Ocean City, Maryland
- D. Owner: County Commissioners of Worcester County Maryland
- E. Owner's Representative: Kenneth J. Whited, Maintenance Superintendent
- F. Architect: Davis Bowen and Friedel, Inc., 601 E Main Street, Salisbury, MD, 21804.

G. CERTIFICATIONS AND BASE BID

- H. Base Bid, Single-Prime (All Trades) Contract: The undersigned Bidder, having carefully examined the Procurement and Contracting Requirements, Conditions of the Contract, Drawings, Specifications, and all subsequent Addenda, as prepared by Davis Bowen and Friedel, Inc. and Architect's consultants, having visited the site, and being familiar with all conditions and requirements of the Work, hereby agrees to furnish all material, labor, equipment and services, including all scheduled allowances, necessary to complete the construction of the above-named project, according to the requirements of the Procurement and Contracting Documents, for the stipulated sum of:

- 1. One Hundred Thirty Eight Thousand Dollars (\$ 138,000.00).
- 2. The above amount may be modified by amounts indicated by the Bidder on the attached Document 004322 "Unit Prices Form"

1.2 BID GUARANTEE

- A. The undersigned Bidder agrees to execute a contract for this Work in the above amount and to furnish surety as specified within 10 days after a written Notice of Award, if offered within 60 days after receipt of bids, and on failure to do so agrees to forfeit to Owner the attached cash, cashier's check, certified check, U.S. money order, or bid bond, as liquidated damages for such failure, in the following amount constituting five percent (5%) of the Base Bid amount above:

- 1. Six Thousand Nine Hundred Dollars (\$ 6,900.00).

- B. In the event Owner does not offer Notice of Award within the time limits stated above, Owner will return to the undersigned the cash, cashier's check, certified check, U.S. money order, or bid bond.

1.3 SUBCONTRACTORS AND SUPPLIERS

A. The following companies shall execute subcontracts with the Prime Contractor for the portion of the Work indicated:

- 1. Roofing Work: TBD after bid for execution of work.
- 2. Fiber Cement Siding and Trim Work: TBD after bid for execution of work.

1.4 TIME OF COMPLETION

A. The undersigned Bidder proposes and agrees hereby to commence the Work of the Contract Documents on a date specified in a written Notice to Proceed to be issued by Owner and shall fully complete the Work by June 9, 2021.

1.5 ACKNOWLEDGEMENT OF ADDENDA

A. The undersigned Bidder acknowledges receipt of and use of the following Addenda in the preparation of this Bid:

- 1. Addendum No. 1, dated _____.
- 2. Addendum No. 2, dated _____.
- 3. Addendum No. 3, dated _____.
- 4. Addendum No. 4, dated _____.

1.6 BID SUPPLEMENTS

A. The following supplements are a part of this Bid Form and are attached hereto.

- 1. Bid Form Supplement - Unit Prices.
- 2. Bid Form Supplement - Bid Bond Form (AIA Document A310).

1.7 CONTRACTOR'S LICENSE

A. The undersigned further states that it is a duly licensed contractor, for the type of work proposed, with the authorities having jurisdiction and that all fees, permits, etc., pursuant to submitting this proposal have been paid in full.

1.8 SUBMISSION OF BID

A. Respectfully submitted this 9th day of April, 2021.

B. Submitted By Servicemax of Delmarva, LLC (Name of bidding firm or corporation).

C. Authorized Signature:  (Handwritten signature).

D. Signed By: Timo Rajala (Type or print name).

Roof Replacement, Worcester County Public Library, Ocean City, MD

0085B044.B01

- E. Title: Managing Member (Owner/Partner/President/Vice President).
- F. Witness By: Amanda L Longfellow (Handwritten signature).
- G. Attest: _____ (Handwritten signature).
- H. By: Amanda Longfellow (Type or print name).
- I. Title: _____ (Corporate Secretary or Assistant Secretary).
- J. Street Address: 116 West Chestnut Street
- K. City, State, Zip: Salisbury, Maryland 21801
- L. Phone: 443-736-7229
- M. License No.: MD 22673761
- N. Federal ID No.: 46-2864380 (Affix Corporate Seal Here).

END OF DOCUMENT 004113

DOCUMENT 004321 - ALLOWANCE FORM

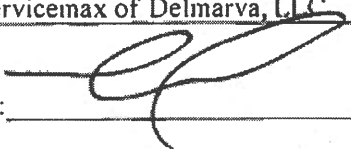
1.1 BID INFORMATION

- A. Bidder: Servicemax of Delmarva, LLC
- B. Project Name: Roof Replacement, Worcester County Public Library.
 - 1. Project Location: 10003 Ocean Highway, Ocean City, Maryland
- C. Owner: County Commissioners of Worcester County Maryland
 - 1. Owner's Representative: Kenneth J. Whited, Maintenance Superintendent
- D. Architect: Davis Bowen and Friedel, Inc., 601 E Main Street, Salisbury, Md., 21804.

1.2 D FORM SUPPLEMENT

- A. This form is required to be attached to the Bid Form.
- B. The undersigned Bidder certifies that Base Bid submission to which this Bid Supplement is attached includes those allowances described in the Contract Documents and scheduled in Section 012100 "Allowances."

1.3 SUBMISSION OF BID SUPPLEMENT

- A. Respectfully submitted this 9th day of April, 2021.
- B. Submitted By: Servicemax of Delmarva, LLC (Insert name of bidding firm or corporation).
- C. Authorized Signature:  (Handwritten signature).
- D. Signed By: Timo Rajala (Type or print name).
- E. Title: Managing Member (Owner/Partner/President/Vice President).

END OF DOCUMENT 004321

DOCUMENT 004322 - UNIT PRICES FORM

1.1 BID INFORMATION

- A. Bidder: Servicemax of Delmarva, LLC
- B. Project Name: Roof Replacement, Worcester County Public Library.
 - 1. Project Location: 10003 Ocean Highway, Maryland
- C. Owner: County Commissioners of Worcester County Maryland
 - 1. Owner's Representative: Kenneth J. Whited, Maintenance Superintendent
- D. Architect: Davis Bowen and Friedel, Inc., 601 E Main Street, Salisbury, Md., 21804.


1.2 BID FORM SUPPLEMENT

- A. This form is required to be attached to the Bid Form.
- B. The undersigned Bidder proposes the amounts below be added to or deducted from the Contract Sum on performance and measurement of the individual items of Work.
- C. If the unit price does not affect the Work of this Contract, the Bidder shall indicate "NOT APPLICABLE."

1.3 UNIT PRICES SHEATHING AND SIDING

- A. Unit-Price No. 1: 19/32" Roof Sheathing.
 - 1. Two Hundred Dollars (\$ 200.00) per unit (32 sq. ft).
- B. Unit -Price No 2: Fiber Cement Siding.
 - 1. Eight Dollars (\$ 8.00) per unit (sq. ft).

1.4 SUBMISSION OF BID SUPPLEMENT

- A. Respectfully submitted this 9th day of April , 2021.
- B. Submitted By: Servicemax of Delmarva, LLC (Insert name of bidding firm or corporation).
- C. Authorized Signature:  (Handwritten signature).
- D. Signed By: Timo Rajala (Type or print name).

Roof Replacement, Worcester County Public Library, Ocean City, MD

0085B044.B01

E. Title: Managing Member (Owner/Partner/President/Vice President).

END OF DOCUMENT 004322


AIA® Document A310™ – 2010
Bid Bond**CONTRACTOR:**

(Name, legal status and address)
 ServiceMax of Delmarva, LLC
 116 West Chestnut Street
 Salisbury, MD 21801

SURETY:

(Name, legal status and principal place of business)
 Atlantic Specialty Insurance Company
 605 Highway 169 North, Suite 800
 Plymouth, MN 55441

OWNER:

(Name, legal status and address)
 County Commissioners of Worcester County Maryland
 1 West Market Street, Room 1109
 Snow Hill, MD 21863

BOND AMOUNT: \$ -Five-Percent-of-Amount-Bid----(\$5%-of-Bid)

PROJECT:

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

Roof Replacement - Worcester County Public Library
 10003 Coastal Highway, Ocean City, Maryland

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

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

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

ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

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

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

Init.

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User Notes:

(1315648325)

12th April, 2021
Signed and sealed this day of

Amanda Longfellow
(Witness)

Terri K. Strawhand
(Witness) Terri K. Strawhand

ServiceMax of Delmarva, LLC
(Contractor as Principal) (Seal)

(Title) MANAGING MEMBER
Atlantic Specialty Insurance Company

(Surety) (Seal)

(Title) Daniel J. Grygo Attorney-in-Fact

ink.



Power of Attorney

Surety Bond No: Bid Bond

Principal: ServiceMax of Delmarva, LLC

Obligee: County Commissioners of Worcester County Maryland

KNOW ALL MEN BY THESE PRESENTS, that ATLANTIC SPECIALTY INSURANCE COMPANY, a New York corporation with its principal office in Plymouth, Minnesota, does hereby constitute and appoint: Daniel J. Grygo, each individually if there be more than one named, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof; provided that no bond or undertaking executed under this authority shall exceed in amount the sum of: sixty million dollars (\$60,000,000) and the execution of such bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof in pursuance of these presents, shall be as binding upon said Company as if they had been fully signed by an authorized officer of the Company and sealed with the Company seal. This Power of Attorney is made and executed by authority of the following resolutions adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the President, any Senior Vice President or Vice-President (each an "Authorized Officer") may execute for and in behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and affix the seal of the Company thereto; and that the Authorized Officer may appoint and authorize an Attorney-in-Fact to execute on behalf of the Company any and all such instruments and to affix the Company seal thereto; and that the Authorized Officer may at any time remove any such Attorney-in-Fact and revoke all power and authority given to any such Attorney-in-Fact.

Resolved: That the Attorney-in-Fact may be given full power and authority to execute for and in the name and on behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed and sealed by an Authorized Officer and, further, the Attorney-in-Fact is hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof.

This power of attorney is signed and sealed by facsimile under the authority of the following Resolution adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the signature of an Authorized Officer, the signature of the Secretary or the Assistant Secretary, and the Company seal may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing an Attorney-in-Fact for purposes only of executing and sealing any bond, undertaking, recognizance or other written obligation in the nature thereof, and any such signature and seal where so used, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

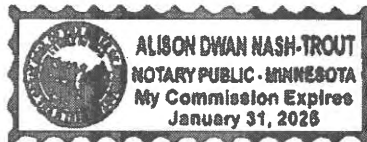
IN WITNESS WHEREOF, ATLANTIC SPECIALTY INSURANCE COMPANY has caused these presents to be signed by an Authorized Officer and the seal of the Company to be affixed this fifth day of March, 2020.

STATE OF MINNESOTA
HENNEPIN COUNTY



By *Paul J. Brehm*
Paul J. Brehm, Senior Vice President

On this fifth day of March, 2020, before me personally came Paul J. Brehm, Senior Vice President of ATLANTIC SPECIALTY INSURANCE COMPANY, to me personally known to be the individual and officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, that he is the said officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the seal of said Company and that the said seal and the signature as such officer was duly affixed and subscribed to the said instrument by the authority and at the direction of the Company.



Alison Nash-Trout
Notary Public

I, the undersigned, Assistant Secretary of ATLANTIC SPECIALTY INSURANCE COMPANY, a New York Corporation, do hereby certify that the foregoing power of attorney is in full force and has not been revoked, and the resolutions set forth above are now in force.

Signed and sealed. Dated 12th day of April, 2021



Christopher V. Jerry
Christopher V. Jerry, Secretary

Roof Replacement, Worcester County Public Library, Ocean City, MD

0085B044.B01

DOCUMENT 004113 - BID FORM - STIPULATED SUM (SINGLE-PRIME CONTRACT)

1.1 BID INFORMATION

- A. Bidder: Vertex Roofing Contractors Inc.
- B. Project Name: Roof Replacement, Worcester County Public Library
- C. Project Location: 10003 Ocean Highway, Ocean City, Maryland
- D. Owner: County Commissioners of Worcester County Maryland
- E. Owner's Representative: Kenneth J. Whited, Maintenance Superintendent
- F. Architect: Davis Bowen and Friedel, Inc., 601 E Main Street, Salisbury, MD, 21804.

G. CERTIFICATIONS AND BASE BID

- H. Base Bid, Single-Prime (All Trades) Contract: The undersigned Bidder, having carefully examined the Procurement and Contracting Requirements, Conditions of the Contract, Drawings, Specifications, and all subsequent Addenda, as prepared by Davis Bowen and Friedel, Inc. and Architect's consultants, having visited the site, and being familiar with all conditions and requirements of the Work, hereby agrees to furnish all material, labor, equipment and services, including all scheduled allowances, necessary to complete the construction of the above-named project, according to the requirements of the Procurement and Contracting Documents, for the stipulated sum of:

1. One Hundred Sixty Five thousand and Zero Cents Dollars (\$ 165,000.00).
2. The above amount may be modified by amounts indicated by the Bidder on the attached Document 004322 "Unit Prices Form"

1.2 BID GUARANTEE

- A. The undersigned Bidder agrees to execute a contract for this Work in the above amount and to furnish surety as specified within **10** days after a written Notice of Award, if offered within **60** days after receipt of bids, and on failure to do so agrees to forfeit to Owner the attached cash, cashier's check, certified check, U.S. money order, or bid bond, as liquidated damages for such failure, in the following amount constituting five percent (5%) of the Base Bid amount above:
1. Eight thousand Seven Hundred Fifty ^{8,750.00} Dollars (\$).
- B. In the event Owner does not offer Notice of Award within the time limits stated above, Owner will return to the undersigned the cash, cashier's check, certified check, U.S. money order, or bid bond.

1.3 SUBCONTRACTORS AND SUPPLIERS

- A. The following companies shall execute subcontracts with the Prime Contractor for the portion of the Work indicated:
 - 1. Roofing Work: Vertex Roofing Contractors Inc.
 - 2. Fiber Cement Siding and Trim Work: Vertex Roofing Contractors Inc.

1.4 TIME OF COMPLETION

- A. The undersigned Bidder proposes and agrees hereby to commence the Work of the Contract Documents on a date specified in a written Notice to Proceed to be issued by Owner and shall fully complete the Work by June 9, 2021.

1.5 ACKNOWLEDGEMENT OF ADDENDA

- A. The undersigned Bidder acknowledges receipt of and use of the following Addenda in the preparation of this Bid:
 - 1. Addendum No. 1, dated _____.
 - 2. Addendum No. 2, dated _____.
 - 3. Addendum No. 3, dated _____.
 - 4. Addendum No. 4, dated _____.

1.6 BID SUPPLEMENTS

- A. The following supplements are a part of this Bid Form and are attached hereto.
 - 1. Bid Form Supplement - Unit Prices.
 - 2. Bid Form Supplement - Bid Bond Form (AIA Document A310).

1.7 CONTRACTOR'S LICENSE

- A. The undersigned further states that it is a duly licensed contractor, for the type of work proposed, with the authorities having jurisdiction and that all fees, permits, etc., pursuant to submitting this proposal have been paid in full.

1.8 SUBMISSION OF BID

- A. Respectfully submitted this 12 day of April, 2021.
- B. Submitted By Vertex Roofing Contractors Inc (Name of bidding firm or corporation).
- C. Authorized Signature: _____ (Handwritten signature).
- D. Signed By: Jonathan Zimmer (Type or print name).

Roof Replacement, Worcester County Public Library, Ocean City, MD

0085B044.B01

- E. Title: President (Owner/Partner/President/Vice President).
- F. Witness By: *Nicole Eckley* (Handwritten signature).
- G. Attest: *[Signature]* (Handwritten signature).
- H. By: Nicole Eckley (Type or print name).
- I. Title: Vice President (Corporate Secretary or Assistant Secretary).
- J. Street Address: 9137 Euclid CT.
- K. City, State, Zip Manassas VA 20110.
- L. Phone: 703-794-2121.
- M. License No.: MD 131303.
- N. Federal ID No.: 45-3744003 (Affix Corporate Seal Here).

END OF DOCUMENT 004113

Roof Replacement, Worcester County Public Library, Ocean City, MD

0085B044.B01

DOCUMENT 004313 - BID SECURITY FORMS

1.1 BID FORM SUPPLEMENT

- A. A completed bid bond form is required to be attached to the Bid Form.

1.2 BID BOND FORM

- A. AIA Document A310, "Bid Bond," is the recommended form for a bid bond. A bid bond acceptable to Owner, or other bid security as described in the Instructions to Bidders, is required to be attached to the Bid Form as a supplement.
- B. Copies of AIA standard forms may be obtained from The American Institute of Architects; www.aia.org/contractdocs/purchase/index.htm; email: docspurchases@aia.org; (800) 942-7732.

END OF DOCUMENT 004313

DOCUMENT 004321 - ALLOWANCE FORM

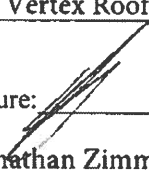
1.1 BID INFORMATION

- A. Bidder: Vertex Roofing Contractors Inc.
- B. Project Name: Roof Replacement, Worcester County Public Library.
 - 1. Project Location: 10003 Ocean Highway, Ocean City, Maryland
- C. Owner: County Commissioners of Worcester County Maryland
 - 1. Owner's Representative: Kenneth J. Whited, Maintenance Superintendent
- D. Architect: Davis Bowen and Friedel, Inc., 601 E Main Street, Salisbury, Md., 21804.

1.2 D FORM SUPPLEMENT

- A. This form is required to be attached to the Bid Form.
- B. The undersigned Bidder certifies that Base Bid submission to which this Bid Supplement is attached includes those allowances described in the Contract Documents and scheduled in Section 012100 "Allowances."

1.3 SUBMISSION OF BID SUPPLEMENT

- A. Respectfully submitted this 12 day of April, 2021.
- B. Submitted By: Vertex Roofing Contractors Inc. (Insert name of bidding firm or corporation).
- C. Authorized Signature:  (Handwritten signature).
- D. Signed By: Jonathan Zimmer (Type or print name).
- E. Title: President (Owner/Partner/President/Vice President).

END OF DOCUMENT 004321

Roof Replacement, Worcester County Public Library, Ocean City, MD

0085B044.B01

DOCUMENT 004322 - UNIT PRICES FORM

1.1 BID INFORMATION

- A. Bidder: Vertex Roofing Contractors Inc.
- B. Project Name: Roof Replacement, Worcester County Public Library.
 - 1. Project Location: 10003 Ocean Highway, Maryland
- C. Owner: County Commissioners of Worcester County Maryland
 - 1. Owner's Representative: Kenneth J. Whited, Maintenance Superintendent
- D. Architect: Davis Bowen and Friedel, Inc., 601 E Main Street, Salisbury, Md., 21804.

1.2 BID FORM SUPPLEMENT

- A. This form is required to be attached to the Bid Form.
- B. The undersigned Bidder proposes the amounts below be added to or deducted from the Contract Sum on performance and measurement of the individual items of Work.
- C. If the unit price does not affect the Work of this Contract, the Bidder shall indicate "NOT APPLICABLE."

1.3 UNIT PRICES SHEATHING AND SIDING

- A. Unit-Price No. 1: 19/32" Roof Sheathing.
 - 1. One Hundred Fifty Dollars (\$ 150.00) per unit (32 sq. ft).
- B. Unit -Price No 2: Fiber Cement Siding.
 - 1. One Hundred Dollars (\$ 100.00) per unit (sq. ft).

1.4 SUBMISSION OF BID SUPPLEMENT

- A. Respectfully submitted this 12 day of April, 2021.
- B. Submitted By: Vertex Roofing Contractors Inc. (Insert name of bidding firm or corporation).
- C. Authorized Signature: _____ (Handwritten signature).
- D. Signed By: Jonathan Zimmer (Type or print name).

Roof Replacement, Worcester County Public Library, Ocean City, MD

0085B044.B01

E. Title: President (Owner/Partner/President/Vice President).

END OF DOCUMENT 004322

THE AMERICAN INSTITUTE OF ARCHITECTS

AIA Document A310 Bid Bond

KNOW ALL MEN BY THESE PRESENTS, THAT WE Vertex Roofing Contractors, Inc. 9137 Euclid Ct., Manassas, VA 20110

as Principal, hereinafter called the Principal, and Selective Insurance Company of America 40 Wantage Avenue, Branchville, NJ 07890

a corporation duly organized under the laws of the State of NJ

as Surety, hereinafter called the Surety, are held and firmly bound unto County Commissioners of Worcester County, Maryland 1 West Market Street, Snow Hill, MD 21863

as Obligee, hereinafter called the Obligee, in the sum of Five Percent of Amount Bid Dollars (\$ 5%),

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Worcester County Library Roof Replacement, Ocean City Branch, 10003 Coastal Highway, Ocean City, MD 21842

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and materials furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 12th day of April, 2021

Signature of Nicole Eckley (Witness)

Vertex Roofing Contractors, Inc. (Principal) Seal By Jonathan Zimmer President (Title)

Signature of Patricia L. Lewis (Witness)



Selective Insurance Company of America (Surety) Seal By Ericka Y. Turner Attorney-in-Fact (Title)



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

Bond No: Bid Bond
Principal: Vertex Roofing Contractors, Inc.
Obligee: County Commissioners of Worcester County, Maryland

POWER OF ATTORNEY

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

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

does hereby appoint: Ericka Y. Turner Alexandria, VA

, its true and lawful attorney-in-fact, full authority to execute on SICA's behalf fidelity and surety bonds or undertakings and other documents of a similar character issued by SICA in the course of its business, and to bind SICA thereby as fully as if such instruments had been duly executed by SICA's regularly elected officers at its principal office, in amounts or penalties not exceeding the sum of: NO ONE BOND TO EXCEED TEN MILLION (\$10,000,000.00)

Signed this 12th day of April, 2021.

SELECTIVE INSURANCE COMPANY OF AMERICA

By: [Signature]
Brian C. Sarisky
Its SVP, Strategic Business Units, Commercial Lines



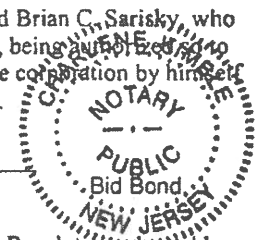
CERTIFIED COPY

STATE OF NEW JERSEY :
:ss. Branchville
COUNTY OF SUSSEX :

On this 12th day of April, 2021 before me, the undersigned officer, personally appeared Brian C. Sarisky, who acknowledged himself to be the Sr. Vice President of SICA, and that he, as such Sr. Vice President, being authorized to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Sr. Vice President and that the same was his free act and deed and the free act and deed of SICA.

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

[Signature]
Notary Public



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

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

CERTIFICATION

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

Signed this 12th day of April, 2021.

[Signature]
Michael H. Lanza, SICA Corporate Secretary





Worcester County
DEPARTMENT OF PUBLIC WORKS
 6113 TIMMONS ROAD
 SNOW HILL, MARYLAND 21863

JOHN H. TUSTIN, P.E.
 DIRECTOR

JOHN S. ROSS, P.E.
 DEPUTY DIRECTOR

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

DIVISIONS

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

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

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

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

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

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John H. Tustin, P.E., Director *JHT*
DATE: April 13, 2021
SUBJECT: Landfill Leachate Disposal at the Newark WWTP

Please find attached, a proposal from EA Engineering dated April 12, 2021, to perform a feasibility study to evaluate the possibility of sending leachate to the Newark WWTP for treatment. This would be done via a new pump station and new force main. The proposal also includes performing subsequent design and permitting efforts for the required pumping facility and 2500 LF of force main.

The evaluation will include items noted in Task 1, as outlined in Attachment A, page 1 of 4, for a cost of approximately \$6,785.63.

If the evaluation in Task 1 proves to be feasible and acceptable to the County, we will move forward with the Design and Permitting as described in Task 2, in Attachment A, page 2 of 4, at an estimated cost of \$23,178.05.

Funds are available in the Solid Waste Enterprise Fund budget account 680-6530-040, Consulting Services.

As noted in EA's cover letter, if this project proves to be feasible, it is conservatively estimated to produce savings based on 10,000 GPD of leachate transported to Newark of approximately \$88,500 annually. In addition, it is capable of producing a revenue stream to the Newark Service area of \$58,000/year using a disposal rate of \$0.02 per gallon which compares to the rate charged by the Ocean Pines service area.

Should you have any questions in the meantime, please do not hesitate to contact me.

Attachment

cc:
 John Ross, Deputy Director
 Mike Mitchell, Solid Waste



EA Engineering, Science,
and Technology, Inc., PBC

11200 Racetrack Road Unit 101A
Ocean Pines, MD 21811
Telephone: 410-641-5341
Fax: 410-641-5349
www.eaest.com

April 12, 2021

Mr. John Tustin P.E.
Director, Worcester County DPW
6113 Timmons Road
Snow Hill, Md 21863

**Subject: Worcester County Central Landfill Facility – Leachate Force Main Design
Proposal for Engineering Consulting Services
EA Proposal No. 0791460**

Dear Mr. Tustin:

EA Engineering, Science, and Technology, Inc., PBC (EA) is pleased to submit this letter proposal to the Worcester County Department of Public Works (County) to provide engineering consulting services for the design of a leachate force main connecting the Worcester County Central Landfill Facility (CLF) to the Newark Wastewater Treatment Plant (WWTP).

Background—As the County is aware, the volume of leachate management at the CLF increases with each new cell coming online. The most recent being Cell 5. The County has leachate storage, via an above ground leachate storage tank, at the CLF, but does not have onsite treatment and is required to truck the leachate offsite. Currently, the CLF transports the leachate to either the Snow Hill WWTP or the County owned Ocean Pines WWTP. EA understands that disposal fees for the Snow Hill WWTP is \$0.04/gallon and the Ocean Pines WWTP is \$0.02/gallon. Although, significant costs (trucking time and fuel) are incurred due to transporting leachate from the CLF to the Ocean Pines WWTP. An alternative option for partial leachate disposal is to transport, via force main, to the Newark WWTP.

The construction of the Newark WWTP spray irrigation system is nearing completion. EA understands the County is interested in evaluating the cost and payback period for leachate disposal from the CLF to the Newark WWTP. This would be accomplished by installing approximately 2,500 feet of force main connecting the CLF leachate pump house to the existing force main (from the Worcester Technical School to the Newark WWTP) along the railroad. EA completed a preliminary evaluation comparing the annual cost savings of offsite leachate disposal to the Snow Hill WWTP to the combined capital cost of the force main, pump station upgrades, and Newark WWTP disposal fee (assuming \$0.02/gallon). EA's evaluation assumes the Newark WWTP can accept 10,000 gallons per day for 290 days a year. Taking into account the Snow Hill WWTP disposal fee (\$0.04), trucking and gas costs, it is estimated the County would expend approximately \$146,500 annually for the above stated volume. The comparable costs (leachate transport via force main to the Newark WWTP) would be approximately \$58,000 per year. Thus, the annual cost savings is estimated to be approximately \$88,500. A preliminary design of the leachate force main and pump station upgrades has not been completed, but assuming a construction cost of \$300,000, the resulting payback period is approximately 3.5 years.



Scope of Work—EA will provide engineering services for the Worcester County CLF Leachate Force Main Project A detailed scope of work is presented in Attachment A.

Fee—EA proposes to complete the work detailed herein under a time and materials basis. The cost breakdown per task is included in Attachment A. A summary of the labor hours and cost for the work is presented in Attachment B. The work described under this proposal will be performed in accordance with Worcester County’s Standard Terms attached as Exhibit A.

We appreciate the opportunity to continue our long history of partnership with Worcester County in this endeavor and intend, throughout the course of this project, to act as a valuable and reliable extension of your staff. Feel free to contact me at (410) 641-5341 with any questions.

Respectfully yours,

Darl Kolar, P.E., BCEE
Project Manager

cc: Mark Gutberlet, P.E. – EA
Sam Davis, P.E. – EA

ACCEPTANCE: I have reviewed and understand the information contained in this proposal, and by my signature below provide authorization to proceed with the work defined herein.

| | | |
|-----------------------------------|--------------|--------------------------------|
| Signature | | Date |
| Joe M. Mitrecic, President | | Worcester County Commissioners |
| Name and Title (printed or typed) | | Client Name (printed or typed) |
| 410-632-3177 | 443-783-1709 | Mike Mitchell |
| Phone Number | Cell Number | Point of Contact |



**ATTACHMENT A
 SCOPE OF WORK FOR
 ENGINEERING CONSULTING SERVICES
 CENTRAL LANDFILL FACILITY FORCE MAIN TO
 NEWARK WASTEWATER TREATMENT PLANT**

This Scope of Work (SOW) describes the tasks necessary for engineering support services to evaluate the Newark Wastewater Treatment Plant (WWTP) for receiving leachate from the Worcester County Central Landfill Facility (CLF) followed by design and permitting of a leachate force main.

This proposal includes effort in assisting the County during the construction phase, providing construction administration and construction inspection services. The SOW is divided into two tasks; Task 1 – Newark WWTP Feasibility Evaluation and Task 2 – Design and Permitting

Task 1: Newark WWTP Feasibility Evaluation

EA understands the importance of evaluating the feasibility of the Newark WWTP to receive leachate from the Worcester County CLF. As an initial step, EA will review the potential impacts to the Newark WWTP by introducing the additional leachate from the CLF. The evaluation will include the following items.

- Review current and historical wastewater collection volumes at the Newark WWTP
- Determine available capacity of the Newark WWTP based on current and projected wastewater flows.
- Review existing leachate analytical testing data/results from recent sampling at the CLF.
- Calculate the anticipated dilution of the leachate by combining with wastewater from the Worcester Technical High School.
- Evaluate the implementation of additional aeration at the Newark WWTP to treat the added leachate.
- Evaluate the feasibility of a pilot program to slowly introduce leachate into the Newark WWTP.
- Review sampling results of the Newark WWTP during the pilot program

Following the collection and review of existing data and pilot program, EA will prepare a technical memorandum summarizing the findings, identify options for leachate volume and flow rate for disposal of leachate from the CLF to the Newark WWTP. EA will present the technical memorandum to the County for review and input. Following the County's review, EA will finalize the technical memorandum and submit to the County.

Task 1 Assumptions:

- Sampling of the Newark WWTP is not included in this proposal and assumed the County can sample during the normal wastewater sampling schedule.
- Effort includes the development of a pilot program and review of sampling results. Implementation and oversight of the pilot program is not included in this proposal.



Task 2: Design and Permitting

Following the approval of the County to proceed with the design, EA will design and provide contract documents for the force main and pump house upgrades at the CLF. As an initial task for the design of the force main, EA will meet with County personnel to discuss the project in greater detail. Following the initial meeting, EA will prepare a Concept Plan illustrating the proposed layout of the force main, as well as valve locations. Specifically, this task will include the following:

- EA will conduct an initial site visit and perform a site walk of the proposed alignment (attached) prepared by EA. The figure illustrates the approximate connection locations as the existing leachate pump house at the CLF and the existing force main parallel to the railroad.
- EA will evaluate the existing pumps at the CLF pump house to transport leachate via force main to the Newark WWTP. EA will connect with the pump vendors and/or manufacturer to first evaluate if pump retrofits (increased impeller size) is feasible. Should retrofits be determined to not be feasible, EA will evaluate pump replacement. EA assumes that pump retrofits or upgrades can be accomplished within the existing CLF pump house and with existing available electrical service.
- Following the site visit, EA will update the proposed draft alignment plan for the force main location, updating with additional information gathered on the site visit. This draft alignment will be developed on one 24-inch x 36-inch drawing. For the preparation of the draft alignment (as well as the final contract drawings), EA will use the most recent aerial topography completed by Axis Geospatial (April 2021) and field run topography completed by Benchmark Surveying Inc. (April 2021) in the area of the proposed force main.
- Once the draft alignment is completed, EA will meet with the County to obtain concurrence on the alignment and clarify connections between the existing system and the proposed force main, as well as other relevant details to ensure smooth assembly of the design package and subsequent construction.

Upon concurrence on the draft alignment, EA will proceed with the development of contract documents for the proposed force main. EA is very familiar with the Worcester County Water and Wastewater Division design requirements and will complete the force main design in accordance with the County's Standard Details and Specifications.

This design will include approximately 2,500 lf of new force main. Connections to the existing system on both ends (leachate pump house and railroad) of the alignment will be proposed to provide a complete network. It is anticipated that this new force main will be installed using open-trench construction requiring no right of way acquisition.

EA will verify the location of the existing valves and identify the required valves for the new force main system. The existing valves located at each of the proposed connection points will allow for the delineation of the proposed force main segment and will facilitate a straightforward connection during construction. EA will work with the County to ensure that valves are placed appropriately to accommodate isolation for maintenance.



EA will prepare the contract documents consisting of drawings and specifications in accordance with the County Standards. The design of the proposed force main will be depicted on ten drawings.

- (1) – Title Page
- (1) – Site Plan and Key Sheet(s): Existing & Proposed
- (1) – Force Main Alignment 1" = 50'
- (1) – Force Main Details and Notes
- (1) – Pump House Upgrade Details
- (1) – Force Main Details and Notes
- (1) – Electrical Site plan and Details
- (1) – Electrical Elementary
- (2) – Erosion and Sediment Control Details and Notes

EA will prepare contract specifications to support and compliment the contract drawings and are anticipated to consist of the following sections.

Preliminary Specification List

Instruction to Bidders
 General Conditions of the Contract
 Supplementary Conditions
 Bonds and Bid Forms
 01000 Summary of Work
 01010 Measurement and Payment
 01040 Coordination, Field Engineering, Survey Controls, and Record Documents
 01050 Field Coordination
 01300 Submittals
 01400 Quality Control
 01500 Mobilization and Traffic Control
 01600 Materials and Equipment
 01700 Contract Closeout
 01800 Environmental Protection
 02200 Earthwork and Dewatering
 02500 Seeding and Surfacing
 02602 Leakage Tests
 02800 Restoration
 02931 Erosion and Sediment Control
 03000 Concrete
 03300 Pre-Cast Concrete
 15050 Basic Mechanical Materials and Methods
 15080 Piping Systems, Valves and Appurtenances

Based on our understanding of the project scope and conversations with the Worcester Soil Conservation District (SCD), the area required for open trenching to install the force main will exceed the threshold limit of 5,000 square feet (sf) of disturbance to and will require erosion and sediment control approval. Therefore, EA will prepare the contract documents with the required erosion and sediment control



features, details, and notes to obtain the County SCD approval. Further, per discussions with the Worcester County Development Review and Permitting, this project will qualify for a stormwater management (SWM) waiver as a utility project. EA will prepare and submit a stormwater management waiver request to the Worcester County Development Review and Permitting.

