

COUNTY COUNCIL
OF
TALBOT COUNTY

2021 Legislative Session, Legislative Day No.: September 28, 2021

Resolution No.: 309

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Leshner, 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 24108 MT. PLEASANT ROAD, ST. MICHAELS, MARYLAND 21663 AND SHOWN ON TAX MAP 32 AS PARCEL 85 FROM UNPROGRAMMED TO "S-1" IMMEDIATE PRIORITY STATUS

By the Council: September 28, 2021

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, November 9, 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 24108 MT. PLEASANT ROAD, ST. MICHAELS, MARYLAND 21663 AND SHOWN ON TAX MAP 32 AS PARCEL 85 FROM UNPROGRAMMED TO "S-1" IMMEDIATE PRIORITY STATUS

WHEREAS, the Talbot County Council (the "County Council") adopted Resolution 250, as amended, on January 23, 2018, to extend sewer from the Region II Wastewater System to six hundred ten (610) equivalent dwelling units (EDUs) along Mt. Pleasant Road, Church Neck Road, and along other State and County roads along the route to the villages of Bozman and Neavitt; and

WHEREAS, Talbot County is currently working on the design to extend sewer to the 610 EDUs identified in Resolution 250 that includes having sewer extend along Mt. Pleasant Road, including that certain residential real property located at 24108 Mt. Pleasant Road, St. Michaels, Maryland 21663, shown on Tax Map 32 as Parcel 85 (the "Property"), and owned by Harold Thomas, Jr. and Nina McClamy, *et al.* (the "Owners"), which is served by an on-site sewage disposal system of an unknown age; and

WHEREAS, the Office of Environmental Health notes that lots within Management Area B as identified in the Talbot County Groundwater Penetration Report, including the Property, consist of poorly drained soils with high groundwater; and

WHEREAS, the Office of Environmental Health has indicated that the Property's means of on-site sewage disposal system are via an outhouse and a shallow well; and

WHEREAS, the Property is mostly covered with wetlands, and where there are no wetlands, the soils are Elkton soils that are poorly drained; and

WHEREAS, the Office of Environmental Health has indicated that parcels in Management Area B having less than two (2) areas tend to have insufficient land area for an approved sewage disposal area; and

WHEREAS, the Property consists of 1.25 acres; and

WHEREAS, on September 13, 2021, the Owners filed a Request for 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 24108 Mt. Pleasant Road, St. Michaels, Maryland 21663, shown on Tax Map 32 as Parcel 85, and owned by Harold Thomas, Jr. and Nina McClamy, *et al.* from the current classification of "Unprogrammed" to "S-1" immediate priority status for sewer service as shown and described on a certain worksheet entitled "Comprehensive Water and Sewer Plan: Mt. Pleasant Road", prepared by the Talbot County Department of Public Works, dated September 13, 2021, and attached hereto as Exhibit "A".

SECTION THREE: The Property is improved with an existing single-family residence that is served by an outhouse and a shallow well.

SECTION FOUR: Sewer service for the Property 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 as developed for the Resolution 250 properties.

SECTION FIVE: The proposed use shall be for a single-family residence with an allocation of one (1) equivalent dwelling unit ("EDU") of sewer capacity for the Property. The peak flow sewer allocation to the Property shall be limited to two hundred fifty (250) gallons per day per EDU, and remaining capacity for the Region II plant shall be reduced accordingly.

SECTION SIX: 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 SEVEN: 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 County. 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 EIGHT: The Owners shall be responsible for paying a connection fee of Twelve Thousand Dollars (\$12,000.00) for the 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 NINE: 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 TEN: 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 Comprehensive Sewerage and Water Plan is amended to permit such service.

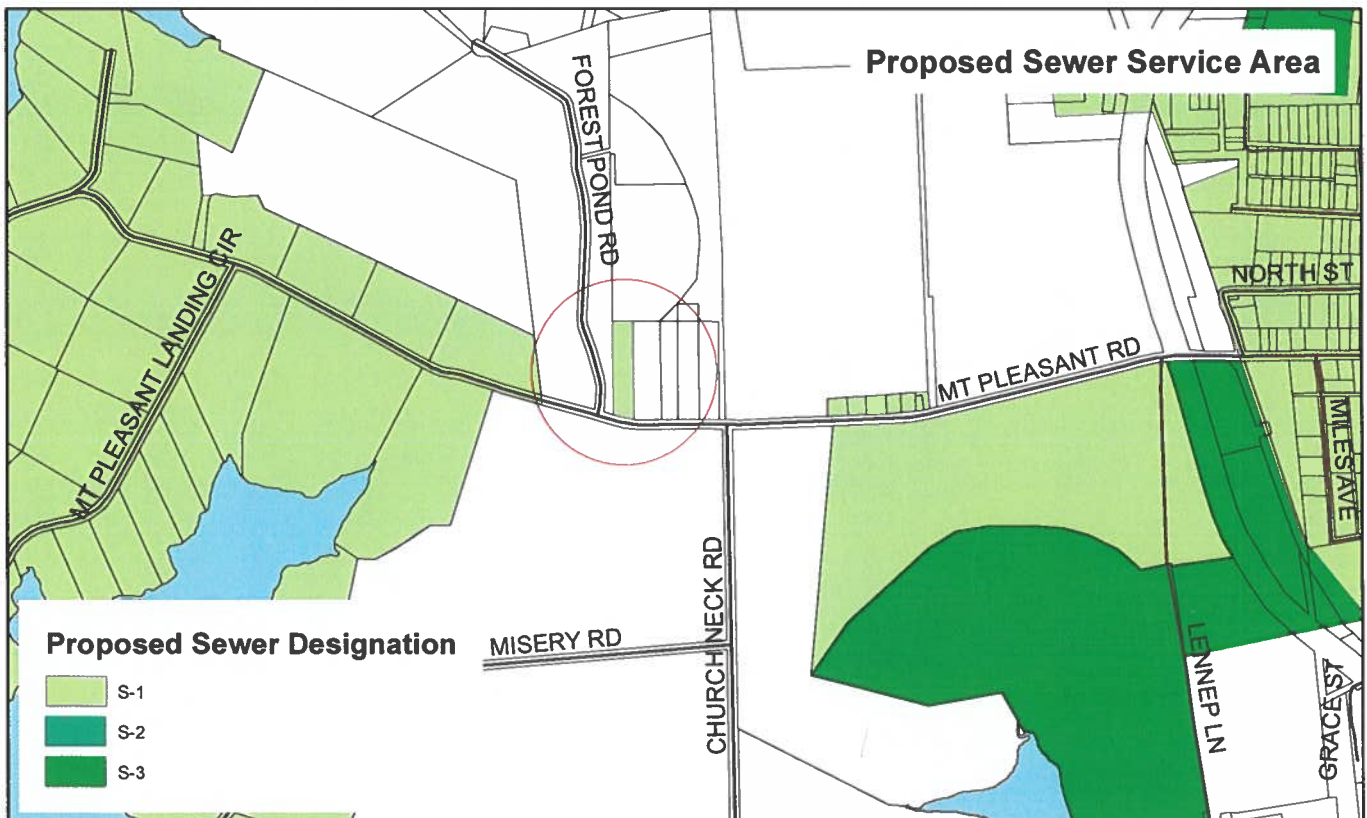
SECTION ELEVEN: The design shall be consistent with the Resolution 250 design standards for similar projects, shall be subject to review and approval by the County Engineer, and shall include design features, components, and materials as the County Engineer or his designee may reasonably require, including the ability to isolate the connection.

SECTION TWELVE: 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. 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 THIRTEEN: 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
24108 Mount Pleasant Road / TM 32, P 85
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. 309 having been published, a public hearing was held on Tuesday, November 9, 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: **November 9, 2021**

By Order: 
Susan W. Moran, Secretary

Callahan	-	Absent
Divilio	-	Aye
Leshner	-	Aye
Price	-	Aye
Pack	-	Aye

Effective: **November 9, 2021**