

COUNTY COUNCIL

OF

TALBOT COUNTY

2024 Legislative Session, Legislative Day No.: September 10, 2024

Resolution No.: 362

Introduced by: Mr. Callahan, Ms. Haythe, Mr. Leshner, Ms. Mielke, Mr. Stepp

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP CERTAIN REAL PROPERTIES LOCATED AT 7044 BOZMAN NEAVITT ROAD, BOZMAN, MARYLAND, SHOWN ON TAX MAP 39 AS PARCEL 37, AND 6990 BOZMAN NEAVITT ROAD, BOZMAN, MARYLAND, SHOWN ON TAX MAP 39 AS PARCEL 111, FROM UNPROGRAMMED TO "S-1" IMMEDIATE PRIORITY STATUS

By the Council: September 10, 2024

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, October 8, 2024, 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 PROPERTIES LOCATED AT 7044 BOZMAN NEAVITT ROAD, BOZMAN, MARYLAND, SHOWN ON TAX MAP 39 AS PARCEL 37, AND 6990 BOZMAN NEAVITT ROAD, BOZMAN, MARYLAND, SHOWN ON TAX MAP 39 AS PARCEL 111, FROM UNPROGRAMMED TO “S-1” IMMEDIATE PRIORITY STATUS

WHEREAS, on October 22, 2002, the County Council of Talbot County (the “County Council”) adopted Resolution No. 100, which updated the Talbot County Comprehensive Water and Sewer Plan (the “CWSP”) through the 2002 Report of the Review and which identified the Region II – St. Michaels (STM) Sewer Service Area; and

WHEREAS, the Maryland Department of the Environment (“MDE”) approved Resolution No. 100 on February 20, 2003; and

WHEREAS, on January 23, 2018, the County Council of Talbot County (the “County Council”) adopted Resolution No. 250, which, in part, amended the CWSP to establish a new sewer service area, designated as the Region II – Bozman Neavitt Sewer Service Area, to be served by the Region II Wastewater Treatment Plant in St. Michaels; and

WHEREAS, MDE approved Resolution No. 250 on March 19, 2018; and

WHEREAS, David J. Rybas, Joan H. Rybas, John J. Rybas, and Mary C. Rybas (collectively, the “Rybases”) are the fee simple owners of certain real property located at 7044 Bozman Neavitt Road, Bozman, Maryland, shown on Tax Map 39 as Parcel 37 (the “Rybas Property”); and

WHEREAS, Gregory A. French and Anita C. French (collectively, the “Frenches”) are the fee simple owners of certain real property located at 6990 Bozman Neavitt Road, Bozman, Maryland, shown on Tax Map 39 as Parcel 111 (the “French Property”); and

WHEREAS, the Rybases and the Frenches are collectively referred to herein as the “Owners”; and

WHEREAS, the Rybas Property and the French Property are collectively referred to herein as the “Properties”; and

WHEREAS, the Properties, which lie in the Critical Area, are in the Village of Bozman and are adjacent to the sewer line to be served by a force main extending from the Village of Bozman to the Village of Neavitt in the Region II – STM Sewer Service Area; and

WHEREAS, the Rybas Property consists of 10.93± acres and is improved with a 3,098-square foot dwelling unit; and

WHEREAS, the French Property consists of 5.352± acres and is improved with a 4,157-square foot dwelling; and

WHEREAS, the Properties are reported to have failing septic systems; and

WHEREAS, the Rybases have submitted an Application for an Amendment to the CWSP for Change of Priority Status to change the sewer classification of the Rybas Property from “Unprogrammed” to “S-1” Immediate Priority Status; and

WHEREAS, the Frenches have submitted an Application for an Amendment to the CWSP for Change of Priority Status to change the sewer classification of the French Property 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 Properties and requested that the Talbot County Office of Law prepare this amendment to the CWSP to facilitate extension of public sewer thereto; and

WHEREAS, in accordance with the requirements of Md. Code Ann., Envir. § 9-506(a)(1)(i), the proposed CWSP amendment set forth herein has been submitted to the Talbot County Planning Commission (the “Planning Commission”), as well as the Talbot County Public Works Advisory Board, for review for consistency with planning programs for the area; and

WHEREAS, on October 2, 2024, the Planning Commission certified that the proposed CWSP amendment set forth herein is consistent with the Comprehensive Plan as required by Md. Code Ann., Envir. § 9-506(a)(1)(ii).

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 Properties from “Unprogrammed” to as “S-1,” immediate priority status for sewer service from the Region II WWTP, as shown on the map attached hereto as Exhibit A and incorporated herein by reference as if fully set forth.

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 for the Rybas Property shall be for a single-family residence with an allocation of one (1) equivalent dwelling unit (“EDU”) of sewer capacity. The peak flow of sewer allocation to the Rybas Property shall be limited to two hundred fifty (250) gallons per day per EDU.

