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COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND

Council Work Session
Regarding Lakeside EDUs

July 19, 2023, 5:00 p.m.

Council Chambers, Easton, Maryland

COUNCIL MEMBERS:

- Chuck F. Callahan
- Pete Leshner
- Keasha N. Haythe
- Lynn L. Mielke
- Dave Stepp

Reported by
Diane Houlihan

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<p>1 TRANSCRIPT OF PROCEEDINGS</p> <p>2</p> <p>3 MR. CALLAHAN: Okay. So I want to welcome</p> <p>4 everybody. Thanks for coming tonight.</p> <p>5 We've got a work session here. And we've</p> <p>6 got Ray Clarke here and we've got Patrick here</p> <p>7 and we've got Council tonight.</p> <p>8 So I'm going to hand it off to you,</p> <p>9 Patrick. The work session is going to be about</p> <p>10 the EDUs and Lakeside. So you know, if you</p> <p>11 could help us understand a little bit better on</p> <p>12 where we're headed with that. Okay?</p> <p>13 MR. THOMAS: Sure. Absolutely.</p> <p>14 So just to briefly recap how we got to</p> <p>15 this point. So the county received a letter</p> <p>16 from MDE on April 24th. In that letter, MDE</p> <p>17 requested the county provide updated figures</p> <p>18 for water and sewer service for Trappe with</p> <p>19 correct classifications for all the town</p> <p>20 parcels. They asked for corrected Exhibits and</p> <p>21 A and B to Resolution Number 281 to address</p>	<p>1 weren't intended to replace any current maps.</p> <p>2 They're actually representative of what</p> <p>3 the maps will look like in the 2023 Report of</p> <p>4 the Review, which will be adopted through the</p> <p>5 water and sewer plan amendment process. That</p> <p>6 will include the Planning Commission, Public</p> <p>7 Works Advisory Board, adoption by the County</p> <p>8 Council, final approval by MDE, and public</p> <p>9 hearings. So at this point, we're waiting on a</p> <p>10 response from MDE on that issue.</p> <p>11 But turning to the EDUs phasing issue, so</p> <p>12 this originally came from a letter dated</p> <p>13 November 4, 2020, from Lee Curry at MDE. This</p> <p>14 was the letter from MDE giving its notice of</p> <p>15 approval of Resolution 281. And what he stated</p> <p>16 was that the resolution didn't contain the</p> <p>17 number of EDUs for the different phases of the</p> <p>18 development. And he said that this information</p> <p>19 is necessary to assess the adequacy of the</p> <p>20 town's water and sewer systems to accommodate</p> <p>21 and serve those EDUs.</p>
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<p>1 certain parcels that were inadvertently shown</p> <p>2 on those maps even though those parcels weren't</p> <p>3 actually part of the resolution. And they</p> <p>4 asked for updated EDUs for all phases of the</p> <p>5 development, which is the subject of today's</p> <p>6 session.</p> <p>7 So as we discussed during the June 27th</p> <p>8 work session, Mr. Clarke had sent an e-mail to</p> <p>9 MDE on May 26th with draft maps showing the</p> <p>10 current water and sewer classifications for</p> <p>11 town. These were based on the 2002 Report of</p> <p>12 the Review, Resolution 259, and Resolution 281.</p> <p>13 I followed up with a letter to MDE on</p> <p>14 July 12th and reiterated the points in</p> <p>15 Mr. Clarke's e-mail.</p> <p>16 Those draft maps were simply intended to</p> <p>17 clarify for MDE what the water and sewer</p> <p>18 classifications for the town were. All of</p> <p>19 those classifications were properly adopted and</p> <p>20 approved through the process in Title 9,</p> <p>21 Subtitle 5 of the Environment Article. They</p>	<p>1 He provided a table that had the EDUs for</p> <p>2 the first three phases. The -- I believe he</p> <p>3 said that phases two and three were based on</p> <p>4 preliminary estimates. And MDE asked that that</p> <p>5 information be provided in the next amendment.</p> <p>6 There haven't been any amendments to the water</p> <p>7 and sewer plan for the town since that time.</p> <p>8 So now they're asking for the EDUs for all</p> <p>9 phases, not just the first three.</p> <p>10 So during the Council's work session on</p> <p>11 the 27th, the Council asked the town to provide</p> <p>12 the EDUs and phasing for all phases of</p> <p>13 development. The town attorney, Lyndsey Ryan,</p> <p>14 provided that information on June 30th.</p> <p>15 And we've drafted a resolution that</p> <p>16 incorporates that information in a format</p> <p>17 similar to that that Mr. Curry used in his</p> <p>18 letter.</p> <p>19 So Ray has, Mr. Clarke has prepared a</p> <p>20 summary of the EDUs and flow rates based on the</p> <p>21 information the town has provided. So at this</p>

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<p>1 point, I'll turn it over to him, unless you all 2 have any questions.</p> <p>3 MR. CALLAHAN: Does Council have any 4 questions at this point? Okay.</p> <p>5 MR. THOMAS: Thank you.</p> <p>6 MR. CALLAHAN: Mr. Clarke.</p> <p>7 MR. CLARKE: I think as the Council has 8 seen with the EDUs, there is also I guess a 9 column that identified the classifications, S-1 10 and S-2 and S-3. I just, going through that, 11 we just highlight that everything that was in 12 the S-1 category of the number of EDUs, that 13 actually came up to 1,216 EDUs. And utilizing 14 MDE's 250 gallons per EDU, the total flow would 15 be 304,000 gallons a day. So that's pretty 16 much how you get that, that line of what was 17 immediate priority status for the first three 18 phases and then, you know, the bottom for the 19 last two phases.</p> <p>20 I think there might be questions as far as 21 how the phases are, you know, how they're</p>	<p>1 MR. CLARKE: Yeah. The Lakeside permit 2 issued by the Maryland Department of the 3 Environment to the Town of Trappe was for 4 100,000 gallons, correct.</p> <p>5 MR. CALLAHAN: For a certain amount?</p> <p>6 MR. CLARKE: Correct. And I think that 7 what they're proposing is that first 100,000 8 gallons would be for phases one and possibly 9 phase two.</p> <p>10 MR. CALLAHAN: Okay.</p> <p>11 MR. CLARKE: So you know, that's kind of 12 where we're at at this point in time.</p> <p>13 MR. LESHER: Phase one is more than 400 14 EDUs.</p> <p>15 MR. CLARKE: Yeah. I apologize. It is. 16 You're correct. The phase one right now would 17 be a total of 126,750 gallons at MDE's 250 18 gallons per day per EDU.</p> <p>19 And then phase two would then require that 20 upgrade to another new treatment plant of 21 100,000 gallons.</p>
<p>1 described. But ultimately what was identified 2 as S-1, that was the first 304,000 gallons.</p> <p>3 MR. CALLAHAN: Okay.</p> <p>4 MR. THOMAS: And if you look at the draft 5 that we prepared based on the information 6 provided, you'll see that the total numbers of 7 EDUs in the W-1 is 1,216, as Mr. Clarke has in 8 his spreadsheet.</p> <p>9 MR. CALLAHAN: So let me ask a question. 10 So our goal is to try to do a broad picture on 11 the big picture of the EDUs, correct?</p> <p>12 MR. THOMAS: Yes. So MDE has requested a 13 breakdown of the phases of the development and 14 the EDUs in each phase. And we've broken it 15 out by the phase, the use. I.e., for example, 16 single-family lots, townhomes, commercial use.</p> <p>17 MR. CALLAHAN: Right.</p> <p>18 MR. THOMAS: And then the classifications.</p> <p>19 MR. CALLAHAN: But am I right by saying 20 that they gave us a permit for 1,000 gallons? 21 100,000?</p>	<p>1 MR. THOMAS: But right now, only phases 2 one, five, and a portion of two are in the S-1, 3 W-1 classification.</p> <p>4 MR. CALLAHAN: Got you.</p> <p>5 MS. HAYTHE: What phase --</p> <p>6 MR. LESHER: How do we reconcile that, 7 that phase two is all in the S-2 area and phase 8 five is the in the S-1 area?</p> <p>9 MR. THOMAS: If you look at the map, the 10 comprehensive water and sewer plan as amended 11 by 281, the land area for the development is 12 essentially split in half. You have the top 13 half as S-1, W-1, the bottom half as S-2, W-2. 14 and then there's the portion that's S-3, W-3.</p> <p>15 And then when you overlay the phases on 16 that, as the town has done, you see you get 17 phase one up here, phase five is over here, and 18 then phase two sits almost halfway between, 19 between the two.</p> <p>20 MR. CLARKE: I can probably show you on 21 this here.</p>

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<p>1 MR. THOMAS: Pull that up. 2 MR. CLARKE: Yeah. Ultimately the S-1 3 boundary right now, it's everything above where 4 I'm going to kind of draw my pen. It does kind 5 of cut down here, but then it comes down just 6 kind of. So everything above that would be 7 S-1, everything below that is S-2, other than I 8 think this parcel here that was not called out, 9 which is S-3.</p>	<p>1 that was one of the things I know that came up 2 during MDE's review of Resolution 281 as 3 amended, that they were asking for those 4 phases. And then that's when I directed the 5 town and MDE to talk. 6 MS. MIELKE: So weren't they asking for 7 the phases that they assumed were for S-1? 8 MR. CLARKE: Correct. 9 MS. MIELKE: But the developer changed S-2</p>
<p>10 MR. THOMAS: It's S-3, W-3. 11 MR. CLARKE: And W-3.</p>	<p>10 to S-5. I mean changed phase two to phase 11 five.</p>
<p>12 So at this point in time, everything 13 that's been identified as immediate prior 14 status for sewer, that's 304,000 gallons above 15 here.</p>	<p>12 MR. CLARKE: We did not in any way, shape, 13 or form identify the phases. 14 MR. LESHER: Right, right, right.</p>
<p>16 This right here I believe is apartments 17 that had been identified in that little table.</p>	<p>15 MS. MIELKE: Yeah. The July map that 16 they, among these maps, featured five phases. 17 And then there was an August 2019 that</p>
<p>18 MR. LESHER: So when this came through as 19 Resolution 281 in 2020, at that time, phases 20 one through three were just in that northern 21 section. And now it's sort of been redrawn so</p>	<p>18 expanded it to six phases. And phase two in 19 the July map was redesignated as phase five in 20 that map. And then the Shops at Lakeside, 21 which was phase six, was added in August.</p>
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<p>1 that the phases, the phases are sequenced 2 differently. 3 MR. CLARKE: Yeah. And then I guess to be 4 fair, we really didn't have, we didn't -- I 5 guess we worked with the town and the developer 6 on what was in S-1 and S-2. We really 7 weren't -- I wasn't looking at the number of 8 what phases were in those areas.</p>	<p>1 So I mean, you know, we're playing this 2 game of shuffling. And only, only phases one, 3 five, and part of phase two are designated as 4 S-1. 5 So it seems to me that we should make a 6 point to MDE that at this point, we can only 7 deal with that which is part of S-1. And that 8 would be phases one, five, and two, and part of 9 two, and require the developer to devise phase 10 two into two sections like they originally did 11 with phase one. So that there would be phase 12 two, section one, which would be in S-1, and 13 then phase two, section two, which would be in 14 S-2.</p>
<p>9 MS. MIELKE: Well, wasn't it that at that 10 time of Resolution 281, the phase maps from the 11 developer weren't shared with us?</p>	<p>15 And then when they come back for a permit 16 for S-2, then we give them the EDUs for all the 17 phases of the development that are in S-2.</p>
<p>12 MR. CLARKE: Originally.</p>	<p>18 MR. CLARKE: And just so everybody is --</p>
<p>13 MS. MIELKE: Originally we had to get it 14 through --</p>	<p>19 it's hard to see on this.</p>
<p>15 MR. CLARKE: I got them from Delmarva.</p>	<p>20 I think as Ms. Mielke has indicated, this</p>
<p>16 MS. MIELKE: Delmarva. So we weren't in a 17 position to show where the phases would be with 18 respect to S-1 and S-2. And that's only come 19 down since then.</p>	<p>21 area I think is like phase one, section A.</p>
<p>20 MR. CLARKE: And I think that, through the 21 process of Resolution 281 with MDE, I think</p>	

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1 Actually section 1A.
 2 MR. CALLAHAN: What is getting built now?
 3 MR. CLARKE: Exactly, exactly.
 4 MR. CALLAHAN: So let's make sure
 5 everybody understands what is getting built
 6 now.
 7 MR. CLARKE: Right.
 8 MR. CALLAHAN: Okay.
 9 MR. CLARKE: And then what they've done is
 10 they've gone through this. All the orange here
 11 has now been set up as phase one, section A, B,
 12 C, D.
 13 MR. CALLAHAN: Okay.
 14 MR. CLARKE: So I think as Ms. Mielke was
 15 noting, it may be worthwhile just for
 16 clarification that this is now phase three.
 17 But then we've now had this new sewer
 18 service area, that this might be -- these -- we
 19 may want to call this phase let's say two or
 20 three or whatever that is, B. I think it's
 21 right now phase two. This might become phase

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1 two, section A. And then this one might become
 2 phase two, section B. And then the apartments
 3 down here might be phase two, section C.
 4 MS. MIELKE: C.
 5 MR. CLARKE: But that's up to you all and
 6 I guess the town and whatnot.
 7 MR. LESHER: So with this section or phase
 8 one, with the phase one, it's indicated here
 9 that this is 507 EDUs. But the permit issued
 10 is for 400, or approximately 400 EDUs.
 11 And I might allow that 407 might feel like
 12 approximately 400. But 507 doesn't seem like
 13 approximately 400.
 14 And so does -- we've had that information
 15 now for about eight months. Are we making an
 16 adjustment to what phase one looks like to
 17 conform to the permit issued by the State?
 18 MR. CLARKE: One thing, and to be
 19 honest --
 20 MR. LESHER: And that may not be a
 21 question that you can answer --

