

COUNTY COUNCIL

OF

TALBOT COUNTY

2022 Legislative Session, Legislative Day No.: June 14, 2022


Resolution No.: 331

Introduced by: Mr. Callahan, Mr. Divilio

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN FOR THE PURPOSE OF RECLASSIFYING AND REMAPPING TWO PARCELS OF REAL PROPERTY LOCATED AT 29659 MATTHEWSTOWN ROAD (MARYLAND ROUTE 328), EASTON, MARYLAND, SHOWN ON TAX MAP 26 AS PARCEL 45 AND LOCATED ON CAMAC STREET, EASTON, MARYLAND, SHOWN ON TAX MAP 26 AS PARCEL 186, FROM "W-2" AND "S-2", PLANNED WATER AND SEWER SERVICE IN 3 TO 5 YEARS, TO "W-1" AND "S-1", IMMEDIATE PRIORITY STATUS

By the Council: June 14, 2022

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, July 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 TWO PARCELS OF REAL PROPERTY LOCATED AT 29659 MATTHEWSTOWN ROAD (MARYLAND ROUTE 328), EASTON, MARYLAND, SHOWN ON TAX MAP 26 AS PARCEL 45 AND LOCATED ON CAMAC STREET, EASTON, MARYLAND, SHOWN ON TAX MAP 26 AS PARCEL 186, FROM “W-2” AND “S-2”, PLANNED WATER AND SEWER SERVICE IN 3 TO 5 YEARS, TO “W-1” AND “S-1”, IMMEDIATE PRIORITY STATUS

WHEREAS, the County Council of Talbot County (the “County Council”) adopted Resolution No. 131 on June 27, 2006 for the purpose of amending the Talbot County Comprehensive Water and Sewer Plan (the “CWSP”) to extend water and sewer service from the Easton Water and Wastewater Systems to certain real property shown on Tax Map 26 as Parcel 186, which resulted in the majority of the property being reclassified from “Unprogrammed” to “W-1” and “S-1” immediate priority status and the remaining portion, consisting 2.16 acres of land, more or less (“Parcel 186”) being reclassified from “Unprogrammed” to “W-2” and “S-2,” with future water and sewer service within three to five years; and

WHEREAS, the Maryland Department of the Environment (“MDE”) approved Resolution No. 131, as amended, on October 6, 2006; and

WHEREAS, Parcel 186 is owned by the Town of Easton, a Maryland municipal corporation (the “Town”) and is defined as park land; and

WHEREAS, the Town, through its subdivision process, also created a new parcel of real property shown on Tax Map 26 as Parcel 45, located at 29659 Matthewstown Road, Easton, Maryland, consisting of 77.57 acres of land, more or less (“Parcel 45”), which is unimproved land immediately adjacent to Parcel 186 and is currently classified “W-2” and “S-2,” with future water and sewer service within three to five years; and

WHEREAS, Parcel 45 is owned by Gannon Family, LLC, a Maryland limited liability company; and

WHEREAS, D.R. Horton, Inc. (the “Applicant”) is the contract purchaser of Parcel 45; and

WHEREAS, in 2022, the Town approved *The Estates at Gannon Farm*, authorizing the development of two hundred (200) single-family homes and a two (2) acre commercial parcel, all on Parcel 45, and all to be served by the Town’s water and sewer system, which the Town has confirmed that it has adequate capacity to provide; and

WHEREAS, the Applicant has requested that Parcel 45 be reclassified from “W-2” and “S-2” to “W-1” and “S-1” immediate priority status; and

WHEREAS, as part of the Applicant’s foregoing request, the Town is requesting that Parcel 186 be reclassified from “W-2” and “S-2” to “W-1” and “S-1” immediate priority status to avoid creating an enclave of “W-2” and “S-2”; and

WHEREAS, Parcels 45 and 186 are located within a Priority Funding Area, *i.e.*, the Town; and

WHEREAS, the Talbot County Engineer (the “County Engineer”) has evaluated and confirmed that the Applicant has secured approval from Gannon Family, LLC and the Town (collectively, the “Owners”) to extend public water and sewer to Parcels 45 and 186 and has requested that the Talbot County Office of Law prepare this amendment to the CWSP to facilitate extension of public water and sewer thereto; and

WHEREAS, in accordance with the requirements of Environment Article § 9-506(a)(1)(i), 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; 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 parcel of real property located on Camac Street, Easton, Maryland, shown on Tax Map 26 as Parcel 186, and consisting 2.16 acres of land, more or less, from the current classification of “W-2” and “S-2,” planned water and sewer service in 3 to 5 years, to “W-1” and “S-1” immediate priority status from the Easton Water and Sewer Systems, as shown and described on a certain worksheet entitled “Comprehensive Water and Sewer Plan: Tax Map 26, Parcels 45 and 186,” prepared by the Talbot County Department of Public Works, dated May 10, 2022, and attached hereto as Exhibit “A.”

