

FALL 2023 OUT-OF-CYCLE OF WATER & SEWERAGE PLAN AMENDMENTS

FcPc Hearing: October 11, 2023

County Council: TBD

WS-23-01 Charlyn, LLC (Calumet/Cline Farm)

Request: Reclassification of 170.91 acres from W-4, S-4 to W-3/Dev, S-3/Dev plus the addition of a sewage pump station symbol on the sewer map.

Tax Map 79, Parcel 29. Property ID# 09-227245

Location: East and west sides of Boyers Mill Road within the Town of New Market

Town Comp. Plan: Planned Residential District

Town Zoning: Planned Development District

WS-23-02 Justron, LLC (Calumet/Smith Farm)

Request: Reclassification of 91.49 acres from W-4, S-4 to W-3/Dev, S-3/Dev.

Tax Map 79, Parcel 213. Property ID# 09-255826

Location: West side of Boyers Mill Road within the Town of New Market

Town Comp. Plan: Planned Residential District

Town Zoning: Planned Development District

TABLE OF CONTENTS

September 2023 Town of New Market Support Letter	Page 3 - 6
2023 New Market Water & Sewer Service Area Agreement ("WSSAA")	Page 7 - 14
2023 Memorandum of Understanding By and Between Avanti Acquisition Company, LLC, the Town of New Market, and Frederick County	Page 15 - 27
Infrastructure Agreement Calumet Development	Page 28 - 33
2016 Water & Sewer Plan Amendment Application - Charlyn, LLC (now WS-23-01)	Page 34 - 68
2016 Water & Sewer Plan Amendment Application - Justron, LLC (now WS-23-02)	Page 69 - 104
December 2022 Updated Ethics Log Disclosures	Page 105 - 107



September 18, 2023

VIA E-MAIL

Kimberly Gaines, Director
Karin Flom, Principal Planner
Livable Frederick Planning and Design Office
30 North Market Street
Frederick, Maryland 21701
kgaines@frederickcountymd.gov
kflom@frederickcountymd.gov

RE: FREDERICK COUNTY WATER & SEWERAGE PLAN AMENDMENT APPLICATIONS –
AVANTI ACQUISITION COMPANY, LLC, as Designee / Contract Purchaser in re
Case No. WS-23-01¹ (Charlyn, LLC, Tax Map 79/Parcel 29, Tax ID 09-227245) and
Case No. WS-23-02² (Justron, LLC, Tax Map 79/Parcel 213, Tax ID 09-255826)

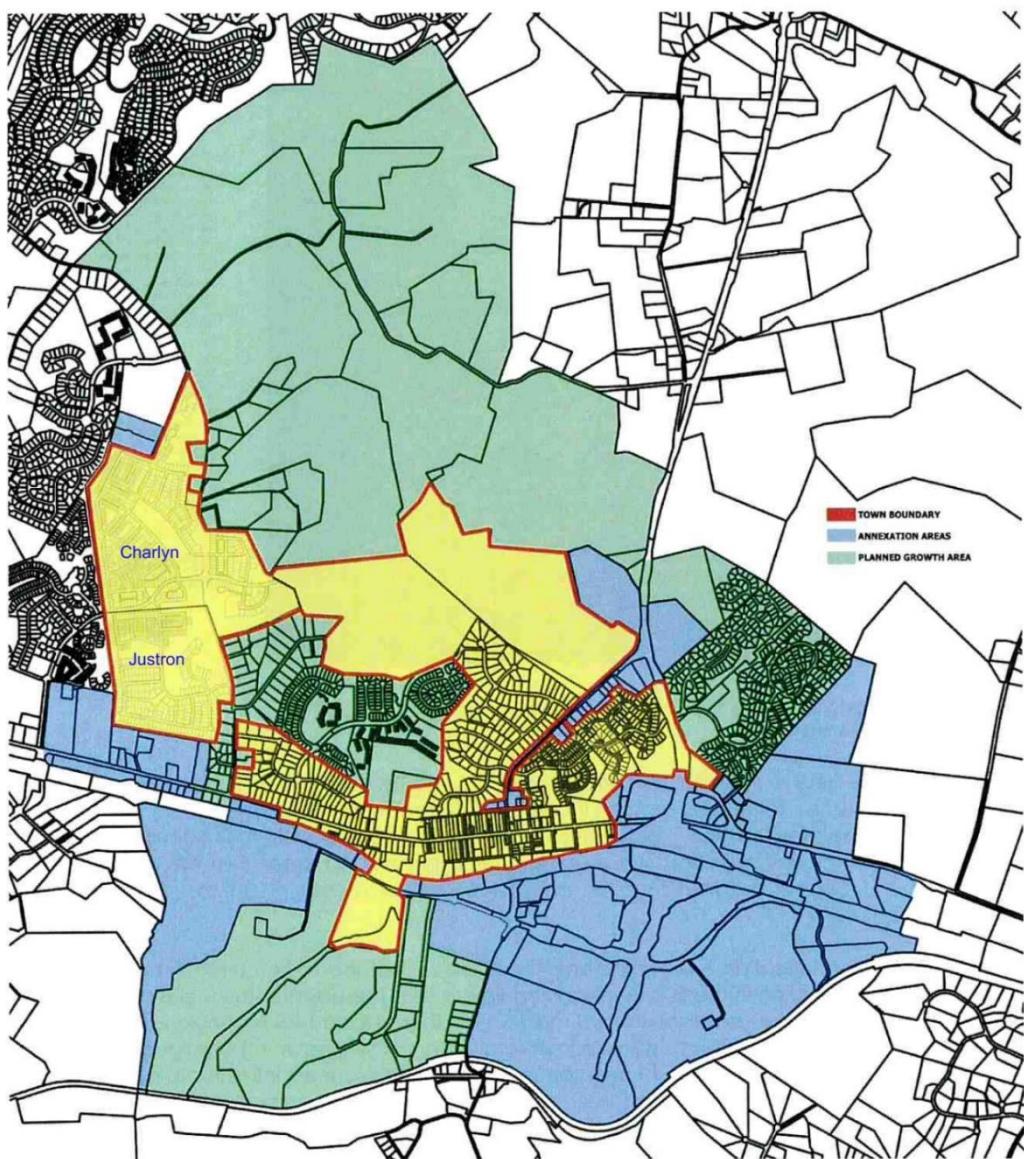
Dear Ms. Gaines and Ms. Flom:

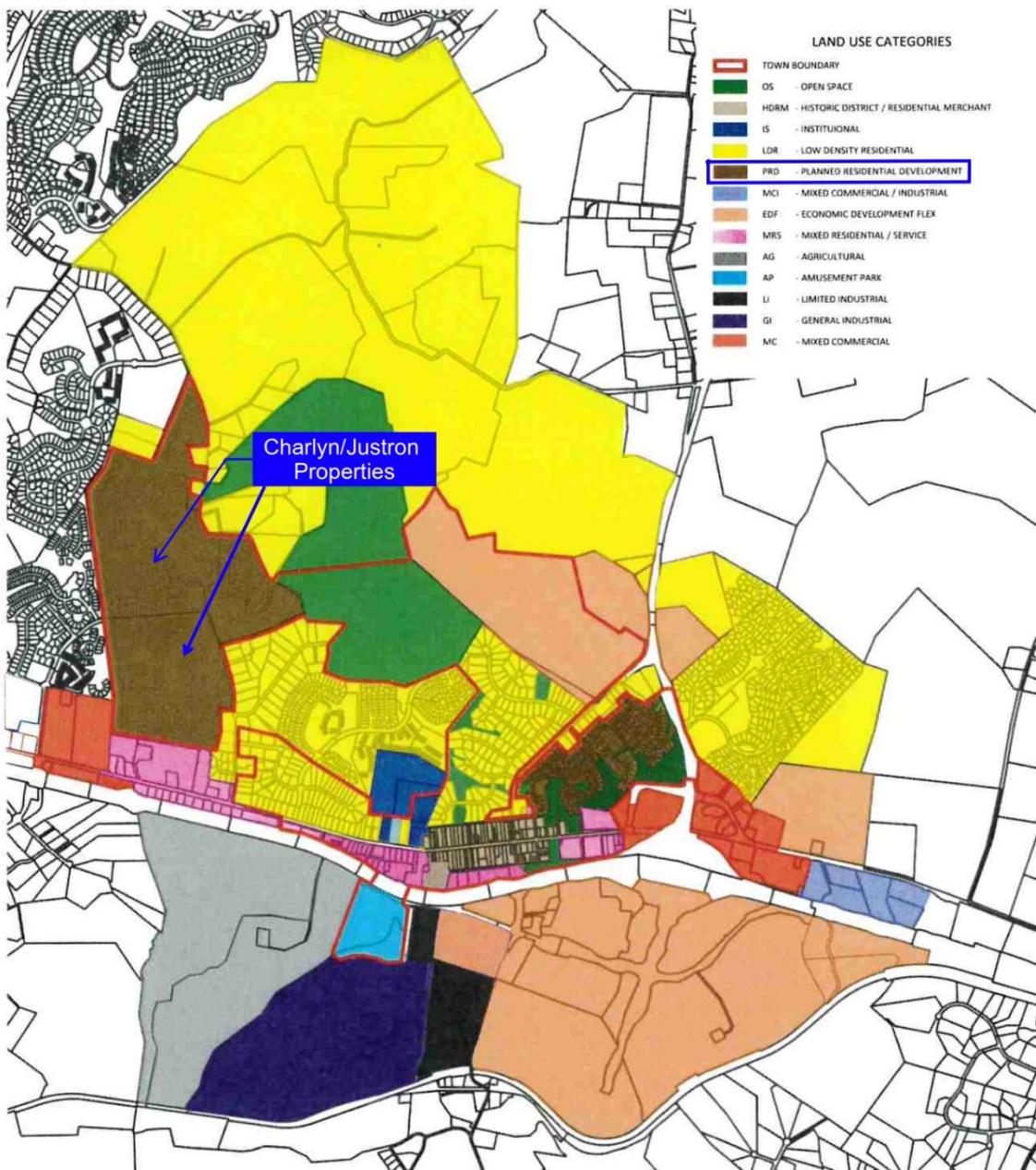
Previously, on July 14, 2016, the Mayor and Council of the Town of New Market, Maryland (“Mayor and Council” or “Town”) approved requests for amendments to the Frederick County Water & Sewerage Plan (“Water & Sewerage Plan”) to reclassify the above referenced properties from W-4/Dev, S-4/Dev to the W-3/Dev, S-3/Dev classifications, and a request that a proposed sewage pumping station for the Calumet PDD be depicted on the Water & Sewerage Plan’s Sewer Map for the Charlyn property. Further, water and sewer studies were performed in conjunction with the Calumet PDD (in consultation with DWSU, formerly DUSWM) as part of the annexation, rezoning, master plan and preliminary subdivision plan review/approval process by the Town which confirmed availability of adequate water and sewer facilities to support development of the Calumet PDD. Those studies and findings remain valid.

¹ Formerly WS-16-05

² Formerly WS-16-06

Following the above actions, a formal update to the Town's Comprehensive Plan ("Plan") was adopted by the Mayor and Council, made effective as of June 22, 2017 pursuant to Resolution #2017-03. Among other things, the Plan included land use maps (excerpted below with 'Charlyn/Justron' labeling added for reference) that were updated to depict the above referenced properties (previously shown as 'future annexation/growth areas') as being incorporated into the municipal boundaries of the Town and designated for Planned Residential Development use, fully consistent with the development approvals granted to the properties.





