

COUNTY COUNCIL

OF

TALBOT COUNTY

2022 Legislative Session, Legislative Day No.: March 8, 2022

Resolution No. 322

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Leshner, Mr. Pack, Ms. Price

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN FOR THE PURPOSE OF RECLASSIFYING AND REMAPPING CERTAIN REAL PROPERTY LOCATED ON UNIONVILLE ROAD, EASTON, MARYLAND, SHOWN ON TAX MAP 24, AS PARCEL 129, FROM UNPROGRAMMED TO “S-1” IMMEDIATE PRIORITY STATUS (*Kemp*)

By the Council: March 8, 2022

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, April 12, 2022 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: *Susan W. Moran*
Susan W. Moran, Secretary

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN FOR THE PURPOSE OF RECLASSIFYING AND REMAPPING CERTAIN REAL PROPERTY LOCATED ON UNIONVILLE ROAD, EASTON, MARYLAND, SHOWN ON TAX MAP 24 AS PARCEL 129, FROM UNPROGRAMMED TO “S-1” IMMEDIATE PRIORITY STATUS (*Kemp*)

WHEREAS, the County Council of Talbot County (the “County Council”) adopted Resolution No. 235 on November 15, 2016 for the purpose of amending the Talbot County Comprehensive Water and Sewer Plan (the “CWSP”) to extend sewer from the Region II (St. Michaels) Wastewater System to three-hundred and fifty-four (354) equivalent dwelling units (“EDUs”) in the subdivisions of Avey, Doncaster, North Bend, The Rest, and Arcadia Shores, and along the roads of Unionville Road (Maryland Route 370), Royal Oak Road (Maryland Route 329), Blueberry Acres, Deep Water Point Road, Long Haul Road, Yacht Club Road, and Rolles Range Road; and

WHEREAS, the Maryland Department of the Environment (“MDE”) approved Resolution No. 235 on April 13, 2017; and

WHEREAS, Talbot County, Maryland (the “County”) is currently working on the design to extend sewer to the approximately 300 remaining EDUs identified in Resolution No. 235 that includes having sewer extend to that certain real property located on Buchanan Terrace, Easton, Maryland and shown on Tax Map 24 as Parcel 118, Lot 11A, which is an unimproved lot owned by Robert L. Kemp, Jr., Richard C. Kemp, and David Drake Kemp (the “Owners”) and consists of 1.985 acres of land, more or less (“Lot 11A”); and

WHEREAS, the foregoing property is divided into three (3) sections, with blue-line streams and property lines forming the boundaries thereof; and

WHEREAS, the foregoing property has various environmental features that hamper its development; therefore, the Owners are seeking to have that certain real property located on Unionville Road, Easton, Maryland and shown on Tax Map 24 as Parcel 129 (the “Property”) reclassified as S-1, immediate priority status and

WHEREAS, the Property consists of 15.475 acres; and

WHEREAS, the Property is zoned Resource Conservation (RC), in which lots have a density of one (1) dwelling unit per twenty (20) acres, based on original parcel size as of August 13, 1989; and

WHEREAS, the Property was established prior to 1980; and

WHEREAS, the right for sewer for Lot 11A will be transferred to the Property; and

WHEREAS, the Talbot County Engineer (the “County Engineer”) has evaluated and confirmed the feasibility of extending public sewer to the Property and has requested that the Talbot County Office of Law prepare this amendment to the CWSP to facilitate extension of public sewer to the properties; and

WHEREAS, in accordance with the requirements of Environment Article § 9-506(a)(1), Md. Ann. Code, the proposed amendment has been submitted to the Talbot County Planning Commission and the Talbot County Public Works Advisory Board for review for consistency with planning programs for the area. Before the County Council may adopt the proposed amendment, the Talbot

County Planning Commission must first certify that the amendment is consistent with the Talbot County Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that the Talbot County Comprehensive Water and Sewer Plan shall be and is hereby amended as follows:

SECTION ONE: The above recitals are hereby incorporated as if fully set forth herein.

SECTION TWO: Subject to the terms and conditions herein, the CWSP is amended to reclassify and remap that certain real property located on Unionville Road, Easton, Maryland shown on Tax Map 24 as Parcel 129, consisting of 15.475 acres of land, more or less, from the current classification of “Unprogrammed” to “S-1” immediate priority status, as shown and described on a certain worksheet entitled “Comprehensive Water and Sewer Plan: Unionville Road,” prepared by the Talbot County Department of Public Works, dated February 8, 2022, and attached hereto as Exhibit “A.”

SECTION THREE: Sewer service for the property shall be from the Region II (St. Michaels) Wastewater Treatment Plant. The proposed sewer extension shall be constructed in accordance with the current Region II Sewer Service Policy and design guidelines as developed for Resolution No. 235.

SECTION FOUR: The proposed use shall be for a single-family residence with an allocation of one (1) EDU of sewer capacity. The peak flow sewer allocation to the Property shall be limited to two hundred fifty (250) gallons per day.