SECTION FIVE: The proposed use for the French Property shall be for a single-family residence with an allocation of one (1) EDU of sewer capacity. The peak flow of sewer allocation to the French Property shall be limited to two hundred fifty (250) gallons per day per EDU.

SECTION SIX: Connection to the force main shall not be used to accommodate further subdivision of the Rybas Property or the French Property as 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 for their respective properties in accordance with a Public Works Agreement (a "PWA") approved by the County. The PWA for each property shall run with and bind the property served 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.

SECTION EIGHT: The Owners shall be responsible for paying a connection fee as defined for the Region II Wastewater System before commencing construction to connect their respective properties to the force main. Such connections 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 their respective properties 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 Properties to be served. No other properties, lots, or parcels, including any future reconfiguration or recombination of the Rybas Property or the French Property, shall be entitled to service or capacity, unless and until the CWSP is amended to permit such service.

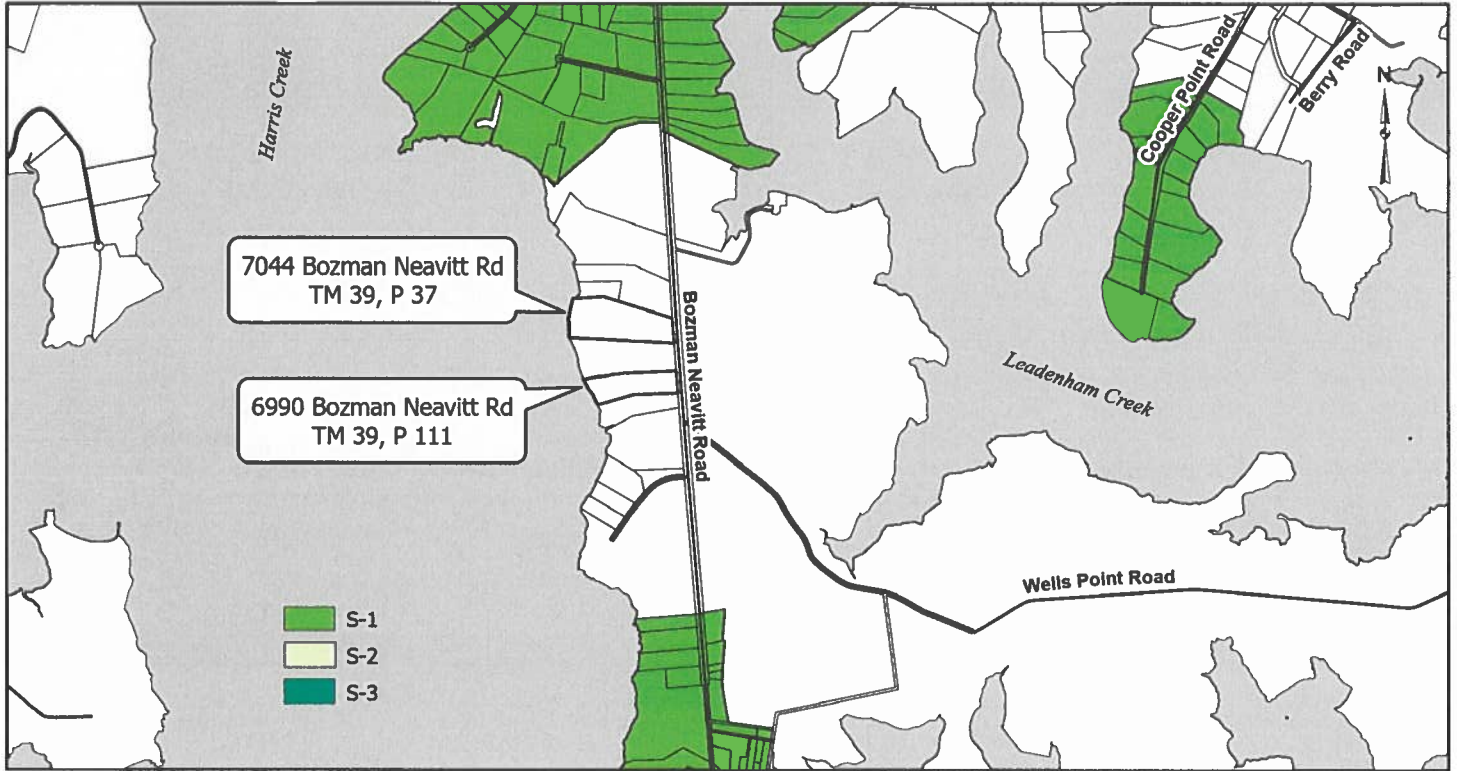
SECTION ELEVEN: The design shall be consistent with the design standards for similar projects in the Region II (St. Michaels) Service Area, shall be subject to review and approval by the County Engineer, and shall include design features, components, and materials as the County Engineer or his designee 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 their respective connections 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.

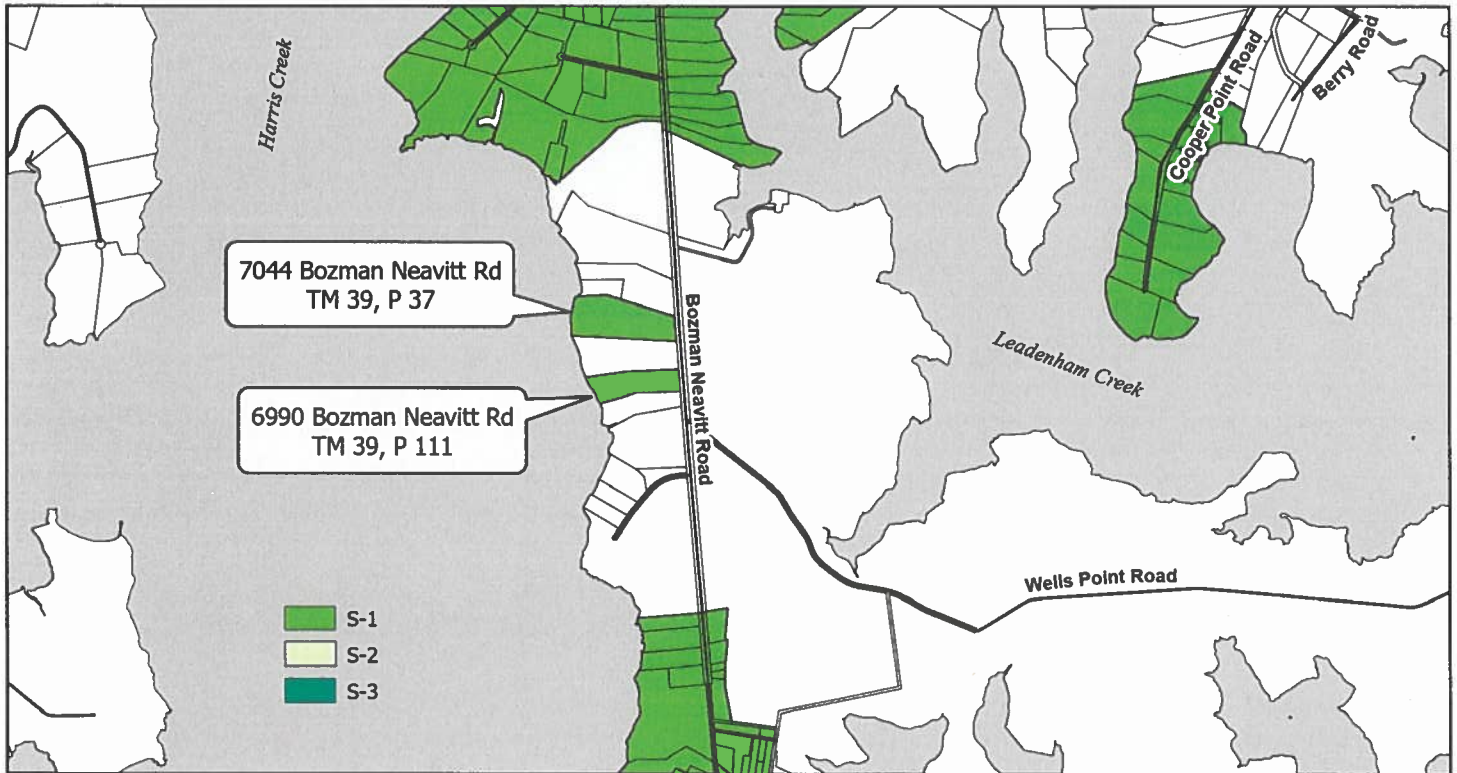
SECTION THIRTEEN: This Resolution shall not modify, excuse, or supersede any other requirements for ongoing compliance with all applicable federal, State, and local statutes, ordinances, rules, or regulations, including without limitation all conditions and requirements of all permits and approvals necessary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

SECTION FOURTEEN: This Resolution shall take effect immediately upon the date of its adoption.

Existing Sewer Service Area / Tax Map 39, Parcels 37 & 111



Proposed Sewer Service Area / Tax Map 39, Parcel 37 & 111



PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. 362 having been published, a public hearing was held on Tuesday, October 8, 2024, 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:

Adopted: October 8, 2024

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

Callahan - Aye

Stepp - Aye

Leshner - Aye

Mielke - Aye

Haythe - Aye

Effective: October 8, 2024