

TALBOT COUNTY PLANNING COMMISSION
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Talbot County Council
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December 13, 2021

Dear President Callahan and Members of the County Council:

The Talbot County Planning Commission addressed Resolution 281 during our regular meeting on November 3, 2021. After our discussion, we voted 3-2 to rescind our certification of consistency with the Talbot County Comprehensive Plan (TCCP) following advice that we could consider rescission *if* there was new information that was not available at the time of our original certification. We thought that a direct explanation of our actions would facilitate communication between our two respective bodies and focus attention on the legal aspects of our determination.

While the concerns we raised in our February 9, 2020 letter to the Council (the pace and scale of growth within the Lakeside Planned Unit Development and possible degradation of the environmentally sensitive Miles Creek) remain, the primary concern we addressed on November 3 was the performance of the Trappe Wastewater Treatment Plan (WWTP) and its deleterious effect on Trappe Creek, to which it discharges. Prior to our November meeting, we were presented with substantial evidence of failures in the WWTP and also degradation of Trappe Creek, especially in its headwaters, which receive the effluent.

In our determination of the consistency of the proposed changes in sewer status for Lakeside in Trappe, we were guided by the following Article in the Maryland Code (Article 9, Environment Section 9-506a):

- (a) (1) Except as provided in paragraphs (2) and (3) of this subsection, before a county governing body may adopt a county plan or a revision or amendment to the county plan:
 - (i) The county governing body shall submit the county plan, revision, or amendment to each official planning agency that has jurisdiction in the county, including any comprehensive planning agency with areawide jurisdiction, for review and comment within a 30-day period for consistency with planning programs for the area; and

(ii) The county planning agency shall certify that the plan, revision, or amendment is consistent with the county comprehensive plan prepared under Article 66B, § 3.05; Article 25A, § 5(X); or Article 25B, § 13 of the Code. [Note: Article 25A applies to charter counties like Talbot.]

After our discussions, we took action on the following motion:

[The Planning Commission finds] that the initial hookup of up to 120 homes from the Lakeside Development into the existing Trappe WWTP is inconsistent with the TCCP until the Trappe WWTP meets ENR standards, and any flow coming from the Lakeside Development should meet ENR standards.

The motion carried by a vote of 3-2. We understand that the Planning Commission's finding is conclusive on this issue. We also understand that the Planning Commission has the authority to make amendments to the County Water and Sewer Plan and that Maryland State Law requires adherence to the Commission's consistency decision.

Please contact us should have any questions regarding the Planning Commission's recent action.

Respectfully,

Phillip Councill, Chairman

William C. Boicourt, Vice Chairman

CC: Lisa Marie Ghezzi
Paul Spies
Michael Strannahan