SECTION FIVE: The right for sewer provided to Lot 11A shall be transferred to the Property; therefore, there will be no increase or decrease in the total number of EDUs as presented in Resolution No. 235.

SECTION SIX: Connection to the force main shall not be used to accommodate further subdivision of the Property existing when this Resolution is adopted without further amendment of the CWSP duly approved by the County Council.

SECTION SEVEN: The Owners of the Property shall be jointly and severally responsible for contracting and paying for all required permits, easements, construction work, and all benefit and connection charges in accordance with a Public Works Agreement (“PWA”) approved by the County. The PWA shall run with and bind the properties, and shall be filed among the land records of Talbot County, Maryland within sixty (60) days from the date of approval of the building permit. The PWA may provide for recoupment of a portion of the construction costs from other lots served by the force main that may be authorized to connect to it in the future.

SECTION EIGHT: The Owners shall be jointly and severally responsible for paying a connection fee of Twelve Thousand Dollars (\$12,000.00) for the property to the Talbot County Sanitary District (the “Sanitary District”) before commencing construction to connect the Property to the force main. The connection shall be subject to periodic charges, tariffs, and policies as may be adopted from time to time.

SECTION NINE: The Owners, jointly and severally, shall be solely responsible for all costs incurred for design, engineering, construction, inspection, and testing that may be reasonably required, as determined by the County Engineer, to connect the Property to the force main, including, without

limitation, any material, pumps, saddles, or other equipment, and for all costs incurred for ongoing maintenance and repair.

SECTION TEN: No sewer service shall be available to any area beyond the existing Property to be served. No other properties, lots, or parcels, including any future reconfiguration or recombination of the Property, shall be entitled to service or capacity, unless and until the CWSP is amended to permit such service.

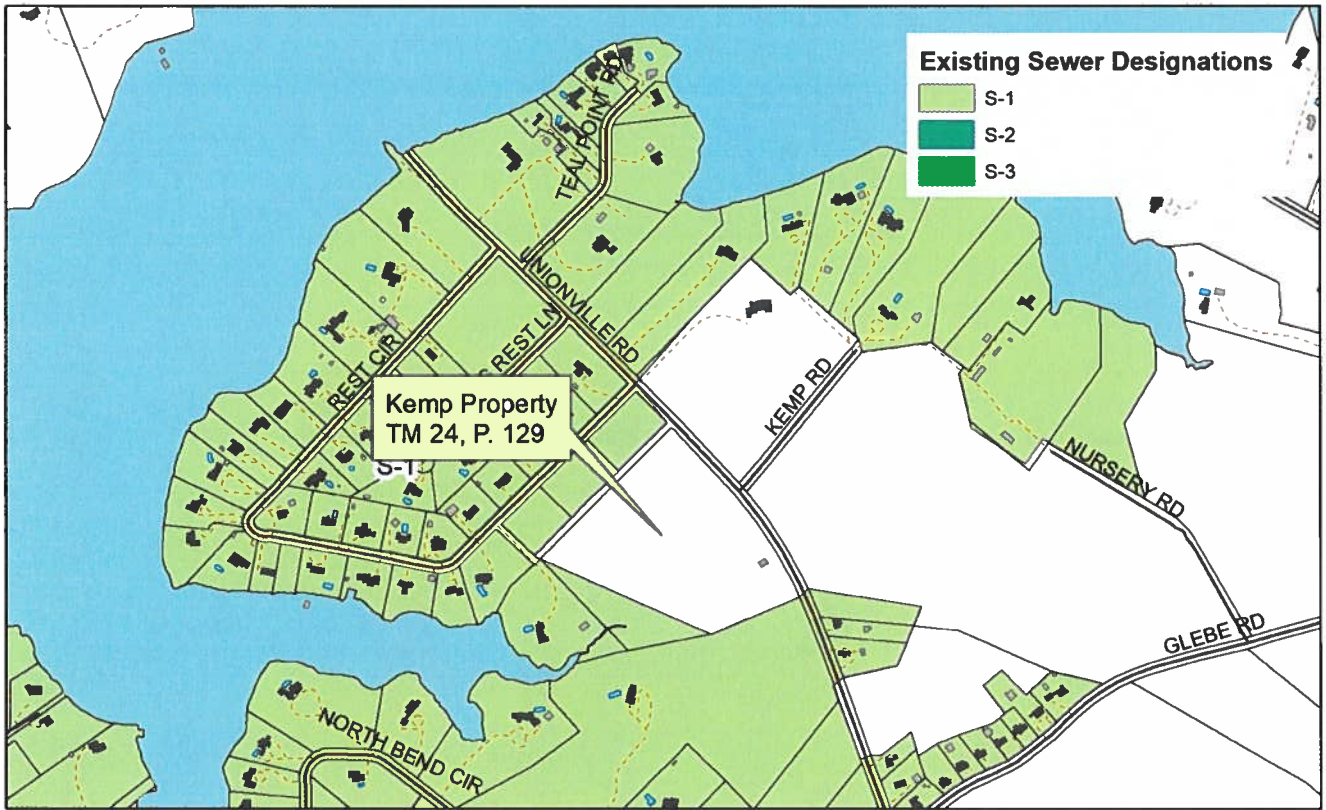
SECTION ELEVEN: The design shall be consistent with Resolution No. 235 design standards for similar projects, shall be subject to review and approval by the County Engineer, and shall include design features, components, and materials as the County Engineer or his designee may reasonably require, including the ability to isolate the connection.