In addition to the coordinating with SCD and Development Review and Permitting, EA will prepare a submittal to the Maryland Department of the Environment Solid Waste Division for review. EA assumes that this will not require a permit modification to the County’s Refuse Disposal Permit. EA will also prepare a Water and/or Sewerage Construction Permit on behalf of the County to submit to the MDE’s Engineering and Capital Projects Program.

EA recognizes the importance of County interaction and feedback during the design phase and proposes to provide the County with separate deliverables of a concept plan, pre-final (50%) and final contract bid documents. As the initial submittal, EA will provide two hard copies of the concept layout plan for review and comment. Following feedback from the County on the concept plan, EA will submit the concept plan for a SWM Waiver Request to the Worcester County Development Review and Permitting. EA will then prepare a pre-final design package which will consist of two hard copies each of the contract drawings, contract specifications and an engineer’s construction cost estimate. At this time, EA will submit to the County SCD for review. Following feedback from the County and SCD, EA will prepare two (2) hard copies of the final contract documents (drawings and specifications) for the County. EA will also provide a final engineer’s construction cost estimate.

Task 2 Assumptions:

- EA assumes that retrofits to the existing pump house to connect to the new force main can be accomplished within the existing pump house. The design of a separate pump station is not included in this SOW.
- Geotechnical investigations previously completed onsite is assumed to be sufficient for the force main design and not additional geotechnical investigations are required.
- Environmental investigations including wetlands, forest stand, and rare, threatened and endangered species are not included in this proposal.
- EA assumes that this project will not require the County to obtain approval of a permit modification of the County’s Refuse Disposal Permit.
- EA assumes that the MDE will not require a hydraulic model since this is not a water distribution system.

COSTS

Costs are shown on the attached tables to be performed on a time and materials basis and summarized below. The following is a breakdown of time and material costs per task.

| | |
|--|---------------------|
| Task 1. Newark WWTP Feasibility Evaluation | \$ 6,785.63 |
| Task 2. Force Main Design and Permitting | \$ 23,178.05 |
| TOTAL | \$ 29,963.68 |

**Attachment B-1
Cost Estimate
Worcester County - Central Landfill Facility Leachate Force Main
Engineering Design and Consulting Services
April 2021**

Total Task 1 Through 2

| EA Labor *(Refer to details in Attachment B-2) | Hours | | Rate | | Effort | Anticipated Staff |
|---|--------------|----|-------------|----|---------------|--------------------------|
| Senior Project Technical Reviewer | 6 | \$ | 62.79 | \$ | 376.74 | Laura Oakes |
| Project Manager | 14 | \$ | 77.42 | \$ | 1,083.85 | Darl Kolar |
| Senior Engineer | 32 | \$ | 50.73 | \$ | 1,623.36 | Steven Lemasters |
| Designer | 109 | \$ | 36.76 | \$ | 4,006.84 | Neil Hallowell |
| Project Engineer | 40 | \$ | 44.79 | \$ | 1,791.60 | Allison Barton |
| Electrical Engineer | 20 | \$ | 65.95 | \$ | 1,319.00 | Dan Yue |
| Senior Technical Writer | 8 | \$ | 51.49 | \$ | 411.92 | Janet Earickson |

| | | | | | | |
|-------------------------------|-----|--|--|--|-------------|--|
| <i>Total Personnel Effort</i> | 229 | | | | \$10,613.31 | |
|-------------------------------|-----|--|--|--|-------------|--|

| | | | | | | |
|--|--|--|--|--|--------------------|--|
| <i>Total Personnel Effort With Overhead and Profit</i> | | | | | \$29,717.26 | |
|--|--|--|--|--|--------------------|--|

Other Direct Costs

| | | | | | | | |
|---|----|--------|----|--------|----|--------|--|
| Office Equipment (Fax, telephone, etc.) | 0 | ls | \$ | 200.00 | \$ | - | |
| Mobile Phone | 0 | minute | \$ | 0.12 | \$ | - | |
| Digital Camera | 0 | ls | \$ | 200.00 | \$ | - | |
| Drawing Reproduction | 96 | sheets | \$ | 1.92 | \$ | 184.32 | |
| Copies | 0 | pgs | \$ | 0.06 | \$ | - | |
| Color Copies | 0 | sheets | \$ | 0.13 | \$ | - | |
| 3-inch Binder Report | 0 | ea | \$ | 62.34 | \$ | - | |
| Postage | 0 | ls | \$ | 300.00 | \$ | - | |
| Truck | 0 | days | \$ | 59.00 | \$ | - | |
| Truck mileage | 0 | miles | \$ | 0.28 | \$ | - | |
| Mileage | 90 | miles | \$ | 0.69 | \$ | 62.10 | |
| Misc. Supplies | 0 | ls | \$ | 150.00 | \$ | - | |

| | | | | | | | |
|---------------------------------|--|--|--|--|----|--------|-----------------|
| <i>Total Other Direct Costs</i> | | | | | \$ | 246.42 | \$246.42 |
|---------------------------------|--|--|--|--|----|--------|-----------------|

| | |
|----------------------------|--------------------|
| TOTAL TASK 1 Thru 2 | \$29,963.68 |
|----------------------------|--------------------|

**Attachment B-1
Cost Estimate
Worcester County - Central Landfill Facility Leachate Force Main
Engineering Design and Consulting Services
April 2021**

Total Task 1: Newark WWTP Feasibility Evaluation

| EA Labor *(Refer to details in Attachment B-2) | Hours | Rate | Effort | Anticipated Staff |
|---|--------------|-------------|---------------|--------------------------|
| Senior Project Technical Reviewer | 2 | \$ 62.79 | \$ 125.58 | Laura Oakes |
| Project Manager | 2 | \$ 77.42 | \$ 154.84 | Darl Kolar |
| Senior Engineer | 6 | \$ 50.73 | \$ 304.38 | Steven Lemasters |
| Designer | 9 | \$ 36.76 | \$ 330.84 | Neil Hollowell |
| Project Engineer | 24 | \$ 44.79 | \$ 1,074.96 | Allison Barton |
| Electrical Engineer | 4 | \$ 65.95 | \$ 263.80 | Dan Yue |
| Senior Technical Writer | 2 | \$ 51.49 | \$ 102.98 | Janet Earickson |

Total Personnel Effort

\$2,357.38

Total Personnel Effort With Overhead and Profit

\$6,600.65

Other Direct Costs

| | | | | |
|---|----|--------|-----------|-----------|
| Office Equipment (Fax, telephone, etc.) | 0 | ls | \$ 100.00 | \$ - |
| Mobile Phone | 0 | months | \$ 0.12 | \$ - |
| Digital Camera | 0 | months | \$ 200.00 | \$ - |
| Drawing Reproduction | 64 | sheets | \$ 1.92 | \$ 122.88 |
| Copies | 0 | pgs | \$ 0.06 | \$ - |
| Color Copies | 0 | sheets | \$ 0.13 | \$ - |
| 3-inch Binder Report | 0 | ls | \$ 62.34 | \$ - |
| Postage | 0 | ls | \$ 300.00 | \$ - |
| Truck | 0 | days | \$ 59.00 | \$ - |
| Truck mileage | 0 | miles | \$ 0.28 | \$ - |
| Mileage | 90 | miles | \$ 0.69 | \$ 62.10 |
| Misc. Supplies | 0 | ls | \$ 150.00 | \$ - |

Total Other Direct Costs

\$184.98

| | |
|-------------------|-------------------|
| TOTAL TASK | \$6,785.63 |
|-------------------|-------------------|

**Attachment B-1
Cost Estimate
Worcester County - Central Landfill Facility Leachate Force Main
Engineering Design and Consulting Services
April 2021**

Total Task 2: Design and Permitting

| EA Labor *(Refer to details in Attachment B-2) | Hours | Rate | Effort | Anticipated Staff |
|---|--------------|-------------|---------------|--------------------------|
| Senior Project Technical Reviewer | 4 | \$ 62.79 | \$ 251.16 | Laura Oakes |
| Project Manager | 12 | \$ 77.42 | \$ 929.01 | Darl Kolar |
| Senior Engineer | 26 | \$ 50.73 | \$ 1,318.98 | Steven Lemasters |
| Designer | 100 | \$ 36.76 | \$ 3,676.00 | Neil Hollowell |
| Project Engineer | 16 | \$ 44.79 | \$ 716.64 | Allison Barton |
| Electrical Engineer | 16 | \$ 65.95 | \$ 1,055.20 | Dan Yue |
| Senior Technical Writer | 6 | \$ 51.49 | \$ 308.94 | Janet Earickson |

Total Personnel Effort

\$8,255.93

Total Personnel Effort With Overhead and Profit

\$23,116.61

Other Direct Costs

| | | | | |
|---|----|--------|-----------|----------|
| Office Equipment (Fax, telephone, etc.) | 0 | ls | \$ 100.00 | \$ - |
| Mobile Phone | 0 | months | \$ 0.12 | \$ - |
| Digital Camera | 0 | months | \$ 200.00 | \$ - |
| Drawing Reproduction | 32 | sheets | \$ 1.92 | \$ 61.44 |
| Copies | 0 | pgs | \$ 0.06 | \$ - |
| Color Copies | 0 | sheets | \$ 0.13 | \$ - |
| 3-inch Binder Report | 0 | ls | \$ 62.34 | \$ - |
| Postage | 0 | ls | \$ 300.00 | \$ - |
| Truck | 0 | days | \$ 59.00 | \$ - |
| Truck mileage | 0 | miles | \$ 0.28 | \$ - |
| Mileage | 0 | miles | \$ 0.69 | \$ - |
| Misc. Supplies | 0 | ls | \$ 150.00 | \$ - |

Total Other Direct Costs

\$61.44

| | |
|-------------------|--------------------|
| TOTAL TASK | \$23,178.05 |
|-------------------|--------------------|

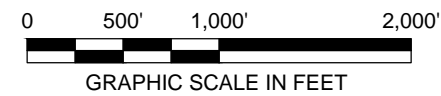
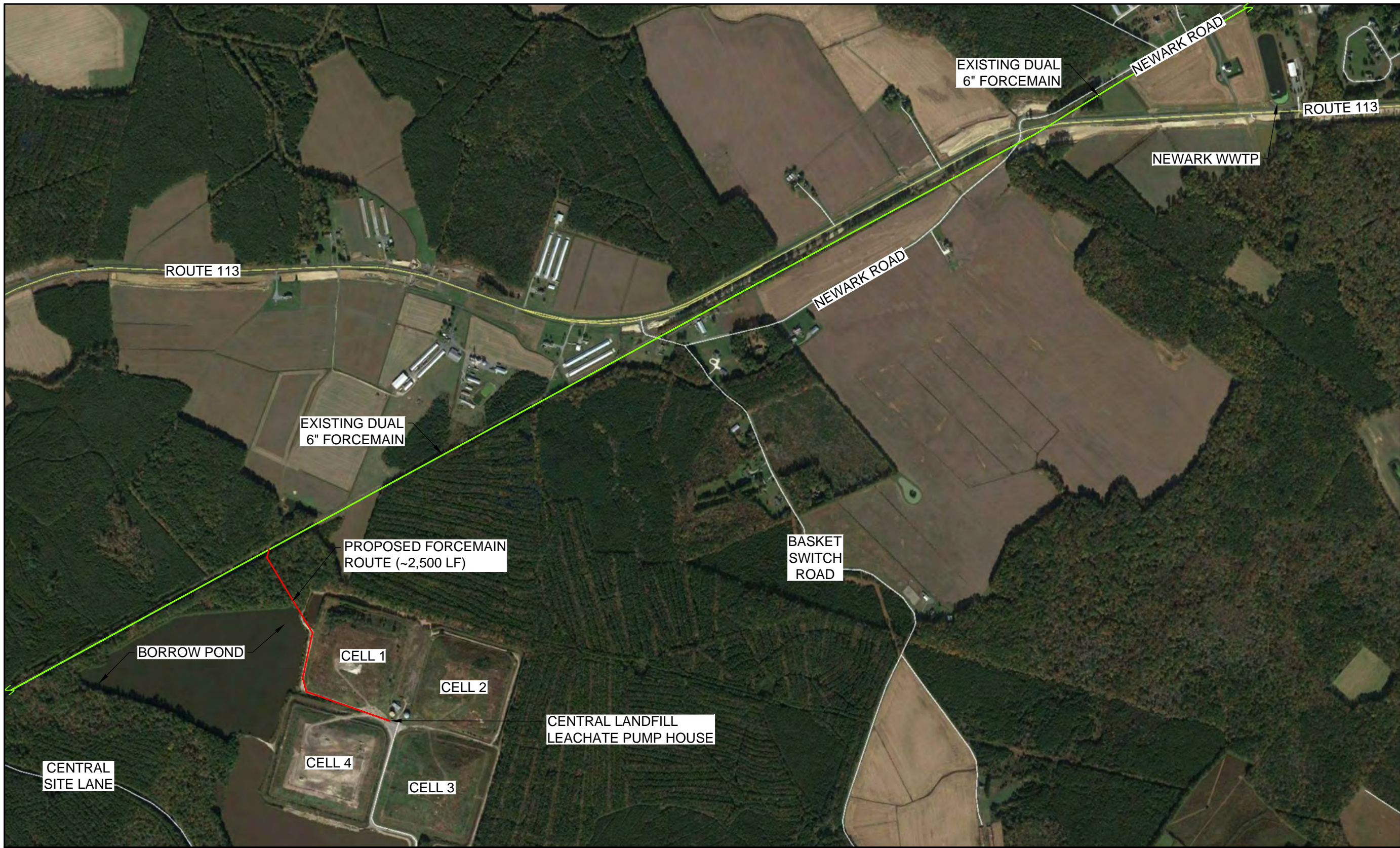
**Attachment B-2
Labor/Hour Estimate
Worcester County - Central Landfill Facility Leachate Force Main
Engineering Design and Consulting Services
April 2021**

Total Task 1: Newark WWTP Feasibility Evaluation

| | Senior Project Technical Reviewer | Project Manager | Senior Engineer | Designer | Project Engineer | Electrical Engineer | Senior Technical Writer |
|---|--------------------------------------|--------------------|-----------------|----------|---------------------|------------------------|-------------------------------|
| <i>Newark WWTP Leachate Receiving Feasibility Evaluation - Final Memo</i> | 1 | 1 | 4 | 8 | 16 | 2 | 1 |
| <i>Newark WWTP Leachate Receiving Feasibility Evaluation - Draft Memo</i> | 1 | 1 | 2 | 1 | 8 | 2 | 1 |
| Total - Task 1 | 2 | 2 | 6 | 9 | 24 | 4 | 2 |

Total Task 2: Design and Permitting

| | Senior Project Technical Reviewer | Project Manager | Senior Engineer | Designer | Project Engineer | Electrical Engineer | Senior Technical Writer |
|---|--------------------------------------|--------------------|-----------------|------------|---------------------|------------------------|-------------------------------|
| Project Management and Project Coordination | | 4 | | | | | |
| 50 % Design | 2 | 3 | 8 | 40 | 8 | 12 | 2 |
| 100% Design | 2 | 3 | 8 | 60 | 8 | 4 | 4 |
| MDE Sewerage Construction Permit | | 1 | 4 | | | | |
| MDE Solid Waste Division Review Submission | | 1 | 6 | | | | |
| Total - Task 2 | 4 | 12 | 26 | 100 | 16 | 16 | 6 |



FILE PATH: C:\USERS\HOLLOWELL\DESKTOP\FIGURE FOR CENTRAL LEACHATE.DWG [C-101] 12/20/16

15 - 12

ITEM 15

EA Engineering, Science, and Technology, Inc., PBC
 Hunt Valley Center
 225 Schilling Circle, Suite 400
 Hunt Valley, Maryland 21031
 (410) 584-7000

| | | | |
|----------------------|---------------------|--------------------|--------------------|
| PROJECT NUMBER: - | DESIGNED BY: NWH | DRAWN BY: NWH | FIGURE: F-1 |
| DATE: APRIL 2020 | CHECKED BY: DOK | PROJECT MGR.: - | SHEET NUMBER: 1 |

**CENTRAL LANDFILL
 LEACHATE FORCEMAIN DISTRIBUTION
 NEWARK MARYLAND**

**CENTRAL LANDFILL
 LEACHATE FORCEMAIN**

EXHIBIT A

Worcester County Maryland
Standard Terms

The provisions below are applicable to all Worcester County ("County") contracts. These provisions are not a complete agreement. These provisions must be attached to an executed document that identifies the work to be performed, compensation, term, incorporated attachments, and any special conditions ("Contract"). If the Standard Terms and any other part of the Contract conflict, then the Standard Terms will prevail.

1. **Amendment.** Amendments to the Contract must be in writing and signed by the parties.
2. **Bankruptcy.** If a bankruptcy proceeding by or against the Contractor is filed, then:
 - a. The Contractor must notify the County immediately; and
 - b. The County may cancel the Contract or affirm the Contract and hold the Contractor responsible for damages.
3. **Compliance with Law.** Contractor must comply with all applicable federal, state, and local law. Contractor is qualified to do business in the State of Maryland. Contractor must obtain, at its expense, all licenses, permits, insurance, and governmental approvals needed to perform its obligations under the Contract.
4. **Contingent Fee Prohibition.** The Contractor has not directed anyone, other than its employee or agent, to solicit the Contract and it has not promised to pay anyone a commission, percentage, brokerage fee, contingent fee, or other consideration contingent on the making of the Contract.
5. **Counterparts and Signature.** The Contract may be executed in several counterparts, each of which may be an original and all of which will be the same instrument. The Contract may be signed in writing or by electronic signature, including by email. An electronic signature, a facsimile copy, or computer image of the Contract will have the same effect as an original signed copy.
6. **Force Majeure.** The parties are not responsible for delay or default caused by fire, riot, acts of God, County-declaration-of-emergency, or war beyond their reasonable control. The parties must make all reasonable efforts to eliminate a cause of delay or default and must, upon cessation, diligently pursue their obligations under the Contract.
7. **Governing Law.** The Contract is governed by the laws of Maryland and the County.
8. **Indemnification.** The Contractor must indemnify the County and its agents from all liability, penalties, costs, damages, or claims (including attorney's fees) resulting from personal injury, death, or damage to property that arises from or is connected to the performance of the work or failure to perform its obligations under the Contract. All indemnification provisions will survive the expiration or termination of the Contract.
9. **Independent Contractor.**
 - a. Contractor is an "Independent Contractor", not an employee. Although the County may determine the delivery schedule for the work and evaluate the

quality of the work, the County will not control the means or manner of the Contractor's performance.

- b. Contractor is responsible for all applicable taxes on any compensation paid under the Contract. Contractor is not eligible for any federal Social Security, unemployment insurance, or workers' compensation benefits under the Contract.
- c. Contractor must immediately provide the County notice of any claim made against Contractor by any third party.

10. Insurance Requirements.

- a. Contractor must have Commercial General Liability Insurance in the amounts listed below. The insurance must include coverage for personal injury, discrimination, and civil rights violation claims. All insurance must name County, its employees, and agents as "ADDITIONAL INSURED". A copy of the certificate of insurance must be filed with the County before the Contract is executed, providing coverage in the amount of \$1,000,000 per occurrence, \$2,000,000 general aggregate, and \$500,000 for property damage.
- b. Contractor must have automobile insurance on all vehicles used in the Contract to protect Contractor against claims for damages resulting from bodily injury, including wrongful death, and property damage that may arise from the operations in connection with the Contract. All insurance must name County, its employees, and agents as "ADDITIONAL INSURED".
- c. Contractor must provide the County with a certification of Workers' Compensation Insurance, with employer's liability in the minimum amount required by Maryland law in effect for each year of the Contract.
- d. All insurance policies must have a minimum 30 days' notice of cancellation. The County must be notified immediately upon cancellation.
- e. When insurance coverage is renewed, Contractor must provide new certificates of insurance prior to expiration of current policies.

11. **Nondiscrimination.** Contractor must not discriminate against any worker, employee, or applicant because of religion, race, sex, age, sexual orientation, physical or mental disability, or perceived disability. This provision must be incorporated in all subcontracts related to the Contract.

12. Ownership of Documents; Intellectual Property.

- a. All documents prepared under the Contract must be available to the County upon request and will become the exclusive property of the County upon termination or completion of the services. The County may use the documents without restriction or without additional compensation to the Contractor. The County will be the owner of the documents for the purposes of copyright, patent, or trademark registration.
- b. If the Contractor obtains, uses, or subcontracts for any intellectual property, then it must provide an assignment to the County of ownership or use of the property.

- c. The Contractor must indemnify the County from all claims of infringement related to the use of any patented design, device, materials, or process, or any trademark or copyright, and must indemnify the County, its officers, agents, and employees with respect to any claim, action, costs, or infringement, for royalties or user fees, arising out of purchase or use of materials, construction, supplies, equipment, or services covered by the Contract.
13. **Payments.** Payments to the Contractor under the Contract will be within 30 days of the County's receipt of a proper invoice from the Contractor. If an invoice remains unpaid 45 days after the invoice was received, interest will accrue at 6% per year.
14. **Records.** Contractor must maintain fiscal records relating to the Contract in accordance with generally accepted accounting principles. All other relevant records must be retained by Contractor and kept accessible for at least three years after final payment, termination of the Contract, or until the conclusion of any audit, controversy, or litigation related to the Contract. All subcontracts must comply with these provisions. County may access all records of the Contractor related to the Contract.
15. **Remedies.**
- a. **Corrections of errors and omissions.** Contractor must perform work necessary to correct errors and omissions in the services required under the Contract, without undue delays and cost to the County. The County's acceptance will not relieve the Contractor of the responsibility of subsequent corrections of errors.
 - b. **Set-off.** The County may deduct from any amounts payable to the Contractor any back-charges, penalties, or damages sustained by the County, its agents, or employees caused by Contractor's breach. Contractor will not be relieved of liability for any costs caused by a failure to satisfactorily perform the services.
 - c. **Cumulative.** These remedies are cumulative and without waiver of any others.
16. **Responsibility of Contractor.**
- a. The Contractor must perform the services with the standard of care, skill, and diligence normally provided by a Contractor in the performance of services similar the services.
 - b. Notwithstanding any review, approval, acceptance, or payment for the services by the County, the Contractor will be responsible for the accuracy of any work, design, drawings, specifications, and materials furnished by the Contractor under the Contract.
 - c. If the Contractor fails to conform with subparagraph (a) above, then it must, if required by the County, perform at its own expense any service necessary for the correction of any deficiencies or damages resulting from the Contractor's failure. This obligation is in addition to any other remedy available to the County.

17. **Severability/Waiver.** If a court finds any term of the Contract to be invalid, the validity of the remaining terms will not be affected. The failure of either party to enforce any term of the Contract is not a waiver by that party.
18. **Subcontracting or Assignment.** The Contractor may not subcontract or assign any part of the Contract without the prior written consent of the County. The County may withhold consent for any reason the County deems appropriate.
19. **Termination.** If the Contractor violates any provision of the Contract, the County may terminate the Contract by written notice. All finished or unfinished work provided by the Contractor will, at the County's option, become the County's property. The County will pay the Contractor fair compensation for satisfactory performance that occurred before termination less the amount of damages caused by the Contractor's breach. If the damages are more than the compensation payable to the Contractor, the Contractor will remain liable after termination and the County can affirmatively collect damages.
20. **Termination of Contract for Convenience.** Upon written notice, the County may terminate the Contract when the County determines termination is in the County's best interest. Termination for convenience is effective on the date specified in the County's written notice. The County will pay for reasonable costs allocable to the Contract for costs incurred by the Contractor up to the date of termination. But the Contractor will not be reimbursed for any anticipatory profits that have not been earned before termination.
21. **Termination of Multi-year Contract.** If funds are not available for any fiscal period of the Contract after the first fiscal period, then the Contract will be terminated automatically as of the beginning of unfunded fiscal period. Termination will discharge the Contractor and the County from future performance of the Contract, but not from their rights and obligations existing at the time of termination.
22. **Third Party Beneficiaries.** The County and Contractor are the only parties to the Contract and are the only parties entitled to enforce its terms. Nothing in the Contract gives any benefit or right to third persons unless individually identified by name and expressly described as intended beneficiaries of the Contract.
23. **Use of County Facilities.** Contractor may only County facilities that are needed to perform the Contract. County has no responsibility for the loss or damage to Contractor's personal property which may be stored on County property.
24. **Whole Contract.** The Contract, the Standard Terms, and attachments are the complete agreement between the parties and supersede all earlier agreements, proposals, or other communications between the parties relating to the subject matter of the Contract.

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



OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER

ROSCOE R. LESLIE
COUNTY ATTORNEY

COMMISSIONERS
JOSEPH M. MITRECIC, PRESIDENT
THEODORE J. ELDER, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
JAMES C. CHURCH
JOSHUA C. NORDSTROM
DIANA PURNELL

MEMORANDUM

TO: Worcester County Commissioners
FROM: Weston S. Young, Assistant Chief Administrative Officer *WSY*
DATE: April 14, 2021
RE: Fire Funding Committee Update

President Mitrecic and county government members of the Fire Funding Committee wish to update the Commissioners on the Fire Funding Committee progress.

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



OFFICE OF THE
COUNTY COMMISSIONERS

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

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

April 14, 2021

COMMISSIONERS
JOSEPH M. MITRECIC, PRESIDENT
THEODORE J. ELDER, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
JAMES C. CHURCH
JOSHUA C. NORDSTROM
DIANA PURNELL

Felicia Johnson
9631 Peerless Road
Bishopville, MD 21813

BY REGULAR MAIL AND CERTIFIED MAIL

Nuisance Abatement Order #20-3

Your request for a hearing on Nuisance Abatement Order No. 20-3 has been received for the property located at 13204 Worcester Highway, Bishopville, Maryland 21813, and identified on Worcester County Tax Map 9 as Parcel 66.

The hearing on this matter has been scheduled for **Tuesday, April 20, 2021**, at 10:30am, in Room 1101 – Worcester County Government Center, One West Market Street, Snow Hill, Maryland 21863-1195.

For the County Commissioners

Weston S. Young
Assistant Chief Administrative Officer

cc: Edward A. Tudor, Director of Development, Review and Permitting
Jennifer Keener, Deputy Director, DRP
Kristen Tremblay, Zoning Administrator, DRP
Lisa Wilkens, Zoning Inspector, DRP
Phil Thompson, Finance Officer

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



OFFICE OF THE
COUNTY COMMISSIONERS

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

COMMISSIONERS
JOSEPH M. MITRECIC, PRESIDENT
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ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
JAMES C. CHURCH
JOSHUA C. NORDSTROM
DIANA PURNELL

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

December 28, 2020

Felicia Johnson
9631 Peerless Road
Bishopville, MD 21813

BY REGULAR MAIL AND CERTIFIED MAIL

Nuisance Abatement Order #20-3

You are hereby notified pursuant to Section 1-102 of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland, the County Commissioners of Worcester County have ordered that you abate the nuisance condition which exists on property owned by you located at 13204 Worcester Highway, Bishopville, Maryland 21813, and identified on Worcester County Tax Map 9 as Parcel 66. The precise nature of the nuisance, as determined by the County Commissioners, being the uncontrolled growth of grass, weeds or other rank vegetation to a height exceeding one foot; an unscreened accumulation of personal property exceeding 100 square feet in area; and structure(s) that are ramshackled or decayed and beyond reasonable hope of rehabilitation or restoration, each of which constitutes a nuisance under the provisions of Subsections PH 1-101(a)(1), (4) and (11) of the County Code. A copy of the law is enclosed for your reference.

You are hereby ordered to abate such nuisance by February 3, 2021. Should you wish a hearing on the matter, you must sign and deliver the enclosed request for a hearing to the Office of the County Commissioners, Room 1103 – Worcester County Government Center, One West Market Street, Snow Hill, Maryland 21863-1195, not later than five (5) days from your receipt of this letter.

Should you request technical assistance with regard to the abatement of the nuisance, you may contact Lisa Wilkens, Zoning Inspector, at the Worcester County Department of Development, Review and Permitting at (410) 632-1200, ext. 1135.

For the County Commissioners

Weston S. Young
Assistant Chief Administrative Officer

cc: Edward A. Tudor, Director of Development, Review and Permitting
Jennifer Keener, Deputy Director, DRP
Kristen Tremblay, Zoning Administrator, DRP
Lisa Wilkens, Zoning Inspector, DRP
Phil Thompson, Finance Officer

TO: The Worcester County Commissioners
Room 1103 – Worcester County Government Center
One West Market Street
Snow Hill, Maryland 21863-1195

Having been served with Nuisance Abatement Order No. 20-3 of the board of County Commissioners of Worcester County to abate a nuisance pursuant to Section 1-102 of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland, I hereby request a hearing on the matter before the Board of County Commissioners.

Name (please print)

Address _____

Phone #: _____

Date: _____

TO: Felicia Johnson
9631 Peerless Road
Bishopville, MD 21813

BY CERTIFIED MAIL

Your request for a hearing on Nuisance Abatement Order No. 20-3 has been received.

The hearing on this matter has been scheduled for _____, at _____, in Room 1101 – Worcester County Government Center, One West Market Street, Snow Hill, Maryland 21863-1195.

Harold L. Higgins
Chief Administrative Officer

Worcester County, MD
Thursday, October 15, 2020

Title PH1. Health-Related Nuisances

SUBTITLE I. Environmental Health Hazards

§ PH 1-101. Nuisances.

[Amended 11-10-1987 by Bill No. 87-5; 4-25-1989 by Bill No. 89-2]

- (a) Certain conditions to be declared nuisances. The existence of any of the following conditions in the County which are found to be dangerous or prejudicial to the maintenance of property values, health, safety or general welfare of the people of the County by the duly designated County department or official are hereby declared to constitute a public nuisance:

[Amended 11-16-2004 by Bill No. 04-11]

- (1) The uncontrolled growth of grass, weeds or other rank vegetation, including but not limited to ragweed, poison ivy, poison oak, poison sumac, and all other noxious weeds which are generally known to be either allergenic, a skin irritant, or toxic when ingested, to a height exceeding one foot.

[Amended 5-18-2010 by Bill No. 10-4]

- A. The above requirement shall not apply where the Department has determined, after an investigation which considers the physical characteristics or actual use of the property or other relevant factors, that the property qualifies as one of the following: properties utilized for a bona fide agricultural purpose, natural wooded areas, stream protection areas, habitat protection areas, steep slope and erodible soil protection areas, stormwater management facilities areas, unimproved areas of more than three acres in size, areas publicly owned and maintained as natural areas, and private open space areas covenanted with the County as recreational areas to be maintained in their natural state. In no case shall noxious weeds as described above be allowed to grow within sixty feet of any property line adjoining an occupied property zoned for residential, commercial or industrial purposes. In addition, the above requirement shall not apply to wetlands, stream protection areas, habitat protection areas, steep slope and erodible soils protection areas, stormwater management facilities areas and nature study areas. Any uncontrolled growth as described in and subject to the provisions of this section shall be cut to a height not exceeding four inches.
- B. Where it is ascertained that the owner, occupant or person in control of any lot or lands within the County has allowed or maintained on such lot or lands any growth of weeds or other rank vegetation to a height over one foot or that noxious weeds, as defined herein, are growing on lands within the County, written notice shall be served upon the owner, lessee, agent, or tenant having

charge of any lot or lands within the County that weeds or other rank vegetation have been allowed to grow to a height exceeding one foot and that such weeds or other vegetation must be cut to a height not exceeding three inches. If the owner or other person having charge of such lands is a nonresident, notice shall be sent by regular United States mail to his address as shown on the tax assessment rolls as maintained by the Maryland Department of Assessment and Taxation. Mailing by regular United States mail shall constitute adequate notice. In addition such notice shall be posted on the lot or lands not less than fifteen days prior to taking any further action and shall contain information describing the nature of the violation, the anticipated corrective action, and whom to contact for further information. If the address of any owner or person having charge of such lot or lands cannot be located after diligent search, posting of such notice on the lot or land shall constitute adequate notice.

- (2) Any accumulation of animal or vegetable matter or manure that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- A. The provisions of this section pertaining to manure shall not apply to legitimate agricultural land use unless said use is immediately adjacent to a residential structure on another lot. In such cases, manure cannot be stored within one hundred feet of the residential structure.
- (3) Any placing, leaving, dumping or accumulation of rubbish, household trash or junk causing or threatening to cause a fire hazard, or causing the inhabitation therein of rats, mice, snakes, or vermin of any kind or the accumulation of stagnant water causing or threatening to cause the breeding of insects which is or may be dangerous or prejudicial to the public health.
- (4) Other than as provided in Subsections (a)(4)A and B below, the outdoor storage or accumulation of personal property occupying greater than one hundred square feet of land area per parcel or lot, including but not limited to the following: appliances, appliance parts, furniture, linens, household goods, lawn mowers, auto, truck, boat, recreational vehicle, motorcycle or bicycle parts, scrap metal, glass, scrap paper, bicycles, wire, electrical or plumbing parts and fixtures, tools, building supplies and materials not in storage for existing permitted construction activity on the site.
- A. When the storage or accumulation of personal property as described in Subsection (a)(4) above is visually screened from adjoining public road rights-of-way and adjoining properties or contained wholly within a completely enclosed structure, the storage or accumulation of personal property may occupy greater than one hundred square feet of land area per parcel or lot.
- B. The provisions of this subsection shall not apply to properties utilized for bona fide agricultural purposes.
- (5) The deposit or accumulation of any foul, decaying or putrescent substance or garbage, trash, rubbish or other offensive matter upon the ground surface or in or upon any groundwater, abandoned well, sewage system, bathing area, lake, pond, watercourse, ditch, drain, gutter or tidewater, hole or pit.
- (6)

The overflow of any foul liquids or sewage or the escape of any sewage or sewage gas from any privy, cesspool, septic tank, subsurface tile field or any other type of sewage system which is not connected to a municipal sewage system; or any open cesspool or unsafe sewage system.

