

**COUNTY COUNCIL**

**OF**

**TALBOT COUNTY**

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

Resolution No. 323

Introduced by: Mr. Callahan, Mr. Divilio, 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 ST. MICHAELS ROAD (MARYLAND ROUTE 33), EASTON, MARYLAND AND SHOWN ON TAX MAP 33 AS PARCELS 38 AND 105 FROM UNPROGRAMMED TO "S-1" IMMEDIATE PRIORITY STATUS**  
*(Kirkham Station)*

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, 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 ST. MICHAELS ROAD (MARYLAND ROUTE 33), EASTON, MARYLAND AND SHOWN ON TAX MAP 33 AS PARCELS 38 AND 105 FROM UNPROGRAMMED TO “S-1” IMMEDIATE PRIORITY STATUS**  
*(Kirkham Station)*

**WHEREAS**, the County Council of Talbot County (the “County Council”) adopted Resolution No. 100 on October 22, 2002, which was approved by the Maryland Department of the Environment (“MDE”) on February 20, 2003, for the purpose of updating the Talbot County Comprehensive Water and Sewer Plan (the “CWSP”) through the 2002 Report of the Review, which identified the Region II – Royal Oak, Newcomb, and Bellevue Sewer Service area; and

**WHEREAS**, Kirkham Station Venture, LLC (the “Owner”) is the owner of those certain real properties located on St. Michaels Road (Maryland Route 33), Easton, Maryland, shown on Tax Map 33 as Parcels 38 and 105, consisting of 1.685 acres of land, more or less, and 0.427 acres of land, more or less, respectively (the “Properties”); and

**WHEREAS**, the Properties are zoned Western Rural Conservation (WRC), in which a lot being less than six (6) acres has a density of one (1) dwelling unit per two (2) acres; and

**WHEREAS**, the force main from the Unionville Pump Station is located on the northbound side of St. Michaels Road (Maryland Route 33), with the Properties being located on the southbound side of St. Michaels Road (Maryland Route 33); and

**WHEREAS**, the Properties are unimproved; however, a structure existed on Parcel 105 until approximately ten (10) years ago; and

**WHEREAS**, on February 4, 2022, the Office of Environmental Health (the “OEH”) forwarded a letter stating that soils evaluations on the Properties conducted by the OEH found the soils to have “unacceptable permeabilities and high water tables;” therefore, it was the “opinion of [the OEH] that these poorly drained parcels are unsuitable for on-site sewage disposal;” and

**WHEREAS**, the Talbot County Engineer (the “County Engineer”) has evaluated and confirmed the feasibility of extending public sewer to the properties, and 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 Md. Code Ann., Envir. § 9-506(a)(1)(i), the proposed CWSP amendment set forth herein has been submitted to the Talbot County Planning Commission (the “Planning Commission”), as well as to the Talbot County Public Works Advisory Board, for review for consistency with planning programs for the area; and

**WHEREAS**, on \_\_\_\_\_, 2022, the Planning Commission certified that the proposed CWSP amendment set forth herein is consistent with the Comprehensive Plan as required by Md. Code Ann., Envir. § 9-506(a)(1)(ii);

**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 on St. Michaels Road (Maryland Route 33), Easton, Maryland, shown on Tax Map 33 as Parcels 38 and 105, consisting of 1.685 acres of land, more or less, and 0.427 acres of land, more or less, respectively, 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: Kirkham Station – St. Michaels Road,” prepared by the Talbot County Department of Public Works, dated February 17, 2022, and attached hereto as Exhibit “A.”

**SECTION THREE:** Sewer service for the Properties 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 used in the sewer extension for the lots included in Resolution No. 235 and consists of a septic tank effluent pump (“STEP”) system.

**SECTION FOUR:** Prior to the structure that served as Kirkham Station and housed a gas station and deli being demolished, the past uses would have been assessed two (2) equivalent dwelling units (“EDUs”) as set forth in Bill No. 597, A Bill Entitled an Act to Establish Sewer Rates and Charges for the Unionville/Tunis Mills/Copperville Sewer Service Area in Talbot County Sanitary District No. 1.

**SECTION FIVE:** As presented in Bill No. 597, the sewer allocation for the Properties shall be two (2) EDUs, one for each use as set forth hereinabove. The peak flow sewer allocation to each use shall be limited to two hundred fifty (250) gallons per day per EDU.

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

**SECTION SEVEN:** The Owner 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 Owner shall be responsible for paying a connection fee of Twelve Thousand Dollars (\$12,000.00) per EDU to the Talbot County Sanitary District (the “Sanitary District”) before commencing construction to connect the Properties 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 Owner 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 Properties 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 Properties to be served. No other properties, lots, or parcels, including any future reconfiguration or recombination of the Properties, shall be entitled to service or capacity, unless and until the CWSP is amended to permit such service.

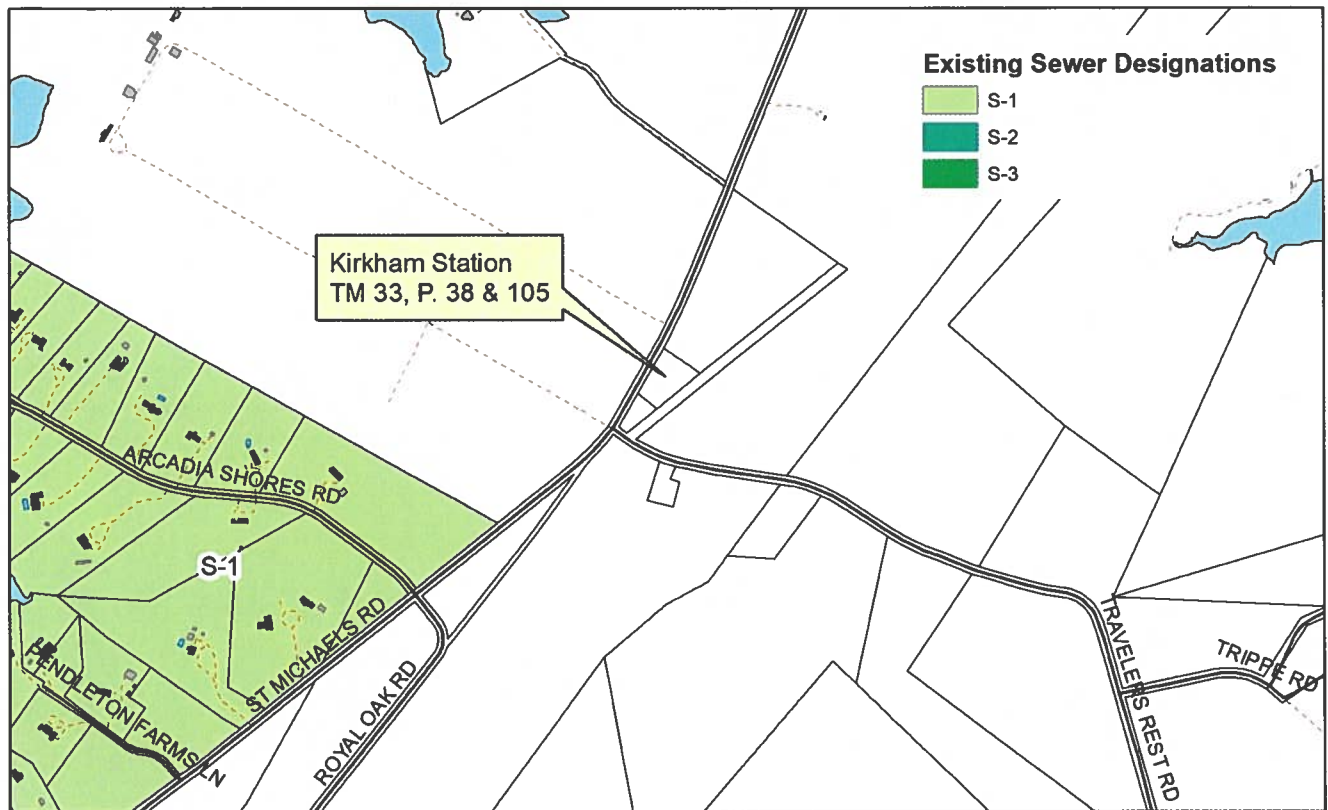
**SECTION ELEVEN:** The design shall be consistent with the design standards for similar projects in the Region II – Royal Oak, Newcomb, and Bellevue Sewer Service Area, shall be subject to review and approval by the County Engineer, and shall include design features, components, and materials as the County Engineer or his designee may reasonably require, including the ability to isolate the connection.

