

Amendment No. 1 to Resolution No. 347

Proposed by: Ms. Mielke
Introduced by: Mr. Leshner, Ms. Mielke
Date: November 28, 2023

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO PROVIDE THE EQUIVALENT DWELLING UNITS FOR ALL PHASES OF THE LAKESIDE DEVELOPMENT

KEY

Boldface.....Heading or defined term
Underlining.....Added to CWSP by Resolution
Double Underlining.....Added by amendment
~~Double Strikethrough~~.....Deleted by amendment
* * *Existing CWSP/Resolution unaffected

Proposed Amendments: The amendments proposed to the text of the Resolution are as follows:

EXHIBIT A
AMENDMENT TO CHAPTER TWO OF THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN

* * *

TRAPPE AREA WATER SYSTEM – FUTURE PLANNING

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The foregoing phases and EDUs are based on the June 25, 2021 Phasing Plan approved by the Town of Trappe and are included in this Plan at MDE’s request¹. As noted above, the EDUs for

¹ On November 4, 2020, D. Lee Currey, Director of MDE’s Water and Science Administration, sent a letter to County Council President Chuck Callahan, in which he stated that the EDUs for the different phases of the Lakeside

the community uses for Phase 1 and Phases 2 through 6 are estimates only. EDUs will ultimately be allocated in accordance with applicable Town laws, policies, and regulations as lots are subdivided and commercial uses are developed and are limited to the permitted capacity as set forth in this Plan and all permits and other approvals issued by MDE and other authorities having jurisdiction. ~~The phases represent defined land uses only and do not represent the timing or sequence of development; provided, however, that all~~ All phases of the Lakeside development, or portions thereof, classified as W-2 or W-3 shall be reclassified as W-1 through an amendment to this Plan before receiving water service from the Town of Trappe. Flows shall be monitored by the Town, with updates provided to the County at least annually, whether at an annual CWSP meeting or by separate letter to the County Engineer. The Town shall also promptly notify the County Engineer of any updates to the Phasing Plan for the Lakeside development, including any changes in the phasing or allocation of EDUs from those set forth hereinabove. Any changes in the phasing or allocation of EDUs from those set forth hereinabove shall not require an update to the CWSP; however, such information shall be incorporated as part of the amendment(s) proposing to reclassify any phases of the Lakeside Development from W-2 or W-3 to W-1.

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TRAPPE AREA SEWER SYSTEM - FUTURE PLANNING

* * *

The foregoing phases and EDUs are based on the June 25, 2021 Phasing Plan approved by the Town of Trappe and are included in this Plan at MDE's request². As noted above, the EDUs for the community uses for Phase 1 and Phases 2 through 6 are estimates only. EDUs will ultimately be allocated in accordance with applicable Town laws, policies, and regulations as lots are subdivided and commercial uses are developed and are limited to the permitted capacity as set forth in this Plan and all permits and other approvals issued by MDE and other authorities having jurisdiction. ~~The phases represent defined land uses only and do not represent the timing or sequence of development; provided, however, that all~~ All phases of the Lakeside development, or

development are "necessary to assess the adequacy of the water and sewer systems to accommodate and serve those EDUs." Mr. Currey further requested that the County provide "updated EDUs for Phases 2 and 3 in the next Amendment" for the Town of Trappe. On April 24, 2023, Dinorah Dalmasy, Program Manager for MDE's Water and Science Administration, sent a letter to Council President Callahan, in which she requested that the County provide updated EDUs for "all phases" of the Lakeside development in an update to the CWSP. On July 21, 2023, Ms. Dalmasy sent another letter to the County Council President in which she clarified that MDE was seeking the finalized EDUs for Phase 1 of the Lakeside Development only and a best estimate of the EDUs for all other phases thereof.

² On November 4, 2020, D. Lee Currey, Director of MDE's Water and Science Administration, sent a letter to County Council President Chuck Callahan, in which he stated that the EDUs for the different phases of the Lakeside development are "necessary to assess the adequacy of the water and sewer systems to accommodate and serve those EDUs." Mr. Currey further requested that the County provide "updated EDUs for Phases 2 and 3 in the next Amendment" for the Town of Trappe. On April 24, 2023, Dinorah Dalmasy, Program Manager for MDE's Water and Science Administration, sent a letter to Council President Callahan, in which she requested that the County provide updated EDUs for "all phases" of the Lakeside development in an update to the CWSP. On July 21, 2023, Ms. Dalmasy sent another letter to the County Council President in which she clarified that MDE was seeking the finalized EDUs for Phase 1 of the Lakeside Development only and a best estimate of the EDUs for all other phases thereof.

portions thereof, classified as S-2 or S-3 shall be reclassified as S-1 through an amendment to this Plan before receiving sewer service from the Town of Trappe. Pursuant to Discharge Permit No. 19-DP-3460 issued by MDE on October 27, 2022, the permitted flow for the Lakeside WWTP is currently 100,000 gallons per day, which will provide wastewater treatment for 400 EDUs (250 gallons per day per EDU). Flows shall be monitored by the Town, with updates provided to the County at least annually, whether at an annual CWSP meeting or by separate letter to the County Engineer. The Town shall also promptly notify the County Engineer of any updates to the Phasing Plan for the Lakeside development, including any changes in the phasing or allocation of EDUs from those set forth hereinabove. Any changes in the phasing or allocation of EDUs from those set forth hereinabove shall not require an update to the CWSP; however, such information shall be incorporated as part of the amendment(s) proposing to reclassify any phases of the Lakeside Development from S-2 or S-3 to S-1.

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Purpose: This amended is intended to delete the phrase “The phases represent defined land uses only and do not represent the timing or sequence of development” from the proposed amendments to the Trappe Area Water System – Future Planning and Trappe Area Sewer System – Future Planning sections of the CWSP.

Amendment not substantive: The amendments proposed herein are non-substantive, as they do not enlarge or narrow the scope of Resolution No. 347 as introduced to such an extent that Resolution No. 347, if adopted with the foregoing amendments, could be said to be misleading in a substantial manner. Furthermore, such amendments do not defeat the original purpose of Resolution No. 347 as introduced. *See Ajamian v. Montgomery County*, 99 Md. App. 665, 684-685 (1994).