[Amended 7-26-2005 by Bill No. 05-8]

(7) A toilet or urinal in any public or quasi-public building which is maintained in an unsanitary condition.

(8) The accumulation or deposit of manure, human feces, garbage, cannery wastes or by-products, feathers and poultry offal, carcasses of animals or any form of filth.

(9) A polluted or unsafe water system, well or spring or the pollution of any well or spring.

[Amended 7-26-2005 by Bill No. 05-8]

(10) Any premises having an unsafe sewerage system or facility, or that is not provided with a suitable toilet or sanitary privy for all persons gathering, working or living therein.

[Amended 7-26-2005 by Bill No. 05-8]

(11) Any dilapidated, burned-out, fallen-down, ramshackled or decayed structure or remnant thereof which is unattended and uninhabitable or unusable for its intended purpose and is beyond reasonable hope of rehabilitation or restoration. The Commissioners, in making a determination of a nuisance condition under this subsection, shall consider the historical significance of the structure and its danger or potential danger to the public.

(12) Any unattended and unprotected man-made hole, cave, crater, cavity, pit or pool or similar surface condition which constitutes or has the potential of becoming a hazardous area to the public because of potential for cave-in, subsidence or collapse or because of an accumulation of water.

(13) The disposition of any animal carcass upon the surface of any land, road or highway.

(14) Such other similar conditions as the County Commissioners may determine to be prejudicial or dangerous to the health or safety of the people of the County or any of the above or similar conditions as may be determined by the County Commissioners to be prejudicial to property values in the County.

(b) Procedure for determination of nuisance.

(1) The County Commissioners shall, by resolution, designate County departments or officials to investigate, determine the existence of and issue citations for nuisances.

(2) The County Commissioners or any department or official designated to enforce this Subtitle may require that nuisance complaints be in writing, signed by the complainant and contain such information as may be necessary to locate and investigate the condition.

(3) No complaint shall be necessary to institute the investigation of a nuisance.

- (4) Departments and officials designated to enforce this Subtitle shall cooperate with each other in sharing information and making investigations.
- (5) The investigating department or official shall, after investigation, determine whether or not a nuisance exists.

(c) Violations.

- (1) Anyone permitting or maintaining a nuisance as determined hereunder shall be guilty of a civil infraction.
- (2) Each day that a nuisance is permitted or maintained shall constitute a separate infraction.
- (3) A property owner of property on which a nuisance exists, as well as the person causing the nuisance, shall be guilty of such civil infraction.
- (4) Nothing in this Subtitle shall prohibit the abatement of a nuisance under any other legal procedure or relieve a person charged with a civil infraction hereunder from liability under any other civil or criminal enactment.

(d) Notice. In addition to the penalties contained in Subsection (c) hereof, where it has been determined pursuant to Subsection (b)(5) hereof that a nuisance exists, the Department or official making such determination shall cause written notice to be sent to the property owner, as well as the occupant or other person in possession of the property in question, said notice to describe the nature of the nuisance and the actions necessary for correction. Such notice shall be sent by registered mail to the owners address as identified on the tax assessment rolls as maintained by the Maryland Department of Assessment and Taxation. If the address of any owner or person having charge of such lot or lands which is the subject of the nuisance cannot be located after diligent search or if the aforementioned notice by registered mail is not accepted or otherwise not deliverable, posting of such notice on the lot or land shall constitute adequate notice. Such notice shall be posted on the lot or lands not less than seven days prior to taking any further action and shall contain information describing the nature of the violation, the required corrective action, and whom to contact for further information.

[Added 11-16-2004 by Bill No. 04-11;^[1] amended 5-18-2010 by Bill No. 10-4]

[1] *Editor's Note: This bill also redesignated former Subsection (d) as Subsection (e).*

(e) Applicability.

(1) This Subtitle shall apply only in the unincorporated areas of Worcester County and shall not apply to any disposal site operated by the County Commissioners or the Worcester County Sanitary Commission.^[2]

[2] *Editor's Note: The Sanitary Commission was abolished by Bill No. 93-19.*

(2) This Subtitle shall not apply to any legal, bona fide, recognized agricultural practice, provided that such practice does not constitute a health hazard.

Worcester County, MD
Thursday, October 15, 2020

Title PH1. Health-Related Nuisances

SUBTITLE I. Environmental Health Hazards

§ PH 1-102. Abatement of nuisances.

[Amended 11-10-1987 by Bill No. 87-5; 8-2-1988 by Bill No. 88-6; 4-25-1989 by Bill No. 89-2]

(a) County Commissioners may abate. The County Commissioners may abate any nuisance so designated under this Subtitle.

(b) Procedure. Where necessary corrections have not been completed after the notice requirements as contained in § PH 1-101(d) hereof have been fulfilled, any Department or official charged with the enforcement of this subtitle may cause or request abatement of any nuisance condition in accordance with the following:

[Amended 11-16-2004 by Bill No. 04-11; 5-18-2010 by Bill No. 10-4]

(1) Where the Department has ascertained there to be a violation of the provisions of § PH 1-101(a)(1) hereof and corrective actions have not commenced after notice as provided for in § PH 1-101(d) hereof, the Department may enter upon the premises and cut or otherwise remove the overgrowth of vegetation in accordance with the standards as set forth in § PH 1-101(a) hereof. All costs associated with cutting and or removal of the vegetation, and a service fee, shall be assessed in accordance with a fee schedule established by resolution of the County Commissioners. The Department shall mail a statement of charges promptly upon completion of the corrective action to the owner of the premises. All such statements shall be due and payable within thirty days of mailing and shall bear interest thereafter in the same percentage as a delinquent County tax bill. Any unpaid and delinquent statement shall become a lien upon all real estate and personal property of the subject in the same manner as delinquent taxes and a notation shall be made upon the tax records of the County Finance Officer.

(2) For all nuisance conditions which remain uncorrected after notice as provided for in § PH 1-101(d) hereof, other than that described in Subsection (b)(1) hereof, the appropriate Department or official may request abatement of a nuisance.

(c) Notice, order, hearing. After the receipt of a request as described in Subsection (b)(2) hereof, the County Commissioners shall notify, in writing, the owner of the property on which the nuisance is located, as shown on the tax assessment rolls of the County as maintained by the Maryland Department of Assessments and Taxation, as well as the occupant or other person in possession of the property in question, of the request for abatement and shall send to such person an order requiring the prompt abatement of such nuisance within a reasonable time, to be set in such order, which is to take into

account the nature of the nuisance. The notice shall afford the owner, occupant or other person in possession of the premises the opportunity to be heard by the County Commissioners within a reasonable time, to be set in such order, which time shall take into account the nature of the nuisance. Such notice shall be sent to the owner's address as shown on the tax assessment rolls of the County as maintained by the Maryland Department of Assessments and Taxation by registered United States mail. If the address of any owner or person having charge of such lot or lands cannot be located after diligent search, or if the aforementioned notice by registered mail is not accepted or otherwise not deliverable, it shall be sufficient to post such notice on the lot or land. Such notice shall be posted on the lot or lands not less than fifteen days prior to taking any further action and shall contain information describing the nature of the violation, the anticipated corrective action, and whom to contact for further information. [Amended 11-16-2004 by Bill No. 04-11; 5-18-2010 by Bill No. 10-4]

(d) Abatement by County.

(1) In the event that such person does not abate any such nuisance as prescribed hereby within the prescribed period of abatement or does not appear before the County Commissioners and have such abatement order rescinded by the County Commissioners within the time prescribed, the County Commissioners may enter upon the premises and cause such condition to be removed or otherwise remedied by such means as the County Commissioners may deem most appropriate and expedient.

(2) Any person, upon receipt of an abatement notice as prescribed by this section, may, at any time up to the date on which such person might have been heard with regard to an order to abate, request the County, in writing, to abate such condition, provided that such request states an affirmative agreement on the part of the requesting party to pay the costs of such removal or abatement.

(e) Cost of abatement. Any actual costs incurred by the County in removing, abating or otherwise remedying any nuisance as herein prescribed, including reasonable attorney's fees, shall be charged to the owner of the land on which the nuisance existed as well as all subjects of the civil infraction citation and shall become a lien upon all real estate and personal property of the subject of the civil infraction citation in the same manner as delinquent taxes. In the case of a condominium or cooperative, the lien shall be upon all of the individual units proportionally. It shall be the duty of the County Finance Officer to mail a statement of such charges to the persons responsible at the address shown on the tax assessment rolls of the County or, in the case of no address on the assessment roll, to the last known address. All such statements shall be due and payable within thirty days from the date of receipt thereof and shall bear interest thereafter in the same percentage as a delinquent County tax bill. In the event that any such statement becomes delinquent, a notation of the delinquency shall be made upon the tax records of the County Finance Officer.

[Amended 7-26-2005 by Bill No. 05-8]

(f) Emergency nuisances. If, upon receipt of a report pursuant to Subsection (b) hereof, the Commissioners determine that a nuisance constitutes an emergency situation presenting a clear and present danger to the health or safety of the public, the Commissioners may abate the nuisance pursuant to Subsection (d) hereof without notice or hearing; provided, however, that the Commissioners shall make a good-faith effort to informally contact the property owner or occupant of the premises or person in possession and provide a reasonable opportunity to be heard. The cost of abatement

pursuant to Subsection (e) shall not be assessed against the property owner until after the property owner has been given a notice and a reasonable opportunity to be heard.



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>

MEMORANDUM

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director *EAT*
DATE: September 28, 2020
RE: Request for Nuisance Abatement – 13204 Worcester Highway

The purpose of this memo is to request the County Commissioners assistance in the abatement of nuisance conditions on the above referenced property. The Department has received and investigated a complaint from a neighbor located on Handy Lane relative to the condition of the structure on the property, the overgrowth of vegetation and accumulated debris. While the subject property is addressed as Worcester Highway it is accessed from Handy Lane.

The property owner has been notified by both certified and regular mail regarding the conditions on the property. The Zoning Inspector has spoken to a representative of the property owner as well. To date nothing has been done by the property owner to remove the nuisance conditions on the property.

While the Department may pursue the overgrowth of the vegetation without the Commissioners' assistance pursuant to Section PH 1-101(a)(1)B., I recommend that it be made part of the overall abatement should the Commissioners find the structures to be ramshackled or decayed and beyond reasonable hope of rehabilitation or restoration pursuant to Section PH 1-101(a)(11) and that there is an unscreened accumulation of personal property exceeding 100 square feet in area pursuant to Section PH 1-101(a)(4).

As always should you have any questions or need any additional information please let me know.

cc: Jennifer Keener, Deputy Director
Lisa Wilkens, Zoning Inspector

Real Property Data Search

Search Result for WORCESTER COUNTY

View Map View GroundRent Redemption View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 05 Account Number - 004845

Owner Information

Owner Name: JOHNSON FELICIA H Use: RESIDENTIAL
 Principal Residence: NO
 Mailing Address: 9631 PEERLESS RD Deed Reference: /05706/ 00168
 BISHOPVILLE MD 21813-0000

Location & Structure Information

Premises Address: 13204 WORCESTER HWY Legal Description: 12190 SQ FT
 BISHOPVILLE 21813-0000 EAST SIDE R 113
 NORTH OF BISHOP

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0009 0002 0066 5010001.24 0000 2019 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1930 728 SF 12,190 SF

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---------|----------|---------------|----------|---------|----------------|--------|-----------------------------------|
| 1 | NO | STANDARD UNIT | SIDING/ | 2 | 1 full | | |

Value Information

| | Base Value | Value As of 01/01/2019 | Phase-in Assessments | |
|--------------------|------------|------------------------------|----------------------|---------------------|
| | | | As of 07/01/2020 | As of 07/01/2021 |
| Land: | 31,200 | 31,200 | | |
| Improvements | 7,700 | 8,000 | | |
| Total: | 38,900 | 39,200 | 39,100 | 39,200 |
| Preferential Land: | 0 | | | 0 |

Transfer Information

| | | |
|---------------------------------|--------------------------|------------|
| Seller: HANDY CORA MARGARET | Date: 06/24/2011 | Price: \$0 |
| Type: NON-ARMS LENGTH OTHER | Deed1: /05706/ 00168 | Deed2: |
| Seller: LENFORD & ELSIE M HANDY | Date: 09/25/1950 | Price: \$0 |
| Type: NON-ARMS LENGTH OTHER | Deed1: SVH /03051/ 00247 | Deed2: |
| Seller: | Date: | Price: |
| Type: | Deed1: | Deed2: |

Exemption Information

| | | | |
|-----------------------------|-------|------------|------------|
| Partial Exempt Assessments: | Class | 07/01/2020 | 07/01/2021 |
| County: | 000 | 0.00 | |
| State: | 000 | 0.00 | |
| Municipal: | 000 | 0.00 0.00 | 0.00 0.00 |

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:



18 - 13

ITEM 18



18 - 14

ITEM 18



18 - 15

ITEM 18

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



OFFICE OF THE
COUNTY COMMISSIONERS

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

COMMISSIONERS
JOSEPH M. MITRECIC, PRESIDENT
THEODORE J. ELDER, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
JAMES C. CHURCH
JOSHUA C. NORDSTROM
DIANA PURNELL

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND
21863-1195

April 14, 2021

Gabriel Ben-Shlaush
4508 Morgal Street
Rockville, MD 20853

BY REGULAR MAIL AND CERTIFIED MAIL

Nuisance Abatement Order #21-1

Your request for a hearing on Nuisance Abatement Order No. 21-1 has been received for the property located at 11827 Grays Corner Road, Berlin, Maryland 21811, and identified on Worcester County Tax Map 26 as Parcel 44. Per your request, we have reviewed the possibility of conducting a hybrid meeting so that you could attend remotely. Unfortunately, due to our current system capabilities, we are unable to provide this service at this time. However, all meetings are held in strict accord with appropriate social distancing protocols and masking requirements.

The hearing on this matter has been scheduled for **Tuesday, April 20, 2021**, at 10:30am, in Room 1101 – Worcester County Government Center, One West Market Street, Snow Hill, Maryland 21863-1195.

For the County Commissioners

Weston S. Young
Assistant Chief Administrative Officer

cc: Edward A. Tudor, Director of Development, Review and Permitting
Jennifer Keener, Deputy Director, DRP
Kristen Tremblay, Zoning Administrator, DRP
Lisa Wilkens, Zoning Inspector, DRP
Phil Thompson, Finance Officer

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



OFFICE OF THE
 COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
 ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

January 13, 2021

HAROLD L. HIGGINS, CPA
 CHIEF ADMINISTRATIVE OFFICER

ROSCOE R. LESLIE
 COUNTY ATTORNEY

COMMISSIONERS
 JOSEPH M. MITRECIC, PRESIDENT
 THEODORE J. ELDER, VICE PRESIDENT
 ANTHONY W. BERTINO, JR.
 MADISON J. BUNTING, JR.
 JAMES C. CHURCH
 JOSHUA C. NORDSTROM
 DIANA PURNELL

Gabriel Ben-Shlaush
 4508 Morgal Street
 Rockville, MD 20853

BY REGULAR MAIL AND CERTIFIED MAIL

Nuisance Abatement Order #21-1

You are hereby notified pursuant to Section 1-102 of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland, the County Commissioners of Worcester County have ordered that you abate the nuisance condition which exists on property owned by you located at 11827 Grays Corner Road, Berlin, Maryland 21811, and identified on Worcester County Tax Map 26 as Parcel 44. The precise nature of the nuisance, as determined by the County Commissioners, being structure(s) that are ramshackled or decayed and beyond reasonable hope of rehabilitation or restoration, which constitutes a nuisance under the provisions of Subsections PH 1-101(a) (11) of the County Code. A copy of the law is enclosed for your reference.

You are hereby ordered to abate such nuisance by Friday, February 12, 2021. Should you wish a hearing on the matter, you must sign and deliver the enclosed request for a hearing to the Office of the County Commissioners, Room 1103 – Worcester County Government Center, One West Market Street, Snow Hill, Maryland 21863-1195, not later than five (5) days from your receipt of this letter.

Should you request technical assistance with regard to the abatement of the nuisance, you may contact Lisa Wilkens, Zoning Inspector, at the Worcester County Department of Development, Review and Permitting at (410) 632-1200, ext. 1135.

For the County Commissioners,

Harold L. Higgins
 Chief Administrative Officer

cc: Edward A. Tudor, Director of Development, Review and Permitting
 Jennifer Keener, Deputy Director, DRP
 Kristen Tremblay, Zoning Administrator, DRP
 Lisa Wilkens, Zoning Inspector, DRP
 Phil Thompson, Finance Officer

TO: The Worcester County Commissioners
Room 1103 – Worcester County Government Center
One West Market Street
Snow Hill, Maryland 21863-1195

Having been served with Nuisance Abatement Order No. 21-1 of the board of County Commissioners of Worcester County to abate a nuisance pursuant to Section 1-102 of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland, I hereby request a hearing on the matter before the Board of County Commissioners.

Name (please print)

Address _____

Phone #: _____

Date: _____

TO: Gabriel Ben-Shlaush
4508 Morgal Street
Rockville, MD 20853

BY CERTIFIED MAIL

Your request for a hearing on Nuisance Abatement Order No. 21-1 has been received.

The hearing on this matter has been scheduled for _____, at _____, in Room 1101 – Worcester County Government Center, One West Market Street, Snow Hill, Maryland 21863-1195.

Harold L. Higgins
Chief Administrative Officer

Worcester County, MD
Thursday, October 15, 2020

Title PH1. Health-Related Nuisances

SUBTITLE I. Environmental Health Hazards

§ PH 1-101. Nuisances.

[Amended 11-10-1987 by Bill No. 87-5; 4-25-1989 by Bill No. 89-2]

- (a) Certain conditions to be declared nuisances. The existence of any of the following conditions in the County which are found to be dangerous or prejudicial to the maintenance of property values, health, safety or general welfare of the people of the County by the duly designated County department or official are hereby declared to constitute a public nuisance:

[Amended 11-16-2004 by Bill No. 04-11]

- (1) The uncontrolled growth of grass, weeds or other rank vegetation, including but not limited to ragweed, poison ivy, poison oak, poison sumac, and all other noxious weeds which are generally known to be either allergenic, a skin irritant, or toxic when ingested, to a height exceeding one foot.

[Amended 5-18-2010 by Bill No. 10-4]

- A. The above requirement shall not apply where the Department has determined, after an investigation which considers the physical characteristics or actual use of the property or other relevant factors, that the property qualifies as one of the following: properties utilized for a bona fide agricultural purpose, natural wooded areas, stream protection areas, habitat protection areas, steep slope and erodible soil protection areas, stormwater management facilities areas, unimproved areas of more than three acres in size, areas publicly owned and maintained as natural areas, and private open space areas covenanted with the County as recreational areas to be maintained in their natural state. In no case shall noxious weeds as described above be allowed to grow within sixty feet of any property line adjoining an occupied property zoned for residential, commercial or industrial purposes. In addition, the above requirement shall not apply to wetlands, stream protection areas, habitat protection areas, steep slope and erodible soils protection areas, stormwater management facilities areas and nature study areas. Any uncontrolled growth as described in and subject to the provisions of this section shall be cut to a height not exceeding four inches.
- B. Where it is ascertained that the owner, occupant or person in control of any lot or lands within the County has allowed or maintained on such lot or lands any growth of weeds or other rank vegetation to a height over one foot or that noxious weeds, as defined herein, are growing on lands within the County, written notice shall be served upon the owner, lessee, agent, or tenant having

charge of any lot or lands within the County that weeds or other rank vegetation have been allowed to grow to a height exceeding one foot and that such weeds or other vegetation must be cut to a height not exceeding three inches. If the owner or other person having charge of such lands is a nonresident, notice shall be sent by regular United States mail to his address as shown on the tax assessment rolls as maintained by the Maryland Department of Assessment and Taxation. Mailing by regular United States mail shall constitute adequate notice. In addition such notice shall be posted on the lot or lands not less than fifteen days prior to taking any further action and shall contain information describing the nature of the violation, the anticipated corrective action, and whom to contact for further information. If the address of any owner or person having charge of such lot or lands cannot be located after diligent search, posting of such notice on the lot or land shall constitute adequate notice.

- (2) Any accumulation of animal or vegetable matter or manure that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- A. The provisions of this section pertaining to manure shall not apply to legitimate agricultural land use unless said use is immediately adjacent to a residential structure on another lot. In such cases, manure cannot be stored within one hundred feet of the residential structure.
- (3) Any placing, leaving, dumping or accumulation of rubbish, household trash or junk causing or threatening to cause a fire hazard, or causing the inhabitation therein of rats, mice, snakes, or vermin of any kind or the accumulation of stagnant water causing or threatening to cause the breeding of insects which is or may be dangerous or prejudicial to the public health.
- (4) Other than as provided in Subsections (a)(4)A and B below, the outdoor storage or accumulation of personal property occupying greater than one hundred square feet of land area per parcel or lot, including but not limited to the following: appliances, appliance parts, furniture, linens, household goods, lawn mowers, auto, truck, boat, recreational vehicle, motorcycle or bicycle parts, scrap metal, glass, scrap paper, bicycles, wire, electrical or plumbing parts and fixtures, tools, building supplies and materials not in storage for existing permitted construction activity on the site.
- A. When the storage or accumulation of personal property as described in Subsection (a)(4) above is visually screened from adjoining public road rights-of-way and adjoining properties or contained wholly within a completely enclosed structure, the storage or accumulation of personal property may occupy greater than one hundred square feet of land area per parcel or lot.
- B. The provisions of this subsection shall not apply to properties utilized for bona fide agricultural purposes.
- (5) The deposit or accumulation of any foul, decaying or putrescent substance or garbage, trash, rubbish or other offensive matter upon the ground surface or in or upon any groundwater, abandoned well, sewage system, bathing area, lake, pond, watercourse, ditch, drain, gutter or tidewater, hole or pit.
- (6)

The overflow of any foul liquids or sewage or the escape of any sewage or sewage gas from any privy, cesspool, septic tank, subsurface tile field or any other type of sewage system which is not connected to a municipal sewage system; or any open cesspool or unsafe sewage system.
[Amended 7-26-2005 by Bill No. 05-8]

(7) A toilet or urinal in any public or quasi-public building which is maintained in an unsanitary condition.

(8) The accumulation or deposit of manure, human feces, garbage, cannery wastes or by-products, feathers and poultry offal, carcasses of animals or any form of filth.

(9) A polluted or unsafe water system, well or spring or the pollution of any well or spring.
[Amended 7-26-2005 by Bill No. 05-8]

(10) Any premises having an unsafe sewerage system or facility, or that is not provided with a suitable toilet or sanitary privy for all persons gathering, working or living therein.
[Amended 7-26-2005 by Bill No. 05-8]

(11) Any dilapidated, burned-out, fallen-down, ramshackled or decayed structure or remnant thereof which is unattended and uninhabitable or unusable for its intended purpose and is beyond reasonable hope of rehabilitation or restoration. The Commissioners, in making a determination of a nuisance condition under this subsection, shall consider the historical significance of the structure and its danger or potential danger to the public.

(12) Any unattended and unprotected man-made hole, cave, crater, cavity, pit or pool or similar surface condition which constitutes or has the potential of becoming a hazardous area to the public because of potential for cave-in, subsidence or collapse or because of an accumulation of water.

(13) The disposition of any animal carcass upon the surface of any land, road or highway.

(14) Such other similar conditions as the County Commissioners may determine to be prejudicial or dangerous to the health or safety of the people of the County or any of the above or similar conditions as may be determined by the County Commissioners to be prejudicial to property values in the County.

(b) Procedure for determination of nuisance.

(1) The County Commissioners shall, by resolution, designate County departments or officials to investigate, determine the existence of and issue citations for nuisances.

(2) The County Commissioners or any department or official designated to enforce this Subtitle may require that nuisance complaints be in writing, signed by the complainant and contain such information as may be necessary to locate and investigate the condition.

(3) No complaint shall be necessary to institute the investigation of a nuisance.

- (4) Departments and officials designated to enforce this Subtitle shall cooperate with each other in sharing information and making investigations.
- (5) The investigating department or official shall, after investigation, determine whether or not a nuisance exists.

(c) Violations.

- (1) Anyone permitting or maintaining a nuisance as determined hereunder shall be guilty of a civil infraction.
- (2) Each day that a nuisance is permitted or maintained shall constitute a separate infraction.
- (3) A property owner of property on which a nuisance exists, as well as the person causing the nuisance, shall be guilty of such civil infraction.
- (4) Nothing in this Subtitle shall prohibit the abatement of a nuisance under any other legal procedure or relieve a person charged with a civil infraction hereunder from liability under any other civil or criminal enactment.

- (d) Notice. In addition to the penalties contained in Subsection (c) hereof, where it has been determined pursuant to Subsection (b)(5) hereof that a nuisance exists, the Department or official making such determination shall cause written notice to be sent to the property owner, as well as the occupant or other person in possession of the property in question, said notice to describe the nature of the nuisance and the actions necessary for correction. Such notice shall be sent by registered mail to the owners address as identified on the tax assessment rolls as maintained by the Maryland Department of Assessment and Taxation. If the address of any owner or person having charge of such lot or lands which is the subject of the nuisance cannot be located after diligent search or if the aforementioned notice by registered mail is not accepted or otherwise not deliverable, posting of such notice on the lot or land shall constitute adequate notice. Such notice shall be posted on the lot or lands not less than seven days prior to taking any further action and shall contain information describing the nature of the violation, the required corrective action, and whom to contact for further information.

[Added 11-16-2004 by Bill No. 04-11;^[1] amended 5-18-2010 by Bill No. 10-4]

[1] *Editor's Note: This bill also redesignated former Subsection (d) as Subsection (e).*

(e) Applicability.

- (1) This Subtitle shall apply only in the unincorporated areas of Worcester County and shall not apply to any disposal site operated by the County Commissioners or the Worcester County Sanitary Commission.^[2]
 - [2] *Editor's Note: The Sanitary Commission was abolished by Bill No. 93-19.*
- (2) This Subtitle shall not apply to any legal, bona fide, recognized agricultural practice, provided that such practice does not constitute a health hazard.

Worcester County, MD
Thursday, October 15, 2020

Title PH1. Health-Related Nuisances

SUBTITLE I. Environmental Health Hazards

§ PH 1-102. Abatement of nuisances.

[Amended 11-10-1987 by Bill No. 87-5; 8-2-1988 by Bill No. 88-6; 4-25-1989 by Bill No. 89-2]

(a) County Commissioners may abate. The County Commissioners may abate any nuisance so designated under this Subtitle.

(b) Procedure. Where necessary corrections have not been completed after the notice requirements as contained in § PH 1-101(d) hereof have been fulfilled, any Department or official charged with the enforcement of this subtitle may cause or request abatement of any nuisance condition in accordance with the following:

[Amended 11-16-2004 by Bill No. 04-11; 5-18-2010 by Bill No. 10-4]

(1) Where the Department has ascertained there to be a violation of the provisions of § PH 1-101(a)(1) hereof and corrective actions have not commenced after notice as provided for in § PH 1-101(d) hereof, the Department may enter upon the premises and cut or otherwise remove the overgrowth of vegetation in accordance with the standards as set forth in § PH 1-101(a) hereof. All costs associated with cutting and or removal of the vegetation, and a service fee, shall be assessed in accordance with a fee schedule established by resolution of the County Commissioners. The Department shall mail a statement of charges promptly upon completion of the corrective action to the owner of the premises. All such statements shall be due and payable within thirty days of mailing and shall bear interest thereafter in the same percentage as a delinquent County tax bill. Any unpaid and delinquent statement shall become a lien upon all real estate and personal property of the subject in the same manner as delinquent taxes and a notation shall be made upon the tax records of the County Finance Officer.

(2) For all nuisance conditions which remain uncorrected after notice as provided for in § PH 1-101(d) hereof, other than that described in Subsection (b)(1) hereof, the appropriate Department or official may request abatement of a nuisance.

(c) Notice, order, hearing. After the receipt of a request as described in Subsection (b)(2) hereof, the County Commissioners shall notify, in writing, the owner of the property on which the nuisance is located, as shown on the tax assessment rolls of the County as maintained by the Maryland Department of Assessments and Taxation, as well as the occupant or other person in possession of the property in question, of the request for abatement and shall send to such person an order requiring the prompt abatement of such nuisance within a reasonable time, to be set in such order, which is to take into

account the nature of the nuisance. The notice shall afford the owner, occupant or other person in possession of the premises the opportunity to be heard by the County Commissioners within a reasonable time, to be set in such order, which time shall take into account the nature of the nuisance. Such notice shall be sent to the owner's address as shown on the tax assessment rolls of the County as maintained by the Maryland Department of Assessments and Taxation by registered United States mail. If the address of any owner or person having charge of such lot or lands cannot be located after diligent search, or if the aforementioned notice by registered mail is not accepted or otherwise not deliverable, it shall be sufficient to post such notice on the lot or land. Such notice shall be posted on the lot or lands not less than fifteen days prior to taking any further action and shall contain information describing the nature of the violation, the anticipated corrective action, and whom to contact for further information. [Amended 11-16-2004 by Bill No. 04-11; 5-18-2010 by Bill No. 10-4]

(d) Abatement by County.

- (1) In the event that such person does not abate any such nuisance as prescribed hereby within the prescribed period of abatement or does not appear before the County Commissioners and have such abatement order rescinded by the County Commissioners within the time prescribed, the County Commissioners may enter upon the premises and cause such condition to be removed or otherwise remedied by such means as the County Commissioners may deem most appropriate and expedient.
- (2) Any person, upon receipt of an abatement notice as prescribed by this section, may, at any time up to the date on which such person might have been heard with regard to an order to abate, request the County, in writing, to abate such condition, provided that such request states an affirmative agreement on the part of the requesting party to pay the costs of such removal or abatement.

- (e) Cost of abatement. Any actual costs incurred by the County in removing, abating or otherwise remedying any nuisance as herein prescribed, including reasonable attorney's fees, shall be charged to the owner of the land on which the nuisance existed as well as all subjects of the civil infraction citation and shall become a lien upon all real estate and personal property of the subject of the civil infraction citation in the same manner as delinquent taxes. In the case of a condominium or cooperative, the lien shall be upon all of the individual units proportionally. It shall be the duty of the County Finance Officer to mail a statement of such charges to the persons responsible at the address shown on the tax assessment rolls of the County or, in the case of no address on the assessment roll, to the last known address. All such statements shall be due and payable within thirty days from the date of receipt thereof and shall bear interest thereafter in the same percentage as a delinquent County tax bill. In the event that any such statement becomes delinquent, a notation of the delinquency shall be made upon the tax records of the County Finance Officer. [Amended 7-26-2005 by Bill No. 05-8]

- (f) Emergency nuisances. If, upon receipt of a report pursuant to Subsection (b) hereof, the Commissioners determine that a nuisance constitutes an emergency situation presenting a clear and present danger to the health or safety of the public, the Commissioners may abate the nuisance pursuant to Subsection (d) hereof without notice or hearing; provided, however, that the Commissioners shall make a good-faith effort to informally contact the property owner or occupant of the premises or person in possession and provide a reasonable opportunity to be heard. The cost of abatement

pursuant to Subsection (e) shall not be assessed against the property owner until after the property owner has been given a notice and a reasonable opportunity to be heard.



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>

MEMORANDUM

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director *E.A.T.*
DATE: December 8, 2020
RE: Request for Nuisance Abatement – 11827 Grays Corner Road

The purpose of this memo is to request the County Commissioners assistance in the abatement of nuisance conditions on the above referenced property in accordance with Section PH 1-102 of the Public Health Article. The Department has received and investigated a complaint from a neighbor relative to the condition of the structure on the property. The structure consists of what appears to be an old mobile home with a brick façade and a stick-built addition on the westerly side of the structure. It is primarily the addition, which has partially collapsed, that is in the worst condition.

The property owner has been notified by both certified and regular mail regarding the conditions on the property but has done nothing to abate the nuisance. Should the County Commissioners find that the structure is indeed ramshackled, decayed and beyond reasonable hope of rehabilitation or restoration pursuant to Section PH 1-101(a)(11), I recommend that the owner be given no greater than thirty days to apply for the necessary permits to demolish the structure or to request a public hearing before the County Commissioners. Photographs of the property are attached.

