

COUNTY COUNCIL

OF

TALBOT COUNTY

2010 Legislative Session, Legislative Day No. July 13, 2010

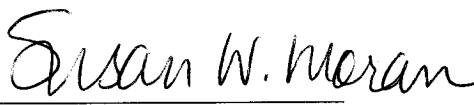
Resolution No. 172 *AS AMENDED*

Introduced by: Mr. Harrison, Mr. Pack

A RESOLUTION TO INTRODUCE, CONSIDER, AND DETERMINE WHETHER TO ADOPT A PROPOSED AMENDMENT TO THE TALBOT COUNTY COMPREHENSIVE WATER & SEWER PLAN (THE "PLAN") THAT WILL RE-CLASSIFY PROPERTY LOCATED AT 27748 ST. MICHAELS ROAD, MD. RT. 33, EASTON, MARYLAND, GENERALLY KNOWN AS "CARROLL'S MARKET," TAX MAP 34, PARCEL 301, FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND, (THE "PROPERTY") FROM THE CURRENT CLASSIFICATION OF "UNPROGRAMMED" TO "S-1" (IMMEDIATE PRIORITY STATUS), TO MAKE THE PROPERTY ELIGIBLE FOR SEWER SERVICE FROM THE REGION II WASTEWATER TREATMENT PLANT (THE "PLANT"), AND TO AUTHORIZE EXTENSION OF SEWER SERVICE FROM THE PLANT TO THE PROPERTY
(Carroll's Market, Route 33)

By the Council: July 13, 2010

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, August 10, 2010 at 2:00 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 INTRODUCE, CONSIDER, AND DETERMINE WHETHER TO ADOPT A PROPOSED AMENDMENT TO THE TALBOT COUNTY COMPREHENSIVE WATER & SEWER PLAN (THE "PLAN") THAT WILL RECLASSIFY PROPERTY LOCATED AT 27748 ST. MICHAELS ROAD, MD. RT. 33, EASTON, MARYLAND, GENERALLY KNOWN AS "CARROLL'S MARKET," TAX MAP 34, PARCEL 301, FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND, (THE "PROPERTY") FROM THE CURRENT CLASSIFICATION OF "UNPROGRAMMED" TO "S-1" (IMMEDIATE PRIORITY STATUS), TO MAKE THE PROPERTY ELIGIBLE FOR SEWER SERVICE FROM THE REGION II WASTEWATER TREATMENT PLANT (THE "PLANT"), AND TO AUTHORIZE EXTENSION OF SEWER SERVICE FROM THE PLANT TO THE PROPERTY
(Carroll's Market, Route 33)

1 **WHEREAS**, the owner of 27748 St. Michaels Road, Md. Rt. 33, Easton, Maryland, Tax Map
2 34, Parcel 301, first election district, Talbot County, Maryland, generally known as
3 "Carroll's Market," (the "Property"), has requested the County to extend sewer service from
4 the Region II Wastewater Treatment Plant (the "Plant") to the Property; and,
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6 **WHEREAS**, the Talbot County Health Department, Office of Environmental Health, has
7 conducted an investigation of the Property to determine the current condition of the existing
8 on-site septic system; and,
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10 **WHEREAS**, the Department of Public Works has processed the owners' request to extend
11 sewer service to the Property in accordance with Chapter III, Amendment Procedures, of the
12 Talbot County Comprehensive Water and Sewerage Plan (the "Plan") and the sewer service
13 designations of the St. Michaels Wastewater System and the Region I (Unionville, Tunis Mill
14 and Copperville) Wastewater System.
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16 **NOW, THEREFORE**, be it resolved by the County Council of Talbot County, Maryland as
17 follows:
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19 **Section 1.** In accordance with the requirements of Environment Article § 9-506(a)(1), Md.
20 Ann. Code, the proposed amendment has been submitted to the Talbot County Planning
21 Commission and the Talbot County Public Works Advisory Board for review and comment,
22 within a 30 day period, for consistency with planning programs for the area. Pursuant to the
23 requirements set forth in the above State statute, before the County Council may adopt the
24 proposed amendment the Talbot County Planning Commission must first certify that the
25 amendment is consistent with the County Comprehensive Plan prepared under Article 25A,
26 §5 (X), Md. Ann. Code.
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28 **Section 2.** Upon conclusion of the public hearing(s), closing of the public record, receipt and
29 consideration of certifications and recommendations from the Planning Commission and
30 Public Works Advisory Board, the County Council will discuss the merits of the application,
31 approve findings of fact and conclusions of law, and decide to approve or disapprove the
32 proposed amendment.

