COUNTY COUNCIL

OF

TALBOT COUNTY

2018 Legislative Session, Legislative Day No.: December 18, 2018

Resolution No.: 268

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 REAL PROPERTY LOCATED AT 26256 MILES VIEW ROAD, EASTON, MARYLAND 21601, DESCRIBED AS TAX MAP 33, PARCEL 139, LOTS 1, 1A, 1B, 1C, 2A, 2B, 2C, 3A, AND 3B, KNOWN AS THE MILESVIEW VILLAGE CONDOMINIUM, FROM UNPROGRAMMED TO "S-1" IMMEDIATE PRIORITY STATUS

By the Council: December 18, 2018

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, January 8, 2019 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 Moran jm

Susan W. Moran, Secretary

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP REAL PROPERTY LOCATED AT 26256 MILES VIEW ROAD, EASTON, MARYLAND 21601, DESCRIBED AS TAX MAP 33, PARCEL 139, LOTS 1, 1A, 1B, 1C, 2A, 2B, 2C, 3A, AND 3B, KNOWN AS THE MILESVIEW VILLAGE CONDOMINIUM, FROM UNPROGRAMMED TO "S-1" IMMEDIATE PRIORITY STATUS

WHEREAS, the Milesview Village Condominium, located at 26256 Miles View Road, Easton, Maryland 21601, further described as Tax Map 33, Parcel 139, Lots 1, 1A, 1B, 1C, 2A, 2B, 2C, 3A, and 3B, consists of eight (8) separate condominium units; and,

WHEREAS, the condominium building was constructed in 1954 and the land further subdivided in 1977 pursuant to a certain plat entitled "SUBDIVISION LOTS 1-3 MILESVIEW VILLAGE 2ND ELECTION DISTRICT TALBOT COUNTY, MARYLAND", prepared by Andrews, Miller & Assoc., Inc., dated February 1, 1977, and recorded among the plat records of Talbot County in Liber 44, folio 52, creating a 3.00 acre lot, shown as "Lot 1" on the aforementioned plat, on which the existing condominium building is located; and,

WHEREAS, the condominium building has been served by at least four (4) on-site sewage disposal systems since 1954, the most recent of which was approved as an innovative alternative design elevated trench septic system by the Talbot County Office of Environmental Health in 2001, there being no way to construct a further conventional septic system on the property due to poorly draining soils; and,

WHEREAS, in 2018, the President of the Milesview Village Condominium Association contacted Talbot County regarding the continued viability of the non-conventional elevated trench septic system; and,

WHEREAS, the Talbot County Office of Environmental Health inspected the non-conventional elevated trench septic systems and, in a letter to the County Engineer dated October 24, 2018, determined that:

> [D]ue to the volume of wastewater flow, the history of septic failures and the lack of suitable soils there is no viable on-site sewage disposal system alternative that can safely and adequately accommodate the wastewater flows generated on the property. Therefore, the only long term solution to address the above referenced concerns on the property is the extension and connection to public sewer.

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 to the property; 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 property is improved with an existing on-site septic system that is failing; (2) all best available technologies and alternative systems for on-site sewage disposal have been exhausted; and, (3) the property is contiguous to the interceptor force main sewer line by virtue of Miles View 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 the Milesview Village Condominium property located at 26256 Miles View Road, Easton, Maryland 21601, further described as Tax Map 33, Parcel 139, Lots 1, 1A, 1B, 1C, 2A, 2B, 2C, 3A, and 3B, consisting of eight (8) separate condominium units 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: Miles View Road / TM 33, P. 139", prepared by the Talbot County Department of Public Works, dated November 2, 2018, and attached hereto as Exhibit "A".

SECTION THREE: 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.

SECTION FOUR: The proposed use shall be a residential structure with an allocation of eight (8) equivalent dwelling units ("EDU") of sewer capacity. The peak flow sewer allocation to the property shall be limited to 125 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 enlarge, expand, or intensify structures or uses existing as of the date this Resolution is adopted, namely an 8-unit residential condominium building, without further amendment of the CWSP duly approved by the County Council.

SECTION SIX: The Milesview Village Condominium Association and the owners of the individual condominium units (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 property, and shall be filed among the land records of Talbot County, Maryland within 60 days from the date of approval of this Resolution.

SECTION SEVEN: The Owners shall be jointly and severally responsible for paying a connection fee of Ninety Six Thousand Dollars ($96,000.00) 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: The Sanitary District reserves the right to decide, in its sole discretion, whether to bill the Milesview Village Condominium Association entity or the condominium owners individually for any fees, charges, or other costs incurred in connection with extension of the property and owed by the Owners to the Sanitary District. If the Sanitary District bills the Milesview Village Condominium Association alone, the Association shall be solely responsible for apportioning the costs among the condominium unit owners pursuant to any agreement among the Owners or as otherwise determined by the Association and the unit owners.

SECTION TEN: No sewer service shall be available to any area beyond the existing property to be served. No other property, lot, or parcel, including any future reconfiguration or recombination of the property, shall be entitled to service or capacity.

SECTION ELEVEN: 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 and a duplex pumping operation.

SECTION TWELVE: 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 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.

PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. 268 having been published, a public hearing was held on Tuesday, January 8, 2019 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: _____

By Order: _____
Susan W. Moran, Secretary

Pack -

Callahan -

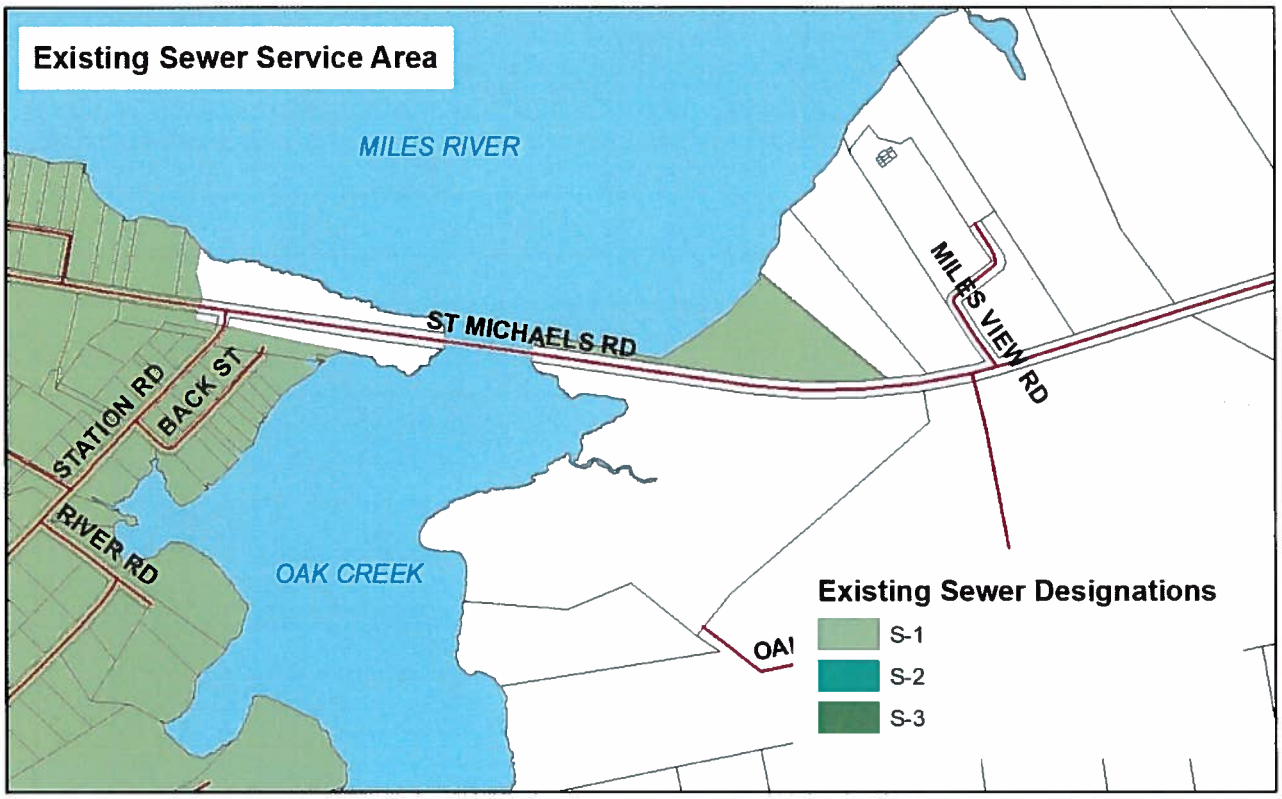
Divilio -

Price -

Lesher -

Effective Date: _____

Comprehensive Water and Sewer Plan: Miles View Road / TM 33, P. 139



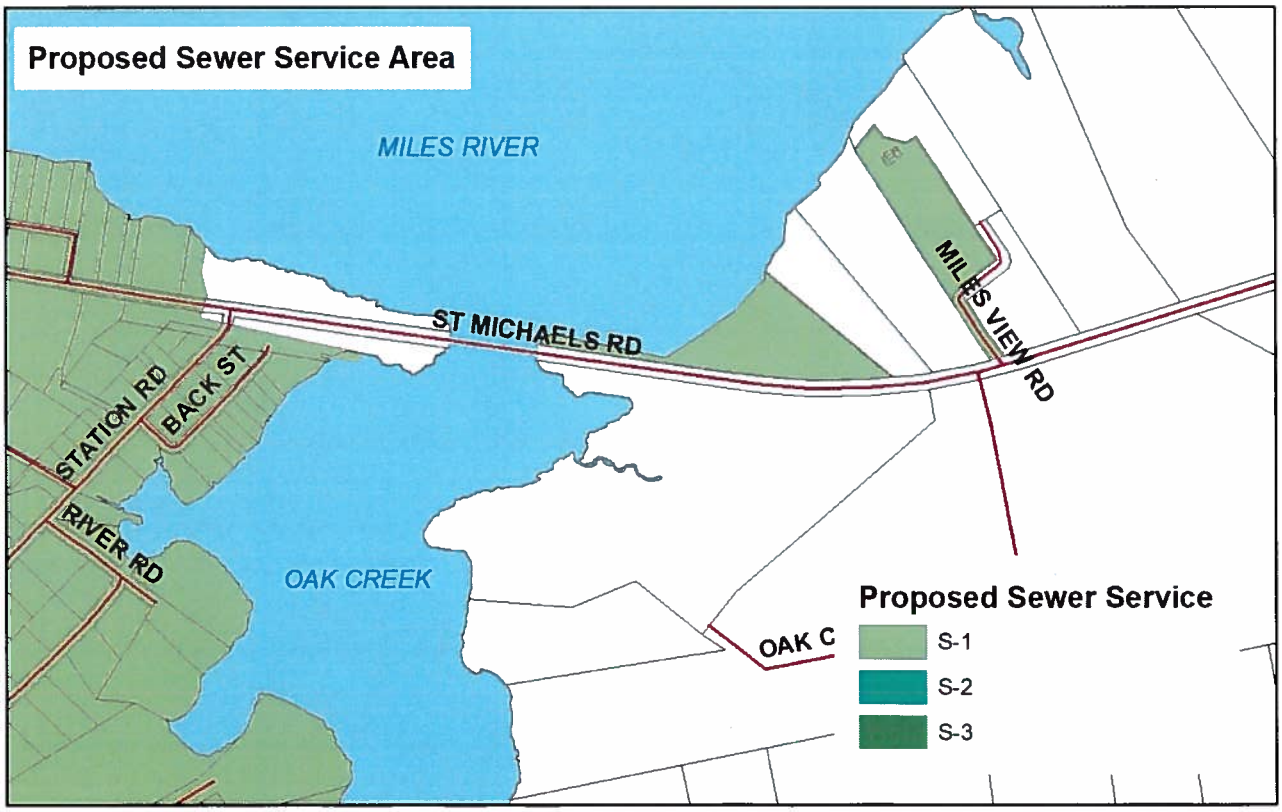


Exhibit A

Talbot County Public Works
November 2, 2018

OFFICE OF ENVIRONMENTAL HEALTH
215 BAY STREET, SUITE 4, EASTON, MD 21601
Fredia S. Wadley, MD, Health Officer
Anne F. Morse, RS, LEHS, Director

PHONE: (410) 770-6880

FAX: (410) 770-6888

October 24, 2018

Ray Clarke, County Engineer
Talbot County Department of Public Works
215 Bay Street
Suite 6
Easton, MD 21601

Re: Miles View Village: Tax Map 33, Grid 20, Parcel 139 Lot 1
8-Condominium Units

Ray:

As you know, this office has been contacted by Mike Williams, President of the Miles View Village Condominium Association, regarding the on-site sewage disposal system that serves the existing facility. A site visit conducted by a representative from this office has confirmed that the existing septic system is in a state of hydraulic failure as evidenced by sewage being discharged to the surface of the ground.

A review of our record of the property indicates the following:

- The condominium building was constructed in 1954.
- A subdivision plat was approved in 1977, creating a 3.00 acre lot around the existing condominium building. There is no approved Sewage Disposal Area on the lot.
- The building consists of 8 condominium units that include a total of 13 bedrooms. The projected wastewater flows from the building would be approximately 2000 gallons per day.
- The building is served by an on-site sewage disposal system and an individual drinking water supply well.
- The soils on the property are very poorly drained with high seasonal ground water tables, and slow permeabilities.
- There have been at least 4 septic systems installed on the property since 1954. (Documented problems with the functionality of the systems and the inability of the systems to accommodate the wastewater flows.)
- In 1995, this office conducted extensive soil/site evaluations on the property, with the assistance of several staff from the Maryland Department of the Environment's Ground water Permits Program. The purpose of the soil testing was to attempt to delineate an area on the property that could be utilized for the installation of an on-site sewage disposal system to serve the wastewater flows from the condominium building. The results of the testing indicated that

due to the limiting nature of the soils on the property a conventional on-site sewage disposal system could not be approved. The property owners were advised that they had to solicit the services of an licensed professional engineering firm to have an elevated trench system designed that would incorporate the use of low pressure dosing into an Innovative and Alternative design of a septic system. The record indicates that in 1995 this office wrote the property owners a letter stating that the Innovative and Alternative system would only provide a temporary solution to the wastewater disposal needs of the property. The owners were advised that they should pursue the extension of public sewer to serve the property because that would be the only long term solution to resolve the history failing septic systems.

The Innovative and Alternative system was installed in 2001 and is currently failing as evidenced by the observance of sewage to the ground surface.

A review of previous soil work that has been completed on the property has indicated that there is little to no porous soil available on the property that will provide adequate permeability to serve the wastewater flows from the 8-condominium units. Consequently, due to the volume of wastewater flow, the history of septic failures and the lack of suitable soils there is no viable on-site sewage disposal system alternative that can safely and adequately accommodate the wastewater flows generated on the property. Therefore, the only long term solution to address the above referenced concerns on the property is the extension and connection to public sewer.

If you have any questions regarding the information provided, please feel free to contact me at 410-770-6880.

Sincerely,

Anne F. Morse, LEHS

Anne F. Morse, LEHS
Director of Environmental Health