

COUNCIL OF TRAPPE
TRAPPE TOWN HALL AND VIA ZOOM DUE TO COVID-19
NOVEMBER 4, 2020

Public Hearing – Ordinance 1-2020 – President Newnam called the public hearing to order at 6:45 pm. Council members Norm Fegel and Walter Chase were present in person and Tonya Pritchett was present via conference call. President Newnam deferred to Attorney Ryan for an opening statement and overview of the zoom procedures.

Attorney Ryan stated that the meeting tonight is a public hearing for Ordinance 1-2020 – An Ordinance of the Town of Trappe approving and adopting certain revisions to the PUD Plan and Design Guidelines for the Lakeside Planned Neighborhood Zoning District. In June 2019, Trappe East Holdings Business Trust (“TEHBT”) submitted a Petition to revise the PUD Plan for the Lakeside PN District and Lakeside Design Guidelines to the Trappe Town Council. The revised PUD Plan includes reconfiguration of the road network to provide additional traffic calming, integration of a greater diversity of residential unit types and an increase of apartment building height, enlargement and relocation of the public community park to the lake, enlargement of the public beach area on the lake, elimination of the designated age-restricted housing, repositioning and reduction of the village center, and relocation of the wastewater treatment plant from the most northern parcel to a north eastern parcel. In addition, the developer requested PUD Plan approval for the entire development rather than limited to phases 1A-1C.

At their June 5, 2019 public meeting, the Town Council reviewed the amendments to the PUD Plan, found them generally consistent with the Comprehensive Plan and PN Zoning District standards and referred the PUD Plan and Design Guidelines to the Planning Commission for review and recommendation to the Council.

The Planning Commission reviewed the amended PUD Plan and Design Guidelines at their meetings from June of 2019 to January of 2020. During that time, the Planning Commission recommended several amendments to the Plans and Design Guidelines that were ultimately made. These amendments include moving the apartments from Phase 1 Section 2, the main entrance of the development, to Phase 5; moving the community amenities for Phase 1 from the entrance off of route 50 to the center of Phase 1; adding a buffer to the reserve spray irrigation field; adding a buffer along the major collector to shield the development from the LaTrappe Heights community; and reducing some of road sections to create traffic calming. In January 2020, the Planning Commission unanimously favorably recommended the amendment of the PN District and approval of the revised PUD Plan and Design Guidelines to the Town Council.

The Town Council advertised the amendments and notice of a public hearing on the amendments in the Star Democrat on February 20, 2020, February 27, 2020, March 15, 2020, March 22, 2020, October 21, 2020, and October 28, 2020. Each advertisement stated that copies of the PUD Plans and Design Guidelines were available at the Trappe Town Office. In addition, the Town provided a copy of the PUD Plans on the Town’s website.

In regards to the procedures for the public hearing, first the Council President will open the Public

Hearing on Ordinance 1-2020 and ask the petitioner to give an overview of the petition that was submitted. After the petitioner gives an overview, I will first ask members that are present here in the audience if they wish to give public comment and then I will call the name of every participant on Zoom one by one and ask if you wish to make a comment. All comments will be limited to 3 minutes in length and unless you are providing comment, you will be muted to prevent audio interference.

President Newnam welcomed everyone to the November Trappe Town Council meeting and stated that before we get into receiving public comment on the ordinance, I want to remind everyone that this hearing is limited to the substance of Ordinance 1-2020 only. As such, comments regarding the approval of the annexation of the Lakeside property, spray irrigation, or the Town of Trappe's wastewater treatment plant are not appropriate at this time.

Lakeside's Attorney Ryan Showalter stated that Lakeside began this process back in 2003-2004 with the annexation of the property. The property is zoned Planned Neighborhood (PN) and it has PUD Plan approval for the project by an Ordinance in 2005 and in 2006 the Council adopted an Ordinance that amended some of the design guidelines that were initially approved in the PN district. This Ordinance is another amendment and refinement of the PUD Plan and design guidelines for the project. This amendment stated initially as an informal letter submitted to the Town Staff and Planning Commission in March 2019 in which the Planning Commission discussed some of the conceptual changes and then a formal submittal was sent to the Town Council in June 2019. The Town Council referred the matter to the Planning Commission and the developer worked with the Planning Commission for a period of 5 months discussing the plan and proposed changes. After extensive review and dialogue from the Planning Commission, the Town Planner Peter Johnston and staff, the amended PUD Plan and design guidelines were presented to the Town Council. Attorney Showalter stated that these amendments do not change the scope of the project, it is still 2,501 residential units, the boundaries of the PN zoning district don't change, the general nature or location of the uses in the project don't change. These amendments make refinements that the Planning Commission found to enhance the nature of the plan. Some of the changes dealt with the transportation pattern through the development, the Town's Comprehensive Plan since pre-annexation noted that the Town wanted the growth area developed in an organized and comprehensive fashion. There were a series of inter-connected neighborhoods which created the street pattern that provided a North-South transportation alternative to Rt. 50. The initial project provided that which was previously called The Boulevard, a divided highway that provided a North-South route that in retrospect was thought to encourage greater traffic speed than what would have been appropriate for the neighborhood so one of the changes in the proposed plan is to reconfigure the street section, the geometric section of that network, to realign it from The Boulevard to a North-South corridor pattern that has a few 90 degree bends and a few intersections to calm traffic through the community. The proposed design guidelines and the PUD Plan reflect the new street network, they reflect the street hierarchy which is intended to help with way finding in the community. Before the proposed change there was not a lot of focus on street hierarchy and now the major North-South route will be apparent as the most significant road and the other roads will narrow and tree locations will change so it will help people understand where they are as they are driving through the community. Another proposed change is the public lake access, in the original plan there was a relatively small beach and park area in the Northwest portion of the lake which had a separate access road and a bridge across the stream with the rest of the lake being surrounded by residential homes. The proposed change has eliminated the park at the northern end and established a large public park, central to the community, on the lake and proposing commercial activity

down at the lake, perhaps a restaurant. The original plan had residential homes on the South side of the lake with their backyards overlooking the lake but the proposed plan will have a series of 4-story apartment buildings there. The 4-story apartment buildings were discussed in length by the Planning Commission. Having a 4-story building allows for efficient design for the elevators and allows a smaller footprint for the building. Attorney Showalter stated that the original PUD Plan showed the first 3 phases, 1A, 1B & 1C and essentially 80% of the community grayed out and showed as future development because there were no specific land plans for those areas. The proposed PUD Plan is conceptual but it shows the concept plan for the street network and the layout of the entire community. The market has changed a lot since 2005 and design standards and market preferences will change between now and when the project is finished so additional amendments will be submitted as things change. Another change that was made relates to the spray irrigation and wastewater disposal. The original approved plan showed the wastewater treatment plant and storage lagoon in the northern most field of what was originally the Fox Hall farm and all of the field south of the creek was purchased for spray irrigation. Attorney Showalter stated that spray irrigation was discussed during the County's Water and Sewer Comprehensive Plan Amendment about spray irrigation and its existence. Spray irrigation has been contemplated for this project since the very beginning and it has been in the County's Water and Sewer Comprehensive Plan since 2002 and MDE has issued permits for spray irrigation. The nature of disposal of wastewater has never changed whatsoever but as the County noted in its amendment of the water and sewer plan, the level of treatment proposed has been elevated but spray irrigation is not new. The one change made in this land plan is that instead of spraying adjacent to the stream corridor, the southern field of Fox Hall, the wastewater treatment plant and storage lagoon has been moved closer to the stream and the spray irrigation has been moved farther from the stream, moved more internally to the project. Another proposed change is in the vicinity of the bend in Piney Hill Road the original plan showed a greater clustering of multi-family apartments and attached product and the proposal pulls that back so there is more of a transition between single family residences on Piney Hill and the project. The last major refinement is in the Design Guidelines. The ones that were initially adopted in 2005 and amended in 2006 were very descriptive so the developer worked with the Planning Commission to ensure that the designs still provide for quality architectural designs and provide the same level of design through the community but they have been revised to provide design standards and guidelines for construction without being so restrictive and allow future flexibility for the builders. This will allow for a greater diversity in the development.

Commissioner Fegel made a motion to open the public hearing for Ordinance 1-2020. Commissioner Chase seconded the motion. All approved.

Julie Nave – 4567 Wright's Mill Road, Trappe – Ms. Nave asked for pictures of the spray field that were previously approved. Attorney Showalter showed Ms. Nave pictures of the previously approved spray fields and the new proposed location. Attorney Showalter also showed the public via zoom.

Bob Rauch – Mr. Rauch stated that the spray irrigation areas have not changed but the location of the treatment plant was modified because the plant was able to be upgraded to an ENR plant which takes up a smaller footprint and is able to be completely housed. By moving the plant, the location is further from the residential areas on Backtown Road and also eliminates a very impactful crossing of the stream for roadways. The roadway access had to cross the stream so that has been eliminated as well as

moving the plant away from the residential areas and reduce the size of the plant and enclose the plant completely in a building, it is also completely surrounded by trees and has no visibility from anything other than possibly some of Lakeside development.

Shirley Windsor – 3538 Bamberry Road, Trappe – Ms. Windsor asked if the lagoons were moved closer to the stream? Mr. Rauch stated that they are not closer, it is just a different location and they actually are farther away from the main stream section that separates the spray irrigation. The lagoons are completely lined. Attorney Showalter stated that there are multiple streams running through the property so the lagoons are farther away from streams in general and the spray irrigation was moved away from the streams. Ms. Windsor asked if the main stream, where the 2 forks come together, is the lagoon closer or farther away? Attorney Showalter stated that it is closer to that point. Ms. Windsor stated that if there are issues, overflow, problems of any kind, it endangers Miles Creek more than before. Mr. Rauch stated that wasn't true, it is all part of the same stream, the lagoons have plenty of capacity and those are Armageddon predictions. Mr. Rauch stated that everything is designed and built with the safety and compliance requirements from MDE. MDE dictates the plant, not the Town, not the residents, it is all MDE standards. The developer has the responsibility to comply with MDE standards. MDE reviewed the plans, the plans have no greater impact on the total stream affected, no additional increase or decrease, the ponds are a shallower structure and have less construction above grade that would be subject to potential breach, everything has been an improvement. This has all been previously approved and these changes are additional improvements.

Woody Lambert – 4440 Wright's Mill Road, Trappe – Mr. Lambert asked where the proposed lagoons and treatment plant were supposed to be. Attorney Showalter showed Mr. Lambert the approved 2005 PUD plans and the new proposal. Mr. Lambert stated that the proposed location is either 2,000 feet or 2,000 yards, he couldn't remember which, from his home and he is concerned with the lagoons being so close to a residential area, the smell, the bugs, bacteria, his quality of life, etc. Mr. Lambert stated that the developer should reconsider the style of treatment that will be used and if that is the way that the development is going then it should be internalized farther and farther away from the stream itself. Attorney Showalter stated that the lagoons store treated clean water, not wastewater, it is not a wastewater treatment system like the Town has now with its lagoons. All of the treatment occurs inside the building and the only thing stored in the lagoons is ENR quality water, water treated to the same quality as Easton Utilities puts into the Choptank River directly, the clean water that will then be sprayed on the fields, there is no waste, there is no odor, it is not sewage. Mr. Lambert asked if the developer could guarantee that there will never be an odor. Attorney Ryan stated that it will not have any more odor than a normal pond.

Patty DeWitt - 31162 Clark's Wharf Road, Trappe – Ms. DeWitt stated that she has concerns about the lagoons and spray. Ms. DeWitt said that she is afraid of what is sprayed into the air. Ms. DeWitt asked how close the lagoons are to Miles Creek. Attorney Showalter stated approximately 1,000 feet, he does not have a scale to measure exactly. Ms. DeWitt asked how close the plant is to the residents. Attorney Showalter stated the closest resident is approximately 200 feet. Mr. DeWitt asked how close the spray irrigation is. Attorney Showalter stated that the closest resident is approximately 75 feet. Ms. DeWitt

stated that Trappe has a system that is a failure and President Newnam corrected Ms. DeWitt, that is false information.

Faye Nave – 4567 Wright’s Mill Road, Trappe – Ms. Nave asked if the treatment plant that is planned, is it the same one that is in Wye Mills? Attorney Showalter stated that it is not, this is an ENR quality treatment plant. The County recently changed their water and sewer comprehensive plan to require all plants to operate at ENR standards and no longer at BNR standards. Ms. Nave asked about the Wye Mills plant and Attorney Showalter stated that he doesn’t have knowledge about that plant. President Newnam stated that the plant at Wye Mills was run by an HOA so it was run poorly and caused it to fail. The County has taken over that plant and brought it back up to what it needs to be. The proposed plant at Lakeside will be run professionally by licensed individuals. Mr. Rauch stated that Wye Mills was a rotating biological contact plant but it is out of date and the standards are lower than anything that is allowed today, there are no similarities at all with the Wye Mills plant and the Lakeside proposed plant.

Shayma Mereish – 4123 Ocean Gateway, Trappe – Ms. Mereish asked when this project will start. Attorney Showalter stated he anticipates the project to start next year.

Joyce via conference call – She asked if there would be parking at the lake and if the lake is public to everyone or just Trappe. Mr. Rauch stated that it will be a public facility and open to everyone and the parking will be addressed when a site plan is done of that area and submitted to the Planning Commission for review and approval.

Matt Pluta – Choptank Riverkeeper with ShoreRivers – Mr. Pluta stated that Miles Creek waterway is very valuable and is the longest river in Talbot County. This stream is an active spawning stream and is the receiving waters where all the land that is being developed will flow into. Mr. Pluta stated that the impervious surface area will have a direct impact on the stream and once a watershed reaches about 10% impervious surface then you can see degradation to the habitat and quality of the stream. Mr. Pluta asked the Council to pay attention and try to stay below the 10% threshold. Mr. Pluta stated that weather patterns are changing so impervious surface and stormwater management is going to be even more important. Attorney Ryan stated that the impervious surface for this development is 60% of the gross area. Mr. Pluta stated that Miles Creek has 2-3% impervious surface coverage at the moment. Attorney Showalter stated that the 10% is for the entire watershed, this is the only property in Trappe’s growth area that will be developed.

Allan – Under state law there is an obligation for Trappe to administer through their stormwater regulations to treat stormwater with environment site designs to the maximum extent practical so that majority of the stormwater is treated onsite in the development envelope. If done properly it can help alleviate some of the concerns that Matt was addressing. He stated that he encourages the Town to make sure that the Ordinance is updated with the commitment to ensure that the environmental site design is used and the State standards administered locally will be followed so that the health and welfare of Miles Creek and the downstream waterways are protected from the impacts of stormwater. He stated that if

the Town were to make a commitment to treat stormwater to a certain standard in this Ordinance it could help address some of the concerns about the water quality related to the polluted runoff coming from impervious surfaces.

Cheryl Lewis – Ms. Lewis stated that this project had already started when she took office in 2001 and she quickly realized that the citizens of Trappe were faced with an unavoidable decision after a developer had purchased hundreds of acres of land along the Town boundary. This land was zoned Town residential in the County which meant they had the legal right to construct 4 houses per acre without Town approval or input. Annexation with a DRRRA was the only way to allow the Town to have input into the process and put constraints on the developer. Ms. Lewis stated that she has become concerned over the last 10 years about decisions that are being made and that elements that the developer are locked into are slowly eroding away and even if the DRRRA has not been edited a time will come that the developer will already have the changes that they need. The PUD Plan and Design Guidelines were not posted online with adequate time for her to review them and the previously approved documents were not posted so she could compare them to the new ones. The wastewater treatment plant on the proposed PUD plan will move closer to Miles Creek and deserves more conversation. Ms. Lewis stated that a concern that should be noted is how much will you be able to spray irrigate over the last 6 months and what the backup plan will be. The approval of this PUD plan grants the approval of this plants location without consideration that this is the best thing for this development. Approving the full PUD plan as opposed to a few sections at a time gives the developer more control and the Town less and deserves investigation. Ms. Lewis asked the Council to please stand up and fight for the Town, don't let the developer tell you what is or isn't the next step or the next change. Please use this time wisely to understand why and what was behind each decision made back in the day. It is crucial to look at why they are asking for these changes. Ms. Lewis cautioned the Council as they are the only 5 people who can make the decision and maintain those protections that they tried so hard to put in almost 20 years ago.

Shirley Windsor – 3538 Bamerry Road, Trappe – Ms. Windsor asked if there is an incident of runoff or additional pollution what is the Town's responsibility?

Attorney Ryan stated that the Town received 3 written comments, one from Joyce and Wayne Bell, one from Wanda and Daniel Ciekot and one from Cheryl Lewis and they will be made part of the public hearing record.

After no further public comment, President Newnam stated that the Council appreciates the points that were raised and the Council would like to keep the public hearing open until Wednesday, November 25th at 2 pm. The discussion on Ordinance 1-2020 will be postponed until the December meeting. Instructions on where to send the comments will be posted on the Town's website tomorrow.

