

COUNTY COUNCIL
OF
TALBOT COUNTY

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

Resolution No. 324

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 AT 26491 ROYAL OAK ROAD (MARYLAND ROUTE 329), ROYAL OAK, MARYLAND AND SHOWN ON TAX MAP 41 AS PARCEL 156 AND CERTAIN REAL PROPERTY LOCATED ON ROYAL OAK ROAD (MARYLAND ROUTE 329), ROYAL OAK, MARYLAND AND SHOWN ON TAX MAP 41 AS PARCEL 233, LOT 1 FROM UNPROGRAMMED TO "S-1" IMMEDIATE PRIORITY STATUS (*Stevenson/McEachern*)

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 AT 26491 ROYAL OAK ROAD (MARYLAND ROUTE 329), ROYAL OAK, MARYLAND AND SHOWN ON TAX MAP 41 AS PARCEL 156 AND CERTAIN REAL PROPERTY LOCATED ON ROYAL OAK ROAD (MARYLAND ROUTE 329), ROYAL OAK, MARYLAND AND SHOWN ON TAX MAP 41 AS PARCEL 233, LOT 1 FROM UNPROGRAMMED TO “S-1” IMMEDIATE PRIORITY STATUS (*Stevenson/McEachern*)

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, the County Council adopted Resolution No. 235 on November 15, 2016 for the purpose of extending sewer from the Region II (St. Michaels) Wastewater System to three hundred fifty-four (354) equivalent dwelling units (“EDUs”) in the subdivisions of Aveley, 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 Road, Deep Water Point Road, Long Haul Road, Yacht Club Road, and Rolles Range Road; and

WHEREAS, certain real property located at 26491 Royal Oak Road (Maryland Route 329), Royal Oak, Maryland, shown on Tax Map 41 as Parcel 156, consisting of 2.473 acres of land, more or less, and owned by Jimmy F. McEachern (the “McEachern Property”), and certain real property located on Royal Oak Road (Maryland Route 329), Royal Oak, Maryland, shown on Maryland Tax Map 41 as Parcel 233, Lot 1, consisting of 3.84 acres of land, more or less, and owned by Thomas H. Stevenson, Leslie J. Stevenson, Jeffrey Stevenson, and Jennifer Stevenson (the “Stevenson Property”) (collectively, the “Properties”) are located just outside the sewer service area that was expanded by Resolution No. 235; and

WHEREAS, the Properties are zoned Western Resource 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 McEachern Property is improved with a 1,232-square foot residential structure constructed in 1989; and

WHEREAS, the Stevenson Property is an unimproved lot; 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 certain real property located at 26491 Royal Oak Road (Maryland Route 329), Royal Oak, Maryland, shown on Tax Map 41 as Parcel 156, consisting of 2.473 acres of land, more or less, and certain real property located on Royal Oak Road (Maryland Route 329), Royal Oak, Maryland, shown on Maryland Tax Map 41 as Parcel 233, Lot 1, consisting of 3.84 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: Royal Oak Road”, prepared by the Talbot County Department of Public Works, dated February 11, 2022, and attached hereto as Exhibit “A.”

SECTION THREE: Sewer service for the Properties shall be from the Region II Wastewater Treatment Plant in St. Michaels. The proposed sewer extension shall be constructed in accordance with the current Region II Sewer Service Policy and design guidelines as used in the Royal Oak, Newcomb, and Bellevue Sewer Service Area that consists of a septic tank effluent pump (“STEP”) system.

SECTION FOUR: The proposed use shall be for a single-family residence on the McEachern Property and for a single-family residence on the Stevenson Property, with an allocation of one (1) equivalent dwelling unit (“EDU”) of sewer capacity for each of the Properties. The peak flow sewer allocation to each of the Properties shall be limited to two hundred fifty (250) gallons per day per EDU.

SECTION FIVE: 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 SIX: The owners of the Properties (collectively, the “Owners”) 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 for their respective property. The PWAs shall run with and bind the respective property 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 SEVEN: The Owners shall be jointly and severally responsible for paying a connection fee of Twelve Thousand Dollars (\$12,000.00) for their respective property to the Talbot County Sanitary District (the “Sanitary District”) before commencing construction to connect their 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 EIGHT: 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 Talbot County Engineer, to connect their respective 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 NINE: 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 TEN: 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 ELEVEN: 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 of their respective property to the force main. The Owners shall jointly and severally 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 TWELVE: 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.

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: _____