SECTION THREE: Subject to the terms and conditions herein, the CWSP is amended to reclassify and remap that parcel of real property located at 29659 Matthewstown Road (Maryland Route 328), Easton, Maryland, shown on Tax Map 26 as Parcel 45, from the current classification of “W-2” and “S-2,” planned water and sewer service in 3 to 5 years, to “W-1” and “S-1” immediate priority status from the Easton Water and Sewer Systems, as shown and described on a certain worksheet entitled “Comprehensive Water and Sewer Plan: Tax Map 26, Parcels 45 and 186,” prepared by the Talbot County Department of Public Works, dated May 10, 2022, and attached hereto as Exhibit “A.”

SECTION FOUR: The proposed use of Parcel 45 shall be for: (i) single-family residences with an allocation of one (1) EDU of water and sewer capacity per residence, up to a total of two hundred (200) EDUs, and (ii) a future commercial land use on the two (2) acre commercial parcel, with required water and sewer capacity to be determined by the Town Engineer and Easton Utilities when commercial development is proposed. The peak sewer flow allocation for each EDU shall be limited to two hundred fifty (250) gallons per day. The proposed use of Parcel 186 shall be for a public park with an allocation of one (1) EDU for public facilities such as restrooms and drinking water.

SECTION FIVE: The owner(s) of Parcels 45 and 186 shall be jointly and severally responsible for contracting and paying for all required permits, easements, construction work, and all water and sewer connection charges, as approved by the Town.

SECTION SIX: The owner(s) of Parcels 45 and 186 shall be jointly and severally responsible for all costs incurred for design, engineering, construction, inspection, and testing that may be reasonably required, as determined by the Town, to connect the Properties to the Easton Water and Sewer Systems, including, without limitation, any material, pumps, saddles, or other equipment, and for all costs incurred for ongoing maintenance and repair.

SECTION SEVEN: 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 Parcels 45 and 186 inconsistent with the provisions of Section Four herein, shall be entitled to service or capacity, unless and until the CWSP is amended to permit such service.

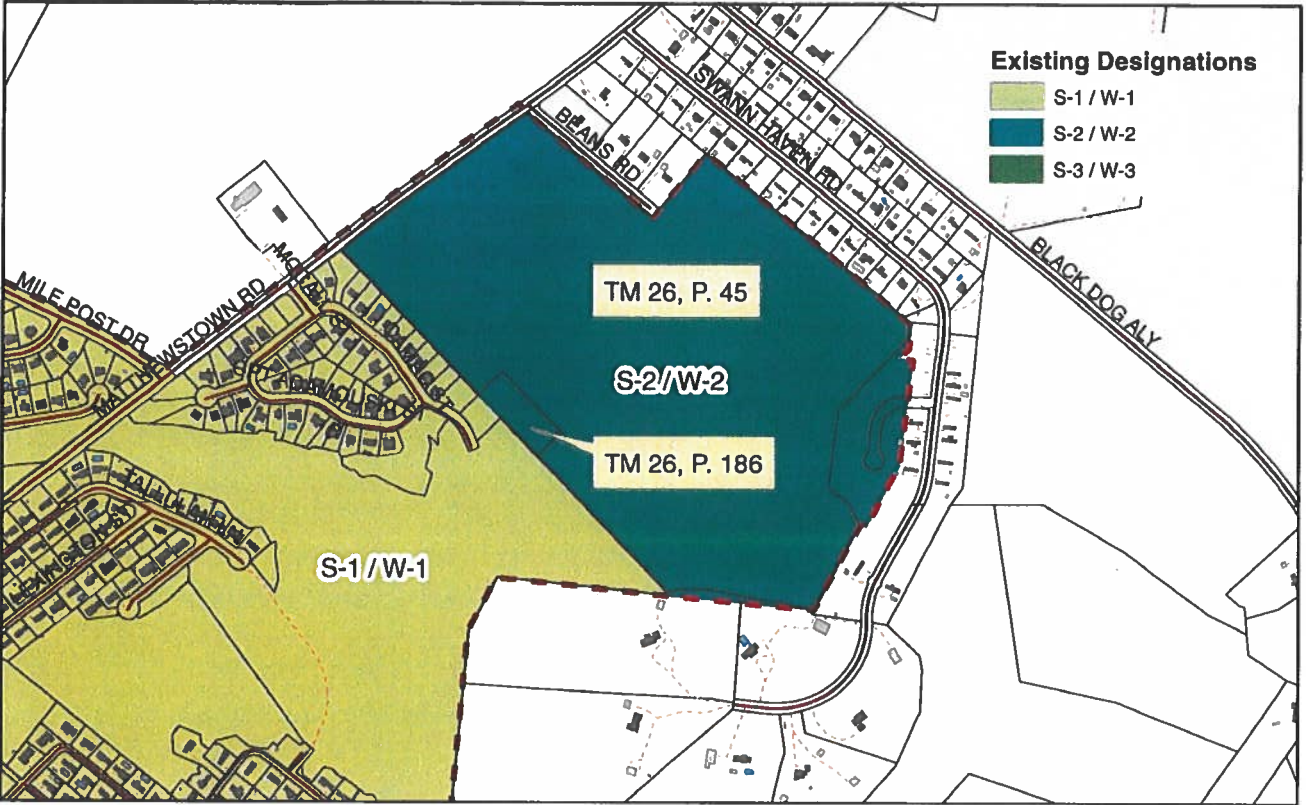
SECTION EIGHT: The design shall be consistent with the design standards for similar projects in the Town, shall be subject to review and approval by the Town Engineer and Easton Utilities, and shall include design features, components, and materials as the Town Engineer and Easton Utilities or their respective designees may reasonably require.

SECTION NINE: 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 Easton Water and Sewer Systems.

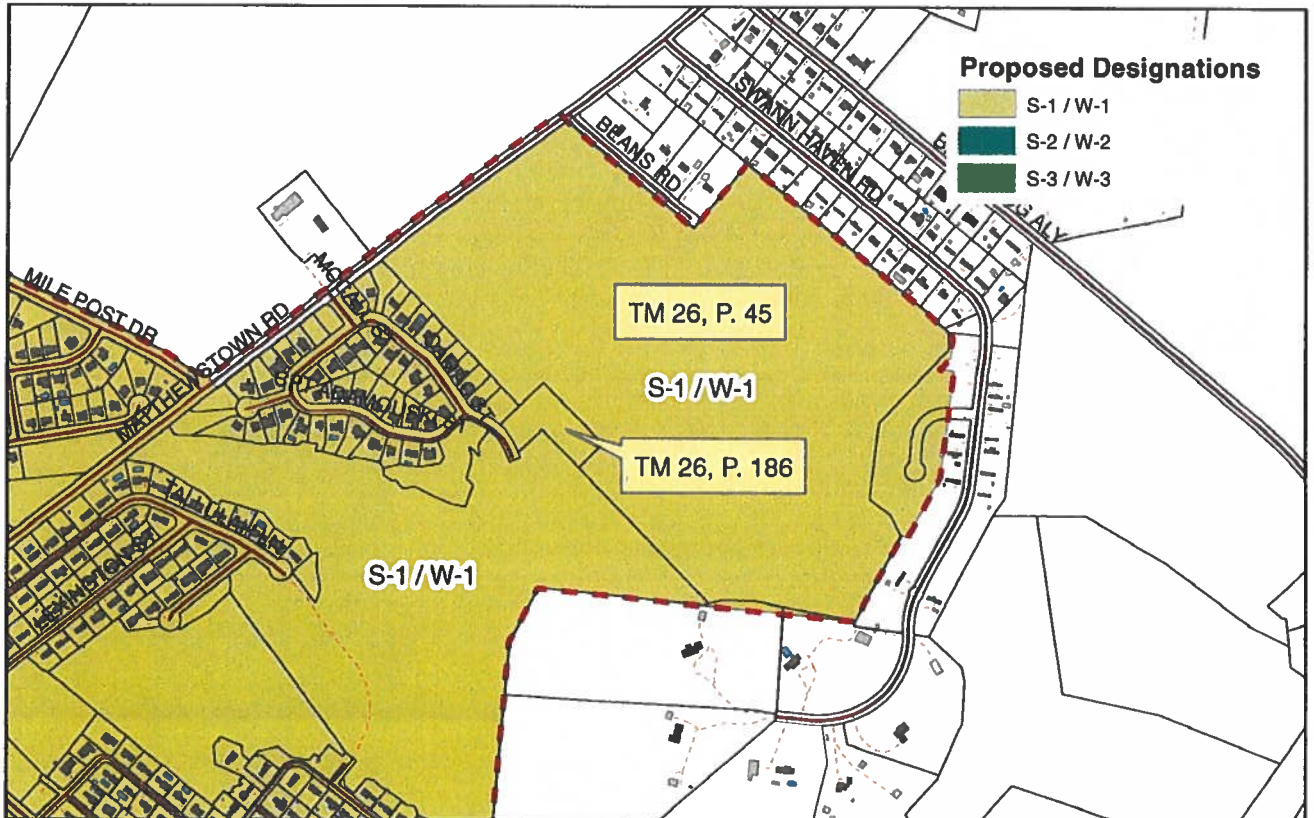
SECTION TEN: The Talbot County Office of Law, in consultation with and subject to the approval of the County Manager, may make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation included in this Resolution, as finally adopted, that are incorrect or obsolete, with no further action required by the County Council or any other public body having jurisdiction. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

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

Existing Sewer & Water Service Area / Tax Map 26, Parcels 45 & 186



Proposed Sewer & Water Service Area / Tax Map 26, Parcels 45 & 186



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 ,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: