



Deposition of:
Planning Commission Meeting

May 20, 2020

In the Matter of:
Planning Commission Meeting

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PLANNING COMMISSION OF TALBOT COUNTY, MARYLAND

Planning Commission Meeting

May 20, 2020; 12:10 p.m.

Wye Oak Room - Talbot County Community Center
Easton, Maryland

COMMISSION MEMBERS:

- Phillip Cuncell
- William Boicourt - Via Telephone
- Lisa Ghezzi
- Paul Spies
- Michael Strannahan

Reported by
Diane Houlihan

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<p>1 TRANSCRIPT OF PROCEEDINGS</p> <p>2</p> <p>3 MR. COUNCELL: Thank you for your</p> <p>4 patience. We will reconvene the meeting of the</p> <p>5 Talbot County May 20th Planning Commission</p> <p>6 meeting at ten after 12.</p> <p>7 For those of you who have called in, just</p> <p>8 a few housekeeping rules. Please make sure</p> <p>9 your phone is muted. Do not place your calls</p> <p>10 on hold or we'll be able to hear music. And</p> <p>11 then on the public comments, once the staff and</p> <p>12 applicants have completed their presentation</p> <p>13 for each agenda item, we'll open it for public</p> <p>14 hearing for comments.</p> <p>15 We'll begin by asking the staff if there</p> <p>16 are any written comments submitted in advance</p> <p>17 of the meeting that need to be read into the</p> <p>18 record. The public members who indicated they</p> <p>19 would like to speak on the application will</p> <p>20 then be individually called upon by staff for</p> <p>21 their comments.</p>	<p>1 request is for a recommendation to the County</p> <p>2 Council consideration of consistency with the</p> <p>3 Talbot County Comprehensive Plan.</p> <p>4 And are we going to have a staff</p> <p>5 presentation first?</p> <p>6 MR. SALINAS: Not a presentation. Just to</p> <p>7 reiterate what you said. The purpose of this</p> <p>8 Resolution 283 is a request by McMiles, LLC,</p> <p>9 who is the applicant, to amend the water and</p> <p>10 sewer plan, the comprehensive water and sewer</p> <p>11 plan, and to amend Resolution 235, which was</p> <p>12 passed previously in 2019.</p> <p>13 MR. CLARKE: I think it was November 15,</p> <p>14 2016.</p> <p>15 MR. SALINAS: Thank you. And to authorize</p> <p>16 a single sewer connection and a single</p> <p>17 equivalent dwelling unit of wastewater</p> <p>18 treatment capacity to each buildable lot of</p> <p>19 land created pursuant to a major lot line</p> <p>20 revision plat, which is currently in process.</p> <p>21 So your decision here today is to</p>
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<p>1 Each speaker will be allowed three</p> <p>2 minutes. Those representing groups will be</p> <p>3 allowed five minutes. When speaking, please</p> <p>4 identify yourselves by name, address, and</p> <p>5 affiliation if you are with a group. Once</p> <p>6 those who signed up to speak are finished, we</p> <p>7 will ask the remaining participants if they</p> <p>8 would like to provide any comments. Thank you.</p> <p>9 And with that, we will go ahead and get</p> <p>10 started. Our next order of business is a Town</p> <p>11 of Trappe and Trappe East Holdings Business</p> <p>12 Trust. The request is for consideration of</p> <p>13 amendment one --</p> <p>14 MS. VERDERY: Mr. Councell, 283 I</p> <p>15 believe --</p> <p>16 MR. COUNCELL: Oh, we had 283 first?</p> <p>17 MR. SALINAS: Yeah. We're going to go to</p> <p>18 283.</p> <p>19 MR. COUNCELL: Sorry. My mistake. I'm</p> <p>20 sorry.</p> <p>21 Our first applicant is McMiles, LLC. The</p>	<p>1 determine if Resolution 283 is consistent with</p> <p>2 the Talbot County 2016 Comprehensive Plan.</p> <p>3 Staff supports a Planning Commission</p> <p>4 certification that the amendment is consistent</p> <p>5 with the Talbot County Comprehensive Plan.</p> <p>6 And also, the Public Works Advisory Board</p> <p>7 met on May 6, 2020, and they voted to support</p> <p>8 Resolution 283 with a vote of five to zero.</p> <p>9 And with that, I can turn it over to</p> <p>10 Mr. Ray Clarke from the Department of Public</p> <p>11 Works for Talbot County.</p> <p>12 MR. COUNCELL: Sure. Thank you. Ray.</p> <p>13 MR. CLARKE: Yes. This is Ray Clarke.</p> <p>14 I'm the county engineer for the Department of</p> <p>15 Public Works.</p> <p>16 First off, let me just note that this is,</p> <p>17 as Miguel indicated, an amendment to Resolution</p> <p>18 235.</p> <p>19 When Resolution 235 was adopted, it was</p> <p>20 adopted with 351 equivalent dwelling units.</p> <p>21 What we're seeking to do is amend through</p>

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<p>1 Resolution 283, amend Resolution 235 by adding</p> <p>2 three equivalent dwelling units.</p> <p>3 When we submitted I guess Resolution 235</p> <p>4 to MDE, we not only had the maps that</p> <p>5 identified the area as S-1, immediate priority</p> <p>6 status, for sewer, but we also identified the</p> <p>7 lots and tables. And we only had two lots</p> <p>8 associated with this property.</p> <p>9 Again, the applicant has moved forward</p> <p>10 with the Planning Office in doing a lot line</p> <p>11 revision to I guess establish five lots,</p> <p>12 ultimately creating three new lots per the</p> <p>13 Resolution 235.</p> <p>14 The County Council introduced Resolution</p> <p>15 235 on April 14, 2020. And then basically the</p> <p>16 Public Works Advisory Board at their meeting on</p> <p>17 May 6th basically recommended to the County</p> <p>18 Council that they adopt Resolution 283.</p> <p>19 Any questions the Planning Commission may</p> <p>20 have?</p> <p>21 MR. COUNCELL: So at this time, I'll ask</p>	<p>1 MR. BOICOURT: Yes.</p> <p>2 MR. SALINAS: Any comments?</p> <p>3 MR. BOICOURT: I couldn't hear any of the</p> <p>4 testimony.</p> <p>5 MR. SALINAS: He couldn't hear Ray.</p> <p>6 Ray, could you speak into the mike and see</p> <p>7 if Bill can hear you?</p> <p>8 MR. COUNCELL: We're going to start again</p> <p>9 with Ray's comments.</p> <p>10 Ray, if you don't mind repeating yourself.</p> <p>11 MR. CLARKE: Resolution 283 was I guess</p> <p>12 introduced by the County Council on April 14,</p> <p>13 2020. Ultimately through that, Resolution 283</p> <p>14 is basically drafted to amend Resolution 235.</p> <p>15 When Resolution 235 was adopted on</p> <p>16 November 15, 2016, we reclassified the maps</p> <p>17 basically from unprogrammed status to immediate</p> <p>18 priority status.</p> <p>19 MR. COUNCELL: Bill, can you hear us now?</p> <p>20 MR. BOICOURT: I can. Thank you.</p> <p>21 MR. COUNCELL: Okay. Sorry.</p>
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<p>1 if there are any questions or comments from the</p> <p>2 Planning Commission. Commission Ghezzi?</p> <p>3 MS. GHEZZI: Just a comment. I appreciate</p> <p>4 the fact that the Public Works Advisory Board</p> <p>5 has voted for this five to zero. I'm sure that</p> <p>6 they know quite a bit about this particular</p> <p>7 matter.</p> <p>8 MR. COUNCELL: Thank you. Commission</p> <p>9 Strannahan.</p> <p>10 MR. STRANNAHAN: No comment.</p> <p>11 MR. COUNCELL: Spies.</p> <p>12 MR. SPIES: No comment.</p> <p>13 MR. COUNCELL: Commissioner Boicourt.</p> <p>14 MS. VERDERY: Miguel, do you have him on?</p> <p>15 MR. SALINAS: Yeah. The volume has got to</p> <p>16 go up.</p> <p>17 MS. VERDERY: Can you ask him again?</p> <p>18 MR. COUNCELL: Yeah. Mr. Boicourt, do you</p> <p>19 have any questions or comments?</p> <p>20 MR. SALINAS: He should be good to go.</p> <p>21 Commissioner Boicourt?</p>	<p>1 MR. CLARKE: The County Council, when they</p> <p>2 adopted Resolution 235, it basically listed a</p> <p>3 table. And ultimately in that table for this</p> <p>4 property, there were only two lots.</p> <p>5 The applicant is now moving forward with a</p> <p>6 major lot line revision. And in that major lot</p> <p>7 line revision, they will be creating three new</p> <p>8 lots. Resolution 283 works to basically</p> <p>9 increase the number of equivalent dwelling</p> <p>10 units that were identified in Resolution 235 as</p> <p>11 351 EDUs, or equivalent dwelling units.</p> <p>12 Resolution 283 now makes that basically</p> <p>13 354 equivalent dwelling units, ultimately</p> <p>14 allowing us to move forward and submit this to</p> <p>15 MDE for their review and approval.</p> <p>16 MR. COUNCELL: Okay. Bill, do you have</p> <p>17 any questions or comments?</p> <p>18 MR. BOICOURT: No, I do not. (Inaudible.)</p> <p>19 Thank you.</p> <p>20 MR. COUNCELL: Okay. At this time, I'd</p> <p>21 ask if there are any comments from the general</p>

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1 public on the call-in numbers?
 2 MR. SALINAS: There's nobody signed up to
 3 speak.
 4 MR. COUNCELL: Okay. Nobody signed up to
 5 speak.
 6 Is there anybody on the line that would
 7 wish to comment on this application?
 8 So hearing none, Mary Kay, again I assume
 9 that we're going to have a motion whether is or
 10 not.
 11 MS. VERDERY: Consistent with the
 12 Comprehensive Plan.
 13 MR. COUNCELL: Consistent on seven, we
 14 have seven charges. Can we take them all at
 15 once or do we need to take them individually?
 16 MS. VERDERY: You can take them all at
 17 once if no one wants to bring out one
 18 independently.
 19 MR. COUNCELL: Okay. So with that, we'll
 20 entertain a motion.
 21 MR. SPIES: Commissioner Spies. I move

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1 that we make a recommendation to the County
 2 Council that we find Resolution 283 consistent
 3 with the Talbot County Comprehensive Plan with
 4 all staff conditions --
 5 SPEAKER: Can you hear me?
 6 MR. SPIES: -- being complied with.
 7 MR. STRANNAHAN: I'll second that.
 8 MR. COUNCELL: So we have a motion by
 9 Commissioner Spies, a second by Commissioner
 10 Strannahan that the amendment is consistent
 11 with the Talbot County Comprehensive Plan on
 12 all seven charges.
 13 SPEAKER: We have people signed up to
 14 speak. (Inaudible.)
 15 MR. COUNCELL: So our resolution is on --
 16 hang on. So we're not on the Trappe hearing
 17 now. We're on 283, which is down at the Rest.
 18 Would you like to comment on that?
 19 MR. SALINAS: No. Nobody is commenting.
 20 They're all waiting for Resolution 281.
 21 MR. COUNCELL: Yup, yup. Again, we have

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1 not gotten to amendment one for the Town of
 2 Trappe and Trappe Holdings.
 3 So with that --
 4 MS. GHEZZI: Can I just, one clarifying
 5 question?
 6 MR. COUNCELL: Sure.
 7 MS. GHEZZI: I'm understanding that this
 8 is not something that we've looked at before.
 9 It all came about in April. But we're not
 10 looking at lot line revisions or anything.
 11 We're just voting on the increase from three
 12 to -- two building units to five building units
 13 and served by sewer, correct?
 14 MR. COUNCELL: Correct.
 15 MS. GHEZZI: Okay. Good. I heard
 16 hundreds at one point. And I'm thinking --
 17 MR. COUNCELL: No.
 18 MS. GHEZZI: I wanted to make sure I
 19 wasn't hearing something. Thank you.
 20 MR. COUNCELL: And again, for point of
 21 clarification, it was a map, from my

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1 understanding, it was a mapping error before.
 2 Not a mapping error, but with the Maryland
 3 (inaudible).
 4 MS. VERDERY: The original bill was based
 5 on tax map parcels.
 6 This particular property is made up of
 7 several lots of record that were not shown as
 8 separate tax maps. So they're existing legal
 9 lots of record that just showed up as one
 10 (inaudible), two separate tax parcels.
 11 So that's why they're amending those lots
 12 to make a total of five.
 13 MS. GHEZZI: Okay. Thank you.
 14 MR. COUNCELL: So again, we have a motion
 15 and a second that Resolution 283 is consistent
 16 with the Comprehensive Plan. So we're ready
 17 for a roll call vote.
 18 MR. SALINAS: Commissioner Spies.
 19 MR. SPIES: Aye.
 20 MR. SALINAS: Commissioner Strannahan.
 21 MR. STRANNAHAN: Aye.