Commissioner Fegel made a motion to keep the public hearing open and receive written comment until Nov. 25th at 2 pm. Commissioner Chase seconded the motion. All approved.

At 7:43 pm President Newnam called the regular meeting to order.

Commissioner Fegel made a motion to approve the November 4, 2020 agenda. Commissioner Chase seconded the motion. All approved.

Commissioner Fegel made a motion to approve the October 7, 2020 Council minutes as presented. Commissioner Chase seconded the motion. All approved.

Clerk's Report – Administrator Braband stated that the Clerk's report, the General Fund and the Enterprise Fund budgets are in the Council's binders and filed with the records.

Public Works Report - President Newnam stated that the report is in the Council's binders and filed with the records.

Planning & Zoning – Commissioner Newnam stated that the Planning Commission did not meet in October.

Attorney Updates – None

Executive Session – President Newnam stated that an executive session was held on October 7, 2020 to obtain legal advice and again on November 4, 2020 to obtain legal advice.

ORDER OF BUSINESS BEFORE THE COUNCIL

Ordinance 1-2020 - An Ordinance of the Town of Trappe approving and adopting certain revisions to the PUD Plan and Design Guidelines for the Lakeside Planning Neighborhood Zoning District. Commissioner Fegel made a motion to postpone until December 2nd Council meeting. Commissioner Chase seconded the motion. All approved.

Resolution 6-2020 – A Resolution declaring the official intent of the Council of Trappe to reimburse expenditures to be incurred with respect to certain capital projects with the proceeds of debt to be issued by the Town of Trappe was read by President Newnam. Attorney Ryan stated that this is an intent Resolution for funding for the Well 6 project. It is for the issuance of \$1,099,290.00. This intent is part of the process for receiving funds from MDE for the design and construction of one 8 inch production well which will be Well #6, a well pump and associated pumping and electrical appurtenances, capable of producing a minimum of 170 gpm, construction of a new water plant building to house updated electrical controls, chemical feed systems and all associated appurtenances, installation or new Sodium Hypochlorite chemical pump equipment and associated appurtenances, removal of existing gas chlorine cylinders, installation of new electrical controls and SCADA system. This is just declaring the intent and not actually issuing any debt. Commissioner Fegel made a motion to adopt Resolution 6-2020. Commissioner Chase seconded the motion.

VOTE:

Newnam – Y Fegel – Y Chase – Y Pritchett – Y

Motion approved.

Public Questions/Comments –

Don English – Mr. English stated that he thinks the Council and residents of Trappe owe a debt of gratitude to Attorney Ryan for writing her 2 opinion pieces to correct the errors and comments in the Star Democrat. Mr. English stated that he thinks the Star Democrat should do a better job of investigating before they print an article in the paper and he has dropped his subscription to the Star Democrat because of it.

Faye Nave – Ms. Nave asked if the Town of Easton could accommodate all of the water and sewage from Lakeside versus putting a treatment plant and spray irrigation there. Attorney Ryan stated that it is something that the Town of Trappe can explore. Trappe does have the water capacity to serve the entire development but does not have wastewater capacity for the entire development but if the developers are interested in pursuing that avenue they could do so. Mr. English stated that the Town did pursue connecting the Town to Easton Utilities a long time ago but the political will and cost of doing so was not feasible.

Faye Nave – Ms. Nave asked if the Town is able to handle all the houses that are proposed to be built in Phase 1. Attorney Ryan stated that the Town of Trappe has plenty of capacity for that, the Town has a 200,000 gpd wastewater treatment plant and is currently operating about 100,000 gpd.

Shirley Windsor – Ms. Windsor stated that the sewage to be sent from Trappe to Easton was discussed in the Spring at some of the meetings in Easton but she wasn't sure of the outcome. President Newnam stated that both Towns need to do lots of research but will consider it.

Faye Nave – Ms. Nave asked what will happen to the cemetery off of Piney Hill Road? Attorney Showalter stated that it will remain, it will not be disturbed.

No executive session was requested.

Commissioner Fegel made a motion to adjourn at 7:52 pm. Commissioner Chase seconded the motion. All approved.

Respectfully submitted,

Erin Braband, Town Administrator/Clerk