

**COUNTY COUNCIL
OF
TALBOT COUNTY**

2023 Legislative Session, Legislative Day No.: September 12, 2023


Resolution No.: 347

Introduced by: Ms. Haythe, Mr. Stepp

**A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE
WATER AND SEWER PLAN TO PROVIDE THE EQUIVALENT DWELLING
UNITS FOR ALL PHASES OF THE LAKESIDE DEVELOPMENT**

By the Council: September 12, 2023

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, October 10, 2023 ~~Tuesday, October 10, 2023~~ Tuesday, October 24, 2023, 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 PROVIDE THE EQUIVALENT DWELLING UNITS FOR ALL PHASES OF THE LAKESIDE DEVELOPMENT

WHEREAS, in accordance with Md. Code Ann., Envir. § 9-503(a), the County Council of Talbot County (the “County Council”) has adopted a plan that deals with water supply systems and sewerage systems in Talbot County, inclusive of the municipal corporations located therein, which is titled the Talbot County Comprehensive Water and Sewer Plan (the “CWSP”); and

WHEREAS, pursuant to Md. Code Ann., Envir. § 9-503(c)(1), the County Council is authorized to adopt a revision to the CWSP if it considers such an amendment necessary; and

WHEREAS, pursuant to Md. Code Ann., Envir. § 9-503(d), before the County Council adopts an amendment to the CWSP, it shall first conduct a public hearing thereon, which may be conducted jointly with other public hearings or meetings, with notice provided to the principal elected official of any affected municipal corporation at least 14 days in advance; and

WHEREAS, pursuant to Md. Code Ann., Envir. § 9-506(a), before the County Council may adopt an amendment to the CWSP, it shall submit the proposed amendment to the Talbot County Planning Commission (the “Planning Commission”) for review and comment, and the Planning Commission must certify that the proposed amendment is consistent with the Talbot County Comprehensive Plan; and

WHEREAS, pursuant to Md. Code Ann., Envir. §§ 9-503(c) and 9-507(a), once the County Council adopts an amendment to the CWSP, it must then submit the proposed amendment to the Maryland Department of the Environment (“MDE”) for final review and approval; and

WHEREAS, in accordance with the foregoing statutory authority, on August 11, 2020, the County Council adopted Resolution No. 281, as amended (“Resolution No. 281”), for the purposes of amending the CWSP, *inter alia*, to add certain water and sewer capital projects related to the Lakeside Planned Unit Development (the “Lakeside Project”) and existing systems in the Town of Trappe (the “Town”) and to reclassify and remap certain properties associated therewith, specifically identified therein as Tax Map 54, Parcel 304, Tax Map 55, Parcels 14, 15, 17, 19, 44, 65, 83, and 85, and Tax Map 59, Parcel 4 (the “Properties”); and

WHEREAS, or about November 4, 2020, MDE approved the amendments to the CWSP as set forth in Resolution No. 281 as adopted by the County Council on August 11, 2020; and

WHEREAS, in its letter confirming approval of the foregoing amendments, MDE requested that the County provide updated equivalent dwelling units (“EDUs”) for Phases 2 and 3 for the Lakeside Development in a future CWSP amendment; and

WHEREAS, pursuant to correspondence from MDE dated April 24, 2023, May 9, 2023, and July 21, 2023, MDE requested, in part, that the County Council amend the CWSP to provide the EDUs for all phases of the Lakeside Development; and

WHEREAS, approximately 126 lots in the Lakeside Development have been platted and approved for community water and sewer systems; and

WHEREAS, the County Council is desirous of amending the CWSP to provide the EDUs for all phases of the Lakeside Development as requested by MDE; 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 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 _____, 2023, 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: The CWSP is hereby amended as shown in Exhibit A attached hereto and incorporated by reference herein as if fully set forth to provide the EDUs for all phases of the Lakeside Development.

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

EXHIBIT A

**AMENDMENT TO CHAPTER TWO OF THE TALBOT COUNTY COMPREHENSIVE
WATER AND SEWER PLAN**

KEY	
Boldface	Heading or defined term
<u>Underlining</u>	Added to CWSP by Resolution
* * *	Existing CWSP unaffected