Page 14	<p>1 MR. SALINAS: Commissioner Ghezzi.</p> <p>2 MS. GHEZZI: Aye.</p> <p>3 MR. SALINAS: Commissioner Boicourt.</p> <p>4 MR. BOICOURT: Aye.</p> <p>5 MR. SALINAS: And Commissioner Councill.</p> <p>6 MR. COUNCELL: Aye.</p> <p>7 MR. SALINAS: Motion passes five, zero.</p> <p>8 MR. COUNCELL: Thank you very much.</p> <p>9 So next on the agenda is, bear with me</p> <p>10 here a minute, Trappe Holdings. Applicant,</p> <p>11 Town of Trappe and Trappe East Holdings</p> <p>12 Business Trust.</p> <p>13 The request is for consideration of</p> <p>14 amendment number one for consistency with the</p> <p>15 Talbot County Comprehensive Plan.</p> <p>16 Miguel.</p> <p>17 MR. SALINAS: Sure. This amendment, if</p> <p>18 you recall, it's been a few months back, but at</p> <p>19 your February 5, 2020, meeting, Commissioner</p> <p>20 Boicourt made a motion noting that the</p> <p>21 commission isn't ready to make a finding of</p>	Page 16	<p>1 scheduled a public hearing on the amendment.</p> <p>2 Then after the public hearing, the</p> <p>3 resolution was then forwarded to the Planning</p> <p>4 Commission as well as the Public Works Advisory</p> <p>5 Board, one, for the Planning Commission for the</p> <p>6 finding of consistency, and then for the Public</p> <p>7 Works Advisory Board to recommend comp water</p> <p>8 and sewer plan, I guess for the Council to</p> <p>9 recommend we adopt or deny Resolution 281.</p> <p>10 Prior to the introduction of Resolution</p> <p>11 281, we actually had meetings with the Maryland</p> <p>12 Department of the Environment. And per those</p> <p>13 meetings with the Maryland Department of the</p> <p>14 Environment, MDE has indicated that they</p> <p>15 consider everything within the incorporated</p> <p>16 boundaries of the Town of Trappe as being S-1</p> <p>17 and W-1, which is immediate priority status for</p> <p>18 water and sewer service.</p> <p>19 In discussions with MDE I guess after the</p> <p>20 idea of a phasing plan, MDE indicated that that</p> <p>21 phasing plan, as long as it's adopted or</p>
Page 15	<p>1 consistency yet, which that motion carried</p> <p>2 unanimously by the Planning Commission and they</p> <p>3 returned Resolution 281 to the Council for</p> <p>4 consideration of possible amendments to reflect</p> <p>5 a more phased approach to the request for S-1</p> <p>6 and W-1 status, which is immediate priority</p> <p>7 status.</p> <p>8 Since then, the County Council has</p> <p>9 proposed amendment number one to Resolution</p> <p>10 281, which you should have in your packet.</p> <p>11 And what you're doing today is determining</p> <p>12 whether proposed amendment number one to</p> <p>13 Resolution 281 is consistent with the 2016</p> <p>14 Talbot County Comprehensive Plan.</p> <p>15 And with that, I will turn it over to Ray</p> <p>16 Clarke from Department of Public Works.</p> <p>17 MR. COUNCELL: Ray.</p> <p>18 MR. CLARKE: Yes. Very quickly, on</p> <p>19 Resolution 281, this was basically introduced</p> <p>20 by the County Council on December 17, 2019.</p> <p>21 At that point, the County Council I guess</p>	Page 17	<p>1 consistent with the Town of Trappe or the Town</p> <p>2 of Trappe approves that phasing plan, they have</p> <p>3 no objection in moving forward with the</p> <p>4 modified resolution, which is basically</p> <p>5 identified in amendment one.</p> <p>6 I guess after taking that information, the</p> <p>7 County Council I think after the Planning</p> <p>8 Commission meeting drafted up or had, I'm</p> <p>9 sorry, amendment one drafted up and then</p> <p>10 submitted or introduced as part of the</p> <p>11 resolution.</p> <p>12 And then on May 7th, the Public Works</p> <p>13 Advisory Board met to discuss Resolution 281 as</p> <p>14 well as receive public comment. That was</p> <p>15 conducted, and the Public Works Advisory Board</p> <p>16 did receive comments.</p> <p>17 The Public Works Advisory Board in their</p> <p>18 review of the Resolution 281 basically</p> <p>19 identified the recommendations were two</p> <p>20 recommendations. One was a recommendation to</p> <p>21 the County Council to adopt Resolution 281 with</p>

<p style="text-align: right;">Page 18</p> <p>1 the amendment one. Per the review of the 2 Public Works Advisory Board, that basically 3 went down, the Public Works Advisory Board 4 voted no via a five to zero vote that they 5 would recommend the County Council adopt 6 Resolution 281 with the amendment one. 7 After that, the Public Works Advisory 8 Board then submitted a recommendation to more 9 or less have an amendment that would only bring 10 phase one as S-1 W-1. There's a phasing plan 11 that has been I guess identified by the 12 developer and I guess with the Town of Trappe. 13 And ultimately in that phasing plan, the 14 spray areas as well as the first phase of the 15 development would be considered S-1 W-1. 16 Phases two, three, four, and five will remain 17 in a future planning status of S-2 W-2 for 18 water and sewer service. 19 So ultimately after reviewing that 20 proposed recommendation, the Public Works 21 Advisory Board made a motion to adopt that</p>	<p style="text-align: right;">Page 20</p> <p>1 of the discussions prior to this meeting. 2 I think it's important to highlight the 3 Planning Commission's role in the context of 4 this application consideration. 5 The property was annexed by the Town of 6 Trappe almost 20 years ago. And at that time, 7 it was designated as a growth area by both the 8 Town Comprehensive Plan and the County 9 Comprehensive Plan. It's been mapped as an 10 area within the town's boundaries and 11 designated for growth for the last 18-plus 12 years since annexation. And in 2002, the 13 county amended the comprehensive water and 14 sewer plan to include this entire project 15 within the mapped service areas and designated 16 the roughly 900 acres for service within three 17 to five years of 2002. 18 The current County comprehensive water and 19 sewer plan designates the entirety of this 20 property for water and sewer service beginning 21 in 2005 to 2008. The first house hasn't been</p>
<p style="text-align: right;">Page 19</p> <p>1 phasing plan where only phase one basically 2 would be reclassified as S-1 and W-1 for water 3 and sewer service. That was done on their 4 May 18th meeting. 5 MR. COUNCELL: Okay. Miguel, would you 6 suggest that we go through if there's any 7 questions for Ray or do you think we should 8 hear from the applicant, Mr. Showalter, before 9 we entertain questions? 10 MR. SALINAS: I would suggest that we hear 11 from Mr. Showalter. And then go one by one 12 with the Planning Commission. 13 MR. COUNCELL: Very good. Mr. Showalter, 14 on behalf of your client. 15 MR. SHOWALTER: Thank you, Mr. Council. 16 I'm here today on behalf of Trappe East 17 Holdings Business Trust, which is the owner and 18 developer of the property. And to my left is 19 Ms. Lyndsey Ryan, who is the town attorney for 20 the Town of Trappe. 21 I think Mr. Clarke provided a fair summary</p>	<p style="text-align: right;">Page 21</p> <p>1 constructed. The first piece of infrastructure 2 has not yet been built. And the county 3 comprehensive water and sewer plan specifically 4 identified a 540,000-gallon wastewater 5 treatment plant to serve this property and 6 identified spray irrigation as the method of 7 disposal of the wastewater from that plant. 8 All of that is in the plan. 9 MDE, as Mr. Clarke indicated, has 10 consistently through the years determined that 11 this area from their perspective is considered 12 S-1 W-1. It's available for immediate 13 infrastructure and construction. 14 And you might recall there was some debate 15 in 2010 about wastewater discharge permitting 16 through this project. And the county at that 17 time took the position that the county's S-2 18 W-2 designation meant you can put 19 infrastructure in three to five years from 20 whenever you update the county plan. 21 MDE rejected that interpretation and</p>

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<p>1 determined then three to five years had run 2 since the project was added to the plan in 2002 3 and the project was consistent with the county 4 plan at that time. 5 Consistent with that determination, MDE 6 still believes that this project is consistent 7 with the county's comprehensive water and sewer 8 plan. 9 The amendment that was proposed was 10 proposed in collaboration I believe with the 11 county. The county would like to have S-1 W-1 12 designations on its maps. And so this 13 amendment was requested to advance the 14 numerical classifications in the county maps to 15 be consistent with the passage of time and 16 MDE's interpretation and also to update 17 references to the method of treatment. 18 What was proposed before was a biolack 19 treatment plant, which was a BNR level 20 wastewater treatment. What is proposed today 21 is an ENR quality treatment. So we're</p>	<p>1 question that I need answered moving forward. 2 So I make a motion to recess to closed 3 session to consult with counsel on legal 4 advice. 5 MR. STRANNAHAN: I'll second that. 6 MR. COUNCELL: So we have a motion by 7 Mr. Spies and a second by Commissioner 8 Strannahan to go into executive session to seek 9 some legal advice. 10 Stay with us. I don't think this will 11 take very long. 12 (Recess taken.) 13 MR. COUNCELL: We're back in action. 14 Thank you for your patience. 15 So at this time, Mr. Showalter, if you are 16 ready. 17 MR. SHOWALTER: So I need to. . . 18 MR. COUNCELL: Don't touch it. 19 MR. SHOWALTER: The mike should be on? 20 Can people hear? 21 MS. VERDERY: Yes.</p>
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<p>1 providing a greater level of treatment than the 2 county comprehensive water and sewer plan 3 currently requires. I think that's beneficial 4 from the county and the public's perspective 5 because it requires a greater level of 6 treatment if this amendment is adopted. 7 MS. O'DONNELL: Yeah. It disconnected. 8 So they're not -- no one on the call can hear 9 Mr. Showalter. So the callers, we need to call 10 back in on this phone. I'm sorry. 11 MR. SHOWALTER: That's fine. 12 MS. VERDERY: The mike is off. Turn the 13 mike off. 14 MR. SALINAS: Yeah. They're definitely 15 not on the call. 16 Off the record. 17 (Discussion held off the record.) 18 MR. COUNCELL: Ryan, hold up one minute. 19 So I think Mr. Spies might. . . 20 MR. SPIES: I'm not meaning to throw a 21 ringer into things, but I do have a legal</p>	<p>1 MR. SALINAS: The mike light should be on 2 and your speaker light. 3 MR. SHOWALTER: Both are. So thank you 4 very much. 5 I think it's important to lay a brief 6 basis to the foundation for this amendment so 7 you understand the context on what you are 8 being asked to make a recommendation. 9 The property that is the subject of this 10 application was annexed by the town nearly 20 11 years ago. And at that time, it was mapped as 12 a growth area by both the town and the county 13 Comprehensive Plans. 14 It's been zoned by the Town of Trappe for 15 a mixed use residential development since late 16 2005. 17 In 2002, the County Council amended the 18 county's comprehensive water and sewer plan to 19 create the Lakeside, or then it was referred to 20 as Trappe East, water and sewer service 21 districts. That amendment mapped the entire</p>

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1 project site as S-2 W-2, indicating it was
 2 available for water and sewer service within
 3 three to five years of 2002 when the amendment
 4 was adopted.
 5 That amendment, that's now almost 20 years
 6 old, contemplated the construction of a
 7 540,000-gallon wastewater treatment plant.
 8 I'm getting a strange face.
 9 SPEAKER: I'm sorry.
 10 MR. SHOWALTER: Does that mean it's not
 11 working?
 12 SPEAKER: Phones are down.
 13 MR. SHOWALTER: Can anyone on the phone
 14 hear me?
 15 MS. O'DONNELL: Mr. Kupersmith said that
 16 he could hear you.
 17 MR. SHOWALTER: He could?
 18 MS. O'DONNELL: Yes.
 19 MR. SALINAS: I've got the other ones
 20 muted.
 21 MR. SHOWALTER: The amendment in 2002

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1 contemplated the construction of a
 2 540,000-gallon wastewater treatment plant to
 3 serve this project. It also anticipated the
 4 disposal of wastewater from that plant by spray
 5 irrigation or land application. And in 2002,
 6 it proposed a biolack treatment system, which
 7 is a BNR quality level of treatment of the
 8 wastewater.
 9 The project is beginning construction this
 10 year. And so we approached the county last
 11 fall about amending the comprehensive water and
 12 sewer plan to update the designation S-2 W-2 to
 13 S-1 W-1.
 14 As Mr. Clarke noted, MDE interprets the
 15 county plan as indicating that the property was
 16 available for service within three to five
 17 years of when the project was put in the plan
 18 in 2002, meaning 2005 to 2008.
 19 We're now 15 years, 15 or more years
 20 beyond that date, and infrastructure has not
 21 yet been constructed.

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1 So my understanding is that MDE views the
 2 entire area as essentially S-1 W-1 under the
 3 county plan.
 4 There was a debate in 2010 about the
 5 status of this project and its recognition and
 6 its status under the county's comprehensive
 7 water and sewer plan at that time. And MDE
 8 took the position that the project had been
 9 mapped in 2002, more than three to five years
 10 had elapsed, and MDE viewed construction of the
 11 wastewater treatment plant and the
 12 infrastructure in 2010 to be consistent with
 13 the county plan and issued extensions or
 14 renewals of construction permits.
 15 MDE is currently processing application
 16 for a new discharge permit for this project.
 17 That discharge occurs in the same location it
 18 was contemplated and approved by the county in
 19 2002.
 20 The difference between 2002 and 2020 is
 21 that we're now proposing ENR quality treatment.

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1 So the size of the proposed treatment plant is
 2 identical to what has been in the county plan
 3 for 18 years. The location of discharge and
 4 the method of discharge, which is spray
 5 irrigation to cropland and woodland, is
 6 identical to what has been in the county plan
 7 for 18 years. The change that's proposed is
 8 we're proposing to increase the level of
 9 treatment from BNR to ENR, which is an
 10 enhancement from the environmental perspective.
 11 After some discussion, the county asked
 12 and the Planning Commission requested that
 13 there be phasing indicated in the amendment.
 14 So amendment number one to Resolution 281
 15 proposes to designate roughly the northern half
 16 of the project site as S-1 W-1 and to leave the
 17 southern half as S-2 W-2.
 18 From MDE's perspective, if that amendment
 19 is adopted, I believe that would indicate the
 20 northern half is available for water and sewer
 21 infrastructure, which is the status today, and

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1 that the southern portion of the project, which
 2 we mapped, essentially mapped again as S-2 W-2
 3 if this amendment is adopted, would be
 4 available for infrastructure extension in three
 5 to five years from the date of its adoption,
 6 presumably in 2020.

7 So the applicant's perspective, it's a
 8 collaborate way to work with the county to
 9 update the county's plan to reflect the
 10 enhancement of wastewater treatment in the
 11 county's plan and also to delay or ratchet back
 12 the time frame of the county plan for
 13 infrastructure in the southern part of the
 14 project.

15 The Public Works Advisory Board
 16 recommended that section 1A, or section A of
 17 phase one, be mapped as S-1 W-1 and the rest of
 18 it remain as S-2 W-2.

19 Phase one of this project is 500 units.
 20 Section A of phase one is approximately 85
 21 units.

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1 The reason why that recommendation doesn't
 2 work for this project is at least two-fold.

3 The first is the infrastructure required
 4 to construct a master plan extension in the
 5 Town of Trappe, it costs millions of dollars.
 6 And the notion of making investment in
 7 infrastructure that's intended to serve a
 8 long-term build-out of the town, while there's
 9 only availability to connect 85 houses, it
 10 doesn't work from an economical perspective.

11 The dialogue on this amendment started in
 12 late summer, early fall 2019. COVID certainly
 13 has added a couple of weeks or a month of
 14 delay, but we're six or eight months into an
 15 amendment. We can't be in a position where
 16 this project, unique to all others in the
 17 county, has to come before the county every
 18 time it needs another 60 or 70 taps and then
 19 spend six or eight or ten months requesting
 20 that permission.

21 The other reason is that this project will

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1 be developed to have multiple housing types
 2 available at the same time. So if you look at
 3 the master plan that's behind you, I know the
 4 lighting in the room is a little dim, I have
 5 hard copies if they're easier to see, the phase
 6 one section A is the area closest to Route 50.
 7 And it consists of a community center, a model
 8 home row, and single-family housing types.

9 If you look just above and just to the
 10 left of the yellow label that says S-1 W-1, you
 11 can see that there's townhouse product or
 12 attached product just above and to the left of
 13 that label. And if you look just to the south
 14 of that yellow label S-1 W-1, you can see
 15 red-roofed structures, which are apartment
 16 units.

17 And so the first phase of lots that will
 18 be developed is certainly phase 1A, phase one
 19 section A. But we intend as part of this
 20 initial construction to extend the road network
 21 south into the project and have apartments and

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1 have townhouses and have cottage lots and
 2 single-family lots all available at the same
 3 time so that it appeals to a variety of
 4 different uses.

5 Preventing connection only to 86
 6 single-family houses in phase 1A isn't
 7 consistent with the build-out of the project.

8 There's been some discussion about why
 9 we're using spray irrigation or why the spray
 10 irrigation is proposed in the location it is
 11 shown as planned. Spray irrigation under State
 12 law is a preferred alternative. The
 13 Environmental Article specifically identifies
 14 land application of wastewater as an
 15 alternative that MDE prefers. It's not
 16 required certainly, but it's preferred over
 17 point discharge because you can use the natural
 18 biological processes in the soil to uptake
 19 nutrients that would otherwise be discharged
 20 directly into the surface or receiving waters.

21 From a land use planning perspective, the

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<p>1 Town of Trappe's Comprehensive Plan, like many,</p> <p>2 including the county plan, contemplates</p> <p>3 maintaining density within the incorporated</p> <p>4 towns and maintaining a higher level of density</p> <p>5 and activity in the central or core area of the</p> <p>6 planning area with decreasing activity and</p> <p>7 density as you radiate out.</p> <p>8 The county Comprehensive Plan in the past</p> <p>9 had a higher focus on greenbelts around the</p> <p>10 incorporated municipalities. And so the land</p> <p>11 use planning that drove the project design, and</p> <p>12 this isn't today, this is consistent with what</p> <p>13 was done back in 2006, contemplated putting the</p> <p>14 spray irrigation on the northeast portion of</p> <p>15 the project site, which is on the outer</p> <p>16 perimeter of the town boundary adjacent to</p> <p>17 other agricultural uses, and to concentrate the</p> <p>18 more dense and intense activity, like</p> <p>19 commercial, like apartments, like townhouses,</p> <p>20 in the center of the project.</p> <p>21 Another benefit of having the spray</p>	<p>1 within 100 feet of potable wells and water</p> <p>2 intakes.</p> <p>3 What we're talking about is ENR quality</p> <p>4 water that could be discharged directly to the</p> <p>5 stream today. And instead of that, it will be</p> <p>6 applied through spray irrigation to cropland or</p> <p>7 forestland. But again, it's deemed to be clean</p> <p>8 enough by MDE to be within 25 feet of property</p> <p>9 lines or 50 feet of playgrounds. It's not</p> <p>10 untreated wastewater, contrary to other</p> <p>11 characterizations.</p> <p>12 The county Planning Commission's role is</p> <p>13 to evaluate this amendment and to make a</p> <p>14 recommendation to the County Council about its</p> <p>15 consistency with the Comprehensive Plan of the</p> <p>16 county.</p> <p>17 And I believe you have, but I have copies</p> <p>18 to provide, the Town of Trappe's Planning</p> <p>19 Commission reviewed the amendment, both</p> <p>20 amendment 281 and amendment number one to the</p> <p>21 amendment, and compared it to both the county</p>
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<p>1 irrigation area proposed is that it's more</p> <p>2 distant from houses. It's surrounded by</p> <p>3 agricultural land and woods. And there are</p> <p>4 houses on Back Town Road, there are houses on</p> <p>5 Pine Hill. And there, of course, would be</p> <p>6 houses when this project is constructed. This</p> <p>7 provides a transitional land use from the</p> <p>8 greater intensity and core of this project and</p> <p>9 the rural agricultural lands on the outskirts</p> <p>10 of the project.</p> <p>11 There has been public discussion about</p> <p>12 this spray application being adjacent to other</p> <p>13 property holdings or agricultural uses or the</p> <p>14 headwaters of Miles Creek. The wastewater</p> <p>15 that's going to be disposed of is being treated</p> <p>16 to class two effluent standards.</p> <p>17 So under Maryland's land application</p> <p>18 design guidelines, wastewater that is class two</p> <p>19 effluent is deemed by MDE to be appropriate for</p> <p>20 spraying within 25 feet of property lines,</p> <p>21 within 50 feet of schools and playgrounds, and</p>	<p>1 and the town Comprehensive Plan. And they made</p> <p>2 findings explaining why they believe the</p> <p>3 amendment 281 as amended is consistent with</p> <p>4 both the town and the county Comp Plan.</p> <p>5 I won't read all of their readings or</p> <p>6 findings to you, but I'll highlight that the</p> <p>7 county Comprehensive Plan on page 6-12, water</p> <p>8 resources element, specifically identifies the</p> <p>9 Town of Trappe's existing wastewater treatment</p> <p>10 plant as not having adequate capacity to serve</p> <p>11 the Lakeside project unless the proposed</p> <p>12 540,000-gallon wastewater treatment plant is</p> <p>13 constructed to support the Lakeside</p> <p>14 development.</p> <p>15 The county's Comprehensive Plan also</p> <p>16 specifically identifies the application of</p> <p>17 treated wastewater effluent directly to the</p> <p>18 soil as an alternative to point discharges to</p> <p>19 streams. And the county Comp Plan notes that</p> <p>20 that allows nutrients to be naturally disposed</p> <p>21 of by bacteria before effluent reaches</p>

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<p>1 receiving waters, whether that's groundwater or</p> <p>2 surface water.</p> <p>3 So what we're proposing has been in the</p> <p>4 county comprehensive water and sewer plan since</p> <p>5 2002. It's contemplated by the county's</p> <p>6 Comprehensive Plan. It's contemplated by the</p> <p>7 town's Comprehensive Plan.</p> <p>8 MDE has issued construction and discharge</p> <p>9 permits for this project previously. And MDE</p> <p>10 believes that this project is essentially S-1</p> <p>11 W-1 today and that an amendment is not</p> <p>12 necessary to the county plan.</p> <p>13 So for all of those reasons, I would urge</p> <p>14 you to recommend approval of Resolution 281 as</p> <p>15 amended by amendment number one.</p> <p>16 And Ms. Ryan may have stuff to add. We're</p> <p>17 happy to answer anyone's questions.</p> <p>18 MS. RYAN: I would also just like to add</p> <p>19 that Resolution 281 also includes amendments to</p> <p>20 Trappe's capital improvement projects, which</p> <p>21 include -- they're currently undergoing a new</p>	<p>1 the final version?</p> <p>2 MS. RYAN: I probably can answer that.</p> <p>3 SPEAKER: Hold on one second.</p> <p>4 MS. RYAN: Trappe's Comprehensive Plan is</p> <p>5 dated 2010. They're undergoing amendment right</p> <p>6 now.</p> <p>7 The Planning Commission actually last</p> <p>8 night voted to schedule a public hearing in</p> <p>9 June on the 2020 Comprehensive Plan.</p> <p>10 As noted in the letter that I believe was</p> <p>11 just provided to you from the Trappe Planning</p> <p>12 Commission, this amendment is also consistent</p> <p>13 with the 2020 Comprehensive Plan.</p> <p>14 MS. GHEZZI: A question, then, on that.</p> <p>15 Posted to your website is the September 18,</p> <p>16 2019, draft plan. And there are a number of --</p> <p>17 also available is a letter from Maryland's</p> <p>18 Planning Department on inconsistencies with</p> <p>19 Trappe's Comprehensive Plan.</p> <p>20 Has that letter been made available to the</p> <p>21 people of Trappe?</p>
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<p>1 well, they're in the process of establishing a</p> <p>2 PER for the upgrade of the wastewater treatment</p> <p>3 plant, and they are in the process of repairing</p> <p>4 and replacing seven existing pump stations.</p> <p>5 So this amendment would make what the Town</p> <p>6 of Trappe is currently doing with their capital</p> <p>7 improvement projects more consistent.</p> <p>8 MR. COUNCELL: Thank you. I guess at this</p> <p>9 time, I'll ask if there are any questions from</p> <p>10 the Planning Commission members?</p> <p>11 Commissioner Ghezzi.</p> <p>12 MS. GHEZZI: Yes. I actually have a few</p> <p>13 questions. I'm not sure if I can just ask one</p> <p>14 or two now and more later.</p> <p>15 MR. COUNCELL: Why don't we do that. Why</p> <p>16 don't we maybe do one or two and go through and</p> <p>17 then we'll start back and make sure everybody</p> <p>18 is heard.</p> <p>19 MS. GHEZZI: That would be great.</p> <p>20 First of all, Mr. Showalter, what is the</p> <p>21 date of Trappe's Comprehensive Plan and is it</p>	<p>1 MS. RYAN: That letter would be available</p> <p>2 at any of the public hearings.</p> <p>3 The Trappe Planning Commission did have a</p> <p>4 public hearing on the 2019 Comprehensive Plan</p> <p>5 and sent it to the Council. Based on some</p> <p>6 feedback from the public, they sent it back to</p> <p>7 the Planning Commission for revisions.</p> <p>8 MS. GHEZZI: Okay. There is a</p> <p>9 particular -- you are familiar with the State's</p> <p>10 requirement of a local entity to have a</p> <p>11 Comprehensive Plan that contains a sensitive</p> <p>12 area element? Are you familiar with that?</p> <p>13 MS. RYAN: Yes.</p> <p>14 MS. GHEZZI: Okay. In our Comprehensive</p> <p>15 Plan, meaning the Talbot County, it says the</p> <p>16 State of Maryland requires local Comprehensive</p> <p>17 Plans to contain a sensitive areas element</p> <p>18 which describes how the county will protect</p> <p>19 streams and stream buffers, 100-year</p> <p>20 floodplains, habitats that threaten endangered</p> <p>21 species and steep slopes. That's quote per our</p>

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<p>1 Comprehensive Plan.</p> <p>2 In Talbot County, the sensitive areas are</p> <p>3 protected through a variety of means, including</p> <p>4 agricultural, zoning, priority preservation</p> <p>5 area designations, and tier four designations.</p> <p>6 That's on page 6-21. I'm referring to Trappe's</p> <p>7 draft September 2019 plan.</p> <p>8 Chapter eight covers natural resources and</p> <p>9 sensitive areas element. There is a map 8-1.</p> <p>10 Immediately following the reference to map 8-1,</p> <p>11 Trappe's Comprehensive Plan, the draft, states</p> <p>12 "there are no steep slopes equal to or greater</p> <p>13 than 15 percent within our planning area".</p> <p>14 At our February 5, 2020, Planning</p> <p>15 Commission meeting, a map was made available to</p> <p>16 everyone that showed slopes up to 28 and</p> <p>17 31 percent. This tells me that there's a major</p> <p>18 disconnect between Trappe's Comprehensive Plan,</p> <p>19 what it states, and the land within its town</p> <p>20 limits.</p> <p>21 This is a possible defect in Trappe's</p>	<p>1 I believe the exhibit you're referring to</p> <p>2 is the exhibit that was produced by Dr. Harris</p> <p>3 showing land at the north end of the site,</p> <p>4 which is where spray irrigation is proposed.</p> <p>5 The area that is permitted or is proposed</p> <p>6 for permitting by MDE applies the Talbot County</p> <p>7 steep slope standards. So no area proposed to</p> <p>8 be sprayed under the draft permit with MDE is</p> <p>9 within any steep slopes, including the buffers</p> <p>10 that exist under the Talbot County zoning</p> <p>11 regulations, even though those regulations</p> <p>12 don't apply in the Town of Trappe.</p> <p>13 MS. GHEZZI: Okay.</p> <p>14 MR. SHOWALTER: And I think the only areas</p> <p>15 that I can imagine, we'll have to go back and</p> <p>16 we can check the Comprehensive Plan, but with</p> <p>17 the exception of the man made banks around the</p> <p>18 gravel pit, which will be changed as part of</p> <p>19 the road construction and reclamation of the</p> <p>20 gravel pit, if there are any areas of steep</p> <p>21 slopes, they're only in streambeds that are</p>
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<p>1 Comprehensive Plan and is significant. The</p> <p>2 matter of steep slopes is a major consideration</p> <p>3 in land use today. And I just wanted to make</p> <p>4 you all aware of that.</p> <p>5 I would think the Trappe elected officials</p> <p>6 would be very concerned about this. It seems</p> <p>7 reasonable for Trappe elected officials to call</p> <p>8 on consultants who guided them for another</p> <p>9 in-depth review of the plan to be certain that</p> <p>10 there are no other errors.</p> <p>11 I believe that this defect is a legitimate</p> <p>12 basis to evaluate the amendment to Resolution</p> <p>13 281, reevaluate that amendment and assess it</p> <p>14 until the situation can be resolved.</p> <p>15 MR. SHOWALTER: Can I respond to that?</p> <p>16 MS. GHEZZI: Yes.</p> <p>17 MR. SHOWALTER: So Resolution 281 is a</p> <p>18 resolution to the county's infrastructure</p> <p>19 planning document, which identifies the areas</p> <p>20 that are proposed for development of water and</p> <p>21 sewer infrastructure.</p>	<p>1 proposed to remain protected.</p> <p>2 There is virtually no forest clearing</p> <p>3 proposed for this site. There is no steep</p> <p>4 slope on this side that exceeds 15 percent that</p> <p>5 is proposed to be touched with development.</p> <p>6 MS. GHEZZI: And I do think we're going to</p> <p>7 hear from a number of people regarding the</p> <p>8 environmental concerns associated with that.</p> <p>9 And I think that the steep slopes is an</p> <p>10 important part of consideration of treating</p> <p>11 sensitive areas.</p> <p>12 And one of my points is if the Town of</p> <p>13 Trappe doesn't recognize within their own</p> <p>14 Comprehensive Plan a sensitive area, how can</p> <p>15 they, then, as the State of Maryland directs</p> <p>16 them, protect that land? If they don't</p> <p>17 recognize it, how can they protect it? And</p> <p>18 Trappe's own plan doesn't recognize it. So how</p> <p>19 can it protect a "sensitive area" that</p> <p>20 Mr. Showalter has just told us does have steep</p> <p>21 slopes?</p>

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<p>1 MS. RYAN: I appreciate you bringing that</p> <p>2 to my attention. That's certainly something</p> <p>3 that we'll address with the town.</p> <p>4 MS. GHEZZI: Thank you.</p> <p>5 MR. COUNCELL: Commissioner Strannahan.</p> <p>6 MR. STRANNAHAN: I have no questions at</p> <p>7 this time. I'll wait until later.</p> <p>8 MR. COUNCELL: Commission Spies.</p> <p>9 MR. SPIES: Just a quick one. I know we</p> <p>10 went over it at the last time you guys were in</p> <p>11 front of us. But the operation of the</p> <p>12 wastewater treatment facility at Trappe East</p> <p>13 will be run by the Town of Trappe's wastewater</p> <p>14 treatment facility.</p> <p>15 Can you clarify for me how that will</p> <p>16 operate again?</p> <p>17 MS. RYAN: So right now, the Town of</p> <p>18 Trappe is -- their approach is to find a</p> <p>19 contract operator for the Trappe East. They</p> <p>20 will continue to maintain their own wastewater</p> <p>21 treatment plant and have an outside service</p>	<p>1 and the construction capacity.</p> <p>2 And I think Mr. Clarke can confirm that's</p> <p>3 true of any municipal wastewater treatment.</p> <p>4 MR. CLARKE: Each discharge permit issued</p> <p>5 by the State should have something called</p> <p>6 capacity management plan. So when you get to</p> <p>7 80 percent of the wastewater flow, you need to</p> <p>8 start planning.</p> <p>9 MR. SPIES: Thank you. That was helpful.</p> <p>10 MR. COUNCELL: Mr. Boicourt, any questions</p> <p>11 at this time?</p> <p>12 MR. BOICOURT: I don't have any questions</p> <p>13 at this time. (Inaudible.)</p> <p>14 MR. COUNCELL: So I think Mr. Boicourt</p> <p>15 said no questions at this time but he may</p> <p>16 later.</p> <p>17 Is that correct?</p> <p>18 MR. BOICOURT: That's correct.</p> <p>19 MR. COUNCELL: Yes, okay. So I have a</p> <p>20 couple. And I'm going to direct these both to</p> <p>21 Mr. Showalter and Ray.</p>
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<p>1 operate that.</p> <p>2 MR. SPIES: And then reading the</p> <p>3 amendment, just the one note just to clarify,</p> <p>4 have on record, it says it will be put in as a</p> <p>5 staged approach and the next stage will be</p> <p>6 started once capacity reaches 80 percent.</p> <p>7 Does the contracted wastewater treatment</p> <p>8 manager determine that or who monitors that and</p> <p>9 determines when the next stage needs to begin</p> <p>10 and to give kind of community confidence that</p> <p>11 that's not going to be a running issue as we</p> <p>12 move forward in stages?</p> <p>13 MR. SHOWALTER: There is regular daily and</p> <p>14 monthly reporting required under any MDE</p> <p>15 discharge permit. And those reports would</p> <p>16 determine the volume. So the licensed</p> <p>17 wastewater operator under the contract by the</p> <p>18 Town of Trappe has an obligation not only to</p> <p>19 record the volumes but also the quality of the</p> <p>20 wastewater. And they would be, those flows,</p> <p>21 would be compared against the permitted limits</p>	<p>1 And I realize what our charge is today.</p> <p>2 So I'm going to direct this question under item</p> <p>3 six of the standards of the Comprehensive Plan.</p> <p>4 So item six is land use, and that includes the</p> <p>5 environmental impacts.</p> <p>6 So I'll start with Ray. And I'm going to</p> <p>7 use the map that was handed to us which is on</p> <p>8 the screen. And I'm going to direct my</p> <p>9 question to the spray field area in the</p> <p>10 northeast corner.</p> <p>11 So if I look at the storage lagoon, to the</p> <p>12 immediate west of that is a reserve spray field</p> <p>13 of 22 acres. So I'm going to assume that this</p> <p>14 is there in case it's needed in the future, on</p> <p>15 and on and on.</p> <p>16 Well, that 22-acre field that is in my</p> <p>17 opinion more centralized to this development,</p> <p>18 as well as the storage lagoon unit, would</p> <p>19 represent about 40 percent of the spray field</p> <p>20 irrigation, the primary spray fields. So rough</p> <p>21 math is 40 percent, which would be 2,100 units.</p>

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<p>1 So my question is why would not the</p> <p>2 developer, MDE, whoever start with that area</p> <p>3 and then work from there?</p> <p>4 So we've all learned that this process in</p> <p>5 the past 20 years, the technology has become</p> <p>6 much better, in other words. So it's safe to</p> <p>7 assume in ten years or 15 years or five years</p> <p>8 the technology will continue to increase.</p> <p>9 So again, I realize our purview. But it</p> <p>10 seems to me that the problems that this project</p> <p>11 is running into and the concerns that the</p> <p>12 citizens have are mostly around the spray</p> <p>13 irrigation field. And in my view, that would</p> <p>14 alleviate a lot of the concerns but also give</p> <p>15 the powers to be time to evaluate what happens</p> <p>16 in that interior section.</p> <p>17 Let's hit that one first. So Ray, I'm</p> <p>18 going to ask you to start with that.</p> <p>19 MR. CLARKE: Sure. In this situation, the</p> <p>20 Maryland Department of the Environment I think</p> <p>21 is the one who is going to basically review and</p>	<p>1 responses.</p> <p>2 The first is I think the total spray area</p> <p>3 under the MDE permitting discussions is 86 or</p> <p>4 88 acres. It's slightly different than the</p> <p>5 numbers that were on this illustrative drawing.</p> <p>6 So that spray area is about 20 percent, not 40</p> <p>7 percent. The reserve area is about a quarter.</p> <p>8 MR. COUNCELL: Okay.</p> <p>9 MR. SHOWALTER: The initial spray</p> <p>10 irrigation will occur immediately north of the</p> <p>11 storage lagoons. So there's a semi-circle in</p> <p>12 that area.</p> <p>13 MR. COUNCELL: Yup.</p> <p>14 MR. SHOWALTER: The next area, just</p> <p>15 because it avoids more piping and</p> <p>16 infrastructure than necessary, is the primary</p> <p>17 spray area to the west of that.</p> <p>18 MR. COUNCELL: Okay.</p> <p>19 MR. SHOWALTER: North of the reserve spray</p> <p>20 area.</p> <p>21 MR. COUNCELL: Okay.</p>
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<p>1 approve the spray irrigation fields. I think</p> <p>2 it would have to be a question that would be</p> <p>3 posed to both the developer and MDE whether or</p> <p>4 not the primary field that's up at the most</p> <p>5 northern end of the property would be</p> <p>6 reclassified as let's say a secondary spray</p> <p>7 area. And then the secondary spray area that's</p> <p>8 been identified be converted to a primary spray</p> <p>9 irrigation area.</p> <p>10 It could be soils. And I don't have an</p> <p>11 answer (inaudible) it relates to the soils that</p> <p>12 are down there.</p> <p>13 MR. COUNCELL: So again, I'll go to back</p> <p>14 in Commissioner Council's perfect world, the</p> <p>15 northeast corner of that 70-acre spray field</p> <p>16 would be the reserve area.</p> <p>17 MR. CLARKE: Correct.</p> <p>18 MR. COUNCELL: Of 20-something acres.</p> <p>19 So Mr. Showalter, would you like to</p> <p>20 respond to that?</p> <p>21 MR. SHOWALTER: Well, a couple of</p>	<p>1 MR. SHOWALTER: And then the intention is</p> <p>2 move north and work our way east.</p> <p>3 What you see in terms of spray areas, the</p> <p>4 spray areas that are required for all 540,000</p> <p>5 gallons, 2,500 units. It may be ten years, it</p> <p>6 may be 20 years before the primary spray area</p> <p>7 is built out. The pace of this development</p> <p>8 will dictate.</p> <p>9 But our intentions are to start to spray</p> <p>10 immediately adjacent to the lagoons, move west</p> <p>11 to that next spray area, and then north and</p> <p>12 east.</p> <p>13 So I understand your additional</p> <p>14 suggestions to swap the position of the reserve</p> <p>15 area.</p> <p>16 MR. COUNCELL: So I think that's very</p> <p>17 important. So if you look at those two primary</p> <p>18 spray fields that you've identified, they</p> <p>19 represent approximately 13 acres. And again,</p> <p>20 this is before I figured, but that's something</p> <p>21 less than 20 percent of the spray irrigation</p>

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<p>1 area.</p> <p>2 Now, I know you've just changed that. But</p> <p>3 again, in thinking of this earlier, something</p> <p>4 less than 20 percent would be 800 to 1,000</p> <p>5 units, which likely would take a few years to</p> <p>6 build out. So the county, MDE, the Town of</p> <p>7 Trappe, we would have a good feel for how</p> <p>8 things are going, for lack of a better word,</p> <p>9 before we really get to that northeast corner.</p> <p>10 So what I'm hearing you say is you're</p> <p>11 going to use those two areas first, then you're</p> <p>12 going to start on -- if you can't change the</p> <p>13 reserve area, you're going to start on the west</p> <p>14 side and work your way. . .</p> <p>15 MR. SHOWALTER: East.</p> <p>16 MR. COUNCELL: East.</p> <p>17 MR. SHOWALTER: That's correct.</p> <p>18 MR. COUNCELL: So that alleviates my</p> <p>19 concern immensely at this point.</p> <p>20 MR. SHOWALTER: And the other thing I'll</p> <p>21 just note, it's not part of this water and</p>	<p>1 MR. COUNCELL: Thank you.</p> <p>2 MR. STRANNAHAN: Those issues lower the</p> <p>3 stress levels dramatically.</p> <p>4 MR. COUNCELL: Right.</p> <p>5 So we're going to start back through the</p> <p>6 Commission at this time to see if there are any</p> <p>7 additional questions or comments and then we</p> <p>8 will open it up to the public.</p> <p>9 Commissioner Ghezzi.</p> <p>10 MS. GHEZZI: Yes. I had a question</p> <p>11 regarding the actual spray fields. I've heard</p> <p>12 reference to there being crops there.</p> <p>13 Are there actual farms that will continue</p> <p>14 in those lands, because they're open farmland</p> <p>15 now?</p> <p>16 MR. SHOWALTER: Those fields are currently</p> <p>17 in grow crop agriculture, principally corn and</p> <p>18 beans.</p> <p>19 And there's a nutrient management plan</p> <p>20 that's required for any agricultural operation.</p> <p>21 A nutrient management plan is required under</p>
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<p>1 sewer plan amendment, but immediately north of</p> <p>2 the second primary spray area we talked about,</p> <p>3 there's a square. It may be hard for you to</p> <p>4 read on the screen, but Delmarva Power owns a</p> <p>5 roughly eight-acre parcel. That's going to be</p> <p>6 the principal utility substation to serve the</p> <p>7 Trappe distribution area when the loads demand</p> <p>8 that improvement.</p> <p>9 MR. COUNCELL: Right.</p> <p>10 MR. SHOWALTER: So it's our intention to</p> <p>11 move up and spray next to that before moving</p> <p>12 east.</p> <p>13 MR. COUNCELL: And I heard you're going to</p> <p>14 do everything in your power to convince</p> <p>15 everybody to move that reserve spray field to</p> <p>16 the northeast corner. Is that what I heard?</p> <p>17 MR. SHOWALTER: I understand the idea.</p> <p>18 MR. COUNCELL: You will move that idea</p> <p>19 forward?</p> <p>20 MR. SHOWALTER: Absolutely. I will move</p> <p>21 the idea forward.</p>	<p>1 the terms of the discharge permit for this</p> <p>2 project. And that looks at what the nutrient</p> <p>3 requirements are for the land cover, the amount</p> <p>4 of nutrients available from the wastewater, and</p> <p>5 then what supplemental nutrients might be</p> <p>6 necessary based on the crops that are planted.</p> <p>7 And is there any significance to the</p> <p>8 purple flashing light on my phone?</p> <p>9 MR. COUNCELL: We'll keep going until we</p> <p>10 hear.</p> <p>11 MR. SHOWALTER: Keep going.</p> <p>12 So the nutrient management plan for this</p> <p>13 project identifies a variety of potential land</p> <p>14 covers. One is loblolly pine forest. So one</p> <p>15 is the potential to convert those to forest.</p> <p>16 The other is to continue them in</p> <p>17 agriculture. And there's a variety of -- there</p> <p>18 are varying nutrient demands ranging from</p> <p>19 Timothy or alfalfa or some type of hay, a</p> <p>20 permanent vegetative cover, to something like</p> <p>21 corn.</p>

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<p>1 And so the land cover may change over time</p> <p>2 as wastewater is applied, but it will remain</p> <p>3 either in agriculture or it will be reforested.</p> <p>4 MS. GHEZZI: Okay. And then my second</p> <p>5 question this round is I've also heard rumors</p> <p>6 possibly about forest, the existing forest.</p> <p>7 Is there a plan for removal of any of that</p> <p>8 forest area to prepare for the irrigation?</p> <p>9 MR. SHOWALTER: No. There would be no</p> <p>10 forest clearing for the spray irrigation. The</p> <p>11 open field areas that remain in agriculture,</p> <p>12 whether that's hay production or grain</p> <p>13 production, will probably be irrigated with a</p> <p>14 typical center pivot irrigation system.</p> <p>15 The existing forest and any planted forest</p> <p>16 in the fields would be also irrigated with a</p> <p>17 fixed irrigation system. So those pipes would</p> <p>18 be run through the woods. We wouldn't be</p> <p>19 clearing.</p> <p>20 MS. GHEZZI: Thank you.</p> <p>21 MR. SHOWALTER: Sure.</p>	<p>1 end of the root zone, there's no nitrogen</p> <p>2 needed.</p> <p>3 MR. STRANNAHAN: So if I'm hearing this</p> <p>4 correctly, the treated water could be such that</p> <p>5 for a typical farming nutrient management plan,</p> <p>6 I'm not a farmer so I don't know a lot about</p> <p>7 this, could require, not require, but allow</p> <p>8 them to put more nitrogen or chemicals on the</p> <p>9 land than what the wastewater treatment plant</p> <p>10 is spraying out?</p> <p>11 MR. SHOWALTER: That's right. So</p> <p>12 different crops have different nitrogen and</p> <p>13 phosphorus requirements. They also have</p> <p>14 different times at which there's uptake. So</p> <p>15 corn uses a lot of nitrogen in a shorter peak</p> <p>16 period. A permanent vegetative cover like</p> <p>17 Timothy or alfalfa uses less over a longer</p> <p>18 period of time.</p> <p>19 And so those nutrient management plans may</p> <p>20 require supplemental nutrients based upon the</p> <p>21 growing demands of the land cover.</p>
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<p>1 MR. COUNCELL: Commissioner Strannahan.</p> <p>2 MR. STRANNAHAN: Just one point of</p> <p>3 clarification. On these fields that will</p> <p>4 remain in agriculture crop or ultimately turn</p> <p>5 to woodlands or whatever, understanding that</p> <p>6 every year things could change, but is there a</p> <p>7 minimum nutrient uptake that's required of what</p> <p>8 is planted there?</p> <p>9 MR. SHOWALTER: So the MDE discharge</p> <p>10 permit requires essentially zero nitrogen at</p> <p>11 the root zone. So the benefit of ENR instead</p> <p>12 of BNR treatment is that we're treating to</p> <p>13 three micrograms of nitrogen per liter, three</p> <p>14 milligrams of nitrogen per liter.</p> <p>15 That could be put directly into the stream</p> <p>16 as a point discharge, and those three</p> <p>17 milligrams could go into the receiving water.</p> <p>18 When applied to the land, the nutrient</p> <p>19 management plan and the crop calculations look</p> <p>20 to see that converted and uptake by the crops.</p> <p>21 So when the water reaches the groundwater, the</p>	<p>1 MR. STRANNAHAN: Thank you.</p> <p>2 MR. COUNCELL: Commissioner Spies.</p> <p>3 MR. SPIES: Well, so it's still your</p> <p>4 opinion that this process here today is not</p> <p>5 actually necessary but it's something that</p> <p>6 you're going through because it's the proper</p> <p>7 channels for the county?</p> <p>8 MR. SHOWALTER: That's correct.</p> <p>9 MS. RYAN: So I would add that the Town of</p> <p>10 Trappe is applying to the county to follow the</p> <p>11 county processes, and they want to work with</p> <p>12 the county. And they were clear that they</p> <p>13 didn't submit this prior because they weren't</p> <p>14 ready to. But by the time the town was ready</p> <p>15 for this amendment, they submitted the</p> <p>16 application.</p> <p>17 MR. SPIES: You had mentioned, and I'm not</p> <p>18 trying to put words in your mouth, but at the</p> <p>19 last hearing, if you took it to the next stage,</p> <p>20 you would be applying for the entire property</p> <p>21 to be S-1 W-1?</p>

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1 MR. SHOWALTER: That was the initial
 2 application. So the initial discussions with
 3 the county staff wanted to see the map
 4 designations consistent with the county's
 5 policies. And we proposed to advance the
 6 entire area as S-1 W-1 based on the passage of
 7 time and our understanding of MDE's
 8 interpretation.

9 The change to have a phased approach,
 10 which was raised by the Council and the
 11 Planning Commission, I believe is a balance to
 12 be consistent with having S-1 W-1 map
 13 advancements by the county, giving us
 14 flexibility to accommodate varying product
 15 demands, but also pushing back the time frame
 16 under the map, under the plan for the southern
 17 portion of the project.

18 MR. SPIES: And allowing the county to
 19 have some kind of time frame of seeing how
 20 things are operating and turning out?
 21 MR. SHOWALTER: Absolutely.

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1 MR. SPIES: But there was a give in your
 2 opinion?
 3 MR. SHOWALTER: I believe it's a
 4 significant give. I don't -- I'm not here
 5 asking for approval because we made a
 6 concession. But I think it's the concession
 7 that is indicative of the desire of both
 8 applicants, the developer and the town, to work
 9 collaboratively with the county and to provide
 10 a process and role for the county and integrate
 11 this project into the plan with updated
 12 provisions about its construction.

13 I also think that approval of it is
 14 consistent with your Comprehensive Plan and
 15 consistent with the long-term status of this
 16 under the county's water and sewer plan.

17 But we're here to work with the county,
 18 and our hope is that the county will work with
 19 us and approve the amendment as modified by
 20 amendment number one. We appreciate your
 21 support.

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1 MR. SPIES: Thank you.
 2 MR. CLARKE: Can I just say one real quick
 3 thing?
 4 MR. COUNCELL: Sure.
 5 MR. CLARKE: One thing I know is when we
 6 did have early discussions with the town as
 7 well as the developer, the county was
 8 requesting a phased approach early on. I think
 9 at that point it was through discussions with
 10 MDE. We were learning that MDE considered
 11 everything within the town boundary as S-1 W-1.
 12 Any modification to that needed the town's
 13 review and approval.

14 So I think after the Resolution 281 was
 15 submitted and introduced, everything was
 16 incorporated in that. That was the request.
 17 We followed that request.

18 But then I think it was after the Planning
 19 Commission meeting that ultimately the proposed
 20 phasing as identified within the map here as
 21 well as the amendment number one was then

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1 proposed by the town and the developer.
 2 MR. SPIES: Thank you.
 3 MR. COUNCELL: Mr. Boicourt, any questions
 4 or comments at this time?
 5 MR. BOICOURT: Yes. I have one question
 6 for Ryan.
 7 Ryan, you made a statement about Trappe,
 8 that the connection is very (inaudible). And I
 9 read in the amendment that it says for by
 10 direct connection to the existing Trappe
 11 wastewater system.

12 Is that still (inaudible) and I'm
 13 wondering what the consideration there is?
 14 MR. SHOWALTER: Yes, Mr. Boicourt.
 15 Amendment number one as introduced by the
 16 County Council includes some additional text
 17 that contemplates the possibility of connection
 18 of an initial phase or initial development of
 19 the Lakeside project to the town's existing
 20 wastewater treatment plant.
 21 You may recall during our presentation to

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1 you before that one of the challenges of
 2 building a new wastewater treatment plant is
 3 you have to have a certain critical volume of
 4 flow to operate. And our initial plan to
 5 address that was to build a or to install a
 6 roughly 40,000-gallon package treatment plant
 7 that could operate on about ten percent of its
 8 design flow. So it would need about
 9 3,000 gallons per day to begin operation and
 10 then could ramp up to the 60, 70, 80 percent
 11 capacity before the first train of
 12 100,000 gallons is installed because you can't
 13 build a first 100,000-gallon phase and operate
 14 it on a couple of thousand gallons per day of
 15 flow.
 16 The Town of Trappe has roughly 200 or 250
 17 EDUs of existing capacity for which it does not
 18 have immediate uses.
 19 The Town of Trappe also has significant
 20 debt on its existing wastewater treatment
 21 plant.

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1 And so we've approached the town and had
 2 some considerable discussions about the
 3 possibility of buying some of the capacity in
 4 the existing plant to provide the town with
 5 capital to reduce its debt on its existing
 6 plant and also to make it easier for us to get
 7 critical volume operating.
 8 Early this month, the Trappe Town Council
 9 voted to make available at least 120 EDUs of
 10 capacity in the town's existing plant. So that
 11 sentence in the amendment number one is likely
 12 to come to fruition. We're still working
 13 through the agreements in terms of how that
 14 will work, but I think it's likely that initial
 15 capacity connections in Lakeside will utilize
 16 up to 120 EDUs of the existing town plant.
 17 So we'll pay capital charges to the town,
 18 the pump station for those initial homes will
 19 connect to the town's collection system. And
 20 those homes will be users, will pay user fees
 21 to the town to support its ongoing operation.

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1 And then when we hit a limit there, we'll
 2 have 120 EDUs of flow that are available to
 3 prime and begin operation of the first larger
 4 phase of the Lakeside treatment plant.
 5 MR. COUNCELL: Good. Anything further,
 6 Bill?
 7 MR. BOICOURT: No. Thank you.
 8 MR. COUNCELL: Very good. So back to
 9 Commission Ghezzi.
 10 MS. GHEZZI: I have one more question at
 11 this time for Mr. Clarke.
 12 At our last meeting, Mr. Clarke, you had
 13 stated that you need to confirm with MDE what
 14 number they're going to calculate on the permit
 15 for the TMDL discharge number.
 16 Were you able to do that?
 17 MR. CLARKE: Not at this time, no. I did
 18 not get that.
 19 MS. GHEZZI: So I guess, then, that leaves
 20 open my next question is that will the
 21 wastewater system proposed in the resolution

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1 achieve the TMDL requirements.
 2 We don't have an answer on that yet?
 3 MR. CLARKE: I don't believe -- I don't
 4 have an answer on that for you today.
 5 I can touch base with MDE. That was part
 6 of the comments that we submitted to MDE as
 7 part of the discharge permit. I did ask for
 8 that information. But we've not received any
 9 information back from MDE related to our
 10 comments.
 11 My understanding is MDE is putting
 12 together a response to all comments that were
 13 collected. So we've not received (inaudible.)
 14 MS. GHEZZI: Thank you.
 15 MR. COUNCELL: Commission Strannahan.
 16 MR. STRANNAHAN: Nothing more.
 17 MR. COUNCELL: Spies.
 18 MR. SPIES: I'm good.
 19 MR. COUNCELL: Mr. Boicourt, anything
 20 further?
 21 MR. BOICOURT: No. (Inaudible) after the

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1 public discussion.

2 MR. COUNCELL: Yes, that's correct. We're

3 going to move to that phase now.

4 So at this time, we will move to the

5 public comment period. And there is a list

6 that we have.

7 Those that would like to speak, again,

8 will be individually called upon by the staff

9 for their comment. Again, you will be limited

10 to three minutes. Those representing a group

11 will have five minutes.

12 So at this time, Miguel, we'll turn it

13 over to you.

14 MR. SALINAS: Sure. Thank you,

15 Mr. Chairman.

16 Before we call on those that are

17 participating on the audio call, I have a few

18 comments, comments to read on the record.

19 MR. COUNCELL: Sure.

20 MR. SALINAS: One is dated 5/20/20 from

21 Mr. Alan Gerard.

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1 Dear Planning Commissioners. Thank you

2 for your consideration of Resolution 281

3 amended. The resolution proposes that startup

4 wastewater treatment for the Lakeside project

5 may be provided by a modular ENR MDR WWTP

6 capable of operating at the initial development

7 flow rates or by direct connection to the

8 existing Trappe wastewater system. Emphasis

9 added to or by direct connection to the

10 existing Trappe wastewater system.

11 For the portions of the Trappe Creek that

12 receive treated effluent from the Trappe

13 wastewater system, the Maryland Department of

14 the Environment has established a total maximum

15 daily load for carbonations biochemical oxygen

16 demand, nitrogenous biochemical oxygen demand,

17 and phosphorus.

18 The department expects that relative to

19 these pollutants, Trappe's treatment system

20 should be capable of achieving the wastewater

21 load allocations in the TMDL.

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1 The Planning Commission should make a

2 finding as to whether the wastewater system

3 proposed in the resolution will achieve TMDL

4 requirements.

5 The Maryland State Code requires that the

6 county and the water resources element of its

7 Comprehensive Plan identify suitable receiving

8 waters and land areas to meet storm water

9 management and wastewater treatment disposal

10 needs of existing and future development

11 proposed in the land use element of the plan.

12 Regarding the proposed discharges to the

13 Trappe Creek, the Planning Commission should

14 revisit whether the county has met its

15 statutory obligation to identify suitable

16 receiving waters of the State. Both of these

17 actions should be taken under the Planning

18 Commission's charge to certify consistency of

19 the proposed amended resolution with the county

20 Comprehensive Plan.

21 Thank you for your consideration of these

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1 comments and for your continuing public service

2 during those challenging times. Alan Gerard.

3 I also have public comments from Lynn

4 Harris dated May 19, 2020, to the Planning

5 Commission regarding Talbot County Council

6 Resolution 281 and amendment one.

7 My husband and I own a small farm adjacent

8 to that portion of the Lakeside property

9 presently designated as the site of a

10 wastewater treatment plant, an open wastewater

11 storage lagoon, and numerous fields designated

12 as the location for the discharge of spray

13 effluent.

14 We have stated publicly that we do not

15 oppose the Lakeside project. However, we

16 oppose the location of the wastewater treatment

17 plant and its related facilities adjacent to a

18 pristine natural habitat at the headwaters of

19 Miles Creek.

20 We also concur with the significant

21 uncertainties noted by the Public Works

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<p>1 Advisory Board that apply equally to Resolution</p> <p>2 281 and amendment one. Namely, the impacts on</p> <p>3 ground and surface water and environmental</p> <p>4 sensitive areas via spray irrigation in the</p> <p>5 absence of an NMP and the potential effects of</p> <p>6 pathogens and carryover and drift from spray</p> <p>7 application of treated sewage.</p> <p>8 We also feel the catastrophic potential</p> <p>9 for failures of the proposed wastewater</p> <p>10 treatment plant and overtopping of the open</p> <p>11 wastewater storage lagoon.</p> <p>12 The county's Comprehensive Plan states</p> <p>13 that new development shall be restricted in</p> <p>14 sensitive areas and the protection and</p> <p>15 enhancement of environmental resources should</p> <p>16 be ensured. Because the location of the</p> <p>17 proposed wastewater treatment facilities is in</p> <p>18 direct contradiction to the plan, the Planning</p> <p>19 Commission cannot certify consistency with the</p> <p>20 plan unless the wastewater treatment facilities</p> <p>21 are relocated elsewhere on the developer's</p>	<p>1 moving forward. Pursuant to the public notice</p> <p>2 regarding reading of comments into the record,</p> <p>3 my clients respectfully request the following</p> <p>4 summary of their opposition be read into the</p> <p>5 record.</p> <p>6 My clients generally oppose the</p> <p>7 applicant's proposal to construct 2,500 homes</p> <p>8 and a regional commercial center in the small</p> <p>9 Town of Trappe.</p> <p>10 However, my clients are most concerned by</p> <p>11 the proposed construction and location of the</p> <p>12 wastewater treatment facility consisting of,</p> <p>13 inter alia.</p> <p>14 Ryan.</p> <p>15 MR. SHOWALTER: Means among other things.</p> <p>16 MR. SALINAS: An open storage lagoon and a</p> <p>17 spray effluent operation permitting up to</p> <p>18 1 million gallons per day of treated sewage to</p> <p>19 be sprayed into the air and presumably on</p> <p>20 neighboring fields, also known as the</p> <p>21 wastewater spray system.</p>
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<p>1 site.</p> <p>2 Please condition any recommendation to</p> <p>3 approve the S-1 W-1 designation for any portion</p> <p>4 of the Lakeside property on a relocation of the</p> <p>5 wastewater treatment facility.</p> <p>6 Sincerely, Lynn Harris.</p> <p>7 And I also have correspondence dated</p> <p>8 May 19, 2020, from Jesse B. Hammock from</p> <p>9 Parker, Goodman, Gordon & Hammock, LLC.</p> <p>10 Dear Chairman Councill and members of the</p> <p>11 Planning Commission. This firm represents J.B.</p> <p>12 Wooster Lambert, II, Dory Gal Lambert, Mrs. Fay</p> <p>13 H. Nave, Mrs. Julie A. Nave, Mr. and</p> <p>14 Mrs. Irving C. Nouer, Mrs. Patty Dewitt,</p> <p>15 Mr. Jay Corvan, and the Downstream Alliance,</p> <p>16 collectively, where appropriate, the clients.</p> <p>17 The purpose of this letter is to express</p> <p>18 my clients' continuing disapproval of</p> <p>19 Resolution 281, including the applicant's</p> <p>20 amendment one, and to make this letter</p> <p>21 expressly their opposition part of the record</p>	<p>1 The fact that this proposal is being</p> <p>2 considered during a pandemic which was</p> <p>3 apparently caused by airborne particulate</p> <p>4 matter and without the benefit of a nutrient</p> <p>5 management plan defies logic.</p> <p>6 My clients implore this commission to</p> <p>7 issue a negative recommendation regarding</p> <p>8 Resolution 281 and the application's amendment</p> <p>9 one thereto because the wastewater spray system</p> <p>10 as proposed does not comport with the Talbot</p> <p>11 County Comprehensive Plan and poses a</p> <p>12 substantial threat to the health, safety, and</p> <p>13 welfare of Talbot County residents.</p> <p>14 And then lastly, we have, you should have</p> <p>15 a letter from Steven P. Harris dated May 19,</p> <p>16 2020. It's a lengthy letter. So in lieu of</p> <p>17 the letter in terms of reading it into the</p> <p>18 read, I think he's provided us a video, a brief</p> <p>19 minute, minute and a half video for the</p> <p>20 Planning Commissioners.</p> <p>21 (Video playing.)</p>

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<p>1 MS. VERDERY: That's it.</p> <p>2 MR. SALINAS: Mr. Chairman, we have three</p> <p>3 people who indicated they would like to speak.</p> <p>4 I'm going to unmute the participants and</p> <p>5 call on them.</p> <p>6 For those who are not speaking, if you</p> <p>7 could mute your phones or remain silent while</p> <p>8 the speaker is talking, would be greatly</p> <p>9 appreciated.</p> <p>10 I'd like to ask Mr. Steve Harris to please</p> <p>11 present your comments to the Planning</p> <p>12 Commission. Please state your full name, your</p> <p>13 address. And if you represent a group, please</p> <p>14 let us know who you're representing.</p> <p>15 And also, Mr. Harris, if you are on the</p> <p>16 line and you are speaking, please for</p> <p>17 transcription purposes, if you could speak</p> <p>18 slowly and clearly.</p> <p>19 MR. HARRIS: I will try. My name is</p> <p>20 Steven Harris, 4720 (inaudible) Mill Road,</p> <p>21 Trappe, Maryland.</p>	<p>1 Generally, our concerns with 281 amended</p> <p>2 remain the same. Resolution 281 amendment we</p> <p>3 believe is inconsistent with the county</p> <p>4 Comprehensive Plan because the actions</p> <p>5 approving the resolution would be contrary to</p> <p>6 both the policies in the plan and also the</p> <p>7 timing of the development in relation to the</p> <p>8 Comp Plan.</p> <p>9 Regarding the timing, even a two-phased</p> <p>10 approach puts the county at risk. Talking</p> <p>11 about hundreds of units with a build-out over</p> <p>12 multiple years. Technology to manage</p> <p>13 infrastructure over that time period can</p> <p>14 change. Regulations that intended to serve the</p> <p>15 public can change over that time. Business</p> <p>16 concerns can change over that time. So the</p> <p>17 timing of the development is lengthy.</p> <p>18 The Comprehensive Plan is intended to</p> <p>19 guide orderly development and serve the public</p> <p>20 interest.</p> <p>21 We urge the county to find this resolution</p>
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<p>1 I submitted a written submission which</p> <p>2 showed that they did not find consistency with</p> <p>3 the Comp Plan and the treatment plant in this</p> <p>4 location.</p> <p>5 I'm happy (inaudible) 250 words for</p> <p>6 submission and video.</p> <p>7 MR. SALINAS: Thank you, Mr. Harris.</p> <p>8 I'd like to ask if Mr. Alan Gerard is on</p> <p>9 the line. Mr. Gerard, if you are, if you would</p> <p>10 like to speak?</p> <p>11 MR. GERARD: Thank you. It's Alan Gerard,</p> <p>12 311 August Street, Easton, Maryland,</p> <p>13 representing the Chesapeake Bay Foundation. We</p> <p>14 have offices in Easton, 114 South Washington</p> <p>15 Street.</p> <p>16 Appreciate the commission's time to look</p> <p>17 carefully at the issue.</p> <p>18 We commented orally on Resolution 281 when</p> <p>19 it was taken up by the commission a few months</p> <p>20 ago. We also provided oral and written comment</p> <p>21 to the Council on 281.</p>	<p>1 as amended inconsistent with the county</p> <p>2 Comprehensive Plan with regard to timing.</p> <p>3 With regard to policy, we note that the</p> <p>4 county Comp Plan has a goal to "protect and</p> <p>5 restore water quality and to meet water quality</p> <p>6 requirements in rivers and streams".</p> <p>7 Mr. Showalter referenced a nutrient</p> <p>8 management plan earlier on this call in the</p> <p>9 present tense. We have not seen the nutrient</p> <p>10 management plan. If there is one, I hope it's</p> <p>11 submitted as part of the record for the</p> <p>12 commission's review.</p> <p>13 A nutrient management plan can specify</p> <p>14 site conditions, cropping systems, (inaudible)</p> <p>15 nutrient application rates. And without such a</p> <p>16 plan, the Planning Commission really cannot</p> <p>17 certify consistency with the county</p> <p>18 comprehensive policy stated to protect water</p> <p>19 quality.</p> <p>20 Related to the sufficiency of the</p> <p>21 wastewater system's 60-day sewage plant, the</p>

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1 Maryland Department of Agriculture prohibits
 2 winter application of spray irrigation over a
 3 74-day period. And the 60-day storage, let
 4 alone the 74-day winter prohibition, doesn't
 5 even account for wet weather during the rest of
 6 the year. So the storage is insufficient.
 7 This is in the permit under review at the
 8 Maryland Department of Environment. And we
 9 find that water quality is protected per the
 10 Comp Plan policy's on that front. And the
 11 Planning Commission should find inconsistency
 12 there as well.
 13 Miguel read our comments we've submitted
 14 by e-mail earlier. So I'll leave it at that.
 15 I'll be happy to share with you our
 16 written comments to Council. (Inaudible)
 17 shared earlier, but I don't know if the other
 18 members of the commission have gotten those.
 19 So I'll e-mail those to you as well on 281.
 20 But like I said, many of those comments are
 21 germane to 281 as amended as well.

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1 Thank you.
 2 MR. COUNCELL: One question.
 3 MR. SALINAS: Mr. Gerard, we have a
 4 question from the commission chairman.
 5 MR. COUNCELL: Alan, how are you today?
 6 That's not my question.
 7 So I'm interested in your interpretation
 8 of why under the Comprehensive Plan the policy
 9 does not fit the standards. In other words, as
 10 we look at the policy and whatnot, where it
 11 talks about the concentration of growth should
 12 move towards the town developed areas, public
 13 septic water and sewer, those type things.
 14 So could you comment on that just a little
 15 bit further?
 16 MR. GERARD: Yeah. Our specific comment
 17 regarding the policies in the plan and their
 18 consistency with this resolution or resolution
 19 consistency with the plan relates specifically
 20 to the plan goal to, as I said earlier, protect
 21 and restore water quality and meet the water

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1 quality requirements of rivers and streams. So
 2 specifically an environmental focus there.
 3 We don't comment on the other elements of
 4 the plan related to development and growth and
 5 what the plan sets out in that regard.
 6 MR. COUNCELL: Okay. Thank you.
 7 MR. SPIES: I do want to clarify one
 8 thing. They were asking for a nutrient
 9 management plan to be submitted today.
 10 I just want to make a note. Nutrient
 11 management plans are not theoretical. They're
 12 not saying if we did this, this is what would
 13 be applied.
 14 They're actual plans for that given year
 15 or the following given year that we have to
 16 submit as agriculture on a given basis.
 17 So I guess you could create a theoretical
 18 nutrient management plan, but there wouldn't
 19 really be grounds to create a nutrient
 20 management plan at this point for when you're
 21 not applying the wastewater. So I guess if

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1 they wanted to research and do a theoretical
 2 plan, that could be done. But a submitted plan
 3 to MDA, that wouldn't be appropriate.
 4 And Chip can kind of fill in on that, too.
 5 You wouldn't submit a plan to MDA at this point
 6 for this process.
 7 MR. COUNCELL: Sure. So I can speak in
 8 regards to our farming operation where those
 9 plans are specific field by field.
 10 So we have to submit a plan with a
 11 reasonable yield goal based off soil tests.
 12 That tells us the amount of nutrients that we
 13 can apply. That being nitrogen and phosphorus.
 14 So again, I think it would depend on the
 15 crop grown, the soil test that is current, the
 16 analysis of what is put on. And then in my
 17 case, my nutrient management plan has to be
 18 rewritten and revised annually by a certified
 19 consultant. So my nutrient management plan is
 20 only good for one year. So we do that every
 21 year.

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<p>1 So Mr. Showalter might be able to comment</p> <p>2 or Ray further on this particular thing. But</p> <p>3 again, for that, I think that exact nutrient</p> <p>4 management plan would be premature at this</p> <p>5 time.</p> <p>6 MR. SPIES: I just wanted to put it on</p> <p>7 record to make sure that it wasn't saying</p> <p>8 something was left out or not included that</p> <p>9 could have been included.</p> <p>10 I'm just saying at this point in time,</p> <p>11 that's probably not the appropriate document.</p> <p>12 I would hope that moving forward when it is</p> <p>13 appropriate, they have to be submitted. But</p> <p>14 right now, it's just not.</p> <p>15 MR. COUNCELL: It would be. It's</p> <p>16 required.</p> <p>17 MR. SPIES: Right, exactly.</p> <p>18 MR. SHOWALTER: Add just a little bit of</p> <p>19 additional color.</p> <p>20 The discharge permit will require a</p> <p>21 nutrient management plan prior to discharge.</p>	<p>1 Mr. Showalter mentioned that as a piece of</p> <p>2 MDE's work.</p> <p>3 There has been no nutrient management plan</p> <p>4 submitted to the department to meet that</p> <p>5 standard of zero discharge at the root zone.</p> <p>6 It's our view at that the department will</p> <p>7 have a difficult time to move forward with the</p> <p>8 final determination without that information.</p> <p>9 And with regards to the charge to the</p> <p>10 Planning Commission, your charge is to meet the</p> <p>11 policy and certify consistency of the</p> <p>12 resolution with policies in the Comp Plan that</p> <p>13 calls for protection of water quality. I think</p> <p>14 this information about the nutrient management</p> <p>15 plan, the cropping system, what is the nutrient</p> <p>16 level at the root zone is very much germane to</p> <p>17 the Planning Commission's decision related to</p> <p>18 environmental protection.</p> <p>19 MR. COUNCELL: Thank you. Point taken.</p> <p>20 Thanks, Alan.</p> <p>21 MR. SALINAS: The last speaker who signed</p>
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<p>1 There is a draft plan that we've reviewed with</p> <p>2 MDE. But as you know, it's based upon soil</p> <p>3 conditions existing at the time of the</p> <p>4 application. So there is a plan that has been</p> <p>5 prepared, but it's updated annually and it's</p> <p>6 based upon the real plan that will apply for</p> <p>7 the first application of wastewater, which may</p> <p>8 occur in two years, it may occur in four years.</p> <p>9 It will be based upon the nutrient levels in</p> <p>10 the soils that are sampled prior to submittal</p> <p>11 of that formal plan.</p> <p>12 MR. COUNCELL: Very good.</p> <p>13 MR. GERARD: Mr. Chairman and Mr. Spies,</p> <p>14 just to add to the conversation, my</p> <p>15 understanding is that the Maryland Department</p> <p>16 of Environment permit for a groundwater</p> <p>17 discharge permit that would allow this plant to</p> <p>18 move forward does require that a nutrient</p> <p>19 management plan be submitted so that the</p> <p>20 department can reasonably certify that there is</p> <p>21 no discharge at the root zone.</p>	<p>1 up is Mr. Jesse Hammock.</p> <p>2 Mr. Hammock, are you there?</p> <p>3 MR. HAMMOCK: I am. Can you hear me?</p> <p>4 MR. COUNCELL: We can.</p> <p>5 MR. SALINAS: Yeah. We can hear you.</p> <p>6 Thank you for your patience, Mr. Hammock.</p> <p>7 MR. HAMMOCK: Well, I appreciate your</p> <p>8 (inaudible) my patience.</p> <p>9 Good afternoon. And my name is Jesse</p> <p>10 Hammock. We submitted a letter obviously. It</p> <p>11 contains the names and addresses of my clients.</p> <p>12 (Inaudible) repeating the list of clients and</p> <p>13 their addresses.</p> <p>14 I want to note, first of all, I want to</p> <p>15 thank you all for your efforts under difficult</p> <p>16 circumstances to give us an opportunity to</p> <p>17 comment. However, I would be remiss if I</p> <p>18 didn't mention that there are a number of</p> <p>19 people that I have communicated with by text</p> <p>20 who are attempting to watch and listen to the</p> <p>21 hearing and were unable to do so.</p>

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<p>1 There are multiple, obviously (inaudible)</p> <p>2 technical difficulties. My clients have due</p> <p>3 process concerns. So I want to lodge and</p> <p>4 preserve that issue for your consideration.</p> <p>5 There are a substantial number of concerned</p> <p>6 public citizens that are unable to listen to</p> <p>7 the procedure.</p> <p>8 So that aside, obviously (inaudible) what</p> <p>9 you're being asked to consider in Resolution</p> <p>10 281 is consistency with the Comprehensive Plan.</p> <p>11 So pursuant to (inaudible) article, your charge</p> <p>12 is to determine whether or not the amendment is</p> <p>13 consistent with the Comp Plan.</p> <p>14 And as Mr. Gerard pointed out earlier,</p> <p>15 there are several provisions of the Comp Plan</p> <p>16 that we strongly believe are not being met by</p> <p>17 this amendment and, therefore, you cannot</p> <p>18 certify to the County Council that it is</p> <p>19 consistent.</p> <p>20 First (inaudible) says, and I quote, that</p> <p>21 you will take steps to protect and restore</p>	<p>1 areas.</p> <p>2 Now, when you take those considerations</p> <p>3 and those requirements in the Comp Plan, you</p> <p>4 have to measure them or measure the amendment</p> <p>5 against them.</p> <p>6 This amendment will allow the spraying of</p> <p>7 up to 1 million gallons of treated sewage</p> <p>8 within 200 feet of the most environmentally</p> <p>9 sensitive areas of the proposed Trappe East</p> <p>10 construction site, (inaudible) Miles Creek, and</p> <p>11 surrounding wetlands.</p> <p>12 (Inaudible) rivers reflect spray systems</p> <p>13 had a failure rate or a violation rate</p> <p>14 exceeding 50 percent on the Eastern Shore.</p> <p>15 It's my understanding consistent with</p> <p>16 Mr. Gerard that whether it's a proposed</p> <p>17 nutrient management plan, an actual nutrient</p> <p>18 management plan, none of this has been</p> <p>19 disclosed to the public and I don't believe</p> <p>20 it's been disclosed to the county.</p> <p>21 So the absence of the Public Works</p>
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<p>1 water quality and reduce water quality</p> <p>2 (inaudible) to rivers and streams. Page 6-23</p> <p>3 states, and I quote, the county recognizes the</p> <p>4 importance of stream corridors and encourages</p> <p>5 their protection in an undisturbed state.</p> <p>6 Thirdly, and I think most importantly, the</p> <p>7 Comp Plan says, and I quote, new development</p> <p>8 shall be restricted in sensitive areas and the</p> <p>9 protection and enhancements of environmental</p> <p>10 resources should be ensured. And I want to</p> <p>11 emphasize the word ensured because you have to</p> <p>12 determine in order to find consistency with the</p> <p>13 Comp Plan, that this amendment "ensures the</p> <p>14 enhancement and protections of environmental</p> <p>15 resources".</p> <p>16 So (inaudible) whether or not the</p> <p>17 amendment takes steps to protect water quality,</p> <p>18 whether it encourages the protection in stream</p> <p>19 corridors, whether it ensures protection and</p> <p>20 enhancement of environmental resources, and</p> <p>21 whether it restricts development in sensitive</p>	<p>1 Advisory Board (inaudible) knowledge allows</p> <p>2 even a fraction of what the developer is</p> <p>3 asking, for the (inaudible) of my clients and</p> <p>4 their property (inaudible) in this development.</p> <p>5 (Inaudible) in his record I believe is</p> <p>6 part of this record (inaudible) said to the</p> <p>7 County Council, stated in his letter that no</p> <p>8 one knows the extent of the impacts on the</p> <p>9 neighbors by allowing spray up to a</p> <p>10 million gallons of sewer on adjoining fields.</p> <p>11 Instead (inaudible), and I quote, that allowing</p> <p>12 a phase process will enable the Council and</p> <p>13 concerned residents to gauge whether carryover</p> <p>14 or drift from spray will adversely affect</p> <p>15 neighboring properties. So you've got a cart</p> <p>16 and horse problem here.</p> <p>17 Thus, the Comprehensive Plan says that you</p> <p>18 have to ensure protection. And the Public</p> <p>19 Works Advisory Board has already told us that</p> <p>20 we can't determine whether or not we are going</p> <p>21 to see adverse impacts and they suggest you</p>

Page 94	<p>1 allow just a little bit of the area to be</p> <p>2 sprayed in order to figure out whether or not</p> <p>3 the neighbors and their property are going to</p> <p>4 be affected.</p> <p>5 Obviously my clients strongly protest</p> <p>6 being used as guinea pigs to determine whether</p> <p>7 or not it will be harmed. Instead, we ask you</p> <p>8 to follow the Comprehensive Plan, which</p> <p>9 requires that you ensure protection.</p> <p>10 I'd be remiss also if I didn't mention</p> <p>11 that we're dealing with all of this in a spray</p> <p>12 facility during the COVID-19 crisis, which</p> <p>13 involves air (inaudible) concerns. We have no</p> <p>14 analysis, we have no idea what is (inaudible)</p> <p>15 of allowing a spray facility to be permitted is</p> <p>16 questionable under the circumstances.</p> <p>17 It's also our understanding and we object</p> <p>18 that there seems to have been no consideration</p> <p>19 of anything other than this spray treatment</p> <p>20 facility. Has the developer or the county</p> <p>21 investigated whether or not the sewer can be</p>	Page 96	<p>1 MR. HAMMOCK: Well, obviously we have</p> <p>2 multiple concerns. My clients don't want to</p> <p>3 (inaudible) issue a negative recommendation.</p> <p>4 I thank you for your time.</p> <p>5 MR. COUNCELL: Thank you.</p> <p>6 MR. SALINAS: Actually Mr. Bruce</p> <p>7 Armistead, are you on the call?</p> <p>8 MR. ARMISTEAD: I am. Can you hear me?</p> <p>9 MR. SALINAS: Yes, we can. Would you like</p> <p>10 to speak?</p> <p>11 MR. ARMISTEAD: Yes. Very briefly.</p> <p>12 First of all, Bruce Armistead, 114 Bay</p> <p>13 Street, Easton, Maryland. I'm representing</p> <p>14 Dr. and Mrs. Steven Harris. I want to</p> <p>15 (inaudible) going last (inaudible) so I'll be</p> <p>16 very brief.</p> <p>17 Mr. Spies commented in an earlier meeting</p> <p>18 asking what the role of this commission is. I</p> <p>19 think that we all agree that it is to certify</p> <p>20 or not consistency of this application with the</p> <p>21 Comprehensive Plan.</p>
Page 95	<p>1 piped to Easton instead of spraying it on</p> <p>2 fields next to environmentally sensitive areas?</p> <p>3 We would ask that the Planning Commission</p> <p>4 require that the configuration of the spray</p> <p>5 fields be reoriented.</p> <p>6 The overall site, as I understand it,</p> <p>7 consists of 865 acres. There's ample room on</p> <p>8 this site, even if you find it consistent, the</p> <p>9 amendment consistent with the Comprehensive</p> <p>10 Plan or not, you can't ensure protection.</p> <p>11 There's ample space on this property to</p> <p>12 reconfigure the spray fields so that they are</p> <p>13 not next to the most environmentally sensitive</p> <p>14 areas. You can simply turn the spray fields to</p> <p>15 the other side, have it at the area closer to</p> <p>16 the side of Route 50 (inaudible) and take it</p> <p>17 away from the headwaters of the Trappe Creek</p> <p>18 and the surrounding wetlands. You can just</p> <p>19 (inaudible) instead of having one plan.</p> <p>20 MR. COUNCELL: Jesse, we're going to call</p> <p>21 time on you if you can wrap up.</p>	Page 97	<p>1 Ryan Showalter has made some valid points</p> <p>2 about inclusion and growth area fostering</p> <p>3 development and so forth, but it's the</p> <p>4 obligation of this commission to consider the</p> <p>5 entirety of the plan.</p> <p>6 You have before you, in fact, I see still</p> <p>7 on the screen behind the chairman, evidence of</p> <p>8 an immediately adjacent very sensitive</p> <p>9 environmental site, which is also the</p> <p>10 headwaters of Miles Creek and the Choptank</p> <p>11 River, which we know is an (inaudible) river.</p> <p>12 We heard no specific evidence other than</p> <p>13 promises that there will be no environmental</p> <p>14 impact.</p> <p>15 As has been stated by several, including</p> <p>16 Jesse just ahead of me, the Comp Plan says that</p> <p>17 new development shall be restricted in</p> <p>18 sensitive areas. The language is not should,</p> <p>19 the language is not may. The language is</p> <p>20 shall. That implies that you need to take</p> <p>21 preventive measures and not approve something</p>

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<p>1 that requires remedial action after you find</p> <p>2 out that there's a problem.</p> <p>3 (Inaudible) facts that have been</p> <p>4 presented, we contend that this commission</p> <p>5 cannot certify consistency with the Comp Plan.</p> <p>6 Now, the project can go forward. The</p> <p>7 wastewater treatment plant can be built, but</p> <p>8 just not in the location proposed.</p> <p>9 Thank you.</p> <p>10 MR. SALINAS: Thank you. And then I'd</p> <p>11 like to ask if anybody else participating in</p> <p>12 the audio call would like to provide any public</p> <p>13 comments?</p> <p>14 I think that's all, Mr. Chairman.</p> <p>15 MR. COUNCELL: Okay. Mr. Showalter, any</p> <p>16 closing comments?</p> <p>17 MR. SHOWALTER: I'd like to respond to</p> <p>18 just a couple of points, Mr. Chairman.</p> <p>19 The first is there have been repeated</p> <p>20 mentions that this permits a million gallons of</p> <p>21 sewage to be sprayed --</p>	<p>1 The second issue is this notion of</p> <p>2 ensuring protection for protecting water</p> <p>3 quality. It's important to understand this</p> <p>4 project, this wastewater treatment plant, the</p> <p>5 method of treatment, the method of discharge,</p> <p>6 the location of discharge, they're all in the</p> <p>7 plan.</p> <p>8 MDE considers it S-1 W-1. MDE has issued</p> <p>9 construction discharge permits for this project</p> <p>10 before.</p> <p>11 So if you do nothing or if the county</p> <p>12 rejects this amendment, the project will go</p> <p>13 forward with the 540,000-gallon wastewater</p> <p>14 treatment plant, the spray area in the location</p> <p>15 it's been previously approved, but your county</p> <p>16 plan to permit it to occur at BNR levels.</p> <p>17 Your proposed role today is to make a</p> <p>18 recommendation. And it's been suggested your</p> <p>19 recommendation would not or could not make a</p> <p>20 finding that this amendment protects or</p> <p>21 restores water quality.</p>
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<p>1 SPEAKER: (Inaudible.)</p> <p>2 MR. COUNCELL: Yup, we heard you.</p> <p>3 MR. SHOWALTER: Thank you. Comments that</p> <p>4 this permits a million gallons per day to be</p> <p>5 sprayed, a million gallons of sewage per day to</p> <p>6 be sprayed in this area.</p> <p>7 The wastewater treatment plant that is</p> <p>8 contemplated by the plan that's already in the</p> <p>9 county plan is a 540,000-gallon per day plan.</p> <p>10 It is true that you can occasionally exceed</p> <p>11 that volume and that the permit looks at</p> <p>12 averages. But you can't regularly spray --</p> <p>13 this isn't a million gallon per day wastewater</p> <p>14 treatment plant. It's a 540,000-gallon</p> <p>15 wastewater treatment plant.</p> <p>16 So there may be a day in July when</p> <p>17 everything is dry and the crops can take a lot</p> <p>18 of water where additional volume is sprayed.</p> <p>19 But the monthly average, the annual averages</p> <p>20 will not be 1 million gallons per day. It will</p> <p>21 be half of that.</p>	<p>1 I would submit it's exactly the opposite.</p> <p>2 If you recommend approval of this amendment,</p> <p>3 the text in the plan will require this</p> <p>4 treatment plant to be constructed at ENR</p> <p>5 quality, where today it's permitted to be</p> <p>6 constructed with BNR quality.</p> <p>7 So the current plan permits eight</p> <p>8 milligrams of nitrogen per liter. The proposed</p> <p>9 text that we're asking you to adopt reduces</p> <p>10 that to three.</p> <p>11 I would submit that adopting this</p> <p>12 amendment is an action that exactly does that.</p> <p>13 It further protects and ensures the protection</p> <p>14 of the water quality.</p> <p>15 And the relocation of the spray fields is</p> <p>16 not something that is contemplated by the town</p> <p>17 or the developer. It is not on the table. But</p> <p>18 I suspect that if we moved them years prior and</p> <p>19 proposed them somewhere else and had houses</p> <p>20 proposed to be constructed in the area where</p> <p>21 the spray fields are, people would be</p>

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1 suggesting that the development activity in
 2 that area is a sensitive area and shouldn't
 3 occur.

4 There is a stream. There's no disturbance
 5 to the stream. If the spray irrigation doesn't
 6 occur, a pipe could be constructed into the
 7 stream. This could be a point discharge into
 8 the stream.

9 So there's no activity proposed within the
 10 stream. There's no activity proposed within
 11 the buffers that exist under both the town and
 12 the county zoning regulations, even though the
 13 county zoning regulations don't apply. And all
 14 of the buffers that MDE requires are being
 15 provided.

16 What is not before you is questions about
 17 the actual quality of the discharge other than
 18 we'd like to see ENR quality with
 19 state-of-the-art quality.

20 MDE preempts the county's authority with
 21 respect to what the discharge parameters are.

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1 MDA has the authority to approve nutrient
 2 management plans. So those are all
 3 considerations as part of the permitting
 4 process, and I don't mean to suggest that
 5 they're being disregarded.

6 But the water and sewer plan is an
 7 infrastructure planning tool. It's intended to
 8 make sure that infrastructure is available
 9 consistent with the growth plans of your
 10 Comprehensive Plan.

11 And I think your staff report is very
 12 instructive. And if you look at the
 13 recommendations to the county planning staff,
 14 the memorandum that's before you, it clearly
 15 goes through and explains why this amendment is
 16 consistent with the county's Comprehensive
 17 Plan.

18 And we appreciate your support.

19 MR. COUNCELL: Thank you, Ryan. We're
 20 going to go back through the commission members
 21 one more time for any questions or comments.

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1 Commissioner Ghezzi.

2 MS. GHEZZI: Yes. Ryan, thank you for
 3 your summary comments just then.

4 I would like to ask you, we just saw this
 5 this morning, it's from the Public Works
 6 Advisory Board. And their recommendation to
 7 the County Council, hold on. Nope. It's to --
 8 yes, the County Council. To President Pack and
 9 Council members. This was written on Monday,
 10 May 18th.

11 Are you familiar with this document?

12 MR. SHOWALTER: I am.

13 MS. GHEZZI: Okay. For reasons stated
 14 below, and I'm not going to get into the
 15 reasons, the Public Works Advisory Board has
 16 recommended against amendment one to Resolution
 17 281. And two, in favor of an adoption of an
 18 amendment to Resolution 281.

19 I know the Public Works Advisory Board is
 20 very focused on this topic, and I can only
 21 understand that they would prepare something

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1 like this because they felt it was a necessary
 2 step.

3 Do you have some disagreement with their
 4 recommendation to go with a phase 1A approach?

5 MR. SHOWALTER: I do.

6 MS. GHEZZI: Okay. Could you please share
 7 that with me?

8 MR. SHOWALTER: So the first step is that
 9 we would be constructing housing in more than
 10 phase 1A. As I mentioned, we're going to have
 11 multiple product types available for purchase
 12 and occupancy beginning at the origin of the
 13 project.

14 So phase 1A is 84 or 86 single-family
 15 houses closest to Route 50. The initial phases
 16 of construction will include multiple sections
 17 of phase 1A and potentially part of section --
 18 section three I believe is the apartments. It
 19 may involve development areas outside of the
 20 initial section.

21 So those phases broken down, approximately

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1 500-unit phases from a land planning
 2 perspective, they're not intended to designate
 3 chronological or sequential development
 4 patterns.
 5 They're really intended to relate to
 6 neighborhoods. Neighborhoods are defined by
 7 street, trees, different street widths, and
 8 different planning considerations. And so we
 9 may have multiple phases under construction
 10 concurrently at the beginning of the project.
 11 Phase 1A would limit the S-1 designation
 12 to 86 homes. And by implication, the adoption
 13 of the S-2 W-2 for the balance might suggest
 14 that no additional development is available
 15 without an amendment to the water and sewer
 16 plan, which isn't economically viable. It
 17 doesn't work.
 18 The other thing I'll note is if you look
 19 at their recommendation, paragraphs A through E
 20 on page two, they highlight certain
 21 uncertainties. One is the uncertainty of the

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1 effects of COVID-19 pandemic and recession on
 2 the viability (inaudible) and duration of the
 3 development. I, frankly, just don't believe
 4 that is relevant to the infrastructure
 5 planning.
 6 This project has been planned for
 7 development and designated for infrastructure
 8 service since 2002. So suggesting that
 9 something that's occurred within the last
 10 couple of months is relevant to ratchet back
 11 long-standing county planning I don't think is
 12 appropriate.
 13 The Public Works Advisory Board, as you
 14 see, repeats that million gallons per day
 15 discharge concept. Again, the permitted
 16 discharge that is proposed is 540,000 gallons
 17 per day. It's suggests that their amendment
 18 would provide opportunities to evaluate the
 19 potential effects of pathogens, including the
 20 novel coronavirus (inaudible) neighboring
 21 properties.

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1 That's entirely within the purview of MDE.
 2 MDE preempts the county authority with respect
 3 to discharge.
 4 But what is being sprayed is not sewage.
 5 What is being sprayed is water that is as clean
 6 as technologically possible under municipal
 7 treatment plant operations today, ENR quality
 8 wastewater. It's disinfected. It is
 9 wastewater quality that the Town of Easton
 10 sends directly into the Choptank River by pipe,
 11 and it's wastewater that MDE's land application
 12 guidelines say is clean enough to apply within
 13 50 feet of playgrounds.
 14 So I understand that there are concerns.
 15 I don't want to diminish the concerns, but I
 16 think those concerns are the purview of MDE,
 17 not the county water and sewer plan and not the
 18 county Planning Commission.
 19 And the last point which relates to C and
 20 D, and D is rather phase 1A would be treated by
 21 the package plan or routed to the existing

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1 Trappe wastewater treatment, we have 120 EDUs
 2 of capacity from the Town of Trappe. So phase
 3 1A will not result in any spray irrigation
 4 discharge.
 5 So there won't be any evaluation of the
 6 operation of the treatment plant. There won't
 7 be a droplet of wastewater irrigated on this
 8 property because 150 percent of phase 1A is
 9 going to the town's wastewater treatment plant.
 10 Thank you.
 11 MS. GHEZZI: Thank you. And I appreciate
 12 what you say about the current effluent, not
 13 effluent, treated effluent going in directly to
 14 the Choptank. And I'm sure that there is --
 15 well, I don't know. I'm not a scientist.
 16 But I also know I saw a commercial with
 17 DDT where children were romping through the
 18 trucks and was spraying DDT in the '60s. There
 19 are videos. And they thought at the time that
 20 that was perfectly safe for children.
 21 I just -- we don't know. We haven't -- it

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1 hasn't been proven that a number of things that
 2 have been raised and how it's going to affect
 3 our health. And I would err on the side of
 4 caution.
 5 I'm not against development at all. I
 6 think we need to do it and do it reasonably and
 7 safely to meet the health needs of our
 8 citizens. And I know it does sound silly or
 9 not to be pejorative, but to use COVID as a
 10 reason now for arguing against something. But
 11 COVID is unparalleled, and there are things we
 12 don't know about it that could be impacting us
 13 even more than have impacted us as a globe, as
 14 a global people before. So I think we do need
 15 to be careful.
 16 I appreciate what you're saying, and I
 17 thank you for that.
 18 MR. COUNCELL: Thank you. Mr. Strannahan.
 19 MR. STRANNAHAN: I have no questions.
 20 Just thank you to everyone who has participated
 21 for their input. It's been enlightening.

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1 MR. COUNCELL: Commissioner Spies.
 2 MR. SPIES: I'm going to make a motion to
 3 leave this open because of the recording
 4 quality to our June 3rd meeting. So that's
 5 coming.
 6 But to put out there I did it and other
 7 people have done it, but we're talking about
 8 the nutrient discharge and everybody is talking
 9 in generalities and what could be, what might
 10 be, things like that.
 11 I'm going to challenge myself and I'm
 12 going to challenge people on the line to say if
 13 you're really concerned about the level of
 14 discharge, this is a calculable number. And I
 15 think we should all come to terms with what
 16 that calculated number is because throwing
 17 numbers out there of a million gallons, in my
 18 opinion right now, and I can't say this for a
 19 fact, but I believe that the nutrients that's
 20 currently allowed to be applied on that field,
 21 on those fields is significantly more than what

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1 they would be applied if they just used the
 2 wastewater discharge from the plant.
 3 And again, currently today, I'm saying
 4 that's Paul Spies' opinion, and I'm going to
 5 challenge myself to find the actual numbers and
 6 so we can talk about that on the 3rd because
 7 I'm a fan of spray irrigation.
 8 I think by doing the ENR, volunteering to
 9 do the ENR system does protect it, and I think
 10 more municipalities and projects should go with
 11 this system. And the spray irrigation system
 12 and the benefits to agriculture and moving
 13 forward, I'm a fan of from all the things I've
 14 been involved in environmental projects in the
 15 past.
 16 And if someone has actual evidence of
 17 where this has made someone physically ill or
 18 it was a worse pollutant than other discharge
 19 methods, I would really -- it would be
 20 important for me to hear that because if
 21 there's a better discharge method for this

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1 project, I would want to recommend that.
 2 But truly in my position where I'm sitting
 3 and what I have to make a recommendation on on
 4 the 3rd, I believe this is probably one of the
 5 cleaner systems that we're going to see out
 6 there.
 7 I do have concerns like everybody else
 8 like anything. If we don't regulate this and
 9 we don't follow this, regulate kind of the
 10 monitoring of a new wastewater treatment
 11 facility, there is definitely going to be
 12 issues. Anything not monitored well, regulated
 13 well, and followed up on is going to fail. So
 14 we do have to ensure that that happens.
 15 And through the Town of Trappe's and
 16 through the project's plans, I'm confident --
 17 not confident. I have confidence in what is
 18 planned will work.
 19 But again, when we make our final
 20 judgment, what I'm going to be judging on is
 21 actual real numbers, real scenarios, is this a

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1 significantly higher polluting system than what
 2 was proposed or what could be proposed? And as
 3 I sit now, I see this as probably one of the
 4 better environmental protection systems that
 5 someone has implemented. And if it's not, man,
 6 I would definitely want that as information for
 7 this project and other projects moving forward.
 8 MR. COUNCELL: Mr. Boicourt, any further
 9 questions?
 10 MR. BOICOURT: No. I want to (inaudible)
 11 fully in favor of Mr. Spies' suggestion about
 12 continuing because I think (inaudible) some
 13 really important issues (inaudible).
 14 I want to commend the Public Works
 15 Advisory Board for their incredibly careful
 16 analysis. I agree with everything. I
 17 appreciate including the opposition to
 18 amendment one.
 19 The issue for me, I'm an environmentalist,
 20 is one of the environmental issues (inaudible).
 21 I worry about those uncertainties. I'm not

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1 blinded by (inaudible) having effluent to
 2 Trappe Creek (inaudible) especially in the
 3 upper regions, which is very shallow. Any
 4 additional nutrients there I'm not in favor of.
 5 I have (inaudible) very often.
 6 But the bigger issue here that I watched
 7 the Public Works Advisory Board (inaudible),
 8 they talked about uncertainties. And the
 9 uncertainties are not just environmental, which
 10 I care about deeply. They're also about the
 11 other issues (inaudible) mentioned in our -- to
 12 the County Council. That is the quote from the
 13 Comprehensive Plan is to (inaudible) policies
 14 in the plan to support concentration of growth
 15 within the town. And then I (inaudible)
 16 incrementally within the growth areas adjacent
 17 to the town after annexation.
 18 The intent of these policies, again, "is
 19 to support the orderly expansion of the town by
 20 discouraging (inaudible) development".
 21 I mean the environment is one issue. I

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1 care a lot about it. But it's also we've got
 2 schools, traffic, (inaudible) infrastructure,
 3 you've got public health, you've got commercial
 4 development. All these issues (inaudible)
 5 also.
 6 And so the idea I heard Commissioner
 7 Councell talk about as we try things out and we
 8 get some feedback here, I'm fully in favor of
 9 the phased approach for that reason. The
 10 phased approach in amendment one is a lot
 11 (inaudible) and it's not incremental enough in
 12 my opinion, and that's what I read from the
 13 Public Works Advisory Board.
 14 Mr. Showalter's point that they're not all
 15 the single-family homes planned. So phase 1A
 16 may not fit the developer's idea.
 17 I submit that a multi-phase plan on the
 18 order of (inaudible) could be developed, which
 19 would include the multiple kinds of housing
 20 conditions by the developer and still provide
 21 the opportunity for the community, the Council,

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1 and the citizens to check on how this is going.
 2 Otherwise, it's premature development and no
 3 control.
 4 MR. COUNCELL: Thank you for your
 5 comments.
 6 So I have no further questions or
 7 comments.
 8 But to some degree, I'm going to vote
 9 chairman privilege here. So I'm concerned that
 10 we heard that some people were not able to join
 11 in. So my assumption is that this is being
 12 recorded and could be watched later. I assume
 13 it would be on the county Planning Commission
 14 website, Mary Kay.
 15 MS. VERDERY: We will add a link to the
 16 YouTube that has been provided today online so
 17 that people can go back and watch it again.
 18 MR. COUNCELL: Okay. So what I would like
 19 to do is have a motion to keep the record open
 20 until June 2, 2020, close of business for
 21 additional written comments.

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1 We have our next Planning Commission
 2 meeting is on June 3rd. So that would give
 3 anybody that had a concern ample time to review
 4 today's meeting and provide us with comments.
 5 So we need a motion to do that.
 6 MR. STRANNAHAN: So moved.
 7 MR. SALINAS: Mr. Chairman.
 8 MR. COUNCELL: Yes.
 9 MR. SALINAS: You want to wait for a
 10 second, and then I have a question. You want
 11 to wait for a second on the motion and then I
 12 have a question.
 13 MR. COUNCELL: Sure, yup.
 14 MR. SALINAS: The question is are you
 15 keeping the public record open and we'll be
 16 receiving public comments? Does that also
 17 include additional -- will you also be having a
 18 public hearing at the next meeting on June 3rd
 19 as well for additional comments or are you
 20 closing the comments prior?
 21 MR. COUNCELL: I think it's time to close

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1 the comments. This is our second go-round. We
 2 spent a lot of time on it.
 3 If we have written comments based off
 4 today's meeting submitted, we will have time to
 5 review those and then bring this up as old
 6 business and handle the matter.
 7 MR. SALINAS: Ms. O'Donnell, do we need a
 8 date certain for, date and time certain for
 9 closing the public record?
 10 MS. O'DONNELL: I believe that Chairman
 11 Councill has indicated close of business on
 12 June 2nd.
 13 MR. SALINAS: June 2nd. I'm sorry. I
 14 missed that. So we have it. Okay, thank you.
 15 MS. VERDERY: And I'd like to just say for
 16 the record that the comments should be
 17 submitted to publiccomment@talbotcountymd.gov.
 18 That will be on our web page, the additional
 19 information. But just for the record, that's
 20 where the public comments should be sent prior
 21 to June 2nd close of business.

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1 MR. COUNCELL: And a further comment.
 2 It's obvious that the Planning Commission and
 3 staff takes this project very seriously.
 4 I have visited the site twice, and I'm
 5 going to go back one more time based off some
 6 things that I learned today. We are giving it
 7 our best shot, so to speak.
 8 So with that, again, there's a motion.
 9 MR. STRANNAHAN: So moved.
 10 MR. COUNCELL: So we have a motion to keep
 11 the record open for written comments until the
 12 close of business June 2nd. We will take this
 13 matter up again as old business on June the
 14 3rd. We will not take any additional testimony
 15 on June the 3rd.
 16 MR. SPIES: Second.
 17 MR. COUNCELL: So we have a motion by
 18 Commissioner Strannahan and a second by
 19 Commissioner Spies. And we're ready for a roll
 20 call vote.
 21 MS. DEFLAUX: This is Elisa Deflaux

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1 calling the vote.
 2 Chairman Spies.
 3 MR. SPIES: Aye.
 4 MS. DEFLAUX: Chairman Strannahan.
 5 MR. STRANNAHAN: Aye.
 6 MS. DEFLAUX: Commissioner Ghezzi.
 7 MS. GHEZZI: Aye.
 8 MS. DEFLAUX: Commissioner Boicourt.
 9 MR. BOICOURT: Aye.
 10 MS. DEFLAUX: Commissioner Councill.
 11 MR. COUNCELL: Aye.
 12 So the motion carries. So that's what
 13 we'll do.
 14 As a matter of business, we moved through
 15 our additional agenda items earlier. And I'd
 16 ask one more time if there are any commission
 17 matters to come before the commission?
 18 Seeing none, I'll entertain a motion to
 19 adjourn.
 20 MR. STRANNAHAN: So moved.
 21 MS. GHEZZI: I'll second the motion.

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1 MR. COUNCELL: We have a motion by
 2 Commissioner Strannahan and a second by
 3 Commissioner Ghezzi to adjourn the May 20th
 4 Planning Commission meeting at 2:20.
 5 I guess we're ready for another voice
 6 vote.
 7 MS. DEFLAUX: This is Elisa Deflaux
 8 calling the roll.
 9 Commissioner Spies.
 10 MR. SPIES: Aye.
 11 MS. DEFLAUX: Commissioner Strannahan.
 12 MR. STRANNAHAN: Aye.
 13 MS. DEFLAUX: Commissioner Ghezzi.
 14 MS. GHEZZI: Aye.
 15 MS. DEFLAUX: Commissioner Boicourt.
 16 MR. BOICOURT: Aye.
 17 MS. DEFLAUX: Commissioner Councill.
 18 MR. COUNCELL: Aye. So again, I'd like to
 19 thank everybody. We are adjourned. And I'd
 20 like to thank you for helping us work through
 21 today and our virtual meeting.

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1 As always, we will try to continue to
 2 improve and move forward during those strange
 3 times. So thank you very much.
 4 (Meeting concluded at: 2:20 p.m.)
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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 Anne Arundel,
 4 do hereby certify that the within named, Talbot
 5 County Planning Commission Audio, personally
 6 appeared before me at the time and place herein set
 7 according to law, 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 Notorial Seal this 22nd
 day of May, 2020, at Easton, MD.



 Diane Houlihan
 Notary Public

My commission expires September 16, 2021

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