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1 MR. CLARKE: Well.
 2 MR. LESHER: -- need to turn around and
 3 ask that question of the town.
 4 MR. CLARKE: I think in all fairness, both
 5 the town and the county, MDE requires you to
 6 use 250 gallons per day per EDU.
 7 In the case of the Region II wastewater
 8 treatment plant, we have done, we did a study
 9 back in 2018. (Inaudible) on record. Our
 10 actual flow rate per EDU is 114 gallons per
 11 day.
 12 So I've had these battles with MDE where
 13 we have reporting -- we're using recorded and
 14 reported flows. But they're demanding I use
 15 250, which is two times bigger than what we
 16 need.
 17 And so it becomes a real problem. MDE's
 18 position is is you should use 250 when you
 19 don't have any other numbers. So what can
 20 happen, and more than likely is going to
 21 happen, they're identifying this but it will

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1 become flow based. They'll be issuing the
 2 permit at 100,000 gallons. But if your flow
 3 rate is less per EDU, you can put more EDUs in.
 4 MR. LESHER: But the State does not want
 5 us to use flow gallons for this phasing. They
 6 want us to use EDUs for this phase.
 7 MR. CLARKE: Correct, correct, correct.
 8 MR. LESHER: And they define the first
 9 permit as approximately 400 EDUs.
 10 MR. THOMAS: Correct.
 11 MR. CLARKE: But I would say that would be
 12 the reconciliation between MDE and the town.
 13 Again, I think MDE is going to come back
 14 to when that wastewater treatment plant hits
 15 80,000 gallons, that's going to trigger the
 16 capacity management plan. They're going to
 17 have to set something in place to manage the
 18 remaining 20,000 gallons.
 19 What could happen, you know, again looking
 20 at it, the flow rate is less per EDU. Then
 21 you're not going to get to that 80,000 gallons.

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<p>1 You might get to that -- you might have let's 2 say, I don't know, just for fun, 500 houses now 3 connected and you still haven't hit the 80,000. 4 So that could happen depending upon the flow 5 rate per house, the actual flow rate per house. 6 MR. LESHER: Sure. 7 MR. CLARKE: So that's -- 8 MR. LESHER: But we're being asked to 9 define phases in EDUs, not in gallons per day, 10 average gallons per day. 11 MR. THOMAS: Correct. 12 MR. CLARKE: And I think that's where a 13 number of EDUs per phase will be monitored. 14 But then as time goes on, you'll have that 15 reported data for the discharge permit. 16 So at this point in time, MDE is requiring 17 that the town use 250 gallons per day. 18 MR. LESHER: Right. Correct. 19 And so maybe when we get to phase two, 20 they'll use a different figure. 21 MR. CLARKE: What will happen, I think</p>	<p>1 MR. THOMAS: Was it? I don't know that 2 they specifically said. And Ray, correct me if 3 I'm wrong, but I don't know that it said this 4 is specifically to serve phase one of the 5 development. 6 I think it said you've got 100,000 gallons 7 per day, this includes the 37, the homes that 8 are being -- that are currently hooked up to 9 the existing facility. They have to be 10 redirected. That's part of your 100,000-gallon 11 allotment. And that the next, if you want more 12 than that, you have to file a major permit 13 modification and come back. 14 MR. LESHER: Right. 15 MS. HAYTHE: Can we clarify? 16 MR. CALLAHAN: That's what -- 17 MS. HAYTHE: Get clarification for what it 18 actually states. 19 MR. CLARKE: The only other thing, I mean 20 I'd also point out the likelihood of them 21 building, you know, 200 or 300 houses in the</p>
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<p>1 once that treatment plant has been operating, 2 they'll have that flow rate. And whatever is 3 being reported on that wastewater treatment 4 plant is going to define that flow rate. 5 MR. LESHER: But upfront, since we don't 6 have -- 7 MR. CLARKE: Correct. 8 MR. LESHER: -- that performance data, 9 upfront they're asking us to use. 10 MR. CLARKE: 250. 11 MR. LESHER: 250 and 400 EDUs. 12 MR. THOMAS: And that was what they used 13 in their November 2020 letter as well. 14 MR. LESHER: Right, right. So instead of 15 phase one, 570 EDUs, do we ask for this to get 16 redrawn so that it is approximately 400 EDUs as 17 following the language of MDE's letter? 18 MR. THOMAS: I don't know that the 100,000 19 gallons per day and 400 EDUs was necessarily 20 tied to phase one of the development. 21 MS. MIELKE: I think it was.</p>	<p>1 course of the next two years could be -- I 2 don't know if that's going to happen or not. A 3 lot of it is going to be market driven. So 4 they may have the treatment plant in place and 5 they're building houses, but they maybe have 6 less than two houses or whatnot that are 7 connected. 8 They'll then have that flow data and then 9 hopefully be able to report that flow data to 10 MDE during that timeframe. 11 So I think what we're trying to do is ask 12 for absolutes here based upon the 250. But 13 there's a dynamic that's going to happen with 14 the market conditions. 15 MR. LESHER: Sure. 16 MR. CLARKE: The actual flow rates and 17 whatnot. 18 MR. LESHER: And that could be taken into 19 consideration when they do this major permit 20 modification. 21 MR. CALLAHAN: Correct.</p>

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<p>1 MR. LESHAR: In some future, at some 2 future date. 3 MR. THOMAS: Yes. 4 MS. MIELKE: Who does the modification? 5 MR. LESHAR: I don't know. Who does that 6 modification? 7 MR. CLARKE: Well, anytime a permit 8 modification is going to happen, that would be 9 triggered by the town. The town will then have 10 to go to MDE and then work with MDE on that 11 permit. 12 So the county is not going to be involved 13 in that. 14 That will be a process in which they go to 15 MDE requesting another 100,000 gallons. I 16 believe they're doing that now, if I'm not 17 mistaken, they're asking for another 100,000 18 gallons of capacity, wastewater capacity. 19 MR. LESHAR: So we're being asked to, 20 we're being asked by MDE to define the five 21 phases, which now look like they, getting back</p>	<p>1 that it's not intended to be in one and then 2 two and then three. It's going to be... 3 MS. MIELKE: As far as this is concerned, 4 in my opinion, there's an S-1 designation. And 5 that S-1 was represented to be three phases 6 with a certain number of EDUs. 7 And we should emphasize with MDE that the 8 only thing that we can designate at this time 9 is for S-1, because we don't know if there's 10 even going to be an S-1 out of S-2 for the 11 remaining phases of this development. I mean 12 that has to go through a process. 13 So I think we need to go back to MDE and 14 say okay, this is S-1. These are the phases 15 according to the developer in S-1 and these are 16 the EDUs. 17 And we have to ask the developer to be 18 more specific about phase two and how much EDUs 19 are in S-1 and how much are going to be in S-2 20 because that's a phase that they can't go 21 forward with at all until there's a</p>
<p>1 to Lynn's question, some in the northern 2 60 percent of the property and some in the 3 southern 40 percent. 4 But the phasing plan as it's presented now 5 is not, does not concentrate the first three 6 phases or any number of phases in the northern 7 60 percent and the last phases in the southern 8 40 percent. 9 And so if either we didn't have this 10 information before, although the line that was 11 drawn between, in the sewer tier maps, we 12 didn't make that up. That came from the town 13 probably ultimately to the developer. 14 MR. THOMAS: Well, the town and the 15 developer were the applicants in that. 16 MR. LESHAR: And so perhaps their 17 development plans have evolved over this time 18 and they now no longer want to do it in that -- 19 MR. THOMAS: Perhaps. 20 MR. LESHAR: -- percent. 21 MR. THOMAS: I think that they'll tell you</p>	<p>1 redesignation from S-1 to S-2 for that of their 2 development. 3 MR. THOMAS: From S-2 to S-1. 4 MS. MIELKE: Yeah. Sorry. Got it 5 backwards. 6 MR. LESHAR: Or is there more than one way 7 to skin this cat? Could you alternatively say 8 well, the plans have evolved over time. And 9 that's perfectly natural as time goes on. They 10 refine plans. That, in fact, this is now the 11 phasing plan that the town and ultimately the 12 developer want for this. 13 And it doesn't conform to that early, 14 early on tier map that was submitted and passed 15 through the process. And rather than making 16 the phasing plan conform to the tier map, we 17 could turn around and modify the tier map and 18 make the tier map conform to the phasing plan. 19 And then you can use the lines that are already 20 drawn on the phasing plan on the tier map. 21 MS. MIELKE: What's a tier map?</p>

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1 MR. LESHHER: Tier map is S-1 is the tier,
 2 S-2, S-3, unprogrammed is the tier map.
 3 MR. THOMAS: So we would have to do an
 4 amendment to amend the maps to change the
 5 classifications --
 6 MR. LESHHER: Right, right. Well, we're
 7 doing an amendment anyway.
 8 MS. MIELKE: So you're saying we should
 9 change S-2 to S-1?
 10 MR. LESHHER: Well, I'm not saying that we
 11 should do that. I'm saying that perhaps the
 12 town and developer would like to proceed that
 13 way because this is now the vision, because
 14 for --
 15 MS. MIELKE: No. The simplest thing is
 16 there's S-1 right now. We have many, although
 17 they vary, designations of what phases are in
 18 S-1. And that's what we tell MDE. This is
 19 what is relevant now.
 20 If, as, and when there's an application
 21 for an S-2, then we'll give you the EDUs for

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1 the other units. But unless and until it's
 2 S-1, it's not relevant.
 3 The only thing is relevant are phases one,
 4 two, and five, because that's what's in S-1
 5 right now.
 6 MR. LESHHER: I acknowledge that --
 7 MS. MIELKE: And I think, I think the
 8 confusion is that at the time that we were
 9 doing this or sharing these maps, it wasn't
 10 clearly designated as it is now as to where the
 11 phases were in relationship to the line between
 12 S-1 and S-2.
 13 So I think if we explain that to them,
 14 then we just go with those three phases and say
 15 that those are the EDUs, we'll be back to you
 16 if, as, and when we go to S-2, from S-2 to S-1.
 17 MR. LESHHER: I mean I'm certainly -- that
 18 would be, I would acknowledge that that
 19 probably is the simpler way to do it from a
 20 county procedural point of view, but there are
 21 bigger forces in play here than the county's

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1 procedures.
 2 MS. MIELKE: Than what?
 3 MR. LESHHER: There are bigger forces at
 4 play than simply the county's procedures. And
 5 perhaps, they -- perhaps it would be more
 6 appropriate from the town's and the developer's
 7 point of view to redraw the tier maps instead.
 8 MR. CALLAHAN: Well, you saying that.
 9 I see you have your hand up,
 10 Mr. Showalter.
 11 MR. SHOWALTER: So I don't want to speak
 12 as an advocate. I just want to provide a
 13 couple of facts. I think there's a
 14 misunderstanding on this.
 15 MR. CALLAHAN: Speak right there.
 16 MR. SHOWALTER: On the maps.
 17 MR. CALLAHAN: Sit down here, if you
 18 would, and introduce yourself.
 19 MR. SHOWALTER: Ryan Showalter on behalf
 20 of Trappe East Business Trust.
 21 So there were three maps, three exhibits

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1 provided to you.
 2 MR. CALLAHAN: Okay.
 3 MR. SHOWALTER: The thing that I think is
 4 really important to understand is the two
 5 phasing maps, they haven't changed from when
 6 281 was adopted. This map dated 2019, this was
 7 the PUD phasing map that the town had in place
 8 when 281 was adopted.
 9 And the town's PUD ordinance broke down
 10 the 2,501 units into 500 unit phases or
 11 sections. But it doesn't require sequential
 12 development. So there's nothing in there that
 13 says you build out phase one and then you're
 14 going to phase two and then you're going to
 15 phase three. It just had basically five
 16 sections of 500 units.
 17 And so this map is the one that was in
 18 existence under the town zoning when 281 was
 19 adopted, which had the apartments as phase
 20 five, the orange as phase one, the yellow as
 21 phase two.

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1 And the compromise that was negotiated
 2 when 281 was adopted was to basically make half
 3 of the project S-1 and half S-2.
 4 And as Ms. Mielke noted, part of phase
 5 five is in S-1, part of S-2 (sic.) is in S-1
 6 and phase three and phase four are in S-2. We
 7 understand that.
 8 And there's nothing in the zoning or in
 9 our development intentions that says we're
 10 going to go from one to two to three. It's
 11 likely there will be product available in
 12 multiple phases at the same time. So it's
 13 likely there will be housing developed in phase
 14 one, two, and five so that there are
 15 apartments, townhouses, and single-family
 16 available, all of which --
 17 MS. MIELKE: If it's not S-1.
 18 MR. SHOWALTER: All of which is in S-1.
 19 So one, two, and five all touch right here.
 20 MS. MIELKE: Right.
 21 MR. SHOWALTER: So all of that may be

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1 occurring in phase one. I'm sorry. All that
 2 may be occurring at the same time under the S-1
 3 designation in three separate phases.
 4 And I think the thing that's causing
 5 confusion, I understand this exhibit the county
 6 obtained from Delmarva Power from Mr. Buxton?
 7 MR. THOMAS: I believe so.
 8 MR. SHOWALTER: This exhibit is something
 9 that we produced for Delmarva Power to show the
 10 general sequence that we're going to develop.
 11 MS. MIELKE: But it wasn't produced to the
 12 county.
 13 MR. SHOWALTER: Well, because it wasn't --
 14 it's not an official phasing map. It basically
 15 said we're starting here and going south.
 16 And that's why it showed one, two, three
 17 going south. This was for Delmarva Power, how
 18 do we intend to build this out. It's not a
 19 regulatory map to say this is going to be the
 20 second phase after these 500 units were built.
 21 It was just this is the sequence in which we --

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1 we intend to start at the northwest and proceed
 2 to the south.
 3 But this was the regulatory plan in effect
 4 with the town in 2019 when 281 was adopted.
 5 And we understood and intended that parts of
 6 phase five and two were in S-1 and that the
 7 balance of phase two, three, and four were in
 8 S-2.
 9 And then the only change between the 2019
 10 map and 2021 phasing map, if you look closely,
 11 in section one of phase one, the community
 12 center, pool, and public amenities were up next
 13 to Route 50. And as we get into detailed
 14 development rather than a master plan, it was
 15 decided to move them more central in phase one.
 16 And so the town said we understand this is
 17 a living, breathing document that's going to
 18 evolve, we think it's better to have the public
 19 amenities central to phase one, we want the
 20 master plan updated as these sections are
 21 actually engineered and designed and approved.

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1 So if you compare the two, the only
 2 substantive change really is to take that large
 3 community amenity and move it into the center
 4 of phase one. And this park in the back side
 5 of phase one was made larger. The phasing, the
 6 unit numbers, everything else is identical to
 7 what was adopted in 2019.
 8 This was updated just to show the
 9 evolution of the land plan from a master plan
 10 to a subdivision, specific subdivision design.
 11 So I think that's -- the use of the word
 12 phase I think is confusing your discussion
 13 because it doesn't connote sequential
 14 development.
 15 MR. LESHAR: When -- MDE is asking us to
 16 break this into five phases and to give them a
 17 phasing plan.
 18 Are they -- I mean they're not specifying
 19 that it doesn't matter what sequence you do
 20 these phases in or whether you complete one
 21 before you start the next.

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<p>1 They -- it's -- perhaps it isn't explicit 2 that there's a sequencing in this request.</p>	<p>1 with what your plan is for the EDUs at that 2 time. You can't predict them now.</p>
<p>3 MR. SHOWALTER: I think, I mean water and 4 sewer and plans under State law are 5 infrastructure planning documents. They're not 6 growth management tools.</p>	<p>3 MR. SHOWALTER: Well, we have a master 4 plan that shows what they are -- 5 MS. MIELKE: Well, you keep -- 6 MR. SHOWALTER: -- now.</p>
<p>7 And I think MDE wants to say we want to 8 know how many units are going to being built in 9 this area and we want to make sure that the 10 infrastructure is phased and planned to be 11 available as it's needed.</p>	<p>7 MS. MIELKE: But the map that you produced 8 says well, you know, we're not committed to 9 this because we can change it at any time, and 10 bip, bip, bip. So I mean this is just 11 meaningless because this is saying we can 12 change it at any time, we're not bound by this.</p>
<p>12 MR. LESHER: Right.</p>	<p>12 So I'm just saying that if that's the</p>
<p>13 MR. SHOWALTER: And so what the town 14 provided you, which I don't have -- this 15 exhibit.</p>	<p>14 case, we only focus on S-1 and give them that 15 information, explain to them that we'll come 16 back when S-2 becomes S-1 with the phases.</p>
<p>16 MR. THOMAS: That document.</p>	<p>16 MS. HAYTHE: Can we actually do that for</p>
<p>17 MR. SHOWALTER: This one identifies the 18 number of units in each phase and the portion 19 that are in S-1 versus S-2.</p>	<p>18 MDE, though? Is that what they requested? 19 I mean why can't we just outline what 20 phases are in S-1 and S-2?</p>
<p>20 MS. MIELKE: My point is that we don't 21 have to go past the phases that are in S-1.</p>	<p>21 MR. THOMAS: Well, that's how it's</p>
Page 35	Page 37
<p>1 Period, end of discussion.</p>	<p>1 drafted. I mean that's what they asked for.</p>
<p>2 If, as, and when you go from S-2 to S-1 3 for the second part of your development, then 4 we come in with EDUs for those phases of the 5 development that are shown on there. That's my 6 point.</p>	<p>2 I will note originally, I think it was 3 known at the time 281 was adopted, there were 4 going to be more than three phases and five 5 phases. 6 They only included the first three phases 7 in their letter. So it is possible that at the 8 time, they were only looking -- they said we 9 only want phases one and two and three. And 10 that may be because those, from their 11 perspective, those were the phases in the S-1, 12 W-1 designation and they didn't necessarily 13 expect us to bring or the town to provide that 14 information --</p>
<p>7 MR. SHOWALTER: Well, I mean MDE requested 8 information on all of them.</p>	<p>15 MS. MIELKE: -- remind them of that.</p>
<p>9 MS. MIELKE: I don't think MDE --</p>	<p>16 MR. THOMAS: -- and we're still at that 17 point.</p>
<p>10 MR. SHOWALTER: It's available. 11 MS. MIELKE: I don't know if MDE 12 understood that there's an S-1 part of the 13 development and an S-2. I don't know that they 14 understood that.</p>	<p>18 MR. LESHER: MDE's understanding of the 19 first three phases pertaining to S-1 is the 20 same as your understanding -- 21 MS. MIELKE: Right.</p>
<p>15 And we have to bring it to their attention 16 that really right now, we're focused on what is 17 S-1 and the three phases that you have and what 18 the EDUs are for those phases.</p>	
<p>19 Because like you say, it's ever changing. 20 So if, as, and when you go from S-1 to S-2 for 21 the rest of the development, then you come in</p>	