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Section 3. The proposed amendment is as follows:

1. The Talbot County Comprehensive Water and Sewerage Plan shall be amended to reclassify 27748 St. Michaels Road, Md. Rt. 33, Easton, Maryland, generally known as "Carroll's Market," Tax Map 34, Parcel 301, first election district, Talbot County, Maryland, from "Unprogrammed" to "S-1", (Immediate Priority Status);
2. Sewer service for the Property as proposed by the amendment has been found to comply with the current Sewer Service Allocation Policy for Region I, Unionville, Tunis Mills, and Copperville.
3. The peak flow sewer allocation for the Property shall be limited to a maximum of 600 gallons per day based on 185 gallons per day per equivalent dwelling unit, and actual flows may not exceed 600 gallons per day. The remaining capacity for Region I, Unionville, Tunis Mills, and Copperville, shall be reduced from 5,900 to 5,300 gallons per day.
4. Except as permitted by combination or lot line revision between parcels in common ownership of the Property Owner as of the date of approval of this Resolution, the sewer extension and allocation of capacity to the Property shall be restricted to serve only the Property as defined by existing boundaries. In any event, the sewer service shall be limited only to existing structures as currently sized, and only existing uses on the Property as of the date of adoption of this Resolution, namely a gas station, deli, and convenience store. The sewer extension and allocation shall not be used to enlarge, expand, or intensify these existing structures or uses without an amendment of this Resolution duly approved by the County Council. Adoption of this Resolution shall not excuse, modify, or supersede requirements for current and ongoing compliance with all applicable federal, State, and local statutes, ordinances, or regulations, including issuance of all required permits and approvals for connection of the Property to the Plant.
5. This Resolution shall make no sewer service available to any area beyond the existing boundaries of the Property. No other property, lot, or parcel, including any reconfiguration or recombination of the Property, shall be entitled to service or capacity under this Resolution. Notwithstanding this limitation, existing lots may be combined or existing lot lines may be revised as set forth in Paragraph 4 to make the Property contiguous to the force main, but service shall not be available to any additional area added to the Property by reason of such combination or lot line revision.
6. The Property Owner shall be solely responsible for and shall pay for all design, engineering, construction, and maintenance, and repair costs of the line and any appurtenant equipment required to connect into the County-owned force main. The design shall be subject to review and approval by the County Engineer, shall be consistent with reasonable design standards for similar projects, and shall include a

74 duplex pumping operation and other features, components, and materials as the
75 County Engineer or his designee may reasonably require.

76 7. The Property Owner shall be solely responsible for and shall pay all remediation,
77 mitigation, damages, or other costs, charges, fines or penalties required to address any
78 environmental damage or harm resulting from the connection, installation, or future
79 use of infrastructure authorized by this Resolution.

80 8. The Property Owner shall construct and continuously maintain in good operating
81 condition an in-ground grease trap that shall be pumped out at least once every three
82 months, at a minimum, or more often as necessary to prevent inflow, deposit, or
83 accumulation of grease into the Plant's collection system.

84 9. The Property Owner shall pay a connection fee of Twenty Seven Thousand Dollars
85 (\$27,000) to the Talbot County Sanitary District (the "District"), before commencing
86 construction to connect the Property to the Plant. The connection shall be subject to
87 periodic charges, tariffs, and policies as may be adopted from time to time by the
88 County or the District.

89 10. The terms and conditions set forth in this Resolution shall run with and bind the
90 Property, the Property Owners, their heirs, personal representatives, successors, and
91 assigns. These terms and conditions shall be incorporated into an appropriate
92 agreement or declaration of restrictive covenants, in form and content acceptable to
93 the County, to include provisions for enforcement and remedies upon default for the
94 benefit of the County, to be executed by the Property Owners and recorded among the
95 land records of Talbot County within sixty (60) days from the date of the approval of
96 this Resolution.

97 11. Adoption of this amendment to the Plan authorizes the Property Owner to construct
98 the necessary improvements and infrastructure to connect the Property to the Plant in
99 accordance with and subject to the terms of this Resolution and compliance with
100 applicable design and technical requirements, rules, and regulations of all local, state,
101 and federal authorities.

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103 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its
104 date of passage.

PUBLIC HEARING

Resolution No.

Having been posted and notice, time and place of hearing, and title of Resolution No. 172 having been published, a public hearing was held on Tuesday, August 10, 2010 at 2:00 p.m. in the Bradley Meeting Room, Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Enacted: October 26, 2010, AS AMENDED

By Order:

Susan W. Moran

Secretary

Harrison -	Aye
Pack -	Aye
Duncan -	Aye
Foster -	Aye
Bartlett -	Aye