

COUNTY COUNCIL

OF

TALBOT COUNTY

2021 Legislative Session, Legislative Day No.: June 22, 2021

Resolution No.: 307

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

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP CERTAIN REAL PROPERTY LOCATED AT 5570 LEEWARD LANE, TILGHMAN, MARYLAND 21671 AND SHOWN ON TAX MAP 44 AS PARCEL 35, LOT 9 FROM UNPROGRAMMED TO "S-1" IMMEDIATE PRIORITY STATUS

By the Council: June 22, 2021

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, August 10, 2021 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: _____



Susan W. Moran, Secretary

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP CERTAIN REAL PROPERTY LOCATED AT 5570 LEEWARD LANE, TILGHMAN, MARYLAND 21671 AND SHOWN ON TAX MAP 44 AS PARCEL 35, LOT 9 FROM UNPROGRAMMED TO "S-1" IMMEDIATE PRIORITY STATUS

WHEREAS, that certain real property located at 5570 Leeward Lane, Tilghman, Maryland 21671, shown on Tax Map 44 as Parcel 35, Lot 9 (the "Property"), and owned by Herbert H. Bauerle and Barbara Bauerle (the "Owners"), is improved with an existing residential structure served by an on-site sewage disposal system; and

WHEREAS, on May 11, 2021, the Owners filed a Request for an Amendment to the Talbot County Comprehensive Water and Sewer Plan for Change of Priority Status requesting the reclassification of the Property's sewer status from Unprogrammed to "S-1", Immediate Priority Status; and

WHEREAS, the County Engineer has evaluated and confirmed the feasibility of extending public sewer to the Property 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 thereto; and

WHEREAS, in accordance with the requirements of Md. Code Ann., Environment § 9-506(a)(1), the proposed amendment has been submitted to the Talbot County Planning Commission and the Talbot County Public Works Advisory Board for review for consistency with planning programs for the area; and

WHEREAS, 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 that certain real property located at 5570 Leeward Lane, Tilghman, Maryland 21671, shown on Tax Map 44 as Parcel 35, Lot 9, and owned by Herbert H. Bauerle and Barbara Bauerle from Unprogrammed to "S-1", Immediate Priority Status for sewer service as shown and described on a certain worksheet entitled "Comprehensive Water and Sewer Plan: Bauerle Property, Tax Map 44, Parcel 35, Lot 9," prepared by the Talbot County Department of Public Works, dated May 18, 2021 and attached hereto as Exhibit "A".

SECTION THREE: The Property is improved with an existing residential structure that is served by an on-site sewage disposal system.

SECTION FOUR: Sewer service for the Property shall be from the Region V Wastewater Treatment Plant on Tilghman Island. The proposed sewer extension shall be constructed in accordance with the current Region II and Region V Sewer Service Policy and design guidelines.

SECTION FIVE: The proposed use the Property shall be a residential dwelling with an allocation of 1.0 equivalent dwelling unit ("EDU") of sewer capacity as presented in the Talbot County Sewer Billing Ordinance.

SECTION SIX: Connection to the sewer system serving the residential structures along Leeward Lane consists of grinder pumps and force mains connecting to a force main located under Leeward Lane.

SECTION SEVEN: This Resolution shall not be used to accommodate further subdivision of the Property existing when this Resolution is adopted without further amendment of the CWSP duly approved by the County Council.

SECTION EIGHT: The Owners shall be 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 Department of Public Works. The PWA shall run with and bind the Property, and shall be filed among the Land Records of Talbot County, Maryland within sixty (60) days from the date of approval of the Building Permit. 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 NINE: The Owner shall be responsible for paying a connection fee as calculated by the Talbot County Finance Office to the Talbot County Sanitary District (the "Sanitary District") before commencing construction to connect the property to the Sanitary District's wastewater system. The connection shall be subject to periodic charges, tariffs, and policies as may be adopted from time to time.

SECTION TEN: The Owners 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 ELEVEN: No sewer service shall be available to any area beyond the existing Property to be served. No other properties, lots, or parcels, including any future reconfiguration or recombination of the Property, shall be entitled to service or capacity, unless and until the CWSP is amended to permit such service.

SECTION TWELVE: 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 THIRTEEN: The Owners 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.

SECTION FOURTEEN: 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 adoption.

**Comprehensive Water and Sewer Plan
Harris Property - Tax Map 44, Parcel 35, Lot 9
Sewer Service Request for Unserved to S-1**



PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. 307 having been published, a public hearing was held on Tuesday, August 24 2021 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Enacted: August 24, 2021

By Order: Susan W. Moran
Susan W. Moran, Secretary

Callahan - Aye

Divilio - Aye

Leshar - Aye

Price - Aye

Pack - Aye

Effective Date: August 24, 2021