SECTION TWLEVE: The Owners, jointly and severally, shall be solely responsible for all remediation, mitigation, damages, charges, fines, penalties, or other costs imposed, levied, or assessed at any time by any federal, State, or local enforcement agency for any environmental damage or violation of law caused by or resulting from the connection to the force main. The Owners shall indemnify and hold the County harmless from and against all such claims, actions, suits, damages, losses, or expenses, of any kind, nature, or description whatsoever.

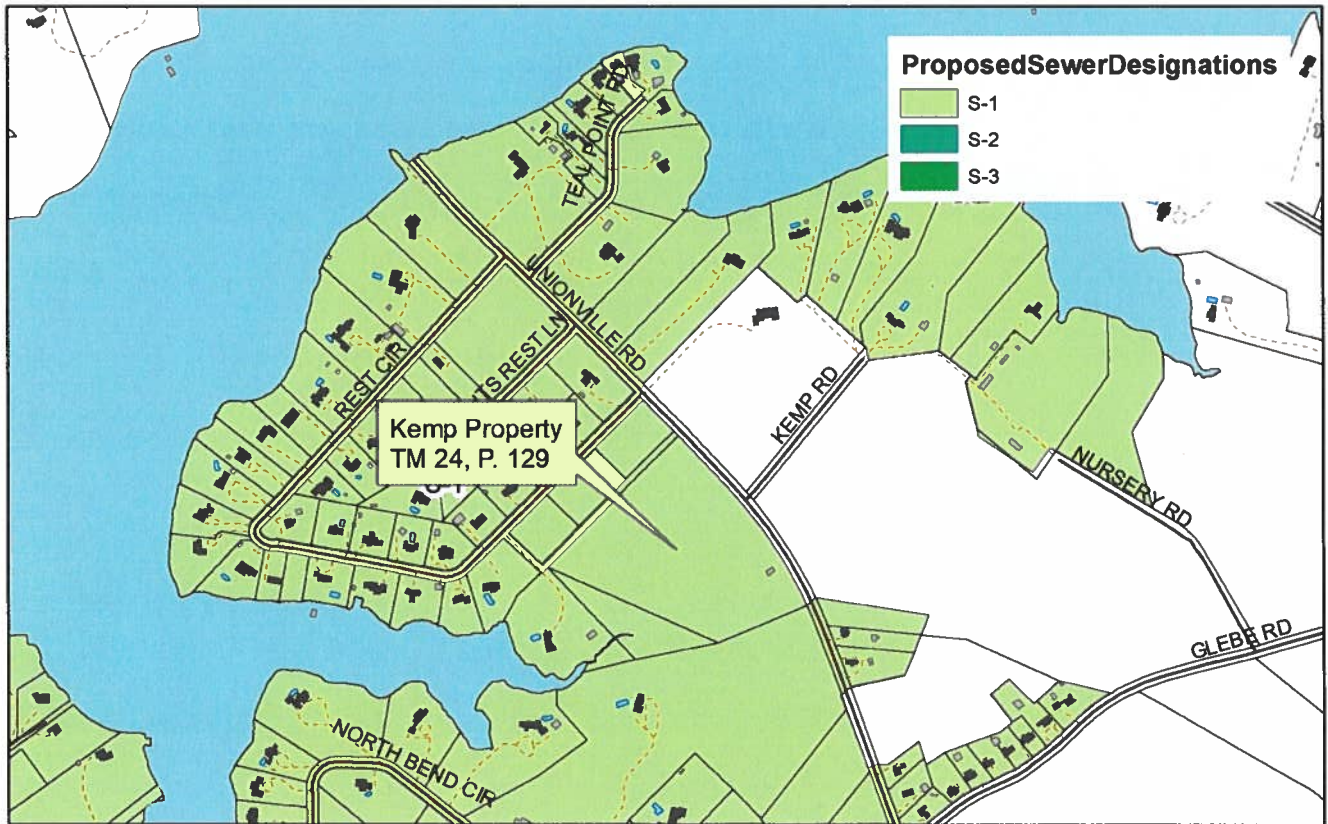
SECTION THIRTEEN: This Resolution shall not modify, excuse, or supersede any other requirements for ongoing compliance with all applicable federal, State, and local statutes, ordinances, rules, or regulations, including without limitation all conditions and requirements of all permits and approvals necessary for connection to the force main.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon the date of its adoption.

Existing Sewer Service Area



Proposed Sewer Service Area



PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. _____ having been published, a public hearing was held on Tuesday, _____, 2022 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Adopted: _____

By Order: _____
Susan W. Moran, Secretary

Callahan -

Divilio -

Leshner -

Price -

Pack -

Effective: _____