* * *

TRAPPE AREA WATER SYSTEM - FUTURE PLANNING

* * *

The initial phase of the Lakeside development will utilize available capacity in the existing Trappe water system. The well pumping capacity will be increased by the development and connection of the Lakeside Piney Point well constructed adjacent to Piney Hill Road. The development of the well will include pumps and water treatment facilities. Water treatment will be a Hypochlorite Disinfection system in a water treatment building. This water treatment building will support the addition of the Matawan well in a future phase. A 10” water main will be extended from the Piney Point well to the existing 10” water main located near the intersection of Piney Hill Road and US Route 50. Adequate chlorine contact time will be achieved in the length of the new main. The existing 10” water main extends north to Timberwind Lane and currently serves the residences on Timberwind Lane. Water service to the first phase of the Lakeside development will be provided by a 10” water main extension of the existing 10” main and will run along the alignment of the proposed Lakeside Boulevard. All areas of development will be fed from the main in the Boulevard. The main in the Boulevard will be extended in future phases and will ultimately loop back to a point in the existing Town water system near the intersection of Barber Road and US Route 50.

The following table shows the equivalent dwelling units (“EDUs”) for all phases of the Lakeside development as confirmed by the Town of Trappe and the developer on June 30, 2023, as well as the current water classifications therefor:

<u>Phase 1: Lakeside Village</u>		
	<u>EDUs</u>	<u>Classification</u>
<u>Phase 1, Section A - Residential</u>	<u>94</u>	<u>W-1</u>

<u>Phase 1, Section A - Community Use (estimated)</u>	<u>6</u>	<u>W-1</u>
<u>Phase 1, Section B – Residential</u>	<u>25</u>	<u>W-1</u>
<u>Phase 1, Section B.2 - Residential</u>	<u>6</u>	<u>W-1</u>
<u>Phase 1, Section C - Residential</u>	<u>200</u>	<u>W-1</u>
<u>Phase 1, Section C - Community Use (estimated)</u>	<u>6</u>	<u>W-1</u>
<u>Phase 1, Section D - Residential</u>	<u>180</u>	<u>W-1</u>
<u>Total EDUs</u>	<u>517 (12 estimated)</u>	

<u>Phase 2: Lakeside Park (all estimated)</u>		
	<u>EDUs</u>	<u>Classification</u>
<u>Residential</u>	<u>153</u>	<u>W-1</u>
<u>Residential</u>	<u>340</u>	<u>W-2</u>
<u>Commercial</u>	<u>56</u>	<u>W-1</u>
<u>Total EDUs</u>	<u>549</u>	

<u>Phase 3: Lakeside Commons (all estimated)</u>		
	<u>EDUs</u>	<u>Classification</u>
<u>Residential</u>	<u>500</u>	<u>W-2</u>
<u>Total EDUs</u>	<u>500</u>	

<u>Phase 4: Lakeside Run (all estimated)</u>		
	<u>EDUs</u>	<u>Classification</u>
<u>Residential</u>	<u>386</u>	<u>W-2</u>
<u>Residential</u>	<u>115</u>	<u>W-3</u>
<u>Total EDUs</u>	<u>501</u>	

<u>Phase 5: Lakeside Center (all estimated)</u>		
	<u>EDUs</u>	<u>Classification</u>
<u>Residential</u>	<u>500</u>	<u>W-1</u>
<u>Total EDUs</u>	<u>500</u>	

<u>Phase 6: Shops at Lakeside (all estimated)</u>		
	<u>EDUs</u>	<u>Classification</u>
<u>Commercial:</u>	<u>307</u>	<u>W-2</u>
<u>Total EDUs</u>	<u>307</u>	

Total Number of EDUs in W-1: 1,226

Total Number of EDUs in W-2: 1,533

Total Number of EDUs in W-3: 115

Total Number of EDUs for the Lakeside Development: 2,874

The foregoing phases and EDUs are based on the June 25, 2021 Phasing Plan approved by the Town of Trappe and are included in this Plan at MDE's request¹. As noted above, the EDUs for the community uses for Phase 1 and Phases 2 through 6 are estimates only. EDUs will ultimately be allocated in accordance with applicable Town laws, policies, and regulations as lots are subdivided and commercial uses are developed and are limited to the permitted capacity as set forth in this Plan and all permits and other approvals issued by MDE and other authorities having jurisdiction. The phases represent defined land uses only and do not represent the timing or sequence of development; provided, however, that all phases of the Lakeside development, or portions thereof, classified as W-2 or W-3 shall be reclassified as W-1 through an amendment to this Plan before receiving water service from the Town of Trappe. Flows shall be monitored by the Town, with updates provided to the County at least annually, whether at an annual CWSP meeting or by separate letter to the County Engineer. The Town shall also promptly notify the County Engineer of any updates to the Phasing Plan for the Lakeside development, including any changes in the phasing or allocation of EDUs from those set forth hereinabove. Any changes in the phasing or allocation of EDUs from those set forth hereinabove shall not require an update to the CWSP; however, such information shall be incorporated as part of the amendment(s) proposing to reclassify any phases of the Lakeside Development from W-2 or W-3 to W-1.

* * *

¹ On November 4, 2020, D. Lee Currey, Director of MDE's Water and Science Administration, sent a letter to County Council President Chuck Callahan, in which he stated that the EDUs for the different phases of the Lakeside development are "necessary to assess the adequacy of the water and sewer systems to accommodate and serve those EDUs." Mr. Currey further requested that the County provide "updated EDUs for Phases 2 and 3 in the next Amendment" for the Town of Trappe. On April 24, 2023, Dinorah Dalmasy, Program Manager for MDE's Water and Science Administration, sent a letter to Council President Callahan, in which she requested that the County provide updated EDUs for "all phases" of the Lakeside development in an update to the CWSP. On July 21, 2023, Ms. Dalmasy sent another letter to the County Council President in which she clarified that MDE was seeking the finalized EDUs for Phase 1 of the Lakeside Development only and a best estimate of the EDUs for all other phases thereof.

* * *

TRAPPE AREA SEWER SYSTEM - FUTURE PLANNING

* * *

The following table shows the equivalent dwelling units (“EDUs”) for all phases of the Lakeside development as confirmed by the Town of Trappe and the developer on June 30, 2023, as well as the current sewer classifications therefor:

<u>Phase 1: Lakeside Village</u>		
	<u>EDUs</u>	<u>Classification</u>
<u>Phase 1, Section A - Residential</u>	<u>94</u>	<u>S-1</u>
<u>Phase 1, Section A - Community Use (estimated)</u>	<u>6</u>	<u>S-1</u>
<u>Phase 1, Section B – Residential</u>	<u>25</u>	<u>S-1</u>
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<u>Residential</u>	<u>115</u>	<u>S-3</u>
<u>Total EDUs</u>	<u>501</u>	

<u>Phase 5: Lakeside Center (all estimated)</u>		
	<u>EDUs</u>	<u>Classification</u>
<u>Residential</u>	<u>500</u>	<u>S-1</u>
<u>Total EDUs</u>	<u>500</u>	

<u>Phase 6: Shops at Lakeside (all estimated)</u>		
	<u>EDUs</u>	<u>Classification</u>
<u>Commercial:</u>	<u>307</u>	<u>S-2</u>
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² On November 4, 2020, D. Lee Currey, Director of MDE’s Water and Science Administration, sent a letter to County Council President Chuck Callahan, in which he stated that the EDUs for the different phases of the Lakeside development are “necessary to assess the adequacy of the water and sewer systems to accommodate and serve those EDUs.” Mr. Currey further requested that the County provide “updated EDUs for Phases 2 and 3 in the next Amendment” for the Town of Trappe. On April 24, 2023, Dinorah Dalmasy, Program Manager for MDE’s Water and Science Administration, sent a letter to Council President Callahan, in which she requested that the County provide updated EDUs for “all phases” of the Lakeside development in an update to the CWSP. On July 21, 2023, Ms. Dalmasy sent another letter to the County Council President in which she clarified that MDE was seeking the finalized EDUs for Phase 1 of the Lakeside Development only and a best estimate of the EDUs for all other phases thereof.

County at least annually, whether at an annual CWSP meeting or by separate letter to the County Engineer. The Town shall also promptly notify the County Engineer of any updates to the Phasing Plan for the Lakeside development, including any changes in the phasing or allocation of EDUs from those set forth hereinabove. Any changes in the phasing or allocation of EDUs from those set forth hereinabove shall not require an update to the CWSP; however, such information shall be incorporated as part of the amendment(s) proposing to reclassify any phases of the Lakeside Development from S-2 or S-3 to S-1.

The information presented in Figure 24 is for planning purposes. The Sewer Districts have been defined using a blue line with various colors, shading and hatches defining the areas of existing sewer service and future sewer service areas and the Priority Funding Areas as defined by the Town of Trappe and the County and those Priority Funding Areas approved by the State. This map does not impose an obligation on Talbot County or the Town of Trappe to provide sewer and/or sanitary sewer service to areas not presently being served. Prior to extending sewer service into the growth areas, the Town of Trappe would assure that the existing sewer system has capacity to serve the growth areas and the safety and adequacy of its public sewer supply system is maintained for all its users.

* * *

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 Tuesday, __, 2023 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: _____

By Order: _____
Susan W. Moran, Secretary

Callahan -

Stepp -

Leshner -

Mielke -

Haythe -

Effective: