

Critical Area Commission

STAFF REPORT

February 25, 2026

APPLICANT:	Worcester County
PROPOSAL:	Mapping Mistake Map Amendment - 10702 Assateague Rd
JURISDICTION:	Worcester County
COMMISSION ACTION:	Concurrence with Chair's Determination of Refinement
STAFF RECOMMENDATION:	Approval
STAFF:	Katie Hayden
APPLICABLE LAW/ REGULATIONS:	Natural Resources Article §8-1809(j)(2) Code of Maryland Regulations 27.01.02.04. A.

DISCUSSION:

On November 18, 2025, the County Commissioners of Worcester County approved Resolution 25-26, to reclassify 2.19 acres of the County's Critical Area from Resource Conservation Area (RCA) to Limited Development Area (LDA) on the grounds of a mistake at the time the Critical Area was originally mapped. The property is located at 10702 Assateague Rd in Berlin MD (Attachment 1). Commission staff recommends concurrence by the Critical Area Commission with the Chair to process this map amendment as a refinement and further recommends that the Chair approve the map amendment as proposed.

Mapping Mistake Requirements

In order to justify a Critical Area mapping mistake, evidence must be provided that clearly demonstrates a mistake based on facts or factors at the time of original mapping.

Natural Resources Article 8-1809 (j)(2) states that a change to a Critical Area designation may be granted by a local approving authority if the proposed Critical Area classification:

1. Conforms to the State Critical Area mapping criteria;
2. (a) Is based on land uses or natural features in existence as of June 1, 2002 in the Atlantic Coastal Bays; or (b) For areas included in the Critical Area due to remapping, is based on land uses or natural features in existence at the time of the remapping;
3. Follows the local jurisdiction's documented mapping methodology for Critical Area classifications at the time of original program adoption; and
4. Is consistent with the purposes, policies, and goals of this subtitle and all criteria of the

Commission.

COMAR 27.01.02.04.A. lists the State Critical Area mapping criteria for LDAs:

Limited Development Areas are those areas which are currently developed in low or moderate intensity uses. They also contain areas of natural plant and animal habitats, and the quality of runoff from these areas has not been substantially altered or impaired. These areas shall have at least one of the following features:

1. Housing density ranging from one dwelling unit per 5 acres up to four dwelling units per acre;
2. Areas not dominated by agriculture, wetland, forest, barren land, surface water, or open space;
3. Areas meeting the conditions of Regulation .03A1¹ but not .03B2², of this regulation; or
4. Areas having public sewer or public water, or both.

Property Information

The property in question contains a single-family dwelling and a commercial/mixed-use building. At the time of Worcester County's Critical Area program and map adoption (June 1, 2002), the building was utilized as a restaurant and convenience store, authorized in accordance with the underlying zoning district at the time (B-1, business district). The B-1 district allowed the use of restaurants, retail business, and general offices by right. Today, the B-1 district does not exist within the County's code and the underlying zoning district for this property is currently C-1, commercial. The purpose and intent of the C-1 district is to "provide for convenient commercial areas strategically based to serve the day-to-day shopping and service needs of the local neighborhood" and is specific to "small-scale commercial operations." Uses that are allowed within the C-1 district include retail businesses and general offices. Uses that may be permitted by special exception include neighborhood restaurants. Preliminary plans for this property maintain the single-family dwelling and expand the commercial/mixed use building onsite for retail and office space (Attachment 2).

Based on the following evidence provided by the County, the property was mistakenly mapped as RCA although it met the characteristics of an LDA:

1. The property is not dominated by agriculture, wetland, forest, barren land, surface water,

¹ COMAR 27.01.02.03A: Intensely Developed Areas are those areas where residential, commercial, institutional and/or industrial, developed land uses predominate, and where relatively little natural habitat occurs. These areas shall have at least one of the following features:

1. Housing density equal to or greater than four dwelling units per acre;
2. Industrial, institutional, or commercial uses are concentrated in the area; or
3. Public sewer and water collection and distribution systems are currently serving the area and housing density is greater than three dwelling units per acre.