**SECTION TWLEVE:** The Owner 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 Owner 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.

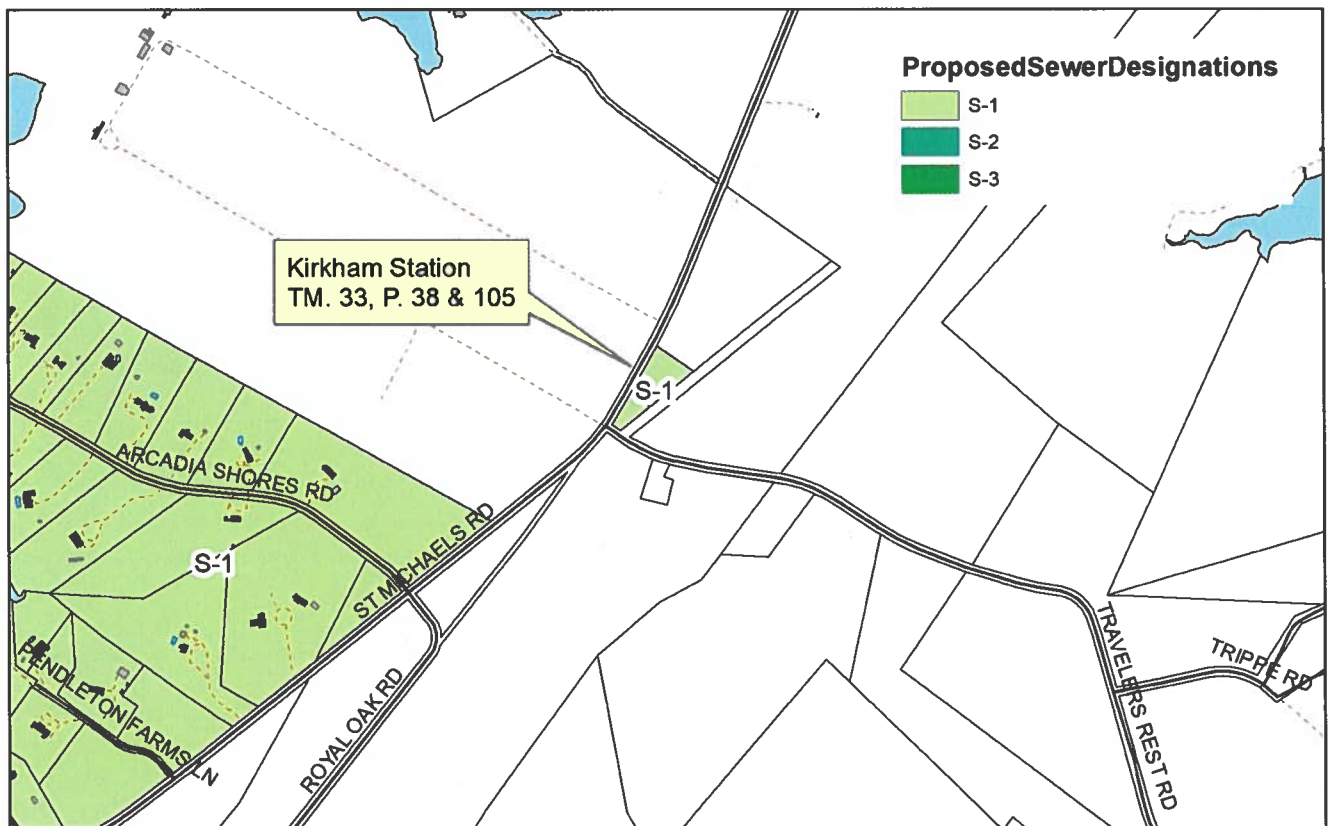
**SECTION THIRTEEN:** This Resolution shall not modify, excuse, or supersede any other requirements for ongoing compliance with all applicable federal, State, and local statutes, ordinances, rules, or regulations, including without limitation all conditions and requirements of all permits and approvals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

Leshar -

Price -

Pack -

Effective: \_\_\_\_\_