As always should you have any questions or need any additional information please let me know.

cc: Jennifer Keener, Deputy Director
Lisa Wilkens, Zoning Inspector

Real Property Data Search

Search Result for WORCESTER COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 10 Account Number - 009561

Owner Information

Owner Name: BEN SHLAUSH GABRIEL Use: RESIDENTIAL
 Principal Residence: NO
 Mailing Address: 4508 MORGAL ST Deed Reference: /06384/ 00152
 ROCKVILLE MD 20853-0000

Location & Structure Information

Premises Address: 11827 GRAYS CORNER RD Legal Description: LOTS 46 47 BLK A
 BERLIN 21842-0000 OLD OCEAN CITY RD
 WINCHESTER DEV

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0026 0004 0013 10030022.24 71L8 A 46 2020 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1972 1,362 SF 1.2900 AC

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---------|----------|-------------------|-------------|---------|----------------|--------|-----------------------------------|
| 1 | NO | MANUFACTURED HOME | BRICK/FRAME | 2 | 1 full | | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|--------------------|------------|------------|----------------------|------------|
| | | As of | As of | As of |
| | | 01/01/2020 | 07/01/2020 | 07/01/2021 |
| Land: | 82,900 | 82,900 | | |
| Improvements | 8,100 | 8,000 | | |
| Total: | 91,000 | 90,900 | 90,900 | 90,900 |
| Preferential Land: | 0 | | | 0 |

Transfer Information

| | | |
|---|--|----------------------------|
| Seller: HERNANDEZ LUIS B & Type: NON-ARMS LENGTH OTHER | Date: 06/13/2014 Deed1: /06384/ 00152 | Price: \$50,000 Deed2: |
| Seller: CROCETTI EDWARD & Type: ARMS LENGTH IMPROVED | Date: 10/30/2006 Deed1: /04808/ 00217 | Price: \$241,000 Deed2: |
| Seller: BRADFORD RICHARD O'NEIL & EVA Type: ARMS LENGTH IMPROVED | Date: 10/19/1993 Deed1: SVH /01593/ 00368 | Price: \$28,000 Deed2: |

Exemption Information

| | | | |
|-----------------------------|-------|------------|------------|
| Partial Exempt Assessments: | Class | 07/01/2020 | 07/01/2021 |
| County: | 000 | 0.00 | |
| State: | 000 | 0.00 | |
| Municipal: | 000 | 0.00 0.00 | 0.00 0.00 |

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:



19 - 13

ITEM 19



ITEM 19

19 - 14



19 - 15

ITEM 19

Tax Map 26 Parcel 13



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

ZONING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

MEMORANDUM

To: Harold L. Higgins, Chief Administrative Officer
From: Edward A. Tudor, Director *EAT*
Date: April 12, 2021
Re: Draft Agritourism Regulations

On March 9, 2021, Deputy Director Jennifer Keener and I met with the Department of Environmental Programs, the Office of Tourism and Economic Development, and Kevin Atticks of Grow and Fortify, to discuss the topic of value-added agriculture and agritourism in Worcester County. Following that discussion, on March 16, 2021, I was asked by Commissioner President Mitrecic during my evaluation to prepare recommendations with regard to changes necessary to greater facilitate agritourism in the County. As a result, Jennifer Keener and I have prepared a draft bill to amend the Zoning and Subdivision Control Article to incorporate the various concerns that were raised by the Office of Tourism and Economic Development and the consultant, Kevin Atticks, with respect to the current zoning regulations.

I think it is fair to say that the general theme of our meeting and the supplied materials was that in general, existing definitions of agritainment/ agritourism are too narrow, the required approval processes are too involved and time consuming, and that any activity on a farm that enhances the value of a farm product or operation should largely be exempt from most regulation.

While I felt that our current definition of agritainment closely matched the definition of agritourism that was provided to us from Fredrick County, we nonetheless expanded the definition to include all of the activities that were pitched at our March 9th meeting. The new draft definition of agritourism includes our original uses but has been expanded to include camping, children's day camps, live entertainment and shows just to name a few. In addition, in the current code provisions for wineries and special events on a farm are special exception uses but are now proposed to be accessory uses no longer subject to Board of Zoning Appeals approval. In order to facilitate an expedited approval process, we have eliminated all access and traffic circulation, parking, off-street loading, landscaping and buffering, exterior lighting and site plan approval requirements and greatly reduced lot requirements. However, I want to make it abundantly clear that the proposed changes are only to our Zoning and Subdivision Control Article. They do not affect any of the building code requirements or those of the Department of

Environmental Programs. In my opinion, changes to the building code requirements for agritourism can only be accomplished by changes to state law, specifically section 12-508 of the Public Safety Article (copy attached).

Attached you will find a copy of a draft bill which does the following to facilitate the requested goals: repeals the definition of agritainment and replaces it with a definition for agritourism with an expanded list of uses allowed; adds a definition for agricultural alcohol production that will include uses such as farm wineries and farm breweries; and repeals the existing special exception uses for non-agricultural events on a farm in the A-1 and A-2 Agricultural and E-1 Estate Districts and replaces it with an accessory use for agritourism in those same districts, with reduced lot requirements and the elimination of the site plan review requirements.

While this draft is in a form that could be introduced as a legislative bill, it must be referred to the Planning Commission for their review and recommendation before any public hearing. At this time, we are only seeking the County Commissioners' feedback on this draft bill prior to forwarding it to the Planning Commission for their consideration. As always, I will be available to discuss this matter with you and the County Commissioners at your convenience.

Attachment

cc: Jennifer Keener, Deputy Director
Tom Perlozzo, Director, Recreation & Parks, Tourism & Economic Development
Melanie Pursel, Director, Office of Tourism and Economic Development
Michele Burke, Business Development and Retention Specialist
Bob Mitchell, Director, Department of Environmental Programs

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 21-

BY:
INTRODUCED:

A BILL ENTITLED

AN ACT Concerning

Zoning – Agritourism

For the purpose of amending the Zoning and Subdivision Control Article to repeal the definition of agritainment facility and reenact the definition of agritourism to include additional uses, to add a definition of agricultural alcohol production, to remove agritainment facilities and wineries as a Special Exception use in the A-1 and A-2 Agricultural Districts, to remove the commercial hosting of functions and events as a Special Exception use in the A-1 and A-2 Agricultural Districts and the E-1 Estate District, and to allow additional uses under the expanded definition of agritourism as an accessory use in the A-1 and A-2 Agricultural Districts and the E-1 Estate District.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the existing definition of “agritainment facility” as contained in Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and replaced by the new definition “agritourism” to read as follows:

AGRITOURISM - A farm enterprise wherein activities are conducted on a working farm and offered to the public for the purpose of recreation, education, or active involvement in the farm operation and for promotion of farm products and traditional rural living. These activities must be related to agriculture, natural resources or traditional rural living and be incidental to the primary operation of the site as a farm. The term includes but is not limited to farm tours; pumpkin hunts; hay rides; crop mazes; hay tunnels; petting, feeding and viewing of farm animals; horse or pony rides; farm equipment rides; festivals; informational displays or activities; classes or demonstrations related to agricultural products or skills; agricultural alcohol production including packaging, storage, distribution, tastings and sales; camping; farm stays; event services; farm restaurants; art demonstrations and shows; children’s day camps; special events; hobby and community farming; live entertainment and shows; non-agricultural functions and events including but not limited to weddings and wedding receptions, family reunions, birthday and anniversary celebrations, children’s parties, corporate and employee appreciation parties and the like; retail sales of farm goods; and other similar activities or uses.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland

be amended by the addition of a definition of the term “agricultural alcohol production” to read as follows:

Agricultural Alcohol Production - An activity that is carried out by a license holder as defined in Section § 1-101 of the Annotated Code of the State of Maryland, Alcoholic Beverage Article, as may be amended from time to time, which occurs on a farm as defined in Subsection § ZS 1-103(b) herein and which is zoned as either A-1 or A-2 Agricultural District or E-1 Estate District, and is related to the manufacture, packaging, storage, distribution, promotion, sale or tasting of alcoholic beverages that use any portion of ingredients produced on the farm.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsections §§ ZS 1-201(c)(9), ZS 1-201(c)(10) and ZS 1-201(c)(33) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and Subsections §§ ZS 1-201(c)(11) through ZS 1-201(c)(32) and § ZS 1-201(c)(34) be renumbered as Subsections §§ ZS 1-201(c)(9) through 201(c)(30) and ZS 1-201(c)(31) respectively.

Section 4. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-201(d) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new Subsection § ZS 1-201(d)(13) to read as follows:

- (13) On a farm, as defined herein, the use of not more than twenty percent of the gross acreage actively used for an agricultural purpose on a lot or parcel, for agritourism uses and structures as defined herein. Minimum lot requirements for the agritourism uses and structures shall be: front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; side yard setback, thirty-five feet; and rear yard setback, thirty-five feet. Notwithstanding any requirements to the contrary, agritourism uses shall not be subject to the provisions of §§ ZS 1-319, ZS 1-320, ZS 1-321, ZS 1-322, ZS 1-323 and ZS 1-325 hereof. However, agritourism uses shall be subject to all provisions of Section § ZS 1-115 hereof. All amplified outdoor entertainment or background music shall only be permitted between 1:00 P.M. and 10:00 P.M.

Section 5. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsections §§ ZS 1-202(c)(9), ZS 1-202(c)(10) and ZS 1-202(c)(43) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and Subsections §§ ZS 1-202(c)(11) through ZS 1-202(c)(42) and § ZS 1-202(c)(44) be renumbered as Subsections §§ ZS 1-202(c)(9) through 202(c)(40) and ZS 1-202(c)(41) respectively.

Section 6. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-202(d) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new Subsection § ZS 1-202(d)(14) to read as follows:

- (14) On a farm, as defined herein, the use of not more than twenty percent of the gross acreage actively used for an agricultural purpose on a lot or parcel, for agritourism

uses and structures as defined herein. Minimum lot requirements for the agritourism uses and structures shall be: front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; side yard setback, thirty-five feet; and rear yard setback, thirty-five feet. Notwithstanding any requirements to the contrary, agritourism uses shall not be subject to the provisions of §§ ZS 1-319, ZS 1-320, ZS 1-321, ZS 1-322, ZS 1-323 and ZS 1-325 hereof. However, agritourism uses shall be subject to all provisions of Section § ZS 1-115 hereof. All amplified outdoor entertainment or background music shall only be permitted between 1:00 P.M. and 10:00 P.M.

Section 7. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-203(c)(19) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and Subsection § ZS 1-203(c)(20) be renumbered as Subsection § ZS 1-203(c)(19).

Section 8. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-203(d) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new Subsection § ZS 1-203(d)(12) to read as follows:

- (12) On a farm, as defined herein, the use of not more than twenty percent of the gross acreage actively used for an agricultural purpose on a lot or parcel, for agritourism uses and structures as defined herein. Minimum lot requirements for the agritourism uses and structures shall be: front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; side yard setback, thirty-five feet; and rear yard setback, thirty-five feet. Notwithstanding any requirements to the contrary, agritourism uses shall not be subject to the provisions of §§ ZS 1-319, ZS 1-320, ZS 1-321, ZS 1-322, ZS 1-323 and ZS 1-325 hereof. However, agritourism uses shall be subject to all provisions of Section § ZS 1-115 hereof. All amplified outdoor entertainment or background music shall only be permitted between 1:00 P.M. and 10:00 P.M.

Section 9. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the off-street parking requirements contained in Subsection § ZS 1-320(a) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland for “agritainment and winery facilities” as prescribed under the “Recreational uses” Use Category be repealed.

Section 10. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.



Proposal for Worcester County Text Amendment

Grow & Fortify has worked with 12 jurisdictions to improve zoning code related to agritourism and craft alcohol production. Our goal is to encourage these operations and ensure zoning code is supportive of these uses.

Goals:

- Articulate through simplified code that farm alcohol producers, agritourism and value-added agricultural operations are welcome;
- Simplify the code by combining brewing, winemaking, distillation into single definition.

Suggested Language

The State of Maryland has adopted the following definitions, which have formed the basis of other counties' code:

1. **Alcohol Production:** an activity that: is carried out by a license holder, as defined in Section 1-101 of the alcoholic beverages article; and related to the manufacture, packaging, storage, promotion or sale of alcoholic beverages. Alcohol production includes the use of an area to: provide tastings of alcoholic beverages; or accommodate the license holder's customers.

NOTE: *For non-farm operations. Additional language may be added, as required.*

2. **Agricultural Alcohol Production:** an activity that is carried out by a license Holder as defined in Section 1- 101 of the alcoholic beverages article; and occurs on agricultural land, and is related to the manufacture, packaging, storage, promotion or sale of alcoholic beverages that use ingredients produced on the agricultural land or any associated agricultural land. Agricultural alcohol production includes the use of an area to: provide tastings of alcoholic beverages; or accommodate the license holder's customers.

NOTE: *For on-farm operations. Additional language may be added, as required.*



- ✓ 3. **Agritourism:** an activity conducted on a farm that is offered to a member of the general public or to invited guests for the purpose of education, recreation, or active involvement in the farm operation.

Agritourism includes: farm tours; hayrides; corn mazes; seasonal petting farms; farm museums; guest farms; pumpkin patches; “pick your own” or “cut your own” produce; classes related to agricultural products or skills; and picnic and party facilities offered in conjunction with any agritourism activity.

NOTE: *We recommend adding “events to promote products produced by the farm.”*

4. Added conditions may include:
- a. All outdoor amplified music shall end by ___ p.m.;
 - b. Overnight events are prohibited;
 - c. Offer a one-time Zoning Certificate before holding farm-based craft beverage promotional event(s) that may be withdrawn or suspended due to noncompliance;
 - d. Complaints from the community, such as noise ordinance violations or other actions resulting in violations of county rules and regulations, may result in the suspension of the Zoning Certificate;
 - e. Penalties for violations of these restrictions may be imposed in accordance with § 1-1-9 of the County Code; and
 - f. Compliance with applicable life safety and Health Department rules and regulations is required.
5. Other items that need to be addressed:
- ✓ a. Acreage minimums;
 - b. What constitutes a farm building vs. commercial building;
 - ✓ c. Comprehensive listing of zones where uses are allowed;
 - ✓ d. Streamlined process for approval, as many agricultural producers are not using engineers/architects/attorneys;
 - e. Building code exemption for buildings used for agritourism.



State of Maryland Definitions:

- **Alcohol Production:** an activity that: is carried out by a license holder, as defined in Section 1-101 of the alcoholic beverages article; and related to the manufacture, packaging, storage, promotion or sale of alcoholic beverages. Alcohol production includes the use of an area to: provide tastings of alcoholic beverages; or accommodate the license holder's customers.
- **Agricultural Alcohol Production:** an activity that is carried out by a license Holder as defined in Section 1-101 of the alcoholic beverages article; and occurs on agricultural land, and is related to the manufacture, packaging, storage, promotion or sale of alcoholic beverages that use ingredients produced on the agricultural land or any associated agricultural land. Agricultural alcohol production includes the use of an area to: provide tastings of alcoholic beverages; or accommodate the license holder's customers.
- **Agritourism:** an activity conducted on a farm that is offered to a member of the general public or to invited guests for the purpose of education, recreation, or active involvement in the farm operation.

Agritourism includes: farm tours; hayrides; corn mazes; seasonal petting farms; farm museums; guest farms; pumpkin patches; "pick your own" or "cut your own" produce; classes related to agricultural products or skills; and picnic and party facilities offered in conjunction with any agritourism activity.

A local jurisdiction may adopt the definition of "agritourism" as defined in this section by local ordinance, resolution, law, or rule.

2

Anne Arundel County:

"FARM ALCOHOL PRODUCTION FACILITY" MEANS A FACILITY USED FOR "AGRICULTURAL ALCOHOL PRODUCTION" AS DEFINED IN § 4-214 OF THE LAND USE ARTICLE OF THE STATE CODE THAT IS LOCATED ON A FARM THAT QUALIFIES FOR AN AGRICULTURAL USE ASSESSMENT PURSUANT TO § 8-209 OF THE TAX-PROPERTY ARTICLE OF THE STATE CODE OR THAT IS COVERED BY A CURRENT AND ACTIVE SOIL CONSERVATION AND WATER QUALITY PLAN APPROVED BY THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT.

A FARM ALCOHOL PRODUCTION FACILITY SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS.

- THE FACILITY SHALL BE LOCATED ON A FARM OF AT LEAST 10 ACRES AND SHALL BE OPERATED BY THE FARM OWNER OR FARM MANAGER.
- THE FARM UPON WHICH THE FACILITY IS LOCATED SHALL PRODUCE AT LEAST ONE ACRE OF GRAIN, HOPS, FRUIT, OR OTHER INGREDIENT, EXCLUDING WATER, THAT IS UTILIZED TO PRODUCE ALCOHOL. FOR A FACILITY THAT PRODUCES MEAD, AT LEAST ONE ACRE OF LAND ON THE FARM UPON WHICH THE FACILITY IS LOCATED SHALL BE USED TO NOURISH A COLONY OF BEES.
- (EXCEPT AS PROVIDED IN PARAGRAPH (I) OR (II), THE MINIMUM SETBACK FROM ANY LOT LINE FOR ANY BUILDING OR STORAGE FACILITY USED IN CONNECTION WITH FARM ALCOHOL PRODUCTION SHALL BE 100 FEET.
- FOR EXISTING STRUCTURES USED IN CONNECTION WITH ALCOHOL MANUFACTURING OR TASTINGS, THE SETBACK MAY BE REDUCED TO 50 FEET IF THE PLANNING AND ZONING OFFICER FINDS THAT THE REDUCED SETBACK IS COMPATIBLE WITH SURROUNDING USES; OR
- FOR A FARM BOUNDED BY A ROAD, THE MINIMUM SETBACK FROM THE LOT LINE TO A NEW STRUCTURE ADJACENT TO THE ROAD MAY BE REDUCED TO 50 FEET IF THE PLANNING AND ZONING OFFICER FINDS THAT THE REDUCED SETBACK IS COMPATIBLE WITH SURROUNDING USES.
- THE FLOOR AREA FOR TASTINGS, SALE OF ALCOHOL PRODUCED ON-SITE OR ACCESSORY NON-ALCOHOLIC BEVERAGE OR FOOD SALES MAY NOT EXCEED THE FLOOR AREA BEING USED FOR PRODUCTION AND STORAGE OF ALCOHOL.
- PARKING AREAS SHALL BE CLEARLY MARKED THROUGH PHYSICAL MEANS SUCH AS TIMBERS, FENCES, OR STAKES, AND SHALL BE ARRANGED TO AVOID TRAFFIC CONGESTION ON PUBLIC ROADS. NO PARKING SHALL BE ALLOWED ON PUBLIC OR PRIVATE RIGHTS-OF-WAY.

Agritourism: Means a business enterprise on a farm related to agriculture or natural resources that is offered to the public or invited groups. Agritourism shall be accessory to a principle use of farming and shall be located on land that qualifies for an agricultural use assessment pursuant to the tax property Article 8-209 of the state code or that is covered by a current and active soil conservation and water quality plan approved by the Anne Arundel County Soil Conservation District. Agritourism includes fishing, wildlife study, corn mazes, pumpkin patches, harvest festivals, field trips, hay rides, pick your own operations, farm tours, food services including farm to table meals, farm museums, educational classes, and activities or events related to agriculture or natural resources, agricultural products or agricultural skills.

Charles County:

Alcohol production facility: an establishment for the manufacturing packaging storage, promotion and sale of alcoholic beverages produced by a state issued license Holder, which may include an on site tasting room(s) for the promotion and sale of products as licensed.

Farm alcohol production facility: an establishment on agricultural land for the manufacturing, packaging, storage, promotion and sale of alcoholic beverages produced by a state issued license Holder utilizing ingredients produced on an associated farm, which may include an on site tasting room(s) for the promotion and sale of products as licensed.

Tasting room: an area on the site of an alcohol production facility or a farm alcohol production facility in which guests may sample and purchase the products.

Prince George's County:

Agritourism: A commercial enterprise that is intended to attract tourists and provide supplemental income for the owner of a working farm that qualifies for agricultural use assessment. The commercial enterprise shall be offered to the public or invited groups and shall be related to agriculture or natural resources and incidental to the primary operation on the site. Agritourism uses include, but are not limited to: fishing, hunting, wildlife study, horseback riding, corn mazes, harvest festivals, barn dances, hayrides, roadside stands, farmer's markets, u-pick or pick-your-own operations, rent-a-tree operations, farm tours, wine tasting, educational classes related to agricultural products or skills. Agritourism may include picnics and party facilities, corporate retreats and weddings; however, no lodging or overnight stay shall be provided for these uses. Agritourism includes farm or ranch stays subject to the same rules as a Bed-and-Breakfast Inn as defined in this Subtitle. Accessory recreational activities may be provided for guests.

Washington County:

Alcohol Production Facility: An establishment for the manufacturing, bottling, packaging, storage, promotion and sale of alcoholic beverages produced in accordance with a state-issued manufacturing license. Accessory uses at such facilities may include tasting rooms, accessory food sales related to alcohol production, sales of novelty and gift items related to the manufacturing operation, and the sale of alcoholic beverages produced by the licensee.

Alcohol Production Facility, Farm-Based: An establishment located on agriculturally assessed land for the manufacturing, packaging, storage, promotion and sale of alcoholic beverages produced in accordance with a state-issued manufacturing license utilizing ingredients produced on the associated farm. Accessory uses at such facilities may include tasting rooms, accessory food sales related to alcohol production, sales of novelty and gift items related to the manufacturing operation, and the sale of alcoholic beverages produced by the licensee.

State of Maryland Definitions:

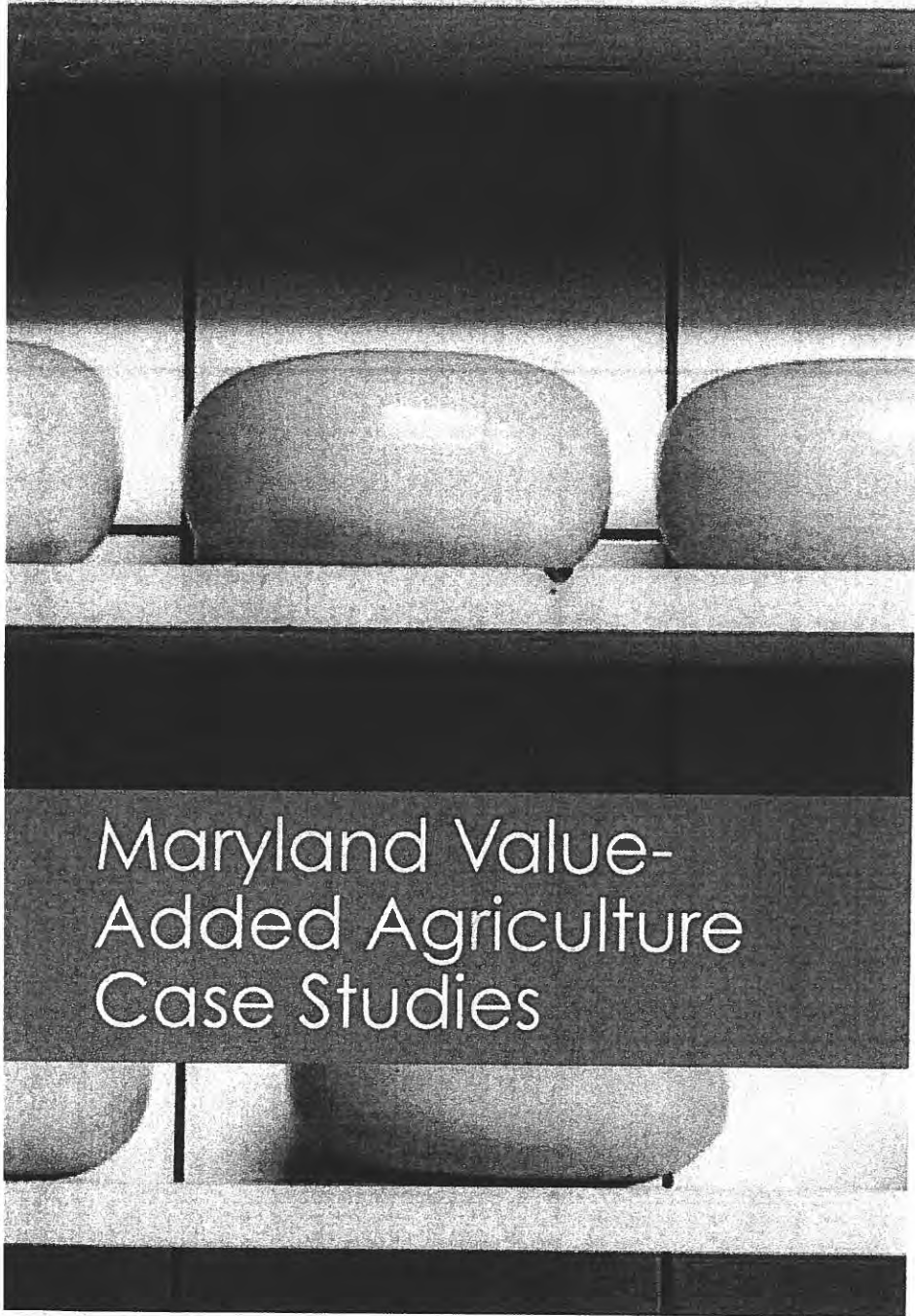
- **Alcohol Production:** an activity that: is carried out by a license holder, as defined in Section 1-101 of the alcoholic beverages article; and related to the manufacture, packaging, storage, promotion or sale of alcoholic beverages. Alcohol production includes the use of an area to: provide tastings of alcoholic beverages; or accommodate the license holder's customers.
- **Agricultural Alcohol Production:** an activity that is carried out by a license Holder as defined in Section 1- 101 of the alcoholic beverages article; and occurs on agricultural land, and is related to the manufacture, packaging, storage, promotion or sale of alcoholic beverages that use ingredients produced on the agricultural land or any associated agricultural land. Agricultural alcohol production includes the use of an area to: provide tastings of alcoholic beverages; or accommodate the license holder's customers.
- **Agritourism:** an activity conducted on a farm that is offered to a member of the general public or to invited guests for the purpose of education, recreation, or active involvement in the farm operation.

Agritourism includes: farm tours; hayrides; corn mazes; seasonal petting farms; farm museums;

ITEM 20

guest farms; pumpkin patches; "pick your own" or "cut your own" produce; classes related to agricultural products or skills; and picnic and party facilities offered in conjunction with any agritourism activity.

A local jurisdiction may adopt the definition of "agritourism" as defined in this section by local ordinance, resolution, law, or rule.



Maryland Value-Added Agriculture Case Studies

3

Crow Vineyard and Winery Kent County

Processors/Small Food Business: Beverages

Owners: Roy and Judy Crow

Location: Kennedyville

Sales include: Winery, B&B, Grass-fed Black Angus beef, grapes,
agritourism and farm-to-table events

Where sold: On-farm winery, tasting room

Source Local: Yes

Processing Local: Yes

Employees: 10 FT, 4 PT

Skills Needed: Marketing, wine making, sales

Special Attraction: Winery, Farmstay B&B, Grass-fed Black Angus
beef, Farm-to-table events, Agritourism

Roy and Judy run a third generation working farm which has diversified to become a successful farm Winery. Originally a dairy farm, in 2001, Roy sold the dairy herd and started an insurance practice. About 12 years ago, Roy and Judy began diversifying the farm operations and now support three businesses: Crow Farm LLC, Crow Vineyard and Winery, and Crow Wine cellars, a wine tasting facility in nearby Queenstown. The 365-acre farm includes a herd of Grass-fed Angus beef, soy and corn and an 1847 farmhouse bed and breakfast.

Roy and Judy only use grapes they grow themselves or from local growing partners that are within a 50-mile radius of the farm itself. The 5000 case winery produces award winning wines which are offered in the winery tasting room, along with other retail products such as their prized beef. The winery also supports Custom Crush and Alternating Proprietorship facilities. These options permit other wineries to use the Crow's wine making equipment to make their own wine, which can be invaluable to start-up businesses.

Education is an important part of every experience. During the harvest season, the team engages with the community to teach people how to pick and sort grapes and help the wine making process. By staying at the B&B house (circa 1847), guests can also

enjoy a "farmstay" experience in which they can participate in farm activities such as moving cattle or tending to animals. Customers can also join a wine club in which they receive 3 bottles of wine every three months at a pick-up party where they also meet the wine maker.

An annual "Vines to Wines dinner" offers a five-course dinner in the vineyard and winetasting room that is all about education, wonderful chef-prepared foods, Crow Wine, and a silent auction. Proceeds from the auction go towards supporting the Maryland Winery Association, which has provided invaluable support.

The wine tasting cellar in Queenstown extends public outreach and provides a space for corporate retreats.

Skills needed: Sales and good customer service.

Assistance: A MARBICO grant helped with the start-up, the Maryland Winemakers Association and Maryland Grape Growers Association have provided technical support, and USDA Value-Added grant helped with the winery expansion.

<http://crowVineyardandWinery.com>





Wine & Oyster Pairing

March 20 @ 12:00 pm - 5:30 pm

\$20.00 /per person

ALL EVENTS

Join us for a local pairing of Crow wines and local oysters from Orchard Point Oysters. The pairing includes a tasting of 3 wines and 3 raw oysters and samples of local meat and cheese. Additional wine, food and raw oysters will be available for purchase for your table or to-go! This event has 3 seatings: 12-1:30, 2-3:30, and 4-5:30, please click the link to register for your preferred seating.

Register [HERE](#) for the 12pm - 1:30pm seating

Register [HERE](#) for the 2pm - 3:30pm seating

Register [HERE](#) for the 4pm - 5:30pm seating

Farmstay B&B

Need a mini getaway? Watch our latest video about the farmstay options that Crow can offer you! Watch [HERE](#)

We are a multi-interest B&B! We call ourselves a Farmstay B&B but you can also stay and sip quality estate wines in our wine tasting room and ~~have~~ **have** a farm-to-table event in our Haybarn as we have a frequent schedule for these type of events: Or stretch your legs, take a run along the vineyard, cow pastures and woodland path on our 300 acre farm.

Our newly renovated energy-efficient 1847 farm house has central heat and air conditioning. Choose from 3 bedrooms with private baths. Each room has soap, shampoo and a hair dryer. The rooms are named for their view of the farm. Explore our rooms further by [scrolling down on this page](#).

Savor a hearty breakfast and baked goods featuring regional cuisine with home-cooked flair. Relax in the guest parlor, sit under the old maple trees and watch the animals or take a walk to the 2 acre pond - enjoy a picnic lunch under the willow trees. Guests can request a packed lunch or dinner for additional cost. In our home we have Myrtle a Labrador Retriever, and Curious, a Calico Cat. Charlie the Cat tends to prefer hanging around the winery.

Our goal is to both give you the experience of taking in an authentic working farm as well as the opportunity in a relaxed rural setting to taste some quality wines from our on-site wine making facility. Many of our visitors enjoy walking the vineyard and farm trails; some are visiting other nearby wineries in Chesapeake Wine Country and many are staying on the Eastern Shore of Maryland to enjoy cruising the bay, biking, historic Chestertown or the many other classic Eastern Shore of Maryland activities offered by the area. One thing for sure our guests love to see our herd of friendly Angus cattle.

*Trails are only permitted for Farmstay B&B Guests

[SIP SEASIDE SAVOR](#)
[EXPERIENCE](#)
[AFTER AN EVENING](#)

[FROM THE WINE CELLAR](#)
[FOR WINE AND OYSTER INFO](#)
[LEARN ABOUT WINE MAKING](#)

Clark's Elioak Farm

Howard County

Farms/Agricultural Producers: Products segregated by identify or production characteristics; Other: Agritourism
 Owner: Martha Clark
 Location: Ellicott City
 Started: 2002 Sales include: Farm (98%), wholesale (2%)
 Products: Grassfed beef, eggs, pork, CSA, farm store, agritourism activities
 Where sold: On farm Source local: Sweet corn, watermelon, cantaloupe, peaches
 Produce local: yes
 Uniquely: Farming in Howard County since 1797.
 Processed Local: yes, meat processed off-farm
 Employees: 55 FT and seasonal
 Skills Needed: Agriculture (specifically the vegetable side of business), management (to take over farm stand and CSA side of the business).

The memorial stone in their front yard gives the Clarks the "etched in stone" instruction: Never Sell The Land. The family has been farming in Howard County since it was actually Anne Arundel County. Over those years they've raised crops and a variety of animals and run a dairy operation, but the main link between the seven generations of farmers in their branch of the Clark family has been raising beef cattle.

In addition to the beef operation, the agritourism side of the business has been critical for getting people to the farm to enjoy the petting farm, farm tours, pumpkin patch and Enchanted Forest. The reason is two-fold: by getting the public to the farm, they can better understand, and appreciate, agriculture. Additionally, it also brings potential and new customers to the farm for the primary mission of the farm: grass-fed beef, eggs, and pork, the vegetable Community Supported Agriculture (CSA) program and farm store.

Some of their greatest challenges come from local residents and neighbors who object to their business model, and county regulations. But at the same time, they have appreciated the support

of the Howard County Economic Development Authority. They'd like to see stronger Right to Farm laws (Right-to-farm laws provide a measure of security for the established farmer who practices sound best management principles in the day-to-day operation of his/her farm. The laws also put non-farming community on notice that agriculture is a vital component of the region's economy, character and culture) and hope that these laws will continue to encourage young people who are trying to come back to family farms, or get into farming for the first time. The ongoing demand for local foods is also an encouraging sign.



Even' Star Organic Farm

St. Mary's County

Farms/Agricultural Producers that Sell Products Segregated by Identity and/or Production Characteristics: Organic, CSA
 Owners: Brett Grohsgal and Christine Bergmark
 Purchased: 1996
 Location: Lexington Park
 Products Sold: Year-round organic vegetables, eggs, chicken, jams, seeds
 Where sold: CSA (St. Mary's, Washington DC, Charles, Northern VA), restaurants, stores, farmers' markets
 Source Local: yes
 Processed Local: yes
 Employees: 5 FT, 1 PT (more needed)
 Skills Needed: Knowledge of soil and ecosystem management, production, and marketing. A great work ethic and wiliness to experiment with new crops and marketing avenues.
 Uniqueness: Largest organic CSA in Maryland, winter and summer cropping

Brett has always had a passion for delicious food. He started cooking in restaurants when he was a teenager, and worked his way up to chef in 11 restaurants across the US and at sea. His strong desire to learn how to grow great, healthy foods and that were good for the environment led him to farming, and in 1996, he and his wife, Christine, purchased a 104 acre abandoned farm in St. Mary's County.

"We shopped with a shovel," says Brett, meaning his choice of land location was dependent on the quality of the soils. He also wanted to crop year-round. "Southern Maryland was ideal, due to its climate and proximity to the Washington DC market area." They immediately fast-tracked the farm into organic production.

Even' Star started out strictly wholesale to restaurants and stores, but quickly realized that the profit margins were not enough to support a decent living. "It is hard to compete with produce from California and abroad, where labor is abundant and growing conditions make

the prices cheap. And many wholesalers don't pay promptly." The farm began selling at farmers' markets in 1998, which provided cash flow and liquidity, and in 2001 they began a CSA.

"The CSA takes the highest level of care, but has become the keystone of our farm's revenues streams." Upfront payments help with cash flow, so that we not dependent on the vagaries of weather that farmers' markets are subject to. The CSA members gave us a way to bring a level of consistency to our lives. You deliver one day a week on your own schedule."

Brett is a geneticist, and breeds his plants for year-round flavor and pest-resistance. "We only grow food that we are passionate about. It's a challenge to stay ahead of the pests as an organic farm, and there are some crops, like sweet corn, we simply can't grow." Seeds from Even' Star are available for sale through various seed companies.

Even' Star has employed and trained over 240 people over the years, some of whom have stayed in agriculture. "We are proud to be growing the next generation. We provided the training entrance for many young farmers to go and start their own businesses." That being said, labor is expensive, and in recent years, the farm has struggled to find enough farm labor.

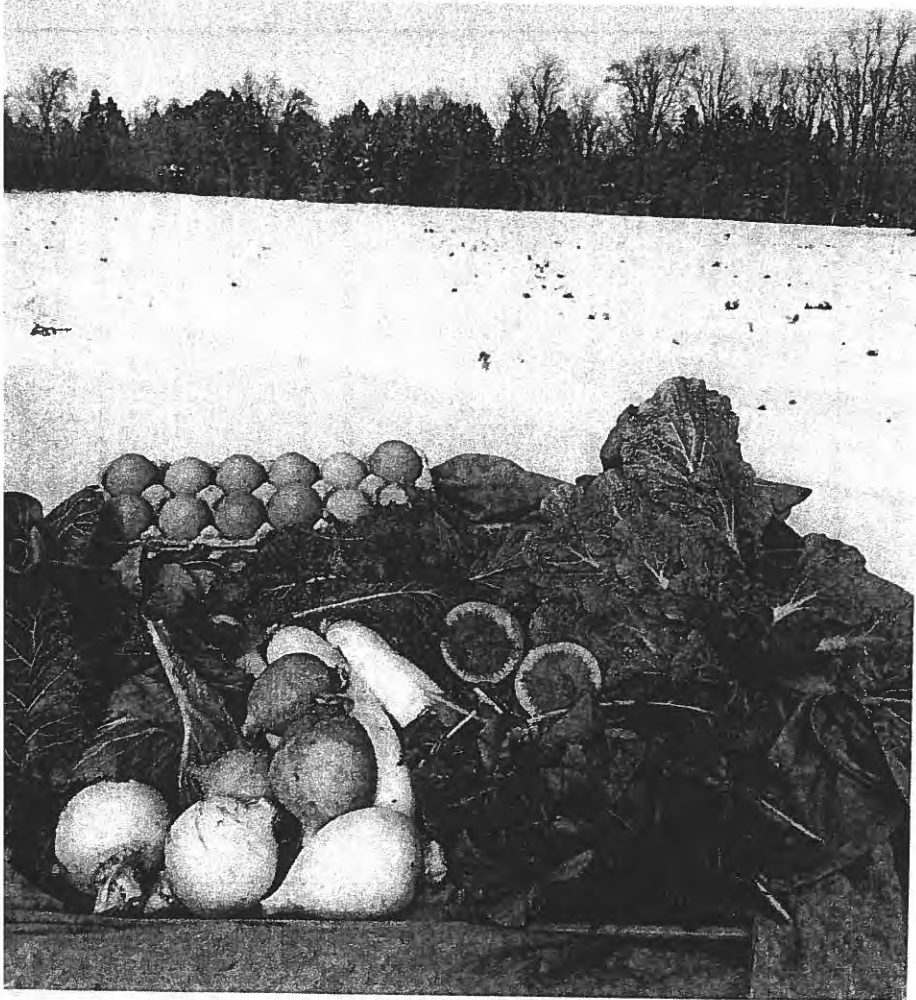
"The market is saturated now with cheap produce from elsewhere. Raw ingredients for processed food stay cheap while prices for processed foods go up and up. People want convenience and food delivered to their door, and on-line sales have really diminished our customer base. This is the biggest problem - it is hard enough to grow, but now biggest challenge is selling what we do grow. You have to hustle to make every sale. I want to see people cooking again with local ingredients."

Lessons to share: Chefs want reliability and consistency, "You don't stand up a chef. You need to be able to communicate well with chefs and understand their needs." Soil and ecosystem management is huge, for an organic farm. "You can't abuse your soil and expect it to continue to produce well. Too often farmers reduce their future yields by running tractors and working their soils when it is too wet.."

Assistance: University of Maryland Extension, and a network of other growers

www.evenstarfarm.org

<https://www.facebook.com/evenstarfarm.org/>



Groff's Content Frederick County

Processors/Small Food Business: Meats
Owners: Bob and Julie Bolton
Purchased: 2001 (farm and name dates to 1750s)
Employees: 3 FT, several PT
Skills Needed: Animal husbandry, Pasture Management, Planning for Processing, Customer Service
Location: Rocky Ridge
Sales: On-farm, farmers markets, winter drop sites in Maryland and Washington, DC
Source Local: Yes
Processing Local: Yes

Groff's Content is a full-service meats and poultry farmers market destination, as diverse as seen anywhere: ducks, turkey, chickens, heritage beef and pork, and delicious chef-prepared frozen meals.

Bob was raised on a wheat and cattle farm in Oregon. They moved Maryland and bought Groff's Content in 2001. After he retired from his position with the Bureau and Land Management, and Julie retired from her work in Resource Conservation, they worked full-time on the farm raising livestock for meat.

The mature livestock are pastured on a neighbor's farm and are certified American grass-fed. The grain used for the pigs is locally produced and tested free of GMO and glyphosate. Brewers grain is used for the chickens and ewes from a local brewery. The feed is produced and milled locally. Meat processing is done at a USDA facility about 15-20 minutes away in Pennsylvania.

Initially looking for a way to sell extra chicken meat, Bob and Julie worked with a chef to create their signature "chicken potpie" dish. This has expanded to turkey and beef lasagna, turkey chili, gluten-free mealballs and more. The Bolton's strive to use all parts of their animals, right down to chicken feet and bone broth. While these dishes were conceived to use "by-products," they have now become so popular that the farm raises livestock specifically to meet the demand.

Processing fees and feed are a major part of the farm's expenses. The Bolton's were able to benefit from a USDA value-added grant which helped cover the initial processing fees. They were grateful that the "match" for the grant could be covered by the finished product.

Special Attraction: 100% grass-fed, certified pasture-raised beef and lamb. Pork is GMO-free and soon to be completely soy-free. Poultry and eggs are GMO, soy free and glyphosate-free. Processed meats and prepared meat dishes.

<https://groffcontentfarm.com>



McClintock Distilling

Frederick County

Processors/Small Food Business: Beverages
 Farms/Agricultural Producers that Sell Products Segregated by
 Identity and/or Production Characteristics: Organic
 Owners: Braeden Bumpers and Tyler Hetamyer
 Location: Frederick
 Started: 2015 signed lease, 2016 opened for sales
 Sales include: White whiskey, 3 different gins, organic vodka, barrel-
 aged Bourbon and Rye,
 Seasonal cordials using natural ingredients (small batch)
 Where sold: On-site in historic Frederick and through distributors in
 MD, DE, and DC
 Source local: Mostly. Abruzzi rye, Red Fife wheat, Yellow King corn
 Sourced out of state: Supplements of grain from Kentucky or Ohio
 Employees: 7FT, 7PT, plus 2 contractors
 Skills needed: Trained distillers for the industry (although we prefer to
 do the training ourselves), marketing and sales
 Special attraction: Maryland's first and only USDA certified organic
 distillery, deeply committed to environmental responsibility

Braeden and Tyler met in college. Both had been home-brewing
 for years, and fell in love with distilling and working in the industry.
 They wanted to restore the rich history of Maryland spirit-making
 and decided to become the first organic distillery in the state.
 They worked at the American Distilling Institute and apprenticed in
 Chicago before signing a lease to start McClintock Distillery in July
 2015. After significant restoration to the historic building (much of
 which they did themselves), sales opened to the public in 2016.

McClintock Distilling now produces high quality spirits from 100% non-
 GMO, pesticide free, heritage grains. The grains, grown in Maryland
 for many years, are well-adapted to the Maryland's soils and climate,
 and give a completely different taste profile from standard whiskeys.
 All of the grains are milled in-house using an antique stone burr mill.

"By buying organic, we can ensure the highest quality of grains, free of
 pesticides and chemical additives and we do our part to help support

small, family-owned farms," says Braeden. Even though Braeden and Tyler are willing to pay a premium price, it has taken some time to find local growers who were willing to take the risk to be organic and that were not tied up in contracts elsewhere. They were on track to having 80% of their grains sourced from the county in 2018, but the weather conditions created one of the worst years in 200 years for Maryland agriculture. They are hopeful to meet this goal in 2019.

Braendon and Tyler are fully committed to being fully sustainable and environmentally friendly. All spent grains are used as livestock feed in local Maryland farms and their heads are re-used in the distillery for cleaning. One of the largest impacts of the alcohol industry is the wastewater. Arising from concerns about the impact of wastewater on local waterways and the bay, Braeden and Tyler made it a priority to reduce wastewater in any way possible. They designed a closed loop cooling system to reuse all of the cooling water instead of dumping it, and an advanced tank cleaning system to reduce wastewater. "By keeping the water out of the sewer we are reducing the cost to process the wastewater by the county and reducing our impact on the bay and the Monocacy watershed." They are proud to be one of a handful of distilleries in the world who source 100% renewable energy. All of the electricity used is replenished on the grid with solar and wind energy. They even publish an annual environmental impact every April for Earth Month to let public know how they are doing.

Assistance: Maryland Department of Agriculture; Frederick County Department of Agriculture Business Development; Obtained a line of credit from a local bank; Western Maryland Small Business Development Center (SBDC) (business plan, financials, fundraising) Maryland Manufacturing Extension Partnership (MD MEP)

Biggest Challenges: Getting everything up and running in historic building, overcoming the perceived notion that organic grains can't be grown in Maryland.

Future: McClintock Distillery is a growing company. Braeden and Tyler plan to open a cocktail lounge adjacent to distillery so that customers can enjoy their spirits, but the two owners can remain focused on production and distilling. They are outgrowing their

current 1000 liter still, and need a second 5000 liter facility. Although they can turn their white whisky, forage gin and vodka around within a few weeks, the barrel-aged whiskies such as Bourbon and Rye can take up to 2 years to distill. "Right now, we make everything here ourselves, and we are limited to 5 barrels a week. People really like the barrel-aged whiskies, and we sell out right away."

McClintock's gin won double gold the San Francisco World spirits competition in 2019. "We were the smallest distillery there!"

<http://www.mcclintockdistilling.com>

<https://www.facebook.com/McClintockDistilling>



Port of Leonardtown St. Mary's County

Processors/Small Food Business: Beverage

Owners: Southern Maryland Wine Growers Cooperative (SMWGC)

Location: Leonardtown

Started: Coop started in 2007. Lease signed 2009. sales started 2010

Sales include: wine

Where sold: Winery in Leonardtown, small percent through So MD wholesalers and website

Source Local: 100% locally grown until 2018.

Source elsewhere: Yes. Originally all local, now bring some grapes in from New York and the west coast.

Processed Local: 100% of the wine is made on site

Employees: 5 FT, 10 PT (does not include vineyard workers)

Skills Needed: Good management, organization, business, production, viticulture, etc.

Special attraction /Uniqueness: First cooperative winery in the state

Southern Maryland Wine Growers Cooperative (SMWGC) cooperative was formed in 2007 as the region began to transition away from tobacco production to other agricultural pursuits. The potential for the emerging wine industry to positively affect agriculture and tourism in Southern Maryland was recognized and supported by the state of Maryland, the local government, and farmers. Partnering with St. Mary's County and Leonardtown, interested farmers and others with a passion for wine set in motion a plan to ensure the success of wine grape growing in Southern Maryland. Repurposing a former State Highway Administration buildings, the SMWGC entered into a lease agreement with the Town of Leonardtown in 2009 to operate the Port of Leonardtown Winery making it the first commercial winery in St. Mary's County and first agricultural cooperative in the state of Maryland. The winery has now reached maximal production capacity.

Currently, the cooperative consists of 13 vineyards from St Mary's, Calvert, and Charles counties. Originally committed to making wines only from the cooperative members, production has expanded beyond the supply levels available locally and for the first time, the winery is purchasing grapes from outside the state.

The tasting room, opened in May 2010, was recently renovated to allow more seating area. A semi-enclosed outdoor patio permits year-round enjoyment, with music offered every weekend, and a gazebo now offers a place for private events. The wine club has 700 members. There is no fee to join. Each member receives 12 bottles, 3 bottles four times a year at a private pick-up party. Over the years, members have become loyal fans, and help to expand membership by bringing friends to the private events.

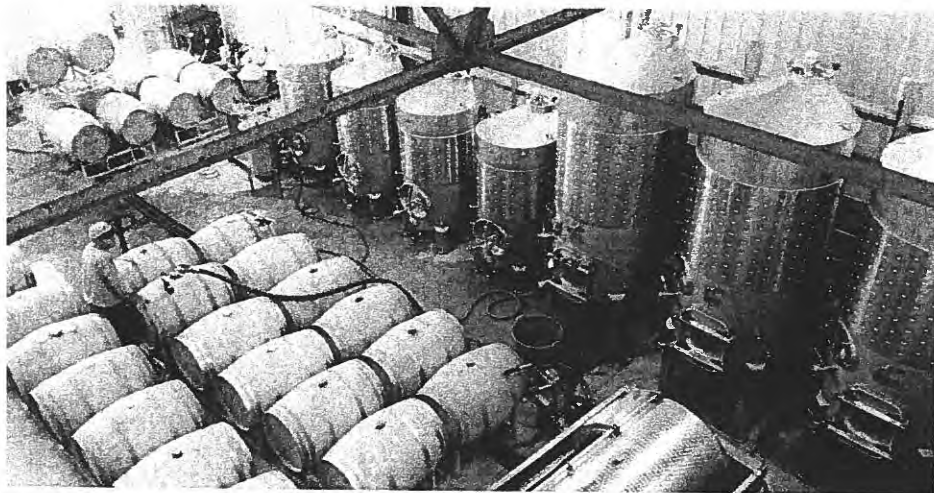
Since opening in 2010, they have won over 150 awards including multiple Best in Class awards and many international medals. Their Barbara Reserve was recently awarded top honors at the Maryland Governor's cup and their Rose won best in the Maryland Comptroller's competition.

Challenges: Staffing was barebones until two years ago, when a general manager, wine club manager, bookkeeper and tasting room manager were hired. Quality and consistency can be a challenge from 13 different vineyards. As some of the original coop members age, the winery is interested in finding new growers.

Assistance: MARBIDCO, SMADC, Town of Leonardtown

<http://www.polwinery.com>

<https://www.facebook.com/portoftownwine>



Red Tree Farmstead

Charles County

Farms/Agricultural Producers that Sell Products Segregated by Identity and/or Production Characteristics: Organic, CSA
 Owners: Becky Seward and Mark Spires
 Location: Nanjemoy
 Started: 2016
 Sales include: Flower Bouquets, free-range eggs
 Where sold: CSA: Brandywine, Annapolis, La Plata, weddings and events, farmers' market
 Source Local: 100% yes
 Source elsewhere: if need to bring flowers in for occasion – will buy from MD farm
 Processed Local: yes
 Employees: 2 PT
 Skills Needed: specialized skills for growing and cutting diverse flowers, arranging, marketing
 Special attraction /Uniqueness: Flower CSA, organic, regenerative farming, wedding/special events

Red Tree Farmstead is the culmination of more than 16 years of working with plants through organic vegetable farming, native plant work, and natural health for Farmer Becky. She met Mark in 2014, and they quickly realized a shared love of food and farming. Becky started "Prickly Pear Produce" farm in 2014, selling diverse organic vegetables through a CSA and farmers' market. In 2016, she and Mark bought land in Nanjemoy and started Red Tree Farmstead.

After years of CSA and market vegetable farming experience, Becky and Mark shifted their focus to grow mostly cut flowers and herbs in 2019. They use regenerative farming practices based on organic farming and permaculture. Their flowers are grown according to their principles of living in harmony with the land – no pesticides, herbicides, or synthetic fertilizers. "There is more value per square foot with flowers. We are better able to manage risk, and we can incorporate all the diversity on farm to make our bouquets," says Becky. "There is less pressure from pests, and lots of room for creativity."

"The vegetable farming was good until the bad weather of 2018. The crops suffered. Although we were able to service their CSA and farmers' market, we took a financial loss. We were trying to do too many things." Now Becky and Mark just focus on flowers. They have three hoop houses, which amply service their needs. "We started small, doing what we knew best. We did events for family and friends, which has allowed us to make mistakes and learn. The wedding business requires a lot of communication and time, and not everyone has the skills to do this. Eventually we will expand our marketing, but we don't want to get beyond what we can do comfortably."

They hope to expand their flower farmstead, and to do so will need to find skilled labor that can do the specialized work that growing and harvesting cut flowers demand.

"Red Tree Farmstead is our dream farm," says Becky. "10 acres of permaculture-inspired, small-scale fruit, vegetable, and cut flowers for CSA and markets."

<http://www.redtreefarmstead.com>

<https://www.facebook.com/redtreefarming>



Rocky Point Farm Frederick County

Processors/Small Food Business: Dairy
 Owner: Chuck Fry
 Location: Tuscarora
 Purchased: Family farm since 1883
 Sales include: Ice cream, milk, beef, eggs
 Where sold: On-farm creamery
 Source Local: Yes, "We grow it all."
 Processing Local: Yes. Milk ships to Frederick for Processing and come as 14% milk/butterfat mix.
 Employees: Creamery: 2 FT, 28 PT, Barn 6 FT
 Skills Needed: Sales, Accounting, Technology. Be adaptive, willing to change and able to reinvent yourself – always, everyday.
 Special attraction: Over 80 flavors of ice cream, along with brown eggs, and beef

With more than 80 continually changing flavors of delicious homemade ice cream, the creamery has become very profitable and a major tourist destination. "Ice cream is going crazy! The Tourism Council says we are a big draw for county. It is not uncommon to have 1000 customers a day on weekend, with about 50% of them from Virginia," says Chuck, "It brings in much more than the commodities we used to raise. The creamery and ice cream is the best thing we ever did, and it allows us to do what we love best – keep our customers happy and keep farming."

The farm milks 200 Holstein dairy cows and raises 700+ acres of corn, soybeans, wheat and hay to feed the animals. Each year a beautiful 1.5-acre field of sunflowers is planted. Originally started as a way to get people to stop and notice the farm, the flowers are now available for sale in July and August, with 100% proceeds are donated to St. Jude's Children's Hospital (about \$5000-6000 every year). Labor is tough to find for the farm, and Chuck is considering the use of robots for the milking parlor in the future.

Initially, Chuck was considering starting a milk-processing plant on the farm. He says the best piece of advice was "Start small. Find out what

your customers want first, then decide what you want to build." This lead them to reconsider, the milk processing plant, and go straight into the making ice cream business. Now the milk is shipped to Frederick for processing and returns as a 14% milk/butterfat mix. Chuck and his team then add premium ingredients themselves to make ice cream. This "enables us to stay local and support local economy. We also hire lots of high school students and teach them sales skills, which is also good for the community."

Chuck is committed to farming the land, and raising the cattle in a healthy, responsible manner. No antibiotics or hormones are used to increase production or increase growth. Relying on the land to make a living means the ground must be given the utmost care and respect. The same is true for the animals. "Teaching people what you do and why you do it is one of the most rewarding things. We do a lot of tours for local high schools and others; the Ag education piece is always in my heart."

Website: <https://www.rockypointcreamery.com>
<https://www.facebook.com/rockypointcreamery/>



The Sweet Farm Frederick County

Processors/ Small Food Businesses: Repackers
 Owners: Rachel Armistead and Luke Flessner
 Location: Woodsboro
 Started: 2011
 Sales include: Sauerkraut, pickles, fermentation classes, ginger beer
 Classic Kraut, Beet Kraut, Curry Kraut, and Curtido
 Where sold: Food truck
 Source Local: as much as possible
 Source elsewhere: yes
 Processed Local: yes
 Employees: 3FT, 6PT
 Skills Needed: General manager, brewer, farm labor, help with
 regulatory process and permitting, business and financial planning
 Special attraction /Uniqueness: Naturally fermented krauts: organic,
 gluten free, vegan, and non-GMO. Fermentation classes.
 Expanded to ginger beer.

Rachel Armistead and Luke Flessner started Sweet Farm Sauerkraut in 2011. Both hobby fermenters when they met in 2009, Rachel and Luke's relationship so revolved around fermentation, they even attended a four-day fermentation workshop with Sandor Katz for their honeymoon. They developed four main kraut flavors—Classic Kraut, Beet Kraut, Curry Kraut, and Curtido, and by 2011 were selling at local farmers markets.

The farm came to Rachel and Luke as a family piece of land. They had always intended to phase into growing their own vegetables, but quickly found their 50-acre farm was too hilly and rocky, and the climate was not suitable to grow as much cabbage as they needed for kraut production. They were able buy cabbage much more inexpensively than they could grow it. They source as much as they can locally, but there are not a lot of organic farms in the region, so they work with a distributor to purchase as much possible from Maryland and Pennsylvania during the growing season, and more broadly from the East Coast during the non-growing season.

Rachel and Luke then began experimenting with ginger beer for personal health reasons. With a unique flavor that is tangy and tart, they found their customers like it too. "People like fizzy and fermented beverages," says Rachel. Their ginger beer is less dry than Kombucha, and is currently non-alcoholic. They would like begin brewing to provide a gluten-free, organic alternative to conventional beers, and eventually incorporate beers made from medicinal herbs and spices, much in the format of the pioneers and civil war era. "Way back, ginger beer was hugely popular, and beers were so much more varied before hops were introduced."

Going forward, Rachel and Luke are thinking to scale back on the kraut business to concentrate more on ginger beer. "We found we were doing too many different things what with the krauts and food truck. We were everywhere all the time, and not able to fully focus. It was hard to make a living at our scale. We looked at some of the enterprises we admire, and realized they focus on just one or two things, and do them well. We love our farm, and want to incorporate it into our business, and focusing more on brewing and the ginger beer will allow us to do this."

Their plans include an on-farm brewing facility with a tasting room and on-retail store so that customers can buy the kraut, their pork, and the new line of beers all in one place.

Needs/challenges: "We started this business to see what would happen, more like a hobby. "For us to take the next steps, we need a solid financial plan and a business plan with projections," says Rachel. They are worried about the regulatory and permitting processes.

"We feel like some of the local regulations are stifling our creativity and ability to be innovative. We have the expertise, the talent, and the staff to build out the tasting room, but navigating the red tape makes us nervous. Our neighboring farms just across the border in Virginia are able to do so much more than we are here in Maryland. We see so many innovations in agriculture that are better for the land, better for the environment, but due to our past experiences in the county, feel challenged by the regulatory hurdles put in place by state/county agencies. We love all the things we do, but we love

our family and want to be able to make a comfortable living and put money away for college. How can people make a living on their land if they can't be creative? "

<https://thesweetfarm.com>

<https://www.facebook.com/thesweetfarm>



Waredaca Farm Brewery Montgomery County

Processors/Small Food Business: Beverage

Owners: Brewery: Jessica Snyder, Brett Snyder, Robert Lang, Steph Kohr and Keith Kohr

Location: Laytonsville

Started: Brewery opened in 2015. Farm moved to current location in the 1940's.

Sales include: Beer growlers, crowlers, bottles. Specialties include Sour beer, "Gluten-reduced" beer.

Where sold: On-farm tasting room, farmers markets, restaurants

Source Local: Yes, some: Hops (Cascade), botanicals, berries, pumpkins, watermelons, cucumbers, peppers and more. Also purchase as much as possible from farms in the Montgomery County Ag Reserve, and beyond when needed.

Source elsewhere: Malted Barley, locally sourced from Chesapeake Malting, and beyond when needed.

Processed Local: Yes

Employees: 5 FT, 42 PT

Skills Needed: Brewing, tasting room, general management skills.

Special attraction /Uniqueness: Brewery on 220-acre, on-going equestrian horse farm. Low waste, on-farm brewery, trail rides, equestrian events, riding lesson facilities

Waredaca is a three generation farm. Initially started by one person as a camp, it expanded to become a large-scale equestrian farm with horse events and riding facilities. As more family members came along with the third generation, and the farm was put into land preservation, the 2nd generation tasked the 3rd generation to add a component that would generate additional revenue.

"Get something up and going quickly," was the mandate. This precluded options like a winery, which would take several years before productive vines could be established. There already was a professional brewer in the family, Keith, who had been trained at Flying Dog, which led them to the idea of a brewery, and they were able to repurpose an underutilized building from camp days.

"There are 85 horses on the farm, so our challenge was to integrate the two businesses, the brewery and the existing horse farm," says

Jessica, one of the third generation owners. They have found an innovative niche by adding a "True-brew" trail rides that conclude with beer flights in the tasting room. "This is truly unique; I don't think anyone else is doing this."

Waredaca Farm Brewery has a strong committed to sustainability by creating a limited impact on the environment and using local ingredients as much as possible. They strive to limit water waste and usage throughout the brewery and tasting room. The spent grain is given to local farmer for feed or compost, and they plan to use reusable, recyclable or compostable products in the tasting room.

Lessons learned? "Looking back, we underestimated the on-farm impact," says Jessica. "We thought our primary sales would be off-farm, but it turns out our tasting room is the biggest source of revenue. And, because we have horses on the farm and much of the land is in pasture, we have a set capacity for parking." The owners are debating how to expand. "We haven't gotten into wholesale packaging much yet. It's very competitive now, with so many locally-made beers." In the meantime, they continue to explore ways to enhance the on-farm experience and tie into the rest of the farm. The brewery is about to launch a second pouring station in an antique horse trailer retrofitted with a kegerator. "The horse trailer will allow us to pour for people while they are on line. Customers can enjoy the beer at any one of the outside stations, and it fits with our unique theme."

Assistance: Mid-Atlantic Farm Credit Union partnered with MARBIDCO to provide a low-interest loan to get started, and helped the brewery apply for MARBIDCO grant to partially fund the sour beer program equipment.

www.waredacabrewing.com

<https://www.facebook.com/WaredacaBrewingCompany/>



4

HOUSE BILL 801

E4, L2, M4

1lr2143

By: Delegate Clark

Introduced and read first time: January 29, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

AN ACT concerning

Calvert County – Public Safety – Buildings Used for Agritourism

FOR the purpose of adding Calvert County to the list of counties where an existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit under certain circumstances; and generally relating to buildings used for agritourism in Calvert County.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–508
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Public Safety

12–508.

(a) (1) In this section, “agricultural building” means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products.

(2) “Agricultural building” does not include a place of human residence.

(b) This section applies only to:

(1) Allegany County, Anne Arundel County, Baltimore County, Calvert County, Carroll County, Cecil County, Charles County, Dorchester County, Frederick County, Garrett County, Harford County, Howard County, Kent County, Montgomery

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(3) If the subordinate use of agritourism requires more than 50 people but fewer than 100 people to occupy an individual building at any one time, then that use must be:

(i) in accordance with the requirements in paragraph (2) of this subsection; and

(ii) the total width and number of means of egress must meet or exceed the International Building Code standard that applies to egress components other than stairways in a building without a sprinkler system.

(g) An agricultural building used for agritourism:

(1) shall be structurally sound and in good repair; but

(2) need not comply with:

(i) requirements for bathrooms, sprinkler systems, and elevators set forth in the Standards; or

(ii) any other requirements of the Standards or other building codes as set forth in regulations adopted by the Department.

(h) The Department shall adopt regulations to implement this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

5

EXAMPLES OF AGRITOURISM:

| | | |
|------------------------|------------------|---------------------|
| ✓ Leisure & Recreation | Attractions | Farm Stays ✓ |
| ✓ Farm Tours | Farm Restaurants | Farmer's Markets ✓ |
| ✓ Farm Retail | Roadside Stands | Pick-Your-Own ✓ |
| ✓ Harvest | Production | Petting Farms ✓ |
| ✓ Education & Training | Art | Camping ✓ |
| ✓ Glamping | Day Camps | Event Services ✓ |
| ✓ Events | Hobby Farming | Community Farming ✓ |

6

ARTICLE / NOVEMBER 17, 2019

Agritourism: The Future of Vacations

BY BRADLEY STONE

Have you ever visited a farmer's market or taken the kids to a corn maze or pumpkin patch? Depending on your local government's definition, all of the above could classify as agritourism.

Agritourism is generally any tourism within the agricultural sector. Think orchards, vineyards, plantations, animal husbandry, and small organic farms.

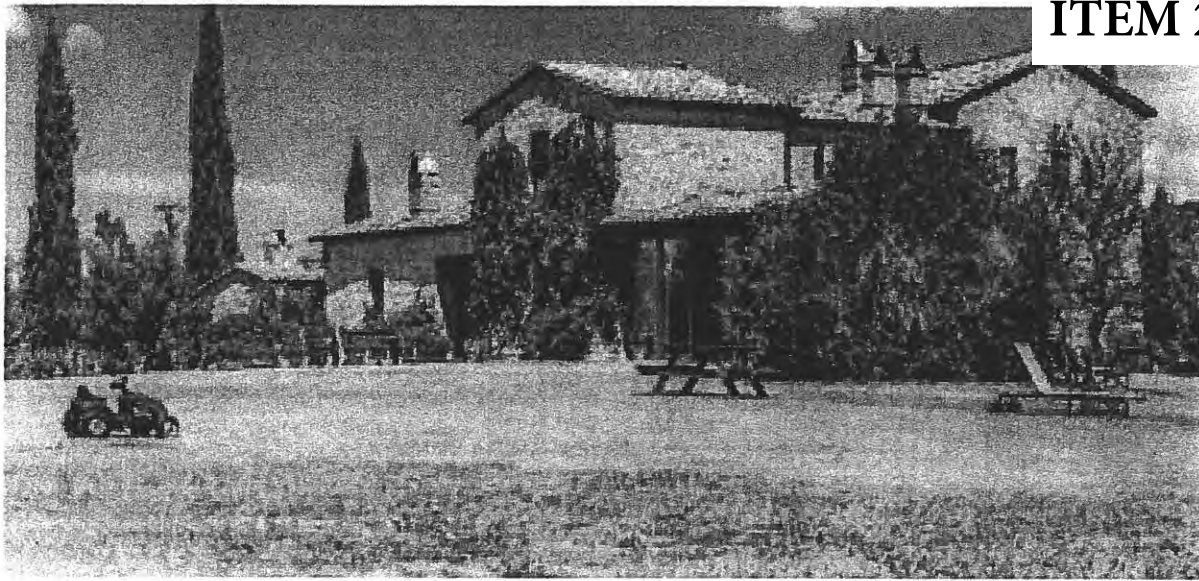
People love food, and they love traveling to the source. Agritourism is about more than selfies – it allows people to build a deeper relationship with the food they consume. With agritourism, people can get in touch with an essential aspect of their daily lives.

For those reasons, positioning a farm as a travel destination for leisure and education is an excellent way to diversify a farm operation's income.



Subscribe for Insights on Agribusiness

20 - 41



The house of a vineyard estate in Tuscany, where agritourism thrives.

Are Tourists Interested in Agritourism?

A few years ago, I visited two separate tea plantations. One estate is in Darjeeling, India, and the other in the Cameron Highlands of Malaysia. Both estates tap into agritourism through educational estate tours, unique dining experiences, charming tea shops, and hotel deals.

People came from around the world to visit the estates, especially residents of noisy and crowded cities. The tea estates were an inseparable part of the local experience, and the crowds of people attest to market demand.

Fast-forward to 2020, and we live in a socially distanced world. People aren't traveling as much, but in the coming years, tourism will come roaring back – with a vengeance.

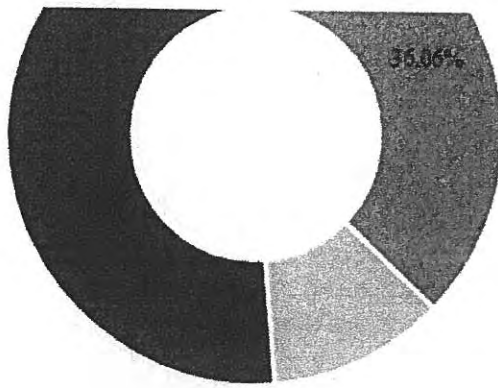
This, in turn, will affect agritourism, which will see sustained growth between 2020-2027 for a target \$117.37 billion market cap (a CAGR of 7.42%), according to [Fortune Business Insight](#).

Global Agritourism Market Share, By Type, 2019



- Direct-market
- Education & Experience
- Event & Recreation

20 - 42



Agritourism by type, global (Fortune Business Insights)

Top Four Trends Shaping the Agritourism Niche

After the madness of 2020, everyone is craving fresh air, healthy food, and ways to make a difference in the world.

Many feel a sense of relief because these are healthy trends for society in the long run. However, we're not out of the woods yet.

With cities re-entering lockdown and virtually everything about tourism running at a steep discount, now's the best time you may ever get to explore this explosive trend.

It's worth repeating; agritourism is going to be *huge*. The farm tour-and-dine is the alternative to dining downtown, which may be full of gremlins and lava at this point. Big companies are getting on board with virtual tourism, including Amazon and Airbnb.



A tourist-friendly tea farm in Vietnam

Virtual Agritourism – The New Normal

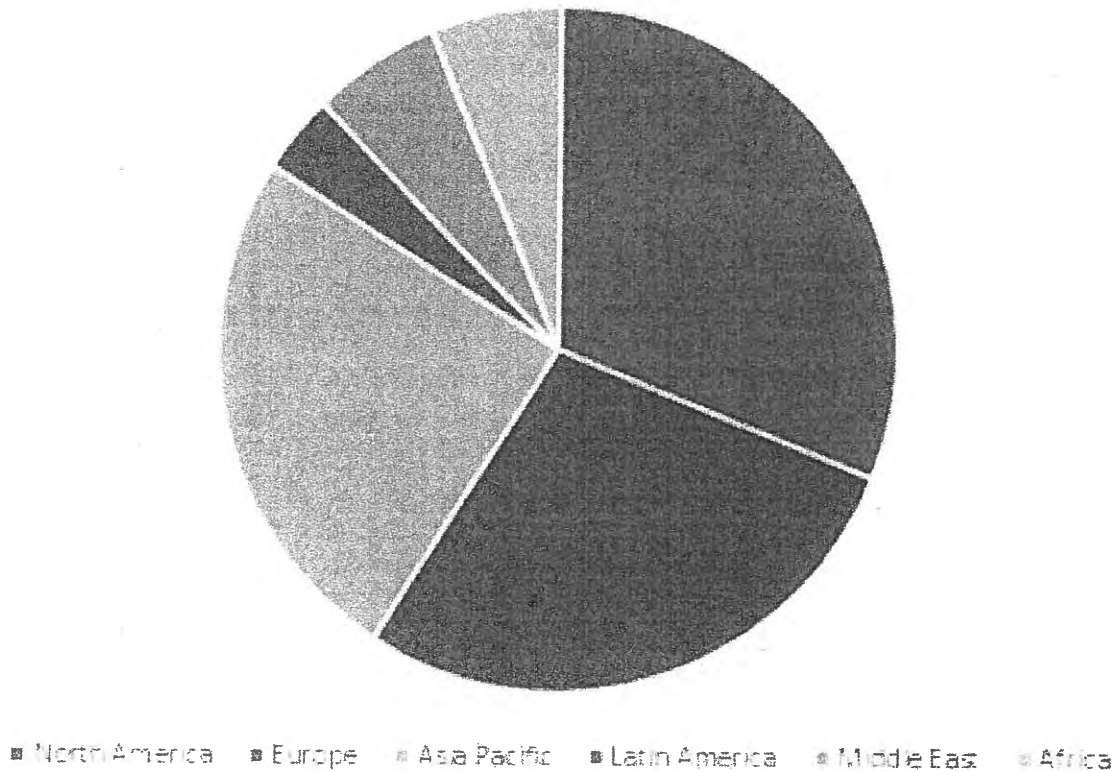
Virtual tourism has become more available for millions of people in 2020, and virtual events are often an excellent way to warm people up to the idea of a physical visit.

An agritourism group (Go Rural) surveyed customers during the lockdown and found that 57% would likely book a farm holiday after watching a virtual farm tour. Similarly, 60% would "almost certainly" visit a farm.

20 - 43

From the investor's angle, trade shows were once among the best ways to meet travel agents, tour operators, and other potential

Global Agritourism Market Size, Share Analysis, By Region 2017



Agritourism Market Size by Region (Veracious Statistics)

People Need a Breath of Fresh Air – Low-Effort Nature Tourism

Outdoor activities such as U-pick farms have become a popular escape from the cities during the pandemic. Similarly, Skyscanner's [report](#) found 69% of people say their next vacation will be outdoors, while 42% plan to visit rural areas.

Beyond a cure for cabin fever, farm stays may recover [quicker than hotels](#) due to the perceived higher sanitation and social distancing measures.



Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor

STATE OF MARYLAND
DEPARTMENT OF STATE POLICE
OFFICE OF THE STATE FIRE MARSHAL

1201 Reisterstown Road/C Building
Pikesville, MD 21208
410-653-8980
Fax 410-653-8988
Toll Free 800-525-3124

Colonel William M. Pallozzi
Secretary
Brian S. Geraci
State Fire Marshal

INSPECTION GUIDELINES FOR WEDDING BARNs

Applicable Codes and Standards

- Life Safety Code, 2015 edition
- NFPA #1 Fire Code
- Maryland State Fire Prevention Code – COMAR 29.06.91

Wedding venues in existing agricultural style buildings have become very popular in several regions of the state. These guidelines address the occupancy classification and fire protection requirements for these structures.

Wedding barns are considered a change of use from an agricultural storage building to new assembly occupancies.

Wedding barns where there is consumption of food and/or beverage with an occupant load of 100 or more, or the fire area exceeds 5000 sq. ft. must be provided with automatic sprinkler protection. (NFPA #1, Section 13.3.2.1 as modified by COMAR 29.06.07.kk)

A fire alarm system is required when the actual or calculated occupant load is more than 300.

Emergency lighting is required to illuminate all the means of egress.

The occupant load should be calculated by square footage method or the actual arrangement of tables and chairs with adequate aisles.

At least two remote exits are required for a capacity of 600 or less individuals. Side swing exit doors are required by the Code, however large sliding barn style doors could be accepted provided they can be locked in the open position.

Combustible decorations such as hay bales, straw and dried natural vegetation are prohibited.

Candles that are securely supported on a substantial noncombustible base and the candle flame is protected are permitted.

The use of any fog, smoke or any other special effects will not be permitted within the structure.

8



The National Agricultural Law Center

The nation's leading source for agricultural & food law research & information

NationalAgLawCenter.org | nataglaw@uark.edu

States' Agritourism Statutes:

Maryland



This material is based upon work supported by the National Agricultural Library,
Agricultural Research Service, U.S. Department of Agriculture

A National Agricultural Law Center Research Publication

States' Agritourism Statutes: Maryland

MD Code, Land Use, §§4-212, 12-508, 10-505.

Current through all legislation from the 2020 Regular Session of the General Assembly.

§4-212. Agritourism.

Agritourism, defined

(a)(1) In this section, "agritourism" means an activity conducted on a farm that is offered to a member of the general public or to invited guests for the purpose of education, recreation, or active involvement in the farm operation.

(2) "Agritourism" includes:

- (i) farm tours;
- (ii) hayrides;
- (iii) corn mazes;
- (iv) seasonal petting farms;
- (v) farm museums;
- (vi) guest farms;
- (vii) pumpkin patches;
- (viii) "pick your own" or "cut your own" produce;
- (ix) classes related to agricultural products or skills; and
- (x) picnic and party facilities offered in conjunction with any agritourism activity.

Adoption of definition

(b) A local jurisdiction may adopt the definition of "agritourism" as defined in this section by local ordinance, resolution, law, or rule.

§12-508. Agritourism building requirements.

“Agricultural building” defined

- (a)(1) In this section, “agricultural building” means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products.
- (2) “Agricultural building” does not include a place of human residence.

Scope of section

(b) This section applies only to:

- (1) Allegany County, Anne Arundel County, Baltimore County, Calvert County, Carroll County, Cecil County, Charles County, Dorchester County, Frederick County, Garrett County, Harford County, Howard County, Kent County, Montgomery County, Prince George's County, St. Mary's County, Somerset County, and Talbot County; or
- (2) a county where the local legislative body has approved the application of this section to the county.

Application of Standards

(c) The Standards do not apply to the construction, alteration, or modification of an agricultural building for which agritourism is an intended subordinate use.

Building permits

(d) Except as provided in subsection (e) and (f) of this section, an existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if the subordinate use of agritourism:

- (1) is in accordance with limitations set forth in regulations adopted by the Department;
- (2) occupies only levels of the building on which a ground level exit is located; and
- (3) does not require more than 50 people to occupy an individual building at any one time.

Building permits

(e) In Allegany County, Anne Arundel County, Baltimore County, Carroll County, Cecil County, Garrett County, Howard County, Kent County, Prince George's County, and St. Mary's County, an existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if:

- (1) the subordinate use of agritourism does not require more than 200 people to occupy an individual building at any one time; and
- (2) the total width of means of egress meets or exceeds the International Building Code standard that applies to egress components other than stairways in a building without a sprinkler system.

Montgomery County

(f)(1) In Montgomery County, an existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit as provided in this subsection.

(2) Except as provided in paragraph (3) of this subsection, if the subordinate use of agritourism does not require more than 50 people to occupy an individual building at any one time, then that use must be:

- (i) in accordance with limitations established by the Department; and
- (ii) limited to levels of the building on which a ground level exit is located.

(3) If the subordinate use of agritourism requires more than 50 people but fewer than 100 people to occupy an individual building at any one time, then that use must be:

- (i) in accordance with the requirements in paragraph (2) of this subsection; and
- (ii) the total width and number of means of egress must meet or exceed the International Building Code standard that applies to egress components other than stairways in a building without a sprinkler system.

Building requirements

(g) An agricultural building used for agritourism:

- (1) shall be structurally sound and in good repair; but
- (2) need not comply with:
 - (i) requirements for bathrooms, sprinkler systems, and elevators set forth in the Standards; or
 - (ii) any other requirements of the Standards or other building codes as set forth in regulations adopted by the Department.

Regulations

(h) The Department shall adopt regulations to implement this section.

§10-505. Board of Directors.

In general

- (a)(1) There is a Board of Directors of the Corporation.
- (2) The Board manages the Corporation and exercises all of its corporate powers.

Composition; appointment of members

(b) The Board consists of the following members:

(1) as ex officio members:

- (i) the Secretary or a designee of the Secretary who is a senior-level departmental official;
- (ii) the Secretary of Agriculture or a designee of the Secretary who is a senior-level departmental official;
- (iii) the Secretary of Natural Resources or a designee of the Secretary who is a senior-level departmental official;
- (iv) the Executive Director of the Maryland Food Center Authority;
- (v) the Executive Director of the Rural Maryland Council; and
- (vi) the Director of the Maryland Cooperative Extension Service; and

(2) eleven individuals appointed by the Governor with the advice and consent of the Senate as follows:

- (i) two agricultural producers representing at least two different farm commodity industries in the State;
- (ii) two representatives from commercial lending institutions serving rural regions in the State, one of whom shall represent a major farm credit organization operating in the State;
- (iii) one representative of the timber and forest products industry;
- (iv) one representative of the aquaculture industry;
- (v) one representative of the commercial seafood harvesting and processing industry;
- (vi) one individual with knowledge and experience in the area of operating commercial food or fiber processing facilities;
- (vii) one individual with knowledge and experience in the area of public finance;
- (viii) one individual with knowledge and experience in the area of rural economic development or agricultural marketing; and
- (ix) one individual with knowledge about the agricultural, forestry, or seafood industries or **agritourism** in the State or with substantial and relevant economic development experience.

Qualifications

(c) A member of the Board shall be a resident of the State.

Geographic diversity

(d) In appointing members of the Board under subsection (b)(2) of this section, the Governor shall consider all of the geographic regions of the State.

Term; vacancies

(e)(1) The term of a member appointed under subsection (b)(2) of this section is 4 years.

(2) The terms of the appointed members are staggered as required by the terms provided for the members on October 1, 2008.

(3) At the end of a term, an appointed member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

Removal

(f) The Governor may remove a member of the Board for incompetence, misconduct, or failure to perform the duties of the position.

Chair

(g) The Board shall elect a chair from among its members.

Voting

(h) The Board may act with an affirmative vote of nine members.

Compensation; reimbursement for expenses

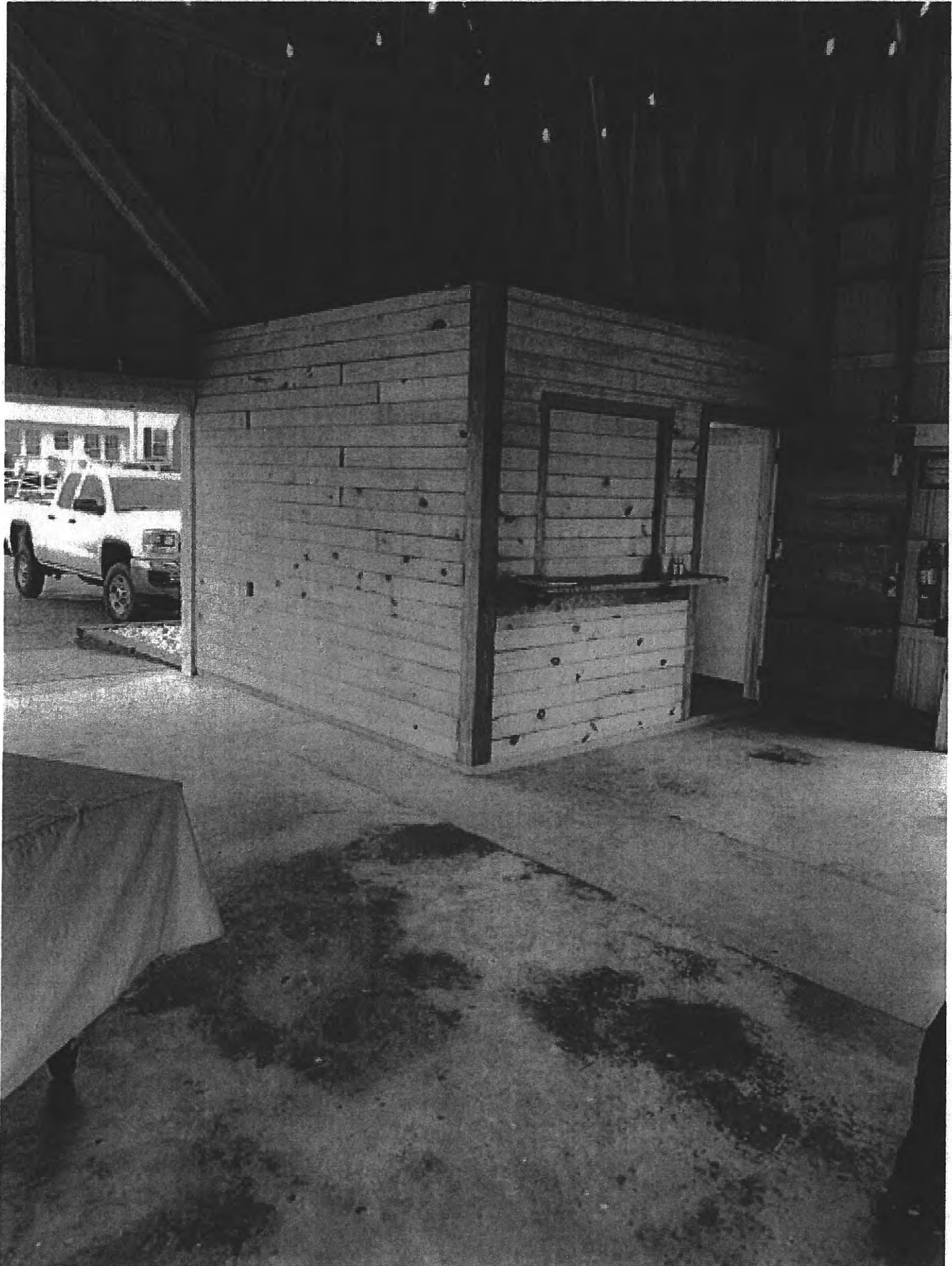
(i) A member of the Board:

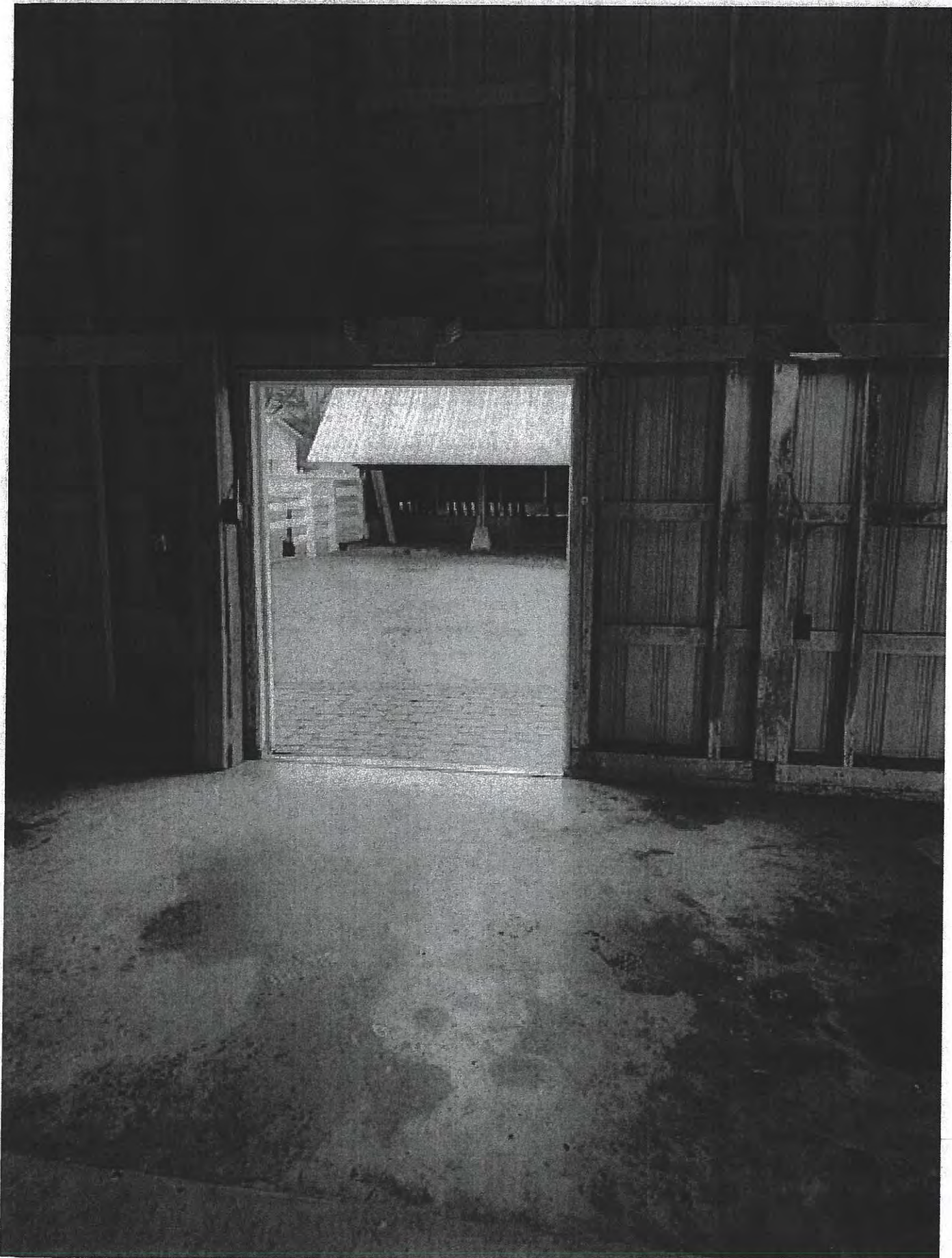
(1) serves without compensation as a member of the Board; but

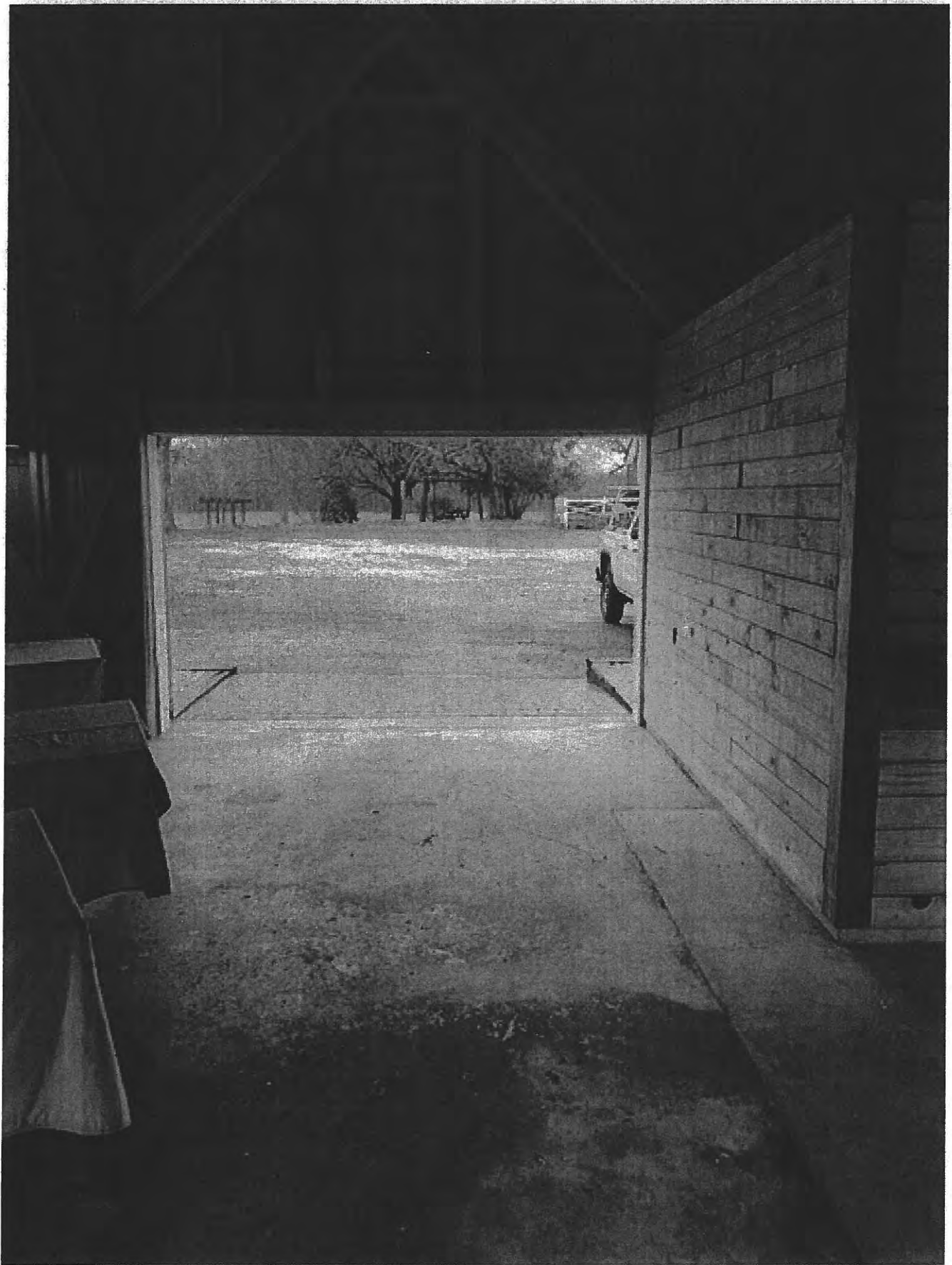
(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.

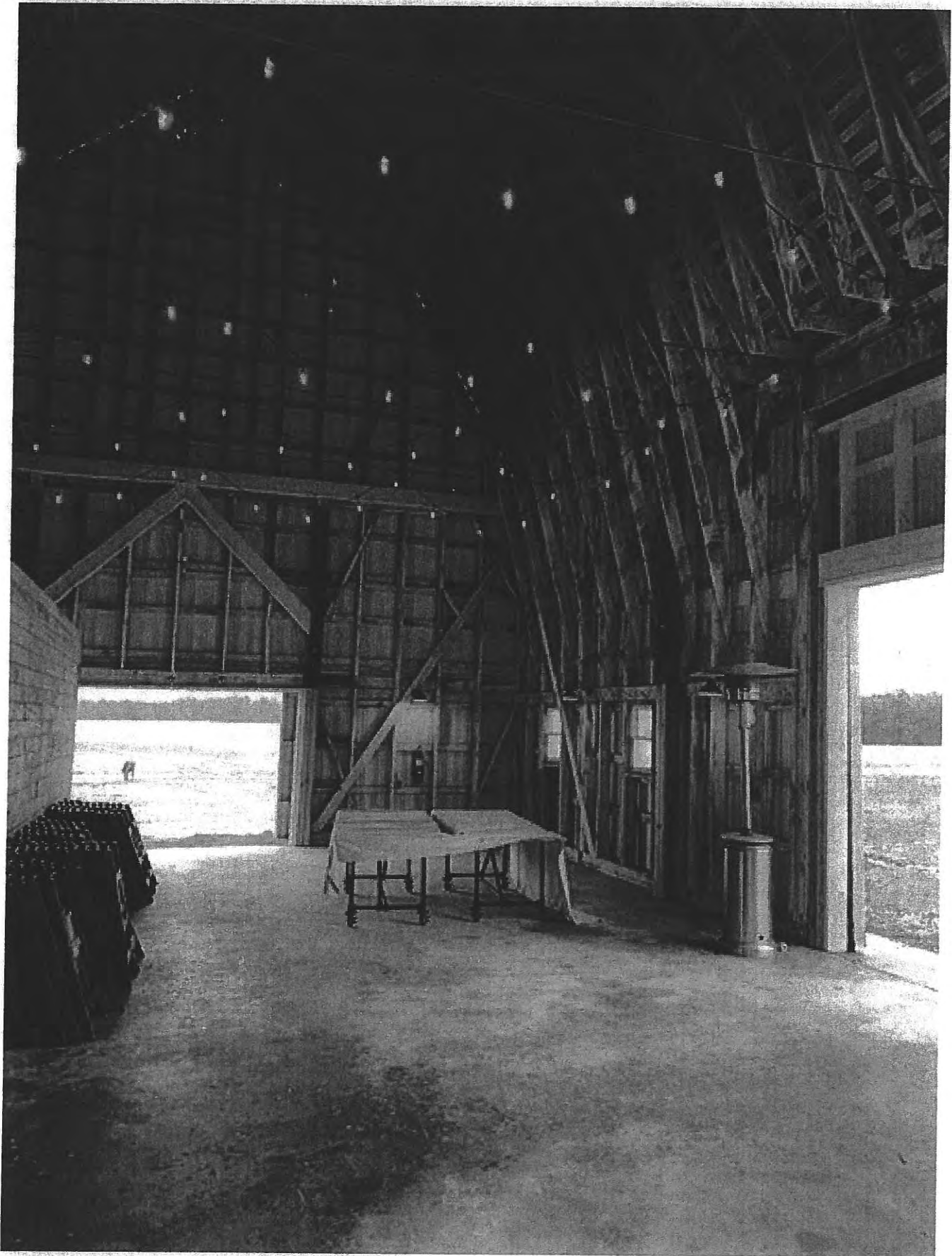












Worcester County Sheriff's Office

Matthew Crisafulli
Sheriff



Mark C. Titanski
Chief Deputy

Worcester County Animal Control

Glen Grandstaff
Chief of Animal Control



Kyle Abell
Assistant Chief of Animal Control

MEMORANDUM

To: Harold Higgins, Chief Administrative Officer
From: Glen Grandstaff Chief Animal Control Office
Date: April 14, 2021
RE: Text Amendment Public Safety – Animal Control

The department has prepared the attached draft amendments for the purpose of amending the Animal Control Subtitle of the Public safety Article to provide additional definitions.

Revise stray hold times to 3 business days. Clarify and enhance existing standards including the suitable shelter provisions and commercial kennel license and record keeping requirements.

Clarify the difference between a suitable shelter and a shelter kennel. Simplify the calculation of the shelter kennel area per dog or cat. Establish certain conditions in which the tethering of an animal is not acceptable. And to add provisions to commercial kennel license to address violations and penalties.

Much of the proposed legislation changes stem from a situation involving a dog breeder from the Pocomoke area and have been championed by Commissioner Josh Nordstrom.

I am available to discuss this matter with you and the County Commissioners at your convenience.

Attachments included.

Worcester County Animal Control
6207 Timmons Road
Snow Hill, MD 21863
410-632-1340- phone / 410-632-3070- fax

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 21-

BY:
INTRODUCED:

A BILL ENTITLED

AN ACT Concerning

Public Safety – Animal Control

For the purpose of amending the Animal Control Subtitle of the Public Safety Article to provide additional definitions; revise the stray hold time to three business days; clarify and enhance existing standards including the suitable shelter provisions and the commercial kennel license record keeping requirements; clarify the difference between a suitable shelter and a shelter kennel; simplify the calculation of the shelter kennel area per dog or cat; establishing certain conditions in which tethering of an animal is not acceptable; and added provisions to the commercial kennel license to address violations and penalties.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § PS 2-101(b) of the Public Safety Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of the following definitions, to read as follows:

BREEDER

Any person who maintains six or more intact female dogs, cats or an aggregate thereof, over four months of age, on the premises for any period of time, for the purpose of breeding and selling their offspring, or sells puppies or kittens from a maximum of three litters per calendar year.

COMMERCIAL

Relating to any activity conducted with the intent of realizing a profit, in which the form of compensation is monetary or the exchange of any goods or services of value.

KENNEL, COMMERCIAL

An establishment which maintains for commercial breeding, treatment, boarding, sale, leasing, rental, training or exhibition a pack or collection of more than five dogs, cats or an aggregate thereof, over four months of age, on the premises for any period of time, other than a licensed veterinary facility. A commercial kennel shall not include any person who maintains no more than eight dogs, cats or an aggregate thereof, over four months of age, for personal use or companionship, hunting, exhibition, field working, or obedience trials, which may include the sale of puppies

or kittens from a maximum of two litter(s) per calendar year, regardless of the size of the litter by the property owner or tenant.

KENNEL, SHELTER

Any building, structure, enclosure, run, or any part thereof designed or modified for the housing, shelter or keeping of any animal.

LITTER

The offspring at one birth of a multiparous animal.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the existing definition of “dog” as contained in Subsection § PS 2-101(b) of the Public Safety Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

DOG

An animal of the Canis Familiaris species, including those animals that have been cross-bred with the species Canis Lupus, commonly known as a wolf.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the existing definition of “leash” as contained in Subsection § PS 2-101(b) of the Public Safety Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

LEASH

Any lead, leash, cord, remote controlled electronic collar, or other restraint preventing an animal from moving more than fifteen feet from the person holding the electronic device or restraint opposite the end attached to the animal.

Section 4. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the existing definition of “suitable shelter” as contained in Subsection § PS 2-101(b) of the Public Safety Article of the Code of Public Local Laws of Worcester County, Maryland be repealed.

Section 5. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § PS 2-101(i) of the Public Safety Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (i) Animals not to run at large; impoundment. It shall be unlawful for any person to permit a dog, cat or other animal owned or harbored by him to run at large. Any such animal running at large may be apprehended by the Animal Control Warden or other designated officer and may be impounded in the animal pound. Any animal so impounded shall be held at the animal pound not less than three business days unless sooner redeemed by the owner. The owner of such animal may redeem it from the animal pound after its seizure upon the payment of a

redemption fee and fine as established by resolution of the County Commissioners, subject, however, to the consent of the Warden as provided in Subsection (h) above. Any animal presenting symptoms of infectious or communicable disease constituting a health threat to other animals in the pound may be euthanized prior to the expiration of the holding period.

Section 6. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new subparagraph (1) be added to Subsection § PS 2-101(v) of the Public Safety Article of the Code of Public Local Laws of Worcester County, Maryland to read as follows:

- (1) Tethering of any animal shall be prohibited in the following instances:
 - A. During unsafe weather conditions.
 - B. During the heat cycle, gestation and lactation period of any female dog or cat.
 - C. On the premises of a commercial kennel.

Section 7. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § PS 2-101(w) of the Public Safety Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (w) Suitable shelter. The owner of an animal that is not kept within a home or building shall provide the animal with suitable shelter to protect it from wind, snow, rain, cold, sunlight and unsafe weather conditions. An animal shall be brought inside a home or building within thirty minutes of the onset of and during unsafe weather conditions, unless the animal has continuous suitable shelter. This provision shall not apply if the animal is lawfully and actively engaged in hunting, sporting, field working, or training. A suitable shelter shall include:
 - (1) A solid floor that shall not be wire or chain link, a roof, and four walls, one of which shall contain a doorway. A suitable shelter does not include a crawl space that is under a building, space under a vehicle, or any structure made of cardboard or other materials that are easily degraded by the elements.
 - (2) No interior surfaces shall be metal, nor have sharp points or edges.
 - (3) All surfaces in contact with the animal shall be constructed of a material that can be adequately cleaned and sanitized or be replaced when worn or soiled.
 - (4) a minimum of one foot of headroom above the head of the tallest

animal in the enclosure.

- (5) Adequate bedding shall be provided consisting of straw, hay, wood dust, wood shavings, or other organic material deemed acceptable to the Animal Control Warden. Bedding shall not consist of towels, blankets, clothing or other similar material.
- (6) The space available to the animal in the shelter shall be maintained in a safe and healthful manner, free of standing water, waste, debris, fecal matter, protection from flooding, provided with adequate ventilation to allow the animal to remain dry and maintain a normal body temperature and exposure to natural or artificial light.
- (7) Suitable shelters shall not be stacked one on top of another nor suspended from the ceiling.

Section 8. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § PS 2-101(x) of the Public Safety Article of the Code of Public Local Laws of Worcester County, Maryland be renumbered as § PS 2-101(y) and a new § PS 2-101(x) be enacted to read as follows:

- (x) Shelter kennel. A shelter kennel shall be provided for all commercial kennels. These standards shall also apply when a shelter kennel is provided by an owner of an animal. In addition to providing a suitable shelter as defined in § PS 2-101(w) hereof, the shelter kennel shall be secured, and have a floor consisting of a hard, durable material. A shelter kennel shall consist of a minimum of eighty square feet per dog, or thirty square feet per cat.

Section 9. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § PS 2-102(h) of the Public Safety Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (h) Commercial kennel licenses.
 - (1) No person or entity shall operate a commercial kennel without first obtaining a commercial kennel license from the Animal Control Warden. Each lot or parcel shall be considered a separate establishment requiring an individual license. Animals kept as a part of a commercial kennel must meet the rabies vaccination and license requirements of this Subtitle. The license application shall include written verification from the Department of Development, Review and Permitting that the applicant has complied with the requirements of the Zoning and Subdivision Control Article.
 - (2) Such licenses shall be obtained on or before July 1 of each year and shall expire on June 30 of the following year. The license fees for commercial

kennels shall be as established by resolution of the County Commissioners. Licenses are not transferrable.

- (3) Recordkeeping requirements. A commercial kennel license holder shall maintain records for each animal maintained at the commercial kennel and shall be provided to the Animal Control Warden upon request. Documentation shall include:
 - A. A list of the name, address, and contact information for the owner of each animal maintained at or sold from the commercial kennel.
 - B. Documentation that each animal over four months of age has been vaccinated against rabies, and that the vaccination is still valid during the time of its stay.
 - C. A list of all other treatments and vaccinations that each animal has received while in the care of the commercial kennel.
- (4) Every holder of a commercial kennel license shall be deemed to have granted a right of entry to the Animal Control Warden to enter upon the premises of the licensee at all reasonable hours for the purposes of inspecting the same for violations of law.
- (5) Any licensed veterinarian doing business in Worcester County shall not be required to obtain a commercial kennel license for animals held for treatment directly related to the veterinary care of said animals.
- (6) Any breeder shall have all puppies or kittens examined by a licensed veterinarian within four weeks of birth. Puppies shall be dewormed and vaccinated for distemper, parvo and parainfluenza prior to being sold. Kittens shall be dewormed and vaccinated for rhinotracheitis, calicivirus, and panleukopenia prior to being sold.

Section 10. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new Subsection § PS 2-102(l) of the Public Safety Article of the Code of Public Local Laws of Worcester County, Maryland be enacted to read as follows:

- (l) The County Commissioners by resolution may establish additional standards or require additional information as deemed necessary to enforce the provisions of this Title.

Section 11. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new Subsection § PS 2-102(m) of the Public

Safety Article of the Code of Public Local Laws of Worcester County, Maryland be enacted to read as follows:

(m) Violations and penalties.

- (1) If the Animal Control Warden shall find that any of the provisions of this Title are being violated, it shall notify the owner of the property where such violation occurs, either by certified mail, by posting of the property or by other appropriate method. Such notification shall indicate the nature of the violation and order the action necessary to correct it within a reasonable period of time as determined by the Animal Control Warden.
- (2) At the conclusion of such reasonable period, if the violation has not been satisfactorily corrected in the judgement of the Animal Control Warden, the Animal Control Warden shall take appropriate action to bring about the correction of such violation or shall take any other action authorized by law to ensure compliance with this Section and prevent violation of its provisions. Violation of the provisions of this Section or failure to comply with any of its requirements shall constitute a civil infraction. Potential penalties may include but are not limited to suspension or revocation of the license, refusal to renew the license, fines, filing of an injunction to bring about correction of any violations, impoundment of any animal and abatement of imminent dangers to the health and safety of any animal as determined by the Animal Control Warden. Each day of a violation constitutes a separate offense. The remedies available to the County and the Animal Control Warden under this Title are cumulative and not exclusive.
- (3) The Animal Control Warden may suspend, revoke, or refuse to renew any commercial kennel license issued in accordance with this Section for any of the following reasons:
 - A. A material falsification of any information supplied on a commercial kennel license application or in any additional information supplied by the applicant concerning the sale or other disposition of each dog or cat from the kennel.
 - B. Any activity conducted on the licensed premises that is or would be detrimental to the health, safety or welfare of the public or to any animal located on the licensed premises.
 - C. Conviction of an applicant or license holder of any felony crime or misdemeanor crime associated with animal mistreatment or neglect, regardless of where committed, during the license period.

- D. A repeated failure to conform to the commercial kennel license conditions, any rules or regulations adopted by resolution of the County Commissioners with regard to properties licensed under this Section or the Zoning and Subdivision Control Article of the Code of Public Local Laws as it applies to commercial kennel establishments.
- (4) In the event that a commercial kennel license is suspended, revoked, or the renewal of the license is refused by the Animal Control Warden, the license holder may appeal the decision to the County Commissioners. Such request shall be made in writing within thirty days of the original notification by the Animal Control Warden. Any decisions made by the County Commissioners shall be final.
- (5) Any person establishing a commercial kennel without first obtaining a commercial kennel license or operating or maintaining the same in violation of this Section or regulations or standards adopted by resolution of the County Commissioners shall be guilty of a civil infraction.
- (6) If a commercial kennel license is revoked, the Animal Control Warden shall not issue a commercial kennel license for a period of three years to the former license holder.

Section 12. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § PS 2-103(b) of the Public Safety Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (b) Condition of animal. The animal made available for adoption shall be tame, domesticated, in good health, manageable and friendly to human beings, and shall have been observed in the animal pound for not less than three business days.

Section 13. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.



DEPARTMENT OF
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Worcester County

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ZONING DIVISION
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ADMINISTRATIVE DIVISION

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TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Harold L. Higgins, Chief Administrative Officer
From: Edward A. Tudor, Director *EAT*
Date: April 13, 2021
Re: Text Amendment – Commercial kennels

The Department has prepared the attached draft text amendment to amend the Zoning Code to include definitions for terms currently found in the code such as commercial kennel and breeder, and clarify the existing district regulations and home occupation provisions where the commercial kennel use is listed to reflect the new terminology. The language contained within was developed as a result of multiple discussions with the Animal Control staff at the request of Commissioner Nordstrom, and is a companion bill to the Animal Control amendments.

At this time, we are requesting that the bill be introduced and scheduled for public hearing concurrently with the Animal Control bill. The zoning bill will be sent to the Planning Commission for their May 6, 2021 meeting, and their recommendation will be forwarded to you in time for the upcoming public hearing.

Attached herewith you will find a copy of the draft amendment in bill form. An electronic version has also been sent to your office for use should one of the Commissioners wish to introduce it at their upcoming legislative session.

As always, I will be available to discuss this matter with you and the County Commissioners at your convenience.

Attachments

cc: Jennifer Keener, Deputy Director

A BILL ENTITLED

AN ACT Concerning

Zoning – Commercial kennel

For the purpose of amending the Zoning and Subdivision Control Article to provide additional definitions to clarify the existing kennel use within certain zoning districts and the home occupation provisions.

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

BREEDER - Any person who maintains six or more intact female dogs, cats or an aggregate thereof, over four months of age, on the premises for any period of time, for the purpose of breeding and selling their offspring, or sells puppies or kittens from a maximum of three litters per calendar year.

CAT - An animal of the Felis Catus species, commonly known as the common house cat.

DOG - An animal of the Canis Familiaris species, commonly known as a domestic dog, and including those animals that have been cross-bred with the species Canis Lupus, commonly known as a wolf.

KENNEL, COMMERCIAL - An establishment which maintains for commercial breeding, treatment, boarding, sale, leasing, rental, training or exhibition a pack or collection of more than five dogs, cats or an aggregate thereof, over four months of age, on the premises for any period of time, other than a licensed veterinary facility. A commercial kennel shall not include any person who maintains no more than eight dogs, cats or an aggregate thereof, over four months of age, for personal use or companionship, hunting, exhibition, field working, or obedience trials, which may include the sale of puppies or kittens from a maximum of two litter(s) per calendar year, regardless of the size of the litter by the property owner or tenant.

LITTER - The offspring at one birth of a multiparous animal.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-201(c)(31) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (31) Commercial kennels. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty

feet; and subject to the provisions of § ZS 1-325 hereof. Furthermore, all outside pens and runways shall be at least two hundred feet from any perimeter property line or public road right-of-way.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-202(c)(15) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (15) Veterinary clinics and commercial kennels. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof. Furthermore, all outside pens and runways shall be at least two hundred feet from any perimeter property line or public road right-of-way.

Section 4. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that that Subsection § ZS 1-209(c)(4) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (4) Veterinary clinics and commercial kennels. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof. Furthermore, all outside pens and runways shall be at least two hundred feet from any perimeter property line or public road right-of-way.

Section 5. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that that Subsection § ZS 1-339(a)(11) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (11) A home occupation shall not be interpreted to include a commercial kennel, restaurants, lounges, overnight exterior storage, body piercing establishments or tattoo establishments.

Section 6. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.



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DATA RESEARCH DIVISION
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ZONING DIVISION
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ADMINISTRATIVE DIVISION

MEMORANDUM

To: Harold L. Higgins, Chief Administrative Officer
From: Edward A. Tudor, Director *EAT*
Date: April 12, 2021
Re: Planning Commission Recommendation - Text Amendment Application – §ZS 1-324(d) – Off-premises signs - billboards

The Department has received and processed a text amendment application submitted by Hugh Cropper, IV, Esquire on behalf of his client, John H. Burbage, Jr. It seeks to amend §ZS 1-324(d)(4) and (5) of the off-premise sign section to allow billboards to take advantage of the non-conformity provisions of § ZS 1-122 relative to reconstruction, and remove the prohibition on reconstruction of billboards subject to a certain amount of destruction. The bill was amended during the Planning Commission’s review to include the three items of concern from the staff report, which were as follows: 1. Maintaining a prohibition on the reconstruction of a billboard by Board of Zoning Appeals action for signs not destroyed by a force of nature; 2. Limiting the replacement materials to in-kind; and 3. Prohibiting an electronic messaging component.

The proposed text amendment was reviewed by the Planning Commission at its meeting on April 1, 2021. Following the discussion, the Planning Commission gave a unanimous favorable recommendation to the text amendment application as amended by the applicant. Attached herewith you will find a copy of the entire text amendment file, which includes the draft amendment in bill form. An electronic version has also been sent to your office for use should one of the Commissioners wish to introduce it at their upcoming legislative session.

As always, I will be available to discuss this matter with you and the County Commissioners at your convenience.

Attachments

cc: Jennifer Keener, Deputy Director

A BILL ENTITLED

AN ACT Concerning

Zoning – Off-premises signs

For the purpose of amending the Zoning and Subdivision Control Article to allow for the reconstruction of billboards or off-premise advertising structures.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-324(d)(4)A of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- A. Legally existing billboards may remain and be periodically maintained as permitted nonconforming structures and uses. Notwithstanding the provisions of § ZS 1-122(d)(1) hereof, the Board of Zoning Appeals shall have no authority to grant a special exception for the reconstruction, expansion, relocation or structural alteration to an existing billboard.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-324(d)(5) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (5) Any billboard or off-premises advertising structure which is destroyed by the forces of nature may be reconstructed in accordance with the provisions of § ZS 1-122(d)(6) hereof. Such reconstruction shall be limited to the following:
 - A. Materials used for the replacement structure shall be generally in-kind with the materials of the original structure.
 - B. Electronic messaging components shall be strictly prohibited.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-126(e) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (e) Grandfathering of billboards. There shall be no grandfathering provisions for billboards in this section, but any billboard required by the governing body to be removed shall be subject to the provisions of § 1-1305 of the Annotated Code of Maryland, as from time to time amended.

Section 4. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.



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MEMORANDUM

To: Edward A. Tudor, Director
From: Jennifer K. Keener, AICP, Deputy Director *JKK*
Date: April 7, 2021
Re: Planning Commission Recommendation - Text Amendment Application – §ZS 1-324(d) – Off-premises signs - billboards

The purpose of this memo is to forward the Planning Commission’s comments and recommendation regarding a text amendment application submitted by Hugh Cropper, IV, Esquire on behalf of his client, John H. Burbage, Jr. It seeks to amend §ZS 1-324(d)(4) and (5) of the off-premise sign section to allow billboards to take advantage of the non-conformity provisions of § ZS 1-122 relative to reconstruction, and remove the prohibition on reconstruction of billboards subject to a certain amount of destruction.

In their report to the Planning Commission, the staff noted that Worcester County has maintained a long-standing policy of encouraging the removal of billboards to protect the main scenic corridors. To that effect, regulations were developed that prohibited their reconstruction under the non-conformity provisions (1992) and eliminated the ability to seek a special exception from the Board of Zoning Appeals (2009). The applicant is currently seeking to remove both restrictions. As initially drafted, there were no standards proposed for the material of the sign, which would likely lead to the substitution of steel for wood, or electronic messaging billboards. Given these concerns, staff was opposed to the text amendment as submitted.

The Planning Commission reviewed the proposed text amendment at its meeting on April 1, 2021. During his testimony, Mr. Cropper stated that his client’s billboard was destroyed by a force of nature last year, and is unable to be replaced under the current zoning code. He argued that the prohibition on reconstruction was disproportionate to clients like his, as other non-conforming structures, would be able to be rebuilt if destroyed by a similar force of nature. Mr. Cropper stated that he would amend his request to include the three items from the staff report should the Planning Commission look favorably upon the amendment, which were as follows: 1. Maintaining a prohibition on the reconstruction of a billboard by Board of Zoning Appeals action for signs not destroyed by a force of nature; 2. Limiting the replacement materials to in-kind; and 3. Prohibiting an electronic messaging component.

Following the discussion, the Planning Commission gave a favorable recommendation to the text amendment application as amended.

Citizens and Government Working Together

A copy of the staff report including the application is attached, as is a copy of the amended draft bill should any of the County Commissioners wish to introduce it. Should you have questions or require additional information, please do not hesitate to contact me.

Attachment



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MEMORANDUM

To: Worcester County Planning Commission
From: Jennifer Keener, AICP, Deputy Director *JKK*
Date: January 11, 2021
Re: Text Amendment Application – §ZS 1-324(d) – Off-premises signs - billboards

The attached text amendment application has been submitted by Hugh Cropper, IV, Esquire on behalf of his client, John H. Burbage, Jr. It seeks to amend §ZS 1-324(d)(4) and (5) of the off-premise sign section to allow billboards to take advantage of the non-conformity provisions of § ZS 1-122 relative to reconstruction. Following our customary practice, once the text amendment application was received, it was reviewed by Ed Tudor, Director, Kristen Tremblay, Zoning Administrator, and Roscoe Leslie, County Attorney and Planning Commission Attorney, as well as myself for comment. Our comments relative to this request are as follows:

There are two aspects to this proposed amendment. The first pertains to the consideration that the destruction of a billboard as a result of a force of nature shall not be permitted to be reconstructed if it meets a certain threshold. The second aspect pertains to the reconstruction of a billboard in general as a non-conforming structure, regardless of whether or not it was destroyed by a force of nature. A copy of the applicable code sections are attached.

Currently, billboards may be periodically maintained under the ordinary repairs and maintenance provisions of the Zoning Code as nonconforming structures. However, any billboard that is destroyed by the forces of nature to the extent found in §ZS 1-324(d)(5) would not be able to be rebuilt. This language has been in place for nearly 30 years, when it was incorporated into the 1992 Zoning Code. Mr. Cropper is proposing to strike this section in its entirety. The objective of this language was to intentionally phase out billboards, which have been regulated since the passage of the Highway Beautification Act in 1965. The proposed amendment is contrary to the spirit of federal, state and local laws.

One of Mr. Cropper’s arguments is that this regulation is unfair for financial reasons. However, as with any business venture, there are risks that must be planned for, a cost of doing business. An owner has a responsibility to ensure that their investment is properly maintained to reduce the risk of damage or destruction, no matter the structure. In addition, the current County ordinance puts all existing billboards on the same playing field. As Valerie Morton, Real Property Supervisor, Special Acquisitions and Outdoor Advertising with Maryland Department of Transportation State Highway

Administration (MDOT SHA) states in her letter (attached), approval of this amendment would only allow those billboards not located along a scenic byway to be replaced. Others would be prohibited from being reconstructed by state law.

If this facet of the current law were to be eliminated, any existing billboard not located on a scenic byway would be subject to the nonconformity provisions of §ZS 1-122(d)(6), in which reconstruction could occur with a valid permit application issued by Worcester County, and without Board of Zoning Appeals action, within two years from the date of destruction. As proposed, there are no standards that would regulate the construction materials of the replacement billboard.

The amendment also proposes the elimination of a portion of the language contained in §ZS 1-324(d)(4)A. While one sentence references the destruction provisions from the item above, a second sentence has a provision to prevent an applicant from requesting a special exception from the Board of Zoning Appeals to reconstruct an existing, intact billboard. This language was added to the Zoning Code during the 2009 updates to specifically prohibit the ability to file a special exception request to reconstruct existing billboards. Between 2001 and 2009, the Department received approximately ten special exception requests before the Board of Zoning Appeals to reconstruct or relocate billboards (between one and four signs per application) as a non-conforming structure. The majority of the applications received proposed a change in the construction material from wood supports to the steel monopole design that is more prevalent today. Staff is concerned that the elimination of this section will lead to further Board of Zoning Appeals applications to replace existing billboards in a similar manner.

It has been the long-standing policy of Worcester County to encourage the removal of billboards. In support of that policy, Worcester County included such recommendations in the US Route 50 Transportation Corridor Plan adopted in 2000 and the US Route 113 Transportation Corridor Plan adopted in 2003, as from time to time amended. The MD Blue Crab Scenic Byway Corridor Management Plan was developed in 2004 by the former Lower Eastern Shore Heritage Committee, with the support of the Worcester County Commissioners, and representation by and direct writing credit for a portion to the Worcester County Tourism department. This plan was developed to serve as a touring route for visitors, linking them with sites, attractions and resources on the three counties of the Lower Eastern Shore. The plan identified strategies and actions that should be taken to achieve this vision, one of which was the need for "better roadside management including the control of billboards" (Page 6).

In 2011, the Maryland General Assembly prohibited the construction of any new off-premise outdoor advertising signs along designated scenic byways. This also includes limitations on the reconstruction of existing billboards. The Maryland Department of Transportation State Highway Administration (MDOT SHA) is responsible for enforcement. Within Worcester County, portions of the Blue Crab byway have been combined into existing state scenic byways, such as the Cape to Cape scenic byway, and the Chesapeake Country scenic byway. Enclosed you will find a letter provided by Valerie Morton, Real Property Supervisor, Special Acquisitions and Outdoor Advertising with MDOT SHA. In her letter, she states her opposition to the proposed text amendment. As previously mentioned above, she notes that even if the local amendments were adopted, there are billboards throughout the county that could not be replaced if located on a scenic byway.

Overall, staff are concerned that the language as drafted would allow an existing billboard to be replaced with a more permanent structure, resulting in a lesser likelihood that such billboards will be phased out. In addition, we have concerns that they may include an electronic messaging component, simply by applying for a special exception as had been done in the past, as there are no standards in place to regulate the construction materials or design of the sign.

For these reasons, staff does not support the proposed text amendment.

However, should the Planning Commission and/or County Commissioners support this proposed amendment in part or in its entirety, staff would recommend amendments, such as:

- Maintaining a prohibition on the reconstruction of a billboard by Board of Zoning Appeals action for such signs that have not been destroyed by forces of nature;
- Limiting the construction materials of the billboard to be “replacement in kind” – wood for wood, etc.; and
- A prohibition on electronic messaging sign components for any portion of the proposed copy area of a billboard.

There may be additional clarifying code amendments that are necessary for consistency within other sections of the Zoning Code that may need to be incorporated into the proposed amendment. As always, staff will assist the applicant with the identification of those items for inclusion in the draft bill.

Should you have any questions or require additional information, please do not hesitate to contact me. I will be available to discuss this request in more detail at the upcoming meeting.

Attachments

cc: Hugh Cropper, IV, Esquire, applicant
Edward A. Tudor, Director
Roscoe Leslie, County Attorney
Kristen Tremblay, Zoning Administrator

(2) Directional signs.

- A. The Board of Zoning Appeals, as a special exception, may approve up to two directional signs in cases where the Board determines that such signs are necessary for directing motorists and are not for advertising. Only those directional signs which are reasonably necessary to guide the public shall be permitted. Such signs shall be limited to indicating a change in direction and may include the business name only; they shall not be used for advertising purposes. Signs containing the phrase "straight ahead" or other similar verbiage shall not be permitted. Such signs may be permitted for any business, institution, subdivision or other structure or use and shall not be more than four square feet in area nor more than fifteen feet in height. In the case of extreme circumstances where the public may not otherwise be able to locate such structure or use, the Board of Zoning Appeals may approve additional directional signs. Directional signs may be located in any district and shall be exempted from all setback requirements except those approved by the Board.
- B. One temporary directional sign to a private residence which is for sale shall be permitted by right in any district at the street end on which the residence is located, provided that permission is obtained from the owner of the property on which the sign is located, the sign is not placed within any public right-of-way and such sign does not exceed six square feet in area.
- C. Two directional signs for a bona fide church, temple or mosque shall be permitted by right in any district. Such signs may include times and days of regular services or special events. No such sign shall exceed eight square feet in area or fifteen feet in height and may not be placed within any public right-of-way.

(3) No new billboards shall be erected.

(4) Existing billboards.

- A. Legally existing billboards may remain and be periodically maintained as permitted nonconforming structures and uses unless totally destroyed as specified in Subsection (d)(5) hereof. However, in no case may they be reconstructed, expanded or reerected.
- B. No billboard shall have more than two hundred square feet of copy area per facing and the trim shall not exceed forty percent of the copy area. No such sign shall have an overall height of more than twenty-five feet above the ground level or twenty-five feet above the grade level of the adjacent road if higher. No more than one such billboard shall be erected at any one location and facing the same direction.
- C. No billboard shall be located less than three hundred feet from any other billboard on the same side of the road, except when such sign is part of a double-faced or V-type structure where the interior angle of the "V" does not exceed forty-five degrees, nor shall any billboard be located less than one hundred feet from any R District or three hundred feet from any public or private school, park, library, church, historical shrine or other building or landmark maintained as such by a public or semipublic agency.
- D. Billboards shall be set back at least as far as the required front yard depth for a principal building within the pertinent zoning district.

(5) Any billboard or off-premises advertising structure which is destroyed by the forces of nature to any of the following extents for any reason whatsoever shall be considered totally destroyed, shall lose its right to the benefit of any nonconformity provisions and may not be reerected. For the purposes hereof, "destruction" shall mean the rendering of the billboard element as unusable and the "facing" shall include the copy area and trim.

- A. Destruction of fifty percent or more of the supporting piles or structure;

* B. Destruction of seventy-five percent or more of the facing; or

C. Destruction of twenty-five percent or more of the supporting piles or structure and fifty percent or more of the facing.

(e) Electronic messaging signs. All signs employing electronic messaging shall be subject to this section.

(1) For purposes of this section, the following definitions shall apply:

ELECTRONIC CHANGEABLE COPY SIGN

A sign or portion thereof that displays electronic, nonpictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays.

ELECTRONIC GRAPHIC DISPLAY SIGN

A sign or portion thereof that displays electronic, static graphics or static pictures, with or without information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.

ELECTRONIC MESSAGING SIGN

An electronic changeable copy sign, an electronic graphic display sign, or video display sign.

FLASHING SIGN

A directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling, or sparkling.

SHIMMERING SIGN

A sign which reflects an oscillating, sometimes distorted visual image.

VIDEO DISPLAY SIGN

A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

(2) Electronic messaging signs are subject to the following provisions:

- A. The size and location of the sign shall be in accordance with all other requirements of this section.
- B. The electronic display of background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not blink, flash, rotate,

Worcester County, MD
Monday, January 11, 2021

Subtitle ZS1:I. General Provisions

§ ZS 1-122. Nonconformities.

- (a) Statement of intent. Unless otherwise specifically provided in this Title, within the districts and under the provisions established by this Title and amendments hereto, there may exist lots, structures, uses of land and uses of structures and land in combination which were lawful when established but which are prohibited or restricted under the terms of this Title or future amendment. It is the intent of this Title to permit these nonconformities to continue yet encourage their conformance with current regulations whenever possible. It is further the intent of this Title that nonconformities shall not be altered, reconstructed, relocated, enlarged upon, expanded or extended except as herein provided.
- (b) Nonconforming lots as a result of government action. From time to time, lots legal under this Title and future amendments may become nonconforming in lot area, depth or width as a result of government action, including such action as the acquisition of additional road right-of-way. Such nonconforming lots shall, without further action, be considered conforming, except that encroachment of required setbacks for uses and structures shall be permitted only by approval of the Board as a variance in accordance with the provisions of § ZS 1-116 hereof, unless grandfathered under the provisions of § ZS 1-126 or § ZS2-116 hereof.
- (c) Single-family dwellings and manufactured and mobile homes on nonconforming lots of record. In any district in which single-family dwellings or manufactured or mobile homes are permitted, a single-family dwelling or manufactured or mobile home and customary accessory buildings may be erected on any single lot of record, notwithstanding limitations imposed by other provisions of this Title, provided that a single-family dwelling or manufactured or mobile home could have been lawfully erected on such lot immediately prior to the effective date of this Title, subject to the following provisions:
- (1) Setbacks shall be established as follows:
 - A. For lots platted prior to July 27, 1965, the least restrictive of the following shall apply:
 1. In no case shall any one side yard setback be less than ten percent of the width of the lot or six feet, whichever is the greater. The depth of the rear yard setback on such lot shall be thirty percent of the depth of the lot, but in no case shall it be less than fifteen feet. In cases where the right-of-way of the road on which the lot fronts is less than fifty feet in width, the depth of the front yard setback shall be the front yard setback required by the district regulations plus twenty-five feet measured from the center line of the right-of-way. The front yard depth shall be further increased to comply with the provisions of § ZS 1-305(b) hereof if applicable.
 2. As established by current district regulations.
 - B. For lots platted on or after July 27, 1965, the least restrictive of the following shall apply:
 1. Setbacks as established for the zoning district in which the lot was located at the time of recordation of the plat;
 2. As established by current district regulations.

- (2) In cases where the lot does not front on a public or approved private road, a single-family dwelling, or no more than one farm building group, may be situated on a lot which is served by a deeded right-of-way of not less than fifteen feet in width, or a legally established easement or right-of-way not less than fifteen feet in width, satisfactorily proven by probative documentary evidence, which may include an opinion from an attorney at law licensed to practice law in the State of Maryland.
- (3) The water supply and sewage disposal system for the lot shall be approved by the Environmental Programs Division.
- (4) Manufactured and mobile homes permitted by special exception in any district shall comply with the provisions of § ZS 1-116(c)(3) hereof.

(d) Nonconforming uses of structures, land or structures and land in combination. If a lawful use involving structures, land, or structures and land in combination existed at the effective date of adoption or amendment of this Title that would not be allowed in the district under the terms of this Title or amendment, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) Without prior approval of the Board of Zoning Appeals as a special exception, on any single lot of record, the noncomplying portion of any such structure shall not be:
 - A. Enlarged or extended. The Board of Zoning Appeals shall have no authority to grant approval of any enlargement or extension which expands by more than fifty percent of the original gross floor area and cubic content of the noncomplying portion of the structure at the time it became nonconforming; or
 - B. Reconstructed; or
 - C. Moved; or
 - D. Structurally altered.
- (2) No nonconforming use of land shall be enlarged in area or moved to a new location except by action of the Board of Zoning Appeals as a special exception. The Board may grant an expansion not to exceed fifty percent of the original land area used in a nonconforming manner at the time it became a nonconforming use. The Board shall have no authority to grant an expansion exceeding fifty percent of the original land area used in a nonconforming manner at the time it became a nonconforming use.
- (3) Any nonconforming use may be extended throughout the remaining parts of the building in which it is located, provided that such parts were manifestly arranged or designed for such use at the time of adoption or amendment of this Title. Board action is not required.
- (4) Any structure, land, or structure and land in combination in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which it is located, and the nonconforming use may not thereafter be resumed.
- (5) When a nonconforming use of a structure, land, or structure and land in combination is abandoned for twelve consecutive months, the structure, land, or structure and land in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- (6) Notwithstanding any other provisions of this Title, any nonconforming structure lawfully existing at the time of the adoption or amendment of this Title which shall be destroyed to any extent by forces of nature or casualty may be repaired or reconstructed at its prior location without Board action, provided that such structure is reconstructed within two years from the

date of destruction. Destruction by forces of nature or casualty shall not include demolition or destruction by neglect or failure to maintain.

(e) Repairs and maintenance.

- (1) Ordinary repairs and maintenance may be performed on any nonconforming structure.
- (2) If a nonconforming structure or portion thereof becomes physically unsafe or unlawful to occupy due to lack of repairs or maintenance and is declared by any duly authorized official to be unsafe or unlawful for occupancy by reason of physical condition, it shall not thereafter be restored or rebuilt except in conformity with this section.

(f) Uses and structures allowed under special exception provisions. Any use or structure which exists at the effective date of this Title or amendment thereto which is permitted by this Title as a special exception in the district where such use or structure is located shall not be deemed a nonconforming use or structure in such district but shall without further action be considered a conforming special exception. Such use or structure, however, shall be subject to the jurisdiction of the Board of Zoning Appeals as a special exception and shall not be expanded or otherwise modified or enlarged except upon Board hearing and approval.

(g) Existing one- and two-family dwellings. A lawfully existing one- or two-family dwelling or a lawfully existing manufactured or mobile home utilized as a residence on a single lot, including their customary incidental uses and accessory structures, are exempt from the provisions of this section, provided that:

- (1) Such structures are nonconforming as to their use under current zoning district regulations; and,
- (2) Such structures comply with the least restrictive height and setback requirements for the zoning district in which located; and,
- (3) If abandoned, use of the dwelling or manufactured or mobile home as an occupied dwelling is resumed within two years of the date of abandonment.

A Vision for the Lower Eastern Shore

The Lower Eastern Shore is a land between the Atlantic and the Chesapeake, with a wealth of history, small towns, natural areas, and beautiful landscapes threaded by country roads, trails, and waterways. By the year 2012, this region has become a destination where visitors feel especially welcome. We have found a match between our visitors and ourselves and we all enjoy the region's natural and cultural heritage, which gives us much to explore. Across all three counties, we freely share and support events, the arts, and community life with visitors and new residents. In the midst of all this activity, we can still put our feet up and enjoy the peace and quiet. Today, we feel a deep connection to our past, and we continue to recognize our varied cultures and our dependence on one another. All of us - watermen and farmers, merchants and workers, innkeepers and artists, guides and foresters, hunters and anglers, civic leaders and educators- work wholeheartedly to create economic opportunities and regional wealth that sustains our communities, environment, and traditions.

— FROM THE LOWER EASTERN SHORE
HERITAGE AREA MANAGEMENT PLAN

A Vision for the Byway

Based on this overall vision for the entire region, the byway committee developed a separate vision statement for the Byway itself:

The Real Eastern Shore -

... can be found just off the beaten path. Experience our waterways first hand by stopping at one of the many parks and wildlife areas along the Byway. Take along your fishing gear or your kayak and immerse yourself into the experience of it all. Take a boat ride out to Smith Island to see firsthand how the watermen earn a living from the Chesapeake Bay. Top it all off by stopping in one of our delightful small town museums and dine on some of the eastern shore's finest fresh seafood and produce. Whether you travel by car, by boat, or by bicycle; whether you come for a weekend or a week; you will find yourself coming back for more of the real Lower Eastern Shore.

The byway committee recognizes that there are a number of obstacles that will need to be overcome to make the vision a reality. These obstacles were identified early in the planning process and helped to identify the types of management strategies that will be needed to ensure the success of the Byway:

Key Issues

The byway committee identified a number of critical issues that needed to be addressed in order to achieve the vision:

- ◆ The preservation of historic roadways, structures and landscapes will be a significant challenge to overcome in the face of urban sprawl that is beginning to erode some of the attractiveness of the area, especially on the southeastern outskirts of Salisbury.
- ◆ There is an important need for comprehensive plan recognition in all three counties to protect distinct view sheds and historic landscapes.
- ◆ There is a need to control and/or guide development utilizing site plan review, and a need for stronger incentives to assure preservation of the assets that make the corridor unique including the use of conservation/open space design in subdivisions, and other creative techniques for guiding land use.

- ◆ There is a need for better roadside management including the control billboards, litter/pollution, and the screening or hiding of existing intrusive developments, landscaping and design standards.

- ◆ SHA District staff and state project staff will need to recognize the goals of the Byway and integrate context sensitive design approaches to everyday projects along the Byway.
- ◆ There is a need for better and more prominent public access to beaches, bays and waterways, and better facilities for on-road bicycle use (such as bicycle lanes and signed bicycle routes).



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

TO: Jennifer Keener,
Deputy Director

FROM: Valerie Morton, Supervisor
Office of Real Estate

DATE: January 8, 2021

SUBJECT: Proposed Changes to Worcester County Outdoor Advertising Regulations

After reviewing the proposed changes to Worcester County Outdoor Advertising, Maryland Department of Transportation (MDOT), State Highway Administration (SHA) Outdoor Advertising (OA) would NOT support a change in the current county ordinance. The State of Maryland follows the Highway Beautification Act and Bonus Act provisions. The Highway Beautification Act was passed in 1965 and called for the control of outdoor advertising, including removal of certain types of signs, along the Nation's growing Interstate System and the existing Federal-aid primary system. It also required certain junkyards along Interstate or primary highways to be removed or screened and encouraged scenic enhancement and roadside development. Under CFR 23 Code 131- Control of Outdoor Advertising states the following: The Congress hereby finds and declares that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty. Although the State of Maryland has adopted regulations that can be found in the Annotated Code of Maryland under the Transportation Articles 8-605 and 8-701 through 8-812, each county in Maryland has also adopted their own set of regulations as well. When reviewing a sign for compliance the State will always defer to the jurisdiction that is the most restrictive whether that would be at the Federal, State, County or Local level. Currently, the following counties do not permit new outdoor advertising: Howard, Carroll, Calvert, Charles, Anne Arundel, Baltimore County, Prince George's, Montgomery, Kent, Queen Anne's, Talbot, Worcester, and Wicomico. These counties also have provisions in their regulations that monitor and control their current inventory of signs. For instance, Montgomery County has outlawed billboards completely and gave companies a 10-year window for all billboards to be removed and no new billboards may be erected. In Washington County non-conforming signs must be static this includes any movement but not limited to flashing, scrolling, rotating, changing in light intensity or color, or image projection is prohibited. Tri-vision and other mechanical signs are also prohibited. In Charles County there is a similar act of god provision that states if a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this article, and the remnants of the former sign structure shall be cleared from the land. Under CFR 23 Section 750.707, Non-conforming signs are only permitted to be reasonably repaired or maintained and any sign that is in need of substantial repair may constitute abandonment or discontinuance. These non-conforming signs are also not permitted to be upgraded and must remain substantially the same as it was on the effective day of the State law or regulations.



**STATE HIGHWAY
ADMINISTRATION**

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

The specific billboard in question located along Route 50 would be considered a conforming sign under state regulations, and MDOT SHA would allow the sign to be re-erected. However, if the county ordinance were to be amended to allow this billboard to be reconstructed, there are additional signs in Worcester County that if they were destroyed, even though a change in your county ordinance would allow them to be replaced, MDOT SHA would not permit them to be reconstructed. This is due to the Highway Beautification Act and provisions in the Maryland Annotated Code because these signs are located along a state road that is designated as a primary aid highway and a scenic byway.

If it is the goal of Worcester County to maintain the scenic beauty of the roadway, and the current provisions in your County ordinance which were created to maintain that beauty, then the current ordinance should stand as written. Because laws and regulations exist on a Federal, State, County, and Local level there will almost certainly be an instance where a sign that is damaged may not be able to be reconstructed. Altering your ordinance for this one sign does not guarantee that other signs located along roadways in your county will be allowed to be replaced under state and federal regulations.

cc: Janet Blondell, Chief Special Acquisitions

Title 23

SECTION 750.707

750.707 Nonconforming signs.

§ 750.707 Nonconforming signs.

(a) *General.* The provisions of § 750.707 apply to nonconforming signs which must be removed under State laws and regulations implementing 23 U.S.C. 131. These provisions also apply to nonconforming signs located in commercial and industrial areas within 660 feet of the nearest edge of the right-of-way which come under the so-called grandfather clause contained in State-Federal agreements. These provisions do not apply to conforming signs regardless of when or where they are erected.

(b) *Nonconforming signs.* A nonconforming sign is a sign which was lawfully erected but does not comply with the provisions of State law or State regulations passed at a later date or later fails to comply with State law or State regulations due to changed conditions. Changed conditions include, for example, signs lawfully in existence in commercial areas which at a later date become noncommercial, or signs lawfully erected on a secondary highway later classified as a primary highway.

(c) *Grandfather clause.* At the option of the State, the agreement may contain a grandfather clause under which criteria relative to size, lighting, and spacing of signs in zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way apply only to new signs to be erected after the date specified in the agreement. Any sign lawfully in existence in a commercial or industrial area on such date may remain even though it may not comply with the size, lighting, or spacing criteria. This clause only allows an individual sign at its particular location for the duration of its normal life subject to customary maintenance. Preexisting signs covered by a grandfather clause, which do not comply with the agreement criteria have the status of nonconforming signs.

(d) *Maintenance and continuance.* In order to maintain and continue a nonconforming sign, the following conditions apply:

(1) The sign must have been actually in existence at the time the applicable State law or regulations became effective as distinguished from a contemplated use such as a lease or agreement with the property owner. There are two exceptions to actual existence as follows:

(i) Where a permit or similar specific State governmental action was granted for the construction of a sign prior to the effective date of the State law or regulations and the sign owner acted in good faith and expended sums in reliance thereon. This exception shall not apply in instances where large numbers of permits were applied for and issued to a single sign owner, obviously in anticipation of the passage of a State control law.

(ii) Where the State outdoor advertising control law or the Federal-State agreement provides that signs in commercial and industrial areas may be erected within six (6) months after the effective date of the law or agreement provided a lease dated prior to such effective date was filed with the State and recorded within thirty (30) days following such effective date.

(2) There must be existing property rights in the sign affected by the State law or regulations. For example, paper signs nailed to trees, abandoned signs and the like are not protected.

(3) The sign may be sold, leased, or otherwise transferred without affecting its status, but its location may not be changed. A nonconforming sign removed as a result of a right-of-way taking or for any other reason may be relocated to a conforming area but cannot be reestablished at a new location as a nonconforming use.

(4) The sign must have been lawful on the effective date of the State law or regulations, and must continue to be lawfully maintained.

(5) The sign must remain substantially the same as it was on the effective date of the State law or regulations. Reasonable repair and maintenance of the sign, including a change of advertising message, is not a change which would terminate nonconforming rights. Each State shall develop its own criteria to determine when customary maintenance ceases and a substantial change has occurred which would terminate nonconforming rights.

(6) The sign may continue as long as it is not destroyed, abandoned, or discontinued. If permitted by State law and reerected in kind, exception may be made for signs destroyed due to vandalism and other criminal or tortious acts.

(i) Each state shall develop criteria to define destruction, abandonment and discontinuance. These criteria may provide that a sign which for a designated period of time has obsolete advertising matter or is without advertising matter or is in need of substantial repair may constitute abandonment or discontinuance. Similarly, a sign damaged in excess of a certain percentage of its replacement cost may be considered destroyed.

(ii) Where an existing nonconforming sign ceases to display advertising matter, a reasonable period of time to replace advertising content must be established by each State. Where new content is not put on a structure within the established period, the use of the structure as a nonconforming outdoor advertising sign is terminated and shall constitute an abandonment or discontinuance. Where a State establishes a period of more than one (1) year as a reasonable period for change of message, it shall justify that period as a customary enforcement practice within the State. This established period may be waived for an involuntary discontinuance such as the closing of a highway for repair in front of the sign.

(e) *Just compensation.* The States are required to pay just compensation for the removal of nonconforming lawfully existing signs in accordance with the terms of 23 U.S.C. 131 and the provisions of subpart D, part 750, chapter I, 23 CFR. The conditions which establish a right to maintain a nonconforming sign and therefore the right to compensation must pertain at the time it is acquired or removed.



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
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Edward A. Tudor, Director
Roscoe Leslie, County Attorney
Kristen Tremblay, Zoning Administrator
From: Jennifer K. Keener, AICP, Deputy Director *JTKK*
Date: October 20, 2020
Re: Text Amendment Application – §ZS 1-324(d) Off-premises signs - billboards

The attached text amendment application has been submitted by Hugh Cropper, IV, on behalf of his client John H. Burbage, Jr. It seeks to amend §ZS 1-324(d)(4) and (5) of the off-premise sign section to allow billboards to take advantage of the non-conformity provisions of §ZS 1-122 relative to reconstruction. Currently, billboards may be maintained under the ordinary repairs and maintenance clause of the non-conformity section. However, any billboard that is destroyed by the forces of nature to the extent found in §ZS 1-324(d)(5) would not be able to be rebuilt.

Also attached is the draft bill form of the request. I anticipate scheduling this text amendment for consideration by the Planning Commission at a forthcoming meeting. So that I may incorporate them into the staff report, please submit your comments to me no later than November 18, 2020.

Should you have questions or require additional information, please do not hesitate to contact me. Thank you for your attention to this matter.

Attachment

Worcester County Commissioners
Government Office Building
One West Market Street, Room 1103
Snow Hill, Maryland 21863

Please Type or
Print in Ink

PETITION FOR AMENDMENT OF OFFICIAL TEXT
OF THE ZONING AND SUBDIVISION CONTROL ARTICLE

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

Date Received by Office of the County Commissioners: _____

Date Received by Development Review and Permitting: 10/15/2020

Date Reviewed by Planning Commission: 4/1/2021

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

A. Resident of Worcester County. XXX

B. Taxpayer of Worcester County. XXX

C. Governmental Agency _____

(Name of Agency)

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

A. Section Number: ZS 1-324 (d)

B. Page Number: 231

C. Proposed revised text, addition or deletion:

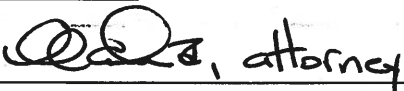
See attached

III. Reasons for Requesting Text Change:

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

Please See Attached

IV. Signature of Applicants

Signature:  attorney

Printed Name of Applicant: John H. Burbage, Jr.

Mailing Address: 9919 Stephen Decatur Highway, Ocean Gateway, Ocean City, MD 21842

Phone Number: 410-213-1900 E-Mail: jburbage@bwdc.com

Date: October 8, 2020

Signature of Attorney: 

Printed Name of Attorney: Hugh Cropper IV

Mailing Address: 9923 Stephen Decatur Hwy., D-2, Ocean City, Maryland 21842

Phone Number: 410-213-2681 E-Mail: hcropper@bbcmlaw.com

Date: October 8, 2020

V. General Information Relating to the Text Change Request.

- A. Applications for text amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- B. Procedure for Text Amendments - Text amendments shall be passed by the County Commissioners of Worcester County as Public Local Laws according to legally required procedures, with the following additional requirements. Any proposed amendment shall first be referred to the Planning Commission for recommendation. The Planning Commission shall make a recommendation

within a reasonable time after receipt of the proposed amendment. After receipt of the recommendation of the Planning Commission, the County Commissioners shall hold at least one public hearing in relation to the proposed amendment, at which parties and interested citizens shall have any opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing and the nature of the proposed amendment shall be published in an official paper or a paper of general circulation in Worcester County. In the event no County Commissioner is willing to introduce the proposed amendment as a bill, it need not be considered.

- (4) Existing billboards.
- A. Legally existing billboards may remain and be periodically maintained as permitted nonconforming structures and uses ~~unless totally destroyed as specified in Subsection (d)(5) hereof. However, in no case may they be reconstructed, expanded or reerected.~~ ✓
 - B. No billboard shall have more than two hundred square feet of copy area per facing and the trim shall not exceed forty percent of the copy area. No such sign shall have an overall height of more than twenty-five feet above the ground level or twenty-five feet above the grade level of the adjacent road if higher. No more than one such billboard shall be erected at any one location and facing the same direction.
 - C. No billboard shall be located less than three hundred feet from any other billboard on the same side of the road, except when such sign is part of a double-faced or V-type structure where the interior angle of the "V" does not exceed forty-five degrees, nor shall any billboard be located less than one hundred feet from any R District or three hundred feet from any public or private school, park, library, church, historical shrine or other building or landmark maintained as such by a public or semipublic agency.
 - D. Billboards shall be set back at least as far as the required front yard depth for a principal building within the pertinent zoning district.
- (5) ~~Any billboard or off-premises advertising structure which is destroyed by the forces of nature to any of the following extents for any reason whatsoever shall be considered totally destroyed, shall lose its right to the benefit of any nonconformity provisions and may not be reerected. For the purposes hereof, "destruction" shall mean the rendering of the billboard element as unusable and the "facing" shall include the copy area and trim.~~
- ~~A. Destruction of fifty percent or more of the supporting piles or structure,~~
 - ~~B. Destruction of seventy-five percent or more of the facing; or~~
 - ~~C. Destruction of twenty-five percent or more of the supporting piles or structure and fifty percent or more of the facing.~~
- (e) Electronic messaging signs. All signs employing electronic messaging shall be subject to this Section.
- (1) For purposes of this Section, the following definitions shall apply:
- A. **Electronic changeable copy sign.** A sign or portion thereof that displays electronic, nonpictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of **matrix MATRIX** elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays.
 - B. **Electronic graphic display sign.** A sign or portion thereof that displays electronic, static graphics or static pictures, with or without information, defined by a small number of **matrix MATRIX** elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or

REASONS IN SUPPORT OF TEXT CHANGE

Legally existing billboards are permitted as non-conforming structures and uses. However, no new billboards shall be erected.

As the Code is currently written, if a billboard is destroyed by an Act of God, weather, or some other event, it may not be reerected.

The Code includes a specific definition of what it means to be destroyed by the forces of nature.

This is unfair for a number of reasons. First, the undersigned is not aware of any other structure or use in the Code that, if destroyed in a hurricane or other storm, cannot be rebuilt. Even in the Critical Area, Critical Area Buffer, or other environmentally sensitive areas, houses and other structures can be rebuilt if they are destroyed by hurricanes or floods.

Second, from a financial perspective, it is impossible to make any financial plans with the current law. Why would anyone lease a billboard, knowing it could be destroyed the next day and not rebuilt? Why would anyone spend money to upgrade a billboard, knowing that the right to maintain it could end at any time?

The undersigned recognizes the County's policy against a proliferation of billboards, but no new billboards shall be permitted.

If something is legally existing, and it is destroyed by a force of nature, or Act of God (such as lightning), it should be able to be rebuilt.

Respectfully submitted,



Hugh Cropper IV
Attorney for John H., Burbage, Jr.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

ZONING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

MEMORANDUM

To: Harold L. Higgins, Chief Administrative Officer
From: Edward A. Tudor, Director *EAT*
Date: April 12, 2021
Re: Planning Commission Recommendation - Text Amendment Application – §ZS 1-318(e)(2)E Cooperative Campgrounds - Spaces Above First Floor Elevation

The Department has received and processed a text amendment application submitted by Diana E. Nalls, which seeks to amend §ZS 1-318(e)(2)E Campgrounds to eliminate the prohibition on living space below or above the first floor elevation for recreational vehicles, recreational park trailers, and cabins within a cooperative campground only. The bill was amended prior to the Planning Commission’s review in an attempt to allow loft space, but for storage purposes only.

The proposed text amendment was reviewed by the Planning Commission at its meeting on April 1, 2021. Following the discussion, the Planning Commission gave a unanimous unfavorable recommendation to the text amendment application as submitted by the applicant. Attached herewith you will find a copy of the entire text amendment file, which includes the draft amendment in bill form. An electronic version has also been sent to your office for use should one of the Commissioners wish to introduce it at their upcoming legislative session.

As always, I will be available to discuss this matter with you and the County Commissioners at your convenience.

Attachments

cc: Jennifer Keener, Deputy Director

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 21-

BY:
INTRODUCED:

A BILL ENTITLED

AN ACT Concerning

Zoning – Campgrounds – Cooperative campground provisions

For the purpose of amending the Zoning and Subdivision Control Article to allow lofts for storage above the first-floor elevation for recreational vehicles, recreational park trailers, and cabins within a cooperative campground.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-318(a)(2)E of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- E. No recreational vehicle, recreational park trailer or cabin shall exceed one story nor shall it exceed seventeen feet in height. Furthermore, no such structure shall contain any living space below or above the first-floor elevation.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
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TEL:410.632.1200 / FAX: 410.632.3008
www.co.worcester.md.us/drp/drpindex.htm

ZONING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Edward A. Tudor, Director
From: Jennifer K. Keener, AICP, Deputy Director *JKK*
Date: April 7, 2021
Re: Planning Commission Recommendation - Text Amendment Application – §ZS 1-318(e)(2)E Cooperative Campgrounds - Spaces Above First Floor Elevation

The purpose of this memo is to forward the Planning Commission’s comments and recommendation regarding a text amendment application submitted by Diana E. Nalls. The initial application sought to amend §ZS 1-318(e)(2)E Campgrounds to eliminate the prohibition on living space below or above the first floor elevation for recreational vehicles, recreational park trailers, and cabins within a cooperative campground only. The bill was amended prior to the Planning Commission’s review in an attempt to allow loft space, but for storage purposes only.

In their initial report to the Planning Commission, the staff noted that allowing lofts has the ability to expand the number of occupants that could be accommodated within each unit. This could negatively affect the services and amenities provided to the campground, and lead to an increase in traffic. Staff was also concerned about allowing living space below (such as a crawl space). This concern has been addressed by the most recent revision that maintains this prohibition. It is staff’s opinion that if allowed, the department has no way of enforcing the prohibition on living quarters within the loft. Overall, staff was opposed to the requested text amendment.

The Planning Commission reviewed the request at their meeting on April 1, 2021. Ms. Nalls presented numerous definitions and standards for recreational park trailers and their components, including lofts. She maintained that the loft areas are safe, inspected and approved to industry standards, and in her case, would not be utilized for sleeping quarters. The Planning Commission had numerous concerns over the anticipated occupancy of these areas. Following the discussion, the Planning Commission gave a unanimous unfavorable recommendation to the text amendment application as amended.

A copy of the staff report including the application is attached, as is a draft bill should any of the County Commissioners wish to introduce it. Should you have questions or require additional information, please do not hesitate to contact me.

Attachment



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ZONING DIVISION
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ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Worcester County Planning Commission
From: Jennifer Keener, AICP, Deputy Director *JKK*
Date: March 17, 2021
Re: Text Amendment Application – §ZS 1-318(e)(2)E Cooperative Campgrounds - Spaces Above First Floor Elevation

The attached text amendment application has been revised by Diana E. Nalls in order to allow loft space above the first floor elevation for recreational vehicles, recreational park trailers, and cabins within a cooperative campground. The proposed revision maintains that the area shall not be used for living space (i.e. sleeping quarters), which would indicate that it could only be used for storage purposes.

In reviewing the proposed language, it does little to change staff's original opinion of the proposal as outlined in the March 16, 2021 staff report (attached), and if adopted, it will be difficult to enforce the restriction on occupancy of the loft area.

Should you have any questions or require additional information, please do not hesitate to contact me. I will be available to discuss this request in more detail at the upcoming meeting.

Attachments

cc: Edward A. Tudor, Director
Roscoe Leslie, County Attorney
Kristen Tremblay, Zoning Administrator
Diana E. Nalls, applicant



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

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

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

Date Received by Office of the County Commissioners _____

Date Received by Development Review and Permitting Revision received 3/17/2021

Date Reviewed by the Planning Commission 4/1/2021

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

- a. Resident of Worcester County: _____
- b. Taxpayer of Worcester County: ✓
- c. Governmental Agency: _____
(Name of Agency)

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

- a. Section Number: 1310(e)(2)E
- b. Page Number: _____
- c. Proposed revised text, addition or deletion:
Revise: "Furthermore no such structure shall
contain any living space below or above the first floor
elevation."

A BILL ENTITLED

AN ACT Concerning

Zoning – Campgrounds – Cooperative campground provisions

For the purpose of amending the Zoning and Subdivision Control Article to allow lofts for storage above the first-floor elevation for recreational vehicles, recreational park trailers, and cabins within a cooperative campground.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-318(a)(2)E of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- E. No recreational vehicle, recreational park trailer or cabin shall exceed one story nor shall it exceed seventeen feet in height. Furthermore, no such structure shall contain any living space below or ~~any attic space or loft~~ above the first-floor elevation.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

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ZONING DIVISION
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TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Worcester County Planning Commission
From: Jennifer Keener, AICP, Deputy Director *JKK*
Date: March 16, 2021
Re: Text Amendment Application – §ZS 1-318(e)(2)E Cooperative Campgrounds - Spaces Above and Below First Floor Elevation

The attached text amendment application has been submitted by Diana E. Nalls. It seeks to amend §ZS 1-318(e)(2)E Campgrounds to eliminate the prohibition on living space below or attic/loft space above the first floor elevation for recreational vehicles, recreational park trailers, and cabins within a cooperative campground only. Following our customary practice, once the text amendment application was received, it was reviewed by Ed Tudor, Director, Kristen Tremblay, Zoning Administrator, and Roscoe Leslie, County Attorney and Planning Commission Attorney, as well as myself for comment.

Mr. Tudor’s comments provide valuable insight into the historical development of cooperative campgrounds and their evolution over time. Specifically, the types of units permitted in the cooperative campgrounds has expanded from recreational vehicles and park trailers to also include permanent, stick-built cabins. Additions have metamorphosed from open decks to roofed decks, then to screen porches, and ultimately to the plastic enclosures that are permissible today. Each modification further enhances the sense of permanency within the seasonal campground. Mr. Tudor provides an example of the impact that the addition of lofts could have: assuming that only 25% of the units in the Bali Hi cooperative campground were replaced with units that included lofts that could support two persons, it would result in the increased occupant load of the development by just under 100 persons. This will have greater impacts on the infrastructure, open space, recreation and other services provided within these developments.

Ms. Tremblay echoes Mr. Tudor’s comments regarding the impacts that additions of this type could have to occupancy, as well as to services. She states that while seemingly innocuous, it is the cumulative impact that this could have to a development overall that could create a long-term issue that would be difficult to rectify. She is concerned that the amendment may only further erode the protections in place within the zoning ordinance to limit the temporary, seasonal nature of campgrounds.

I share Mr. Tudor's and Ms. Tremblay's concerns relative to the effects of the proposed amendment. While seemingly minor in scope, eliminating the prohibitions on living space below or above the first floor will result in an intensification of use on campsites that are as small as 3,000 square feet in lot area. Typical loft ceiling heights within park models are intentionally designed to be on average between five feet and six feet eight inches in height so as not to be counted as a story nor towards the overall square footage of the unit. The American National Standards Institute (ANSI) park model recreational vehicle standards, to which these units are constructed, limits units to a maximum of 400 square feet of gross floor area, and does not include the loft area in that calculation due to the ceiling height. The Zoning Code also limits a park model unit to 400 square feet, but currently prohibits lofts and crawl spaces. As you can see from the example photographs provided by Ms. Nalls in her application, some of these lofts occupy upwards of 50% of the units' floor area. Mr. Tudor suggests that a possible solution to this could be to allow lofts, but include them in the overall square footage calculation of the unit, regardless of the ceiling height of the loft.

The amendment also seeks to eliminate the prohibition on living space below the first floor. While perhaps not common today, we should not discredit human ingenuity when it comes to creating a conditioned crawl space under the first floor, which again has the ability to increase the overall livable area of the unit.

With respect to Ms. Nalls' concern that the loft appearance is more aesthetically pleasing than the older style, I would note that there are various companies that design park model units with optional clerestories (the second row of windows) as shown in the example photographs provided by the applicant. Those units do not necessarily have to have a loft in order to have these design features, and are able to be permitted today.

Our office has processed numerous text amendment applications for campground design and occupancy standards, some of which have been approved, and others not. However, each subsequent application has sought to further enhance the permanency and intensification of these units on campsites that were never designed or intended for such uses. The effects of these amendments become cumulative, as evidenced by the example provided by Mr. Tudor in his memorandum regarding the evolution of additions. In 2013 when the Planning Commission reviewed the text amendment request to permit plastic enclosures within screen porch additions, they expressed concerns regarding the potential for an increase in usable area that would allow more sleeping areas and result in an increase in vehicular traffic. The Planning Commission also expressed serious concerns in regards to accessibility to units through the proposed plastic enclosed porches in the event of a fire or other emergency, which would only be intensified with features such as lofts or crawl spaces. While Ms. Nalls may only be seeking to utilize the space for her own family, the potential impact of this amendment overall will definitively result in the capacity for additional living space and the ability to sleep additional persons, therefore increasing the overall occupancy of these types of units.

Should you have any questions or require additional information, please do not hesitate to contact me. I will be available to discuss this request in more detail at the upcoming meeting.

Attachments

cc: Edward A. Tudor, Director
Roscoe Leslie, County Attorney
Kristen Tremblay, Zoning Administrator
Diana E. Nalls, applicant



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

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ZONING DIVISION
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TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Jennifer Keener, AICP, Deputy Director
From: Edward A. Tudor, Director *EAT*
Date: March 1, 2021
Re: Text Amendment Application – §ZS 1-318(e)(2)E Cooperative Campgrounds - Spaces Above and Below First Floor Elevation

This memorandum is in response to your request for comment on the above text amendment application submitted by Diana E. Nalls. As you know, Ms. Nalls originally contacted me by email regarding this issue on February 8, 2021. After trading several emails, Ms. Nalls elected to file the text amendment application. In order to properly frame the proposal, I believe it is important to have a historical perspective on the issue of cooperative campgrounds in general and the specific limitations that are contained in the law today.

Almost 20 years ago, the department was approached by then local attorney, Paul Ewell, who wanted to discuss a new form of campground. Specifically, Mr. Ewell wanted to develop a text amendment to allow for cooperative ownership of local campgrounds. Staff held several meetings with Mr. Ewell and also worked with then County Attorney, Ed Hammond, to put forth an outline of a text amendment. Considering the issues we have had over the years with the Campground Subdivisions, it was the collective staff position to try to provide for the cooperative form of ownership but still maintain the true context of a campground. One mechanism was to limit those elements that gave the campground sites a greater sense of permanency. For instance, the original intent was to not allow any type of additions to the recreational vehicles or park models whatsoever. The applicants requested that they at least be able to have a simple open deck. Over time, the requests went on to “just allow a roof over the deck”. Well of course, if we have a roof over a deck we should at least be allowed to screen it in. Next came the argument that we really need something more than insect screening to protect the furniture and electronics we have on the screen porch so next came the plastic three-season room enclosure.

A similar chain of events has occurred to the types of units allowed in cooperative campgrounds. The original intent was to limit them to recreational vehicles and recreational park trailers in order to limit the sense of permanency. This provision was subsequently expanded to also include cabins. Another protection that was incorporated in the original legislation was a limit on the number of months a cooperative campground could be open. While this component was one of the

most efficient controls against more permanent occupancy, it too has been amended to include additional time.

Like all the measures described above, the prohibition on living space below or above the first-floor elevation, including lofts, was designed to not only limit the sense of permanency but to limit to a greater extent the impacts on any number of existing infrastructure, open space, recreation and other service issues. While a loft may not qualify as an additional story and therefore would not be included today in the square footage calculation of the structure, it could be argued its impact is de minimis. However, it certainly would allow for additional occupants in the unit. Some may argue that it simply creates extra storage capacity. While that may be true, my years of observation tell me that any additional horizontal surface generally winds up meaning more occupants. Take the case of Bali Hi, the park in which the current applicant has a site. The park has 188 lots. If just 25% of the sites add a loft to their unit and each loft holds just two people you increase the occupant load in the park by just under 100 people. A possible solution to that problem would be to allow lofts but include the loft area in the square footage calculation of the unit, which is currently limited to 400 square feet.

In the application, the applicant states that the reason for requesting the text change is allow for more aesthetically pleasing units versus older camper appearance and that cooperative owners are making significant investments for personal use and for tourism. While I have no doubt that the applicant believes this to be true, I also believe that before using this opinion to justify amending the code, due consideration be given to the historical perspective provided herein. Thank you for indulging me with my history lesson but I believe it is vitally important in the context of many of the text amendments we receive. While often they appear rather innocuous on the surface, they collectively result in a slow erosion of the code ending in the ultimate death by a thousand cuts to the larger issue.

cc: Roscoe Leslie, County Attorney
Kristen Tremblay, Zoning Administrator



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ZONING DIVISION
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TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Jennifer K. Keener, Deputy Director, DDRP
From: Kristen M. Tremblay, Zoning Administrator
Date: March 11, 2021
Re: Text Amendment Request – ‘Cooperative Campgrounds’ (Section ZS 1-318(e)(2)(E))

Background:

A request to amend the current zoning ordinance section ZS 1-318(e)(2)(E)) ‘Cooperative Campgrounds’ was received by the Department on February 18, 2021 as submitted by Diana E. Nalls in order to remove the provision regarding living space below or attic space/loft above the first-floor elevation.

The current ordinance states the following:

“No recreational vehicle, recreational park trailer or cabin shall exceed one story nor shall it exceed seventeen feet in height. Furthermore, no such structure shall contain any living space below or any attic space or loft above the first-floor elevation.”
(Section ZS 1-318(e)(2)(E)).

Staff Comments:

In my opinion, the text amendment proposed by Ms. Nalls, if approved, would be problematic for a number of reasons. While seemingly innocuous on a small-scale, the cumulative effect of multiple units being placed with a loft, attic, or below first floor elevation throughout the County could potentially create a long-term situation that would be difficult to rectify.

Merely the act of allowing a loft or other living spaces beyond what is currently permitted would increase the overall occupancy of cooperative campgrounds. This in turn would lead to more traffic congestion not only on-site, but create numerous other trips generated on the County’s already burdened roadway levels of service. It should also be expected that the number of guests at cooperative campgrounds would also increase, placing additional load on water and sewer (and/or septic) facilities.

If adopted, the ordinance would allow not only Ms. Nalls to purchase a park model RV of greater size than is currently permitted, but so too would other campground users also seek to replace their units as well. As other 'additions' such as screened-in or soft plastic porches have been added to the zoning ordinance as allowable over the years, the potential for future text amendments further degrading the current zoning ordinances protections for campgrounds and residents' investments in such remains a concern.

While the evolution of a zoning ordinance occurs as a result of changing times, it is my firm opinion that the current zoning ordinance language preventing additional living space has a realistic and well-intended purpose of retaining the overall intent of what a campground should be: a temporary respite from the world and not a place for full-time residency. I would posit the following question: at what point does a cooperative campground become more than that and becomes more akin to other notable campgrounds throughout Delmarva such as Trails End?

Recommendation: It is recommended that the proposed ordinance amendment be denied.



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MEMORANDUM

To: Edward A. Tudor, Director
Roscoe Leslie, County Attorney
Kristen M. Tremblay, Zoning Administrator
From: Jennifer K. Keener, AICP, Deputy Director *JKK*
Date: February 19, 2021
Re: Text Amendment Application – §ZS 1-318(e)(2)E Cooperative campgrounds

The attached text amendment application has been submitted by Diana E. Nalls. It seeks to amend §ZS 1-318(e)(2)E Campgrounds to eliminate the prohibition on living space below or attic/loft space above the first floor elevation for recreational vehicles, recreational park trailers, and cabins only within a cooperative campground.

I anticipate scheduling this text amendment for consideration by the Planning Commission at a forthcoming meeting. So that I may incorporate them into the staff report, please submit your comments to me no later than March 12, 2021.

Should you have questions or require additional information, please do not hesitate to contact me. Thank you for your attention to this matter.

Attachment

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

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

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

Date Received by Office of the County Commissioners _____

Date Received by Development Review and Permitting 2/18/2021

Date Reviewed by the Planning Commission _____

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

- a. Resident of Worcester County: _____
- b. Taxpayer of Worcester County: ✓
- c. Governmental Agency: _____ (Name of Agency)

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

- a. Section Number: 1-318(e)(2)E.
- b. Page Number: 2S1:III:76
- c. Proposed revised text, addition or deletion:
delete " Furthermore no such structure shall
contain any living space below or any attic
space or loft above the first floor elevation."

III. Reasons for Requesting Text Change:

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

· Allow loft style park RV models per
 RVIA standards
 · Aesthetically pleasing versus older camper appearance
 · Co-ops owners are making significant investment for personal use
 & for Winchester County & tourism

IV. Signature of Applicants

Signature(s): Diana Nalls

Printed Name(s): Diana Nalls

Mailing Address: 4838 Eraceton Rd Whiteford md 21160

Phone Number: 410-459-6634

Email: denalls452@gmail.com

Date: 02-16-2021

V. Signature of Attorney

Signature: _____

Printed Name: _____

Mailing Address: _____

Phone Number: _____

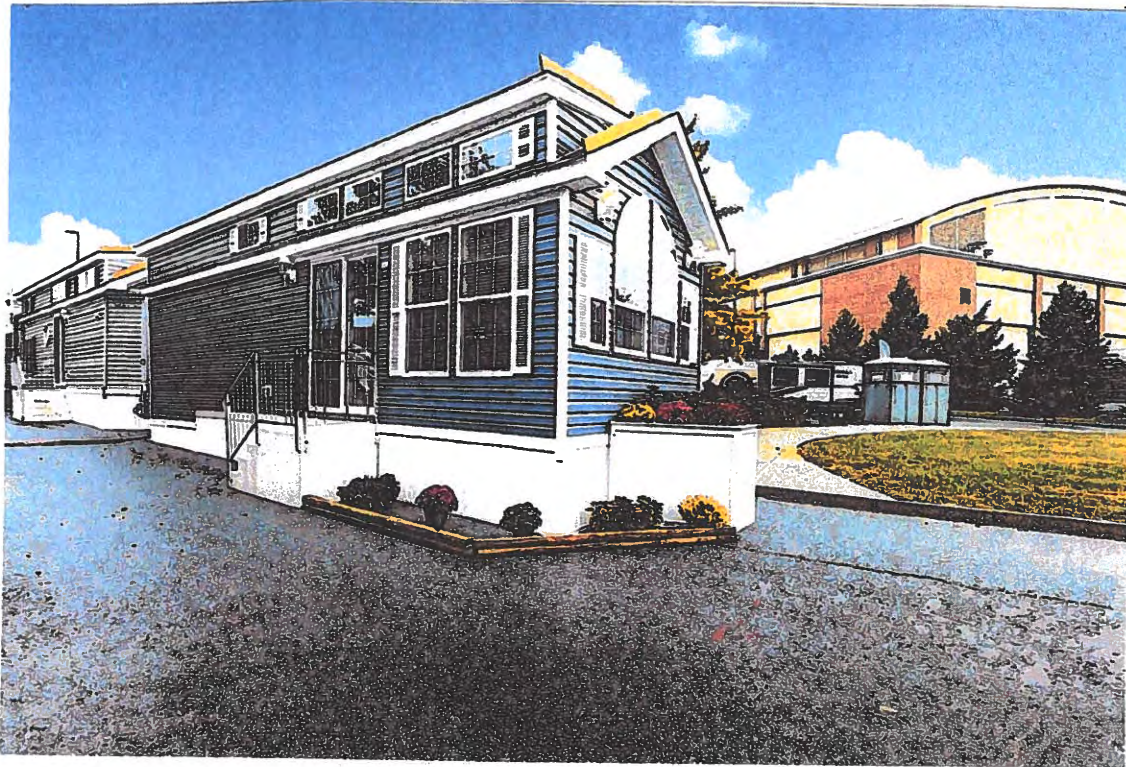
Email: _____

Date: _____

VI. General Information Relating to the Text Change Process

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

- b. Procedure for Text Amendments: Text amendments shall be passed by the County Commissioners of Worcester County as Public Local Laws according to legally required procedures, with the following additional requirements. Any proposed amendment shall first be referred to the Planning Commission for recommendation. The Planning Commission shall make a recommendation within a reasonable time after receipt of the proposed amendment. After receipt of the recommendation of the Planning Commission, the County Commissioners shall hold at least one public hearing in relation to the proposed amendment, at which parties and interested citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing and the nature of the proposed amendment shall be published in an official paper or a paper of general circulation in Worcester County. In the event no County Commissioner is willing to introduce the proposed amendment as a bill, it will not be considered.









A BILL ENTITLED

AN ACT Concerning

Zoning – Campgrounds – Cooperative campground provisions

For the purpose of amending the Zoning and Subdivision Control Article to remove the prohibition on living space below or attic or loft space above the first-floor elevation for recreational vehicles, recreational park trailers, and cabins within a cooperative campground.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-318(a)(2)E of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- E. No recreational vehicle, recreational park trailer or cabin shall exceed one story nor shall it exceed seventeen feet in height. ~~Furthermore, no such structure shall contain any living space below or any attic space or loft above the first floor elevation.~~

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.