² COMAR 27.01.02.03.B: (1) Except as authorized under B(2) of this regulation, the features in A(1)-(3) of this regulation shall be located in an area of at least 20 adjacent acre, or that entire upland portion of the Critical Area within the boundary of a municipality, whichever is less; (2) The features may be located in an area of less than 20 adjacent acres if (a) as part of a local program, the Commission has approved an alternative standard for designation of an IDA; and (b) the area is part of a growth allocation approved by the Commission.

- or open space;
2. At the time of local program and map adoption (June 1, 2002), the building on this lot was utilized as a restaurant and convenience store, authorized in accordance with the underlying zoning district at the time of program adoption; and
 3. Mapping this property as LDA conforms with Worcester County's mapping methodology at the time of program adoption.

Growth Allocation Total

This mapping mistake is one of three mistakes that will be presented before the Commission. If all are approved, the total growth allocation available within the Worcester County Atlantic Coastal Bays Critical Area will be reduced by 1.97 acres (5% of all acreage that will be converted from RCA to either LDA or IDA). This mapping mistake will contribute 0.11 acres to this total (5% of the 2.19 acres converted from RCA to LDA).

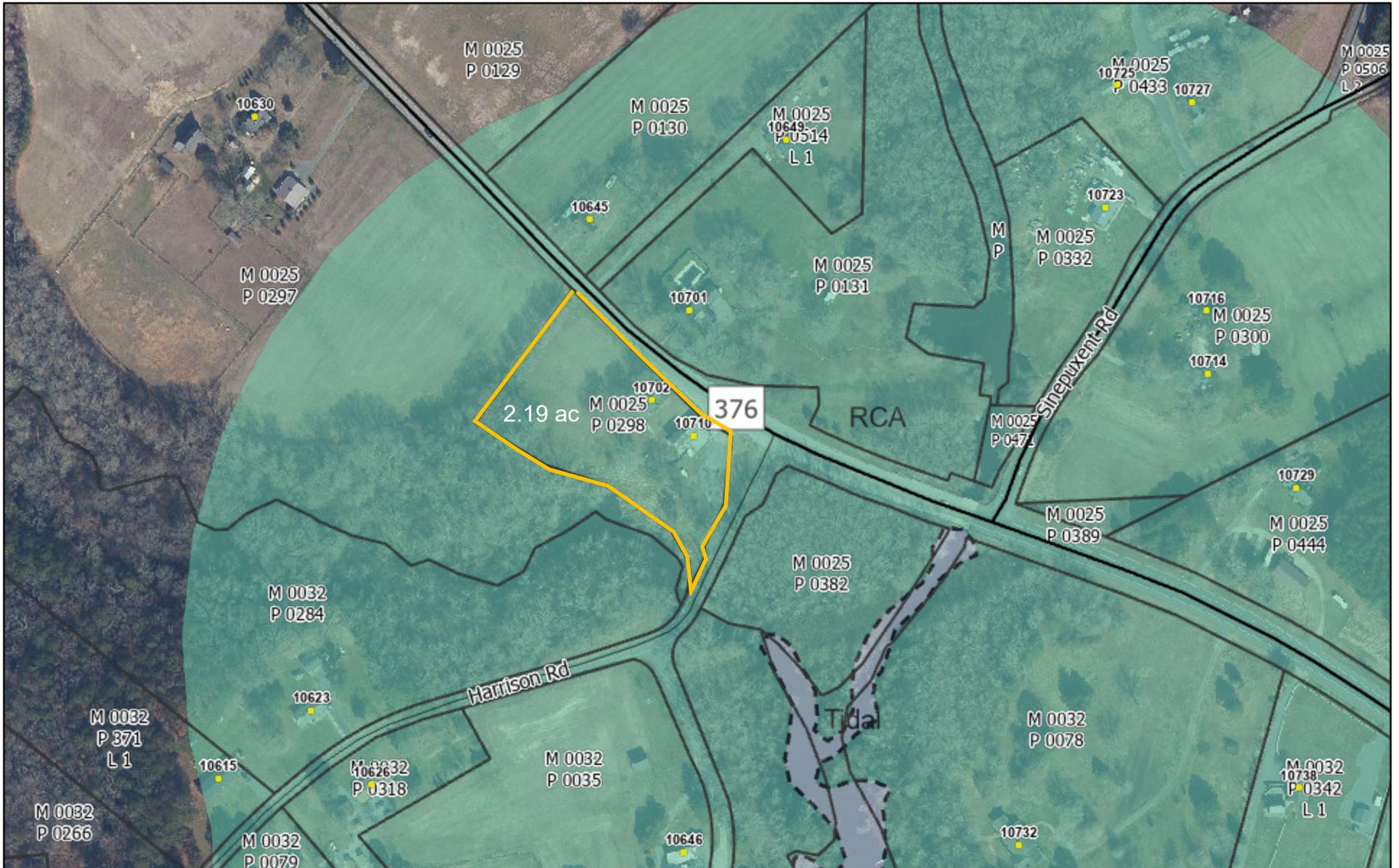
Recommendation

Given the above evidence, this mapping amendment is consistent with the purposes, policies, and goals of the Critical Area Law and Criteria; therefore, Commission staff recommend that the Program Committee concur with the Chair's determination that this mapping amendment be processed as a refinement to Worcester County's Critical Area program. Furthermore, staff recommends the Chair approve the mapping amendment as proposed.