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<p>1 MR. LESHER: -- of the first three phases 2 pertaining to S-1. 3 MS. MIELKE: And that's all we should 4 address at this time. It's premature. 5 I mean they've admitted that it's going to 6 be ever changing. So if half of the 7 subdivision is not even S-1, then why do we 8 report the EDUs? We just report them for 9 section, for S-1. 10 MR. LESHER: Just to be responsive to what 11 MES is requesting. 12 MS. MIELKE: And I think they'll 13 understand that. 14 I just don't think that they're clear on 15 the fact that this subdivision has a line 16 across it that says S-1, S-2. 17 So why would we give them S-2 if it's not 18 even designated as S-1? 19 MR. CALLAHAN: Well, I would like to ask 20 Mr. Clarke that question. 21 So Ray, can you kind of clarify you</p>	<p>1 plan to reclassify that area from S-2 to W-2 to 2 S-1, W-1. We agree on that. 3 MS. MIELKE: And then give the EDUs for 4 those phases that are in S-2. 5 MR. CLARKE: Right. 6 MS. MIELKE: I mean it makes -- 7 MR. THOMAS: And that would have to go, 8 again, that would have to go through the 9 amendment process. 10 MR. CLARKE: The processes. 11 MS. MIELKE: Absolutely. 12 MR. LESHER: So perhaps the phasing, the 13 development phasing plan is irrelevant here. 14 MS. MIELKE: Correct. 15 MR. LESHER: And -- 16 MS. MIELKE: Well, no. 17 MR. LESHER: To be responsive to MDE, 18 which is also using the word phasing, but not 19 following the phasing which the developer says 20 is going to follow a general north to south 21 pattern anyway, perhaps what we need to request</p>
Page 39	Page 41
<p>1 talking to MDE? Do they realize there's a line 2 there that we've established? 3 MR. CLARKE: They are aware of this being 4 classified as S-1 -- 5 MR. CALLAHAN: Bear with me. I want 6 Ms. Mielke to listen to this. 7 MS. MIELKE: I'm sorry. 8 MR. CLARKE: I was going to say MDE is 9 aware that this has been broken up into an S-1 10 area and an S-2 area for both, for the sewer 11 system as well as the water system. They are 12 aware of that. 13 So I mean that's part of when they were 14 reviewing Resolution 281, those maps were 15 presented to MDE for their review. So yes, 16 they are aware of that. 17 And I think Ms. Mielke is correct. I mean 18 if you're now going to be doing any development 19 in the S-2 area or the S-2, W-2 area, at that 20 point in time, you would have to move forward 21 with an amendment to the comp water and sewer</p>	<p>1 is a phasing plan that does reflect the 2 sequential plan for how Lakeside would be 3 developed. 4 MS. MIELKE: But you can't do that because 5 there's an S-1 section -- 6 MR. LESHER: Yes. 7 MS. MIELKE: -- and S-2. 8 MR. LESHER: And that should -- 9 MS. MIELKE: So we're moving forward, 10 because what they're doing is, it was a permit 11 approved for basically phase one. Okay. And 12 then they've submitted another application, 13 presumably for phase two, but -- 14 MR. THOMAS: Another 100,000 gallons, 15 however apportioned. 16 MS. MIELKE: Another 100,000. Right. 17 And so that is in S-1 area, how many EDUs. 18 So I mean I think you have to define the 19 areas that are in S-1 and limit it to that at 20 this time and explain that to them. And that 21 if, as, and when the rest of the development</p>

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<p>1 becomes S-1, then EDUs or the phases will be 2 provided with that application.</p> <p>3 Why provide it now? Because as Ryan 4 admitted, we don't know, it could change.</p> <p>5 MR. CLARKE: I mean I'm assuming. Again, 6 this is just me just trying to help out. I 7 mean I don't think the town is going to care if 8 we decided to say hey, we want to change the 9 way you've listed your phases here.</p> <p>10 I mean the county I guess could come in 11 and say, well the orange area is phase one, 12 we're going to follow your section idea. And 13 then we're going to say okay, the green area, 14 from the county's standpoint, we'll call that 15 either phase two or phase three. And then 16 ultimately, this now is phase two.</p> <p>17 And then the other two areas that we've 18 identified. So I guess these two areas here 19 that were identified an S-1 area, they become 20 phase three, section A, section B, or however 21 we want to set that up.</p>	<p>1 least the first three phases.</p> <p>2 MDE doesn't need us to be responsive about 3 four and five. That can be farther in the 4 future.</p> <p>5 But just for that, what is the sequencing, 6 what does the sequencing of the northern part 7 of this look like for the first three phases 8 and as delineated on a map and with the 9 intended number of, importantly, for MDE's 10 sake, with the number of EDUs attached to each 11 of those three phases.</p> <p>12 MS. MIELKE: That's what I thought I was 13 saying.</p> <p>14 MR. LESHER: Okay.</p> <p>15 MR. THOMAS: I think that makes sense.</p> <p>16 MR. LESHER: Thank you.</p> <p>17 MR. CALLAHAN: So I would like to ask. 18 Mr. Leshner, so you're asking the town to do 19 that. And so what have they done -- they did 20 something and clarified that one map. 21 What would be the difference?</p>
<p>Page 43</p> <p>1 So now, you know, we walk through our 2 little table, and it just goes this is phase 3 one, section dotta, dotta, dotta, this is phase 4 two, section two, dotta, dotta, dotta.</p> <p>5 The town can have their map. We can have 6 our map that shows that this is the phases that 7 we have incorporated in the comp water and 8 sewer plan. And it just, you know, somebody 9 would just have to look at the county's comp 10 water and sewer plan and say okay, this is how 11 we've called your phase two, this is how we've 12 called your phase three. That's one way to go 13 about this.</p> <p>14 MR. LESHER: That might help add a 15 little -- I mean all MDE is asking for is 16 clarity on this. And right now, I think we 17 don't have a whole lot of clarity on this.</p> <p>18 So perhaps what we could do is let's ask 19 the town for a phasing plan to follow MDE's 20 language that reflects the sequencing, the 21 intended sequencing of the build-out for at</p>	<p>Page 45</p> <p>1 MR. LESHER: Well, presumably the 2 difference is that it would reflect more of a 3 north to south build-out, as opposed to this 4 phasing plan, which really may not be 5 sequential phases. It's really neighborhoods 6 of different character or something to that 7 effect in the envisioned future of Lakeside.</p> <p>8 MS. MIELKE: It's just identifying the 9 areas that are S-1.</p> <p>10 MR. CALLAHAN: Yeah. Go ahead.</p> <p>11 MS. MIELKE: It's just designating the 12 areas that are S-1.</p> <p>13 MR. CALLAHAN: Okay.</p> <p>14 MS. HAYTHE: Yeah. Because I mean Ryan 15 already said that they're not going to go in 16 order, though.</p> <p>17 MR. CALLAHAN: Right.</p> <p>18 MS. HAYTHE: I mean they can pick an area 19 that's designated S-1, W-1 to build, and it's 20 not going to be in order, which I think you're 21 trying to get to. There's not going to be an</p>

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<p>1 order.</p> <p>2 MS. MIELKE: Well.</p> <p>3 MR. LESHER: I mean they're not going to</p> <p>4 build a house over here and then a house over</p> <p>5 there.</p> <p>6 MS. MIELKE: They have to build it within</p> <p>7 the S-1 district.</p> <p>8 MS. HAYTHE: Absolutely.</p> <p>9 MR. THOMAS: Right. I think what</p> <p>10 they're...</p> <p>11 MS. MIELKE: Which is what they're</p> <p>12 reflecting.</p> <p>13 MR. THOMAS: Yeah. They're saying we're</p> <p>14 going to go in --</p> <p>15 MS. MIELKE: Different areas.</p> <p>16 MR. THOMAS: We're not going to go from</p> <p>17 one to two to three to four.</p> <p>18 MS. MIELKE: Correct.</p> <p>19 MR. THOMAS: But we're also not going to</p> <p>20 go do some in S-1, then go down to S-2 and then</p> <p>21 it's --</p>	<p>1 that's what we provided.</p> <p>2 MR. CALLAHAN: Wait a minute. Ray, could</p> <p>3 you let her sit there for a minute, please?</p> <p>4 Thank you.</p> <p>5 MS. RYAN: Sorry.</p> <p>6 MR. CALLAHAN: Could you just introduce</p> <p>7 yourself.</p> <p>8 MS. RYAN: Yes. Lyndsey Ryan on behalf of</p> <p>9 the Town of Trappe.</p> <p>10 I think that's what this map does. It has</p> <p>11 the phases, it has the EDUs per phase, and it</p> <p>12 designates what is S-1 and W-1.</p> <p>13 I think the sequencing is more of a</p> <p>14 control over the Town of Trappe and trying to</p> <p>15 regulate when and where within the S-1, W-1</p> <p>16 they're going to develop. And that's a</p> <p>17 determination for the Town of Trappe.</p> <p>18 And I think the MDE letter didn't ask the</p> <p>19 county to define areas or determine areas.</p> <p>20 It's asking you to provide the information,</p> <p>21 which the Town of Trappe has provided to you.</p>
<p>Page 47</p> <p>1 MR. LESHER: This is not going to be</p> <p>2 willy-nilly.</p> <p>3 MR. THOMAS: No.</p> <p>4 MR. LESHER: It's going to be a logical</p> <p>5 sequence.</p> <p>6 MR. THOMAS: Logical order.</p> <p>7 MR. LESHER: Right.</p> <p>8 MS. HAYTHE: But that's understood anyway</p> <p>9 because to get to S-1, you have to apply for</p> <p>10 the amendment anyway if it's S-2.</p> <p>11 MR. THOMAS: Correct.</p> <p>12 MS. HAYTHE: So they wouldn't do that</p> <p>13 anyway. I mean that's just --</p> <p>14 MS. MIELKE: What we need is a map that</p> <p>15 shows S-1 and the various stages of, phases of</p> <p>16 development that the developer is proposing all</p> <p>17 in just S-1 and then the EDUs for those.</p> <p>18 MS. HAYTHE: That makes sense.</p> <p>19 MR. CALLAHAN: Hey, Lyndsey, would you</p> <p>20 like to come up?</p> <p>21 MS. RYAN: I guess my confusion is I think</p>	<p>Page 49</p> <p>1 MS. MIELKE: (Inaudible.)</p> <p>2 MR. CALLAHAN: So I'm --</p> <p>3 MS. RYAN: The sentence does say.</p> <p>4 MR. CALLAHAN: No problem. Just a second.</p> <p>5 So with the line from the north to south,</p> <p>6 you defined it from south to the line and</p> <p>7 determined how many EDUs that is.</p> <p>8 MS. RYAN: Correct.</p> <p>9 MR. CALLAHAN: So then we'll get past</p> <p>10 that. That's a whole nother calculation of</p> <p>11 EDUs.</p> <p>12 MS. RYAN: The information is included in</p> <p>13 this map because the letter from MDE said EDUs</p> <p>14 per phase. And I think from our last meeting,</p> <p>15 you all further wanted clarity to have the map</p> <p>16 overlay show what was designated S-1, W-1</p> <p>17 versus S-2, W-2.</p> <p>18 MR. CALLAHAN: Right.</p> <p>19 MS. RYAN: Which we added to this map.</p> <p>20 MR. CALLAHAN: So that's what I was trying</p> <p>21 to get in my head. Really at the line from</p>

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<p>1 there up and there down, it's all been 2 calculated. 3 MS. MIELKE: Right. But what I'm saying 4 is what we should submit to MDE is this area, 5 just this part of the map that designates what 6 is in S-1 and the units that -- I mean I can 7 see and agree that phase, what has been called 8 phase two has been divided up into the units 9 that are in S-1 and the units that are in S-2. 10 So it would be to provide them with this 11 map that shows the S-1 district and the phases 12 of development in that and the EDUs. Just 13 that, not going on phase two, because it's not 14 necessary at this point because it's still S-2. 15 And unless and until it's S-1, it's irrelevant. 16 MR. CALLAHAN: So all you're saying is 17 give them the upper south half. 18 MS. MIELKE: Uh-huh. 19 MR. THOMAS: So we would provide the 20 information. The plan would have the 21 information for the phases that are proposed in</p>	<p>1 MS. MIELKE: So it's only the development 2 of S-1 that gets mapped, that gets presented, 3 the EDUs presented. 4 I don't mean map in terms -- 5 MR. THOMAS: Sure. 6 MS. MIELKE: But just for them to 7 understand where the phases are. 8 MR. CALLAHAN: Yeah. I think everybody is 9 trying to get to the same spot. Yeah. 10 MS. HAYTHE: So was MDE not clear in their 11 request? 12 MR. THOMAS: The letter specifically says 13 the county shall, should provide updated EDUs 14 for all phases of the development. 15 MS. HAYTHE: So all? 16 MR. THOMAS: Yes. 17 MS. HAYTHE: Would be inclusive of S-2 as 18 well? 19 MR. THOMAS: Yes. But in the preceding 20 paragraph, it does say MDE requests that in 21 addition to providing the updated EDUs for</p>
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<p>1 the S-1, W-1 area. And then it would say 2 something to the effect of an amendment to the 3 plan will be required for the portions that are 4 S-2, W-2 and S-3, W-3 and the EDUs and phasing 5 information will be provided at that time, 6 something to that effect. 7 MR. CALLAHAN: Well, at that time, it goes 8 through the whole process. 9 MR. THOMAS: Exactly. 10 MS. MIELKE: Yeah. 11 MR. CALLAHAN: So it's kind of -- 12 MS. HAYTHE: That's fine if they accept 13 it. 14 MR. CALLAHAN: -- pointless. It's 15 pointless, you know. 16 MS. MIELKE: What's pointless? 17 MR. CALLAHAN: I mean the bottom half has 18 to go through the whole process anyway. 19 MS. MIELKE: Exactly. That's what I'm 20 saying. 21 MR. CALLAHAN: Right.</p>	<p>1 phase two and three. 2 And then as I said before, in the 3 November 2020 letter, they specifically asked 4 for phase two and three. 5 But I think what we've discussed makes 6 sense. 7 MS. HAYTHE: So again, can we get clarity? 8 MR. THOMAS: Yes. 9 MS. HAYTHE: From MDE getting specifically 10 what they are requesting. Do they want all of 11 the information, inclusive of S-1, W-1, S-2, 12 W-2, or do they just want us to show the areas 13 that are S-1, W-1? 14 MS. MIELKE: Well, I think before we ask 15 the question, we need to give them the facts. 16 And the facts are that this is S-1. 17 MS. HAYTHE: But they already know that. 18 MS. MIELKE: No, I don't think they do. 19 MR. CALLAHAN: Well, Ray just said they 20 did. 21 MS. HAYTHE: They know that.</p>

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<p>1 MS. MIELKE: He thinks they do, but I 2 don't know.</p> <p>3 MS. HAYTHE: I'm pretty sure that Maryland 4 Department of Environment is very --</p> <p>5 MS. MIELKE: Well, why would they then ask 6 for EDUs for an S-2 that can't be developed 7 yet? That doesn't make any sense.</p> <p>8 MS. HAYTHE: Because it was included in 9 the --</p> <p>10 MR. CALLAHAN: I just think --</p> <p>11 MS. RYAN: I imagine it's for planning 12 purposes. And they did have a version of this 13 map that was included with 281 that had the 14 EDUs. It just didn't have the line-defined 15 phases.</p> <p>16 MS. HAYTHE: So can we just clarify, 17 Patrick?</p> <p>18 MR. THOMAS: Yes.</p> <p>19 MS. HAYTHE: What MDE is asking us so that 20 we can provide it specifically. 21 Because I mean how long have we had this</p>	<p>1 requesting or is not needed? Why do all the 2 extra legwork?</p> <p>3 I mean I think we need to know 4 specifically what they want, provide it, and 5 put it to bed.</p> <p>6 MR. CALLAHAN: Yeah, I agree.</p> <p>7 MR. LESHHER: And then sometime in 8 August --</p> <p>9 MR. CALLAHAN: You can do that?</p> <p>10 MR. THOMAS: I can do that.</p> <p>11 MR. CALLAHAN: Yup. Let's do that. 12 That's fine.</p> <p>13 Mr. Clarke.</p> <p>14 MR. CLARKE: Sounds good.</p> <p>15 MR. CALLAHAN: Good.</p> <p>16 MR. LESHHER: And perhaps in August or 17 September, we can schedule a follow-up workshop 18 based on what we hear back from MDE.</p> <p>19 MR. CALLAHAN: Right.</p> <p>20 MS. HAYTHE: Yeah.</p> <p>21 MR. THOMAS: Yes.</p>
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<p>1 letter and we're just getting to this point 2 where we're going back to say do you want S-1, 3 S-2?</p> <p>4 Can we just find out what they want and 5 then just clarify, as Ms. Mielke had stated?</p> <p>6 MR. THOMAS: Yes, we can.</p> <p>7 MS. HAYTHE: This is all they asked for, 8 the S-1 EDUs, and do you want the whole thing 9 or just a portion of it.</p> <p>10 MS. MIELKE: And how can they ask for the 11 S-2 if it's an S-1 area? I mean that's down 12 the road. Who knows what it's going to be?</p> <p>13 MS. HAYTHE: But they're aware of the 14 process and what it takes to amend the plan.</p> <p>15 MR. LESHHER: And do we want to get that 16 response from MDE before we request the town to 17 come up with a new phasing map or is that going 18 to be responsive regardless?</p> <p>19 MS. HAYTHE: I think we should ask MDE for 20 the information. Why have the town go through 21 the work of doing it if that's not what MDE is</p>	<p>1 MR. LESHHER: To provide that direction to 2 the town.</p> <p>3 MR. CALLAHAN: That's fine. Yup.</p> <p>4 MS. HAYTHE: And publicly share the 5 information.</p> <p>6 MR. THOMAS: Yes, absolutely.</p> <p>7 MS. HAYTHE: So that we are transparent 8 with whatever --</p> <p>9 MS. MIELKE: I think they need to 10 understand where the line of division is 11 between S-1 and S-2. That has never been 12 provided to them.</p> <p>13 MR. CALLAHAN: No. I agree.</p> <p>14 MS. MIELKE: And I'm opposed to providing 15 this because it's got a lot of argument and 16 shifting sands.</p> <p>17 MS. HAYTHE: Ray, have you provided to MDE 18 the map that shows the division between S-1, 19 S-2 for the Lakeside project?</p> <p>20 MR. CLARKE: We --</p> <p>21 MS. HAYTHE: Other than that map.</p>

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1 MR. CLARKE: I think the key here is that
 2 we provided them the big map that shows this is
 3 S-1, this is S-2.
 4 MS. HAYTHE: The big map like this?
 5 MR. CLARKE: But it was not broken up. It
 6 was just two different colors. It was a red
 7 and let's say yellow that showed the areas.
 8 That was that Resolution 281.
 9 MS. HAYTHE: Right. Okay.
 10 MR. CLARKE: So we can -- I mean we
 11 received this. We can share this with MDE and
 12 note that this --
 13 MS. MIELKE: No, you can't.
 14 MR. CLARKE: Well, we'll block this out
 15 then.
 16 MR. THOMAS: We'll seek clarification from
 17 MDE as directed and proceed accordingly.
 18 MR. CLARKE: I mean one of the things I
 19 did, Council, is I took the information that
 20 was provided in the table. So I have that
 21 information that can show just for the S-1 area


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1 how it breaks out.
 2 MR. CALLAHAN: That's fine. So let's not
 3 go any farther with this.
 4 Mr. Thomas, you've got your marching
 5 orders what we need clarification for MDE?
 6 MR. THOMAS: Yes.
 7 MR. CALLAHAN: And that's fine. That's
 8 what we're going to do.
 9 MS. MIELKE: And what are your marching
 10 orders, just for the record?
 11 MR. THOMAS: I will contact MDE to obtain
 12 clarity on whether they want the phasing and
 13 EDUs for the entire development or only the
 14 portion that's in S-1, W-1.
 15 MR. CALLAHAN: Correct.
 16 MR. LESHNER: Fair enough.
 17 MR. CALLAHAN: Simple as that.
 18 MS. HAYTHE: Easy.
 19 MR. CALLAHAN: Mr. Stepp, you good with
 20 that?
 21 MR. STEPP: Yes, I am.

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1 MR. CALLAHAN: Okay. Ray, you good?
 2 MR. CLARKE: I'm good.
 3 MS. MIELKE: Is that our position at this
 4 time, that that really is what should be
 5 presented only, is S-1?
 6 MR. LESHNER: And then we'll get that
 7 subsequent workshop with MDE's feedback?
 8 MR. CALLAHAN: Correct.
 9 MR. THOMAS: Yes.
 10 MR. CALLAHAN: Okay. Thanks a lot.
 11 Appreciate it.
 12 (Work Session concluded at: 5:52 p.m.)
 13
 14
 15
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 17
 18
 19
 20
 21

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1 STATE OF MARYLAND
 2 I, Diane Houlihan, a Notary Public in and
 3 for the State of Maryland, County of Baltimore City,
 4 do hereby certify that the within named, Talbot
 5 County Council Audio, personally appeared before me
 6 at the time and place herein set according to law,
 7 was interrogated by counsel.
 8
 9 I further certify that the examination was
 10 recorded stenographically by me and then transcribed
 11 from my stenographic notes to the within printed
 12 matter by means of computer-assisted transcription
 13 in a true and accurate manner.
 14
 15 I further certify that the stipulations
 16 contained herein were entered into by counsel in my
 17 presence.
 18
 19 I further certify that I am not of counsel
 20 to any of the parties, not an employee of counsel,
 21 nor related to any of the parties, nor in any way
 interested in the outcome of this action.
 AS WITNESS my hand Notarial Seal this 21st
 day of July, 2023 at Eastern MD

 Diane Houlihan
 Notary Public
 My commission expires September 16, 2025

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