COUNTY COUNCIL

OF

TALBOT COUNTY

2020 Legislative Session, Legislative Day No.: September 22, 2020

Resolution No.: 293

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Lesher, Mr. Pack, Ms. Price

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP RESIDENTIAL REAL PROPERTY LOCATED ON FERRY BRIDGE ROAD, EASTON, MARYLAND 21601, DESCRIBED AS TAX MAP 24 PARCELS 69, 70 AND 191 FROM UNPROGRAMMED TO "S-1" IMMEDIATE PRIORITY STATUS

By the Council: September 22, 2020

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, October 27, 2020 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: Susan W. Moran

Susan W. Moran, Secretary

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP RESIDENTIAL REAL PROPERTY LOCATED ON FERRY BRIDGE ROAD, EASTON, MARYLAND 21601, DESCRIBED AS TAX MAP 24 PARCELS 69, 70 AND 191 FROM UNPROGRAMMED TO "S-1" IMMEDIATE PRIORITY STATUS

WHEREAS, three (3) existing parcels of record located on the Miles River and accessed from Ferry Bridge Road and further described as Tax Map 24, Parcels 69, 70 and 191 are served by separate on-site sewage disposal systems of varying ages and conditions which are generally located within or in close proximity to the Shoreline Development Buffer and constrained by the size and configuration of existing property boundaries and improvements; and,

WHEREAS, the Talbot County Office of Environmental Health has authorized replacement systems in the Buffer or will require replacement or expansion of other systems prior to expansion or improvement of existing residences, although there are not viable on-site sewage disposal system alternatives that can safely and adequately accommodate the wastewater flows generated on the properties. Therefore, the only long-term solution to address the above-referenced concerns on the properties is the extension and connection to public sewer; and,

WHEREAS, the County Engineer has evaluated and confirmed the feasibility of extending public sewer to the properties, and requested that the Talbot County Office of Law prepare this amendment to the Talbot County Comprehensive Water & Sewer Plan ("CWSP") to facilitate extension of public sewer to the properties; and,

WHEREAS, although located outside an existing sewer service area and along an interceptor force main sewer line, the property meets the criteria for sewer extension under the sewer service connection policies set forth in Talbot County Resolution 175, referred to as the "Carroll's Market Policy", namely (1) the properties are improved with existing on-site septic systems that are failing or compromised; (2) best available technologies and alternative systems for on-site sewage disposal have been exhausted; and, (3) the properties are contiguous to the interceptor force main sewer line by virtue of Ferry Bridge Road; and,

WHEREAS, in accordance with the requirements of Environment Article § 9-506(a)(1), Md. Ann. Code, the proposed amendment has been submitted to the Talbot County Planning Commission and the Talbot County Public Works Advisory Board for review for consistency with planning programs for the area. Before the County Council may adopt the proposed amendment, the Talbot County Planning Commission must first certify that the amendment is consistent with the Talbot County Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that the Talbot County Comprehensive Water and Sewer Plan shall be and is hereby amended as follows:

SECTION ONE: The above recitals are hereby incorporated as if fully set forth herein.

SECTION TWO: Subject to the terms and conditions herein, the CWSP is amended to reclassify and remap those properties accessed from Ferry Bridge Road, Easton, Maryland 21601, described as Tax Map 24, Parcels 69, 70 and 191, consisting of three (3) lots of record from the current classification of "Unprogrammed" to "S-1" immediate priority status, as shown and described on a certain worksheet entitled "Comprehensive Water and Sewer Plan: Ferry Bridge Road", prepared by the Talbot County Department of Public Works, dated September 10, 2020, and attached hereto as Exhibit "A".

SECTION THREE: Sewer service for the properties shall be from the Region II Wastewater Treatment Plant in St. Michaels. The proposed sewer extension shall be constructed in accordance with the current Region II Sewer Service Policy and design guidelines.

SECTION FOUR: The proposed use shall be single-family residences and accessory structures with an allocation of three (3) equivalent dwelling units ("EDU") of sewer capacity, one for each property. The peak flow sewer allocation to each property shall be limited to 250 gallons per day per EDU, and remaining capacity for the Region II plant shall be reduced accordingly.

SECTION FIVE: Connection to the force main shall not be used to accommodate further subdivision of any of the properties existing when this Resolution is adopted, without further amendment of the CWSP duly approved by the County Council.

SECTION SIX: The owners of the individual lots (the "Owners") shall be jointly and severally responsible for contracting and paying for all required permits, easements, construction work, and all benefit and connection charges in accordance with a Public Works Agreement ("PWA") approved by the County. The PWA shall run with and bind the properties, and shall be filed among the land records of Talbot County, Maryland within 60 days from the date of approval of this Resolution. The PWA may provide for recoupment of a portion of the construction costs from other lots served by the force main that may be authorized to connect to it in the future.

SECTION SEVEN: The Owners shall be responsible for paying a connection fee of Twelve Thousand Dollars ($12,000.00) for each property to the Talbot County Sanitary District (the "Sanitary District") before commencing construction to connect the property to the force main. The connection shall be subject to periodic charges, tariffs, and policies as may be adopted from time to time.

SECTION EIGHT: The Owners, jointly and severally, shall be solely responsible for all costs incurred for design, engineering, construction, inspection, and testing that may be reasonably required, as determined by the County Engineer, to connect the property to the force main, including, without limitation, any material, pumps, saddles, or other equipment, and for all costs incurred for ongoing maintenance and repair.

SECTION NINE: No sewer service shall be available to any area beyond the existing properties to be served. No other properties, lots, or parcels, including any future reconfiguration or recombination of the properties, shall be entitled to service or capacity, unless and until the Comprehensive Sewerage and Water Plan is amended to permit such service.

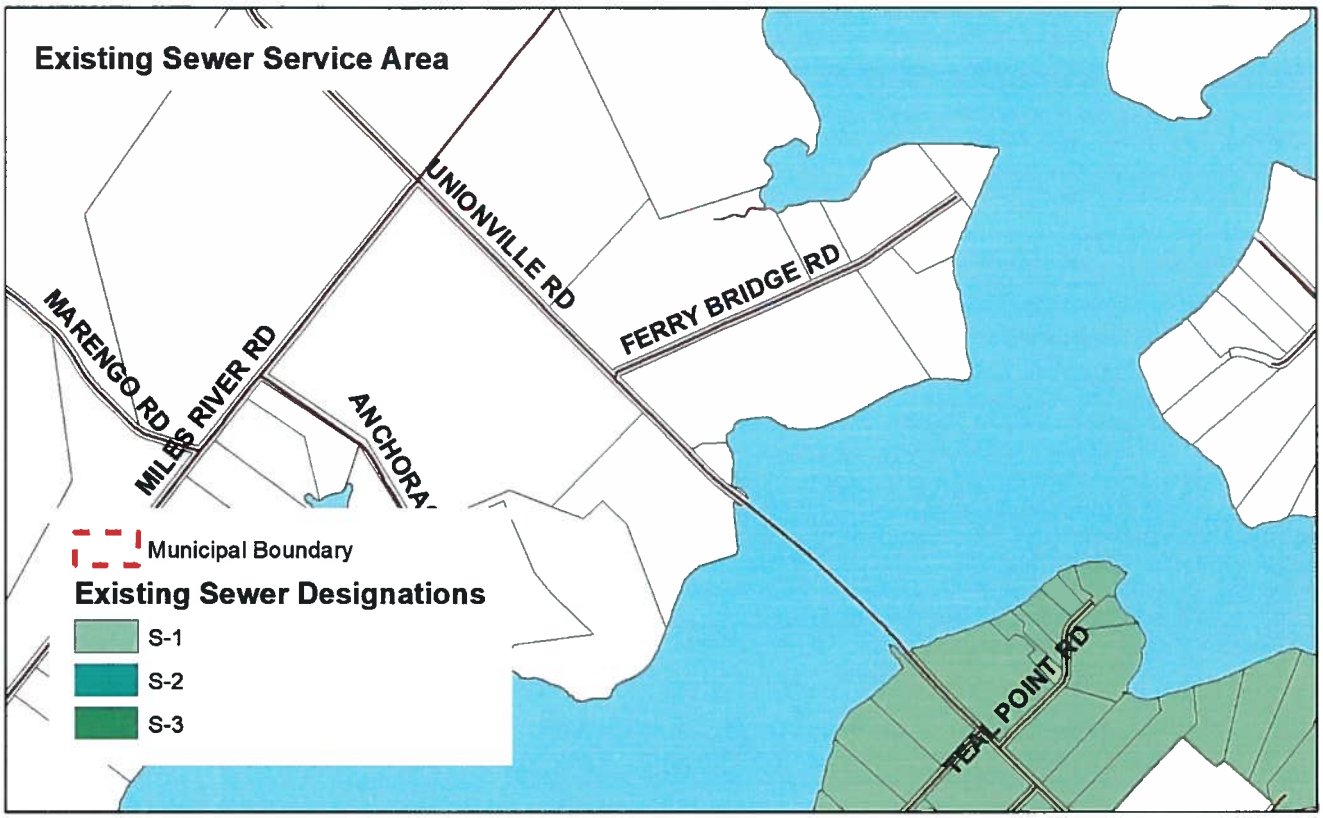
SECTION TEN: The design shall be consistent with reasonable design standards for similar projects, shall be subject to review and approval by the County Engineer, and shall include design features, components, and materials as the County Engineer or his designee may reasonably require, including the ability to isolate the connection.

SECTION ELEVEN: The Owners, jointly and severally, shall be solely responsible for all remediation, mitigation, damages, charges, fines, penalties, or other costs imposed, levied, or assessed at any time by any federal, State, or local enforcement agency for any environmental damage or violation of law caused by or resulting from the connection to the force main. The Owners shall indemnify and hold the County harmless from and against all such claims, actions, suits, damages, losses, or expenses, of any kind, nature, or description whatsoever.

SECTION TWELVE: This Resolution shall not modify, excuse, or supersede any other requirements for ongoing compliance with all applicable federal, State, and local statutes, ordinances, rules, or regulations, including without limitation all conditions and requirements of all permits and approvals necessary for connection to the force main.

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

Comprehensive Water and Sewer Plan: Ferrybridge Road



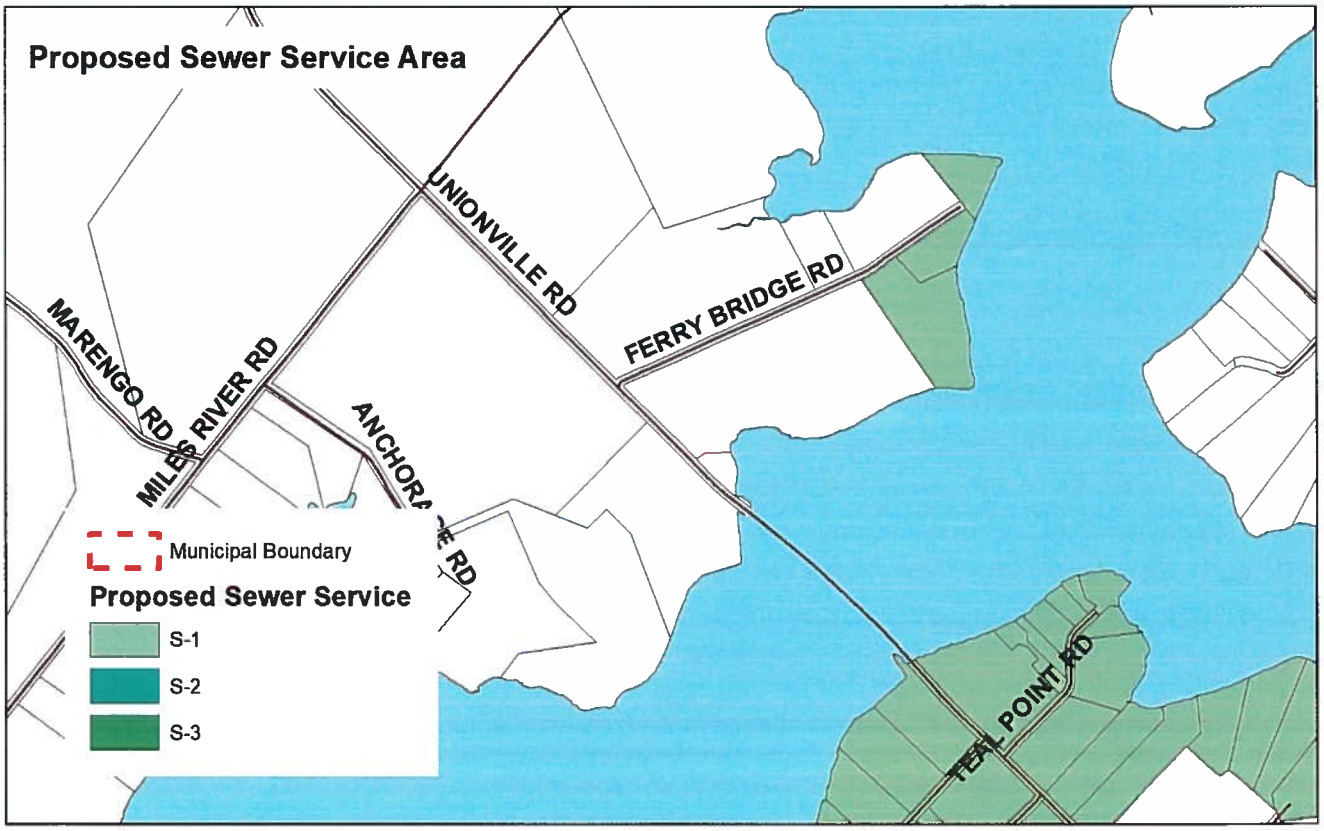


Exhibit A

Talbot County Public Works
September 10, 2020

PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. _____ having been published, a public hearing was held on _____.

BY THE COUNCIL

Read the second time:

Enacted: _____

By Order: _____
Susan W. Moran, Secretary

Pack -

Divilio -

Callahan -

Price -

Lesher -

Effective Date: _____