Attachments

1. 10702 Assateague Rd Map Amendment
2. 10702 Assateague Rd Preliminary Plans

10702 Assateague Rd - Critical Area Remapping



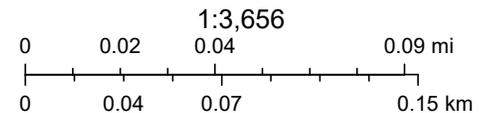
9/26/2025, 3:13:45 PM

- Address number
- ▭ Parcel Boundaries
- Worcester Roads
- Major
- Local
- ▭ Critical Area - MD Coastal Bays
- ▭ RCA - Resource Conservation Areas
- ▭ Tidally Influenced Areas

2024_Worcester_MG4_20to1_Mosaic_Feet.sid

- ▭ Red: Band_1
- ▭ Green: Band_2
- ▭ Blue: Band_3

Attachment 3



Originally, Spatial Systems Associates, Inc.
Worcester County GIS. Since receiving back from SSA, Worcester County

Web AppBuilder for ArcGIS
This map is intended for planning purposes only and not for regulatory application.

SITE DATA

OWNER
 PS Ventures, LLC
 11305 Rolling House Road
 Rockville, Maryland 20852
 Contact: Mr. Shane Pollin
 Ph: 201-512-5482
 Email: spollin@psvdev.com

CONSULTANT
 Vista Design, Inc.
 Contact: Steve Engel, R.L.A.
 11634 Worcester Highway
 Showell, Maryland 21862
 Phone: (410) 352-3874
 Fax: (410) 352-3875

SITE INFORMATION

Tax Map 0025
 Parcels 0298
 Deed Book & Page 5261 / 418
 Plat Book Reference SVH 157, Page 32
 Zoning C-1 Neighborhood Commercial District &
 Existing Land Use Abandoned Restaurant & House
 Proposed Land Use Retail, Office & Single Family Residential
 Site Area ±2.18 AC
 Max Bldg. Height 4 Stories or 45'
 Setbacks
 Front 50' From MD Route 376
 75' From Centerline of Harrison Rd
 Side 6' (Each)
 Rear 20'

WATER & SEWER PROVIDER

Private Well & Private Septic

DATUM

Horizontal NAD 83 Maryland State Plane Grid
 Vertical NGVD 88

FLOOD ZONE

This property is Located Within following Flood Zones per FIRM Map #24047C0154H Dated July 16, 2015.

- Zone X Areas determined to be outside of the 0.2% annual chance flood
- Zone X Areas of 0.2% annual chance flood;
- Zone AE Base flood Elevation Determined to be at Elevation 5.0

WORCESTER COUNTY ATLANTIC COASTAL BAYS CRITICAL AREA LAW

This property is located within the Worcester County Atlantic Coastal Bays Critical Area and is within the Resource Conservation Area (RCA)

FOREST CONSERVATION STATEMENT

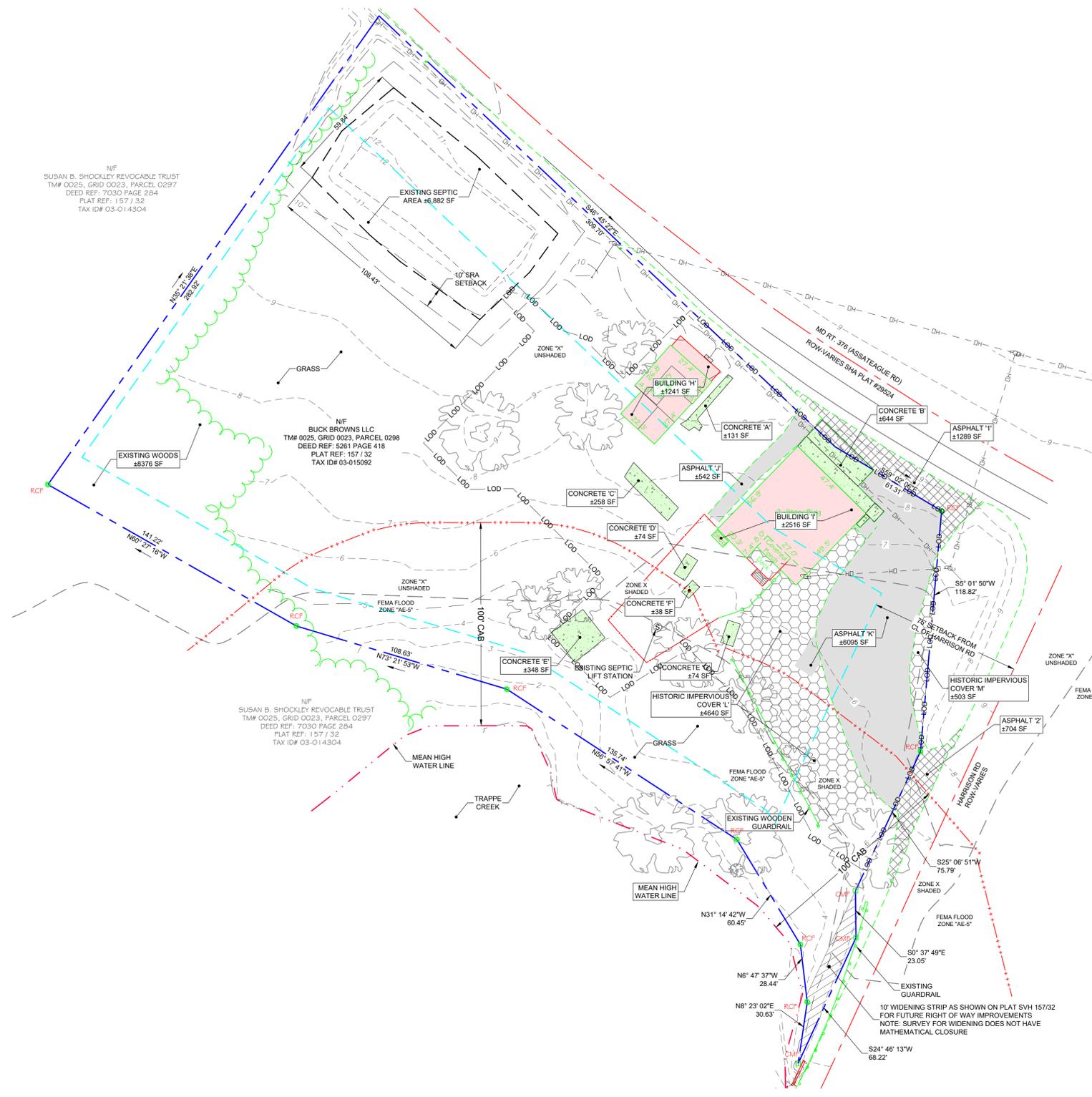
This site is within the Atlantic Coastal Bays Critical Area and is therefore exempt from Forest Conservation.

LEGEND

- Property Line
- Adjacent Property Line
- Building Restriction Line
- Existing Structures
- Existing Edge of Pavement
- Existing 1x Contour
- Existing 5x Contour
- Existing Treeline
- Existing Guardrail
- Existing Septic Lift Station
- Existing Utility Pole
- Existing Overhead Wires
- FEMA Flood Zone Boundary
- Mean High Water Line
- 100' Critical Area Buffer

SHEET INDEX

- C 100 Existing Conditions & Cover Analysis
- C 200 Conceptual Site Plan & Proposed Cover Analysis
- A 04 Illustrative Site Aerial



PRIOR USE

- Concrete
- Asphalt
- Historic Impervious
- Total

*THE HISTORICAL GRAVEL/ASPHALT AND PARKING AREA CALCULATIONS HAVE BEEN DERIVED FROM A 2008 GOOGLE MAPS IMAGE, WHICH DEPICTS THE HISTORICAL USAGE OF THE PROPERTY.

PRIOR USE WITHIN THE 100' CRITICAL AREA BUFFER

- Concrete
- Asphalt
- Historic Impervious
- Total

EXISTING O

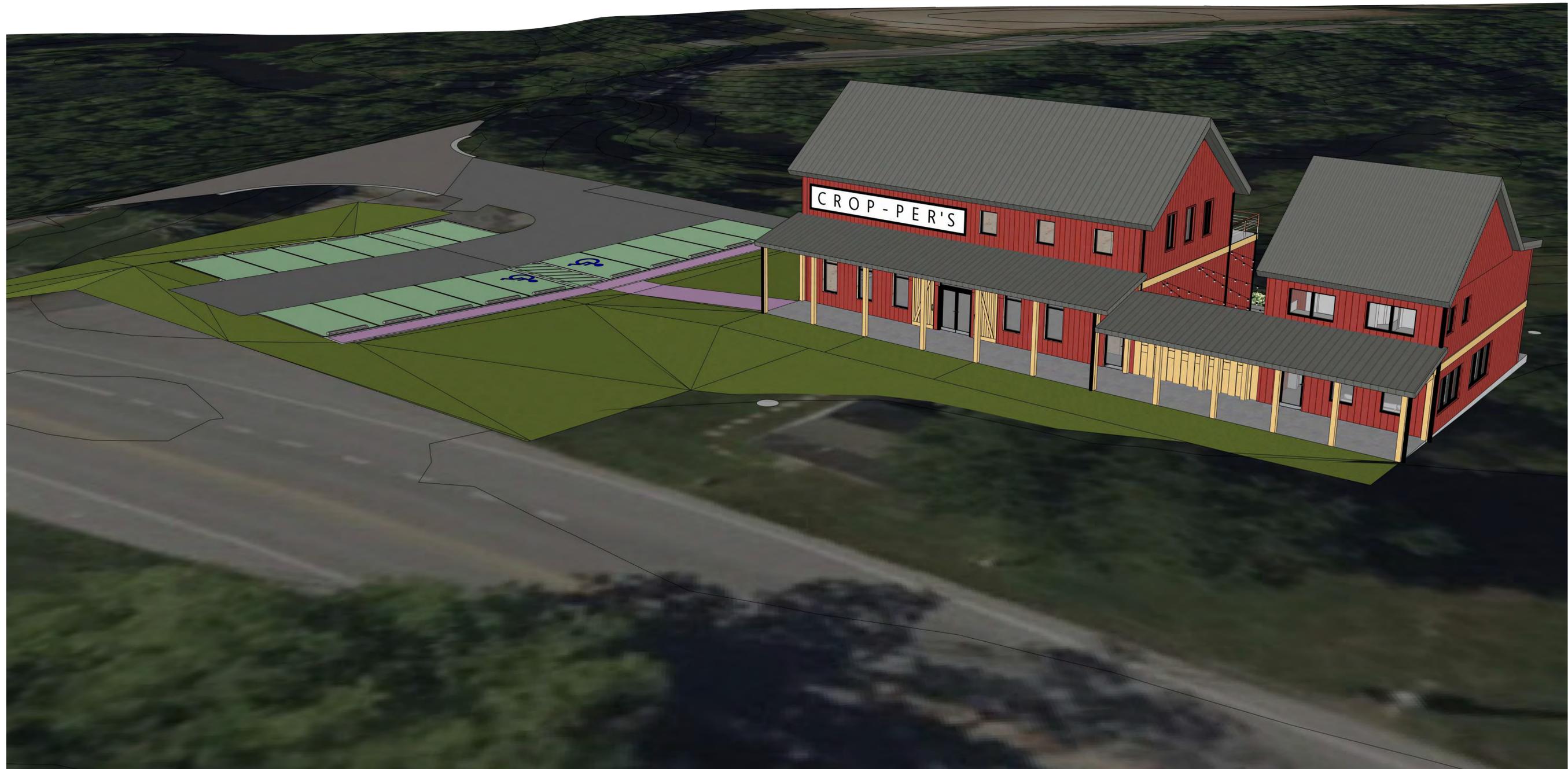
- Historic Impervious

PRIOR USE - BUILDINGS H & I

BUILDING H (HOUSE)	
BUILDING I (MIXED USE)	
COMMERCIAL STORAGE (LEVEL 2)	
TOTAL PRIOR USE GFA	



<p>NOTE: This drawing, specifications, and work produced by Vista Design, Inc. (VDI) for this project are instruments of service for this project only, and remains the copyrighted property of VDI. Reuse or reproduction of any of the instruments of service of VDI by the Client or assignees without the written permission of VDI will be at the Client's risk and be a violation of the copyright laws of the United States of America and the respective state within which the work was completed.</p> <p>NOTE: This Drawing does not include necessary components for construction safety. All construction must be done in compliance with the occupational safety and health act of 1970 and all rules and regulations thereto appurtenant.</p>	<p style="writing-mode: vertical-rl; transform: rotate(180deg);">PROGRESS PRINT / NOT FOR CONSTRUCTION</p>	<p>VISTA DESIGN, INC. Engineers • Architects • Surveyors • Landscape Architects Land Planning Consultants • GIS Services 11634 Worcester Hwy, Showell, MD 21862 Ph. 410-352-3874 • Fax 410-352-3875 • www.vistadesigninc.com</p>	<p>10702 ASSATEAGUE ROAD TM 25 PARCEL 298 WORCESTER COUNTY, MARYLAND</p>	<p>EXISTING CONDITIONS & COVER ANALYSIS</p>	<p>PROJECT DATA</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Tax Map: 0025</td> <td>Parcel: 0298</td> </tr> <tr> <td colspan="2">BERLIN, MARYLAND</td> </tr> <tr> <td colspan="2">WORCESTER COUNTY</td> </tr> <tr> <td>Drawn By: BZ</td> <td>Checked By: SDE</td> </tr> <tr> <td>Date: 04/11/25</td> <td></td> </tr> <tr> <td>Scale: 1" = 30'</td> <td></td> </tr> </table>	Tax Map: 0025	Parcel: 0298	BERLIN, MARYLAND		WORCESTER COUNTY		Drawn By: BZ	Checked By: SDE	Date: 04/11/25		Scale: 1" = 30'		
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FOR ILLUSTRATIVE PURPOSES ONLY

REVISIONS

NO.	DATE	REVISIONS
1		
2		
3		
4		
5		



10702 Assateague Road

ILLUSTRATIVE SITE AERIAL