Map 11: 2016 Planned Use Map

Source: Town of New Market

Based on all the above, this letter is provided to confirm the Town's support and finding that Water & Sewerage Plan Amendment Application(s) for the Charlyn, LLC and Justron, LLC properties, referenced now as Case Nos. WS-23-01 and WS-23-02 herein, are fully consistent with the updated Comprehensive Plan of the Town of New Market (effective June 22, 2017).

If you have any questions concerning the matters stated herein, please do not hesitate to contact me at (301) 865-5544.

Sincerely,

A handwritten signature in black ink that reads "Pat Faux". The signature is fluid and cursive, with "Pat" on top and "Faux" below it, both starting with a capital letter.

Pat Faux
Town Zoning Administrator and Planner

Attachment 2

**2023 NEW MARKET
WATER AND SEWER SERVICE AREA AGREEMENT**

This New Market Water and Sewer Service Area Agreement (the “WSSAA” or “Agreement”), made and entered into this 19th day of September, 2023 (the “Effective Date”), by and between Frederick County, Maryland, a body politic and corporate of the State of Maryland (hereinafter, the “County”) and The Town of New Market, a body politic and corporate of the State of Maryland (hereinafter, the “Town”).

RECITALS

WHEREAS, this Agreement is established in accordance with §2-13-5(a) of the Public Local Laws of Frederick County Maryland, which states that, “in order to provide for the general health and welfare of the residents of Frederick County, the County may acquire, construct, operate, and maintain such water, sewerage, drainage and solid waste systems as it deems to be in the public interest”, and in accordance with §2-13-5(b)(1) of the Public Local Laws of Frederick County Maryland, which states that “any municipal corporation may by appropriate ordinance or resolution transfer the jurisdiction, power, and control of any sewerage, water, drainage, or solid waste system of such municipal corporation to the county upon terms and conditions approved by the board [now Frederick County, Maryland] and may consent to be included within the service area.”, and

WHEREAS, the County and the Town entered into a Water Service Area Agreement, dated April 29, 2003 (“Original WSAA”), and the First Amendment to Water Service Agreement, dated November 25, 2003 (“First Amendment”), which was for the purpose of, among other things, obtaining a County water supply for the properties located within the municipal boundary of the Town, and

WHEREAS, the County and the Town entered into the Second Amendment to Water Service Area Agreement, dated May 5, 2005 (“Second Amendment”), which, among other things, allocated a total of 120 additional water and sewer taps to the Town, and expanded the area to be served under the Original WSAA by the addition of newly annexed property owned by Seawright Corporation, and

WHEREAS, the County and the Town entered into the Third Amendment to Water Service Area Agreement, dated July 29, 2009 (“Third Amendment”), which, among other things, clarified what wastewater infrastructure improvements must be completed before additional wastewater capacity, beyond that reserved for the Town, could be allocated to properties within the Original WSAA service area. The Third Amendment also modified the date by which owners of existing structures may elect to pay water capacity fees over a ten (10) year period and established a revised capacity Allocation Schedule, and

WHEREAS, the County and the Town entered into a Fourth Amendment to Water Service Area Agreement, dated December 12, 2012 (“Fourth Amendment”), to set aside additional water and sewer capacity (taps) for use within the Town of New Market and modify certain language in the

Original WSAA clarifying the County's and the Town's responsibilities and procedures associated with water and wastewater system capacity allocations, and

WHEREAS, pursuant to Paragraph 6 of the Original WSAA, the County's obligation to provide 500 water taps in accordance with the Original WSAA ended ten (10) years after the date of the Original WSAA, or on April 29, 2013, and

WHEREAS, pursuant to Paragraph 6 of the Second Amendment, all taps provided to the Town under the Second Amendment (120 water and 120 sewer) were required to be purchased within ten (10) years of the date of the Second Amendment, which period ended on May 15, 2015; therefore, the County has no further obligation to reserve or provide any taps not purchased, and

WHEREAS, Section 1 of the Third Amendment, which gave owners of existing structures within the municipal boundaries of the Town the option to pay the capacity fee to the County over a ten (10) year period, with interest, expired on June 30, 2015, and

WHEREAS, the Fourth Amendment provided "once the infrastructure improvements detailed in Paragraph 9 of the [O]riginal WSAA have been completed and placed into operation, water and sewer taps (system capacity) shall be provided to properties within the [Town] on a first-come, first-served basis, or as provided under the then-current Water and Sewer Rules and Regulations", and

WHEREAS, the infrastructure improvements detailed in Paragraph 9 of the Original WSAA - the Bush Creek Interceptor and the Ballenger-McKinney Wastewater Treatment Plant ("WWTP") and the Potomac River water transmission line and expansion of the New Design Road Water Treatment Plant (WTP) have been completed and are operational, and

WHEREAS, the parties want to rescind the Original WSAA, and the First, Second, Third, and Fourth Amendments, and replace them with this WSSAA.

NOW THEREFORE, the County and the Town hereby agree as follows:

1. The Recitals set forth above are incorporated herein by reference as a material part of this WSSAA.
2. As of the Effective Date, the Original WSAA, and the First, Second, Third and Fourth Amendments are void and of no further force and effect. All further dealings between the Town and the County in connection with water supply and sewer service in the Town will be controlled by this WSSAA, and by applicable state and local laws and regulations, including but not limited to, the Frederick County Water and Sewer Rules and Regulations, and the County Water and Sewerage ("W&S") Plan.
3. The Town agrees that the County shall be the sole provider of water and sewer service within the Town boundaries as they exist on the Effective Date of this Agreement (the "Municipal Limits") and Parcel 32 on Map 088C (Tax ID 09-317872) (the "Specified Growth Area Site") pursuant to conditions set forth under Section 3.a. below, all as shown on Exhibit A, which is attached to and incorporated into this WSSAA by reference. The

Town shall keep the County informed and refer to the County any initial inquiries related to all proposed rezonings, subdivisions, development, redevelopment, and annexations that will utilize water and/or sewer service (capacity) within the Municipal Limits and the Specified Growth Area Site. Development of new properties within the Municipal Limits and the Specified Growth Area Site shall rely on infrastructure extensions of Frederick County's water and sewer systems. Individual well and septic systems shall not be permitted for new development within the Municipal Limits on properties classified for public water and sewer service in the County W&S Plan. Existing improved properties may remain on individual well systems until these properties can be served through planned water line extensions.

- a. Specified Growth Area Site: Provision of public water and sewer service under this Agreement is conditioned upon i) annexation into the Town and ii) non-residential use of the property only.
4. With the exception of the Specified Growth Area Site pursuant to Section 3.a. above, this Agreement does not authorize water or sewer service to: (a) any properties outside the Municipal Limits shown on Exhibit A; or (b) properties currently located within the Municipal Limits that have a "No Planned Service" ("NPS") designation in the W&S Plan as of the Effective Date of this WSSAA.
5. The County shall own and operate the public water supply system and the public sewerage infrastructure located within the Municipal Limits and the Specified Growth Area Site. The Town will grant, without charge to the County, easements, subject to approval by the Town of the terms and provisions thereof, in public ways or other Town property reasonably required by the County for connection of properties within the Municipal Limits and the Specified Growth Area Site to the County's public water and sewer systems. In the case of new development in the Municipal Limits and the Specified Growth Area Site, the Town will require the property owners, as a condition of site plan or subdivision approval, and without charge to the County, to grant easements needed by the County for connections to the County's public water and sewer systems. The County will notify the Town in advance of non-emergency water and sewer maintenance activities that may disrupt vehicular traffic through the Town.
6. All extensions or other improvements of the County's water distribution and sewage collection system within the Municipal Limits shall be designed as prescribed by the County. Construction of all water and sewer system extensions and improvements shall be under the sole control of the County and consistent with the County's W&S Plan and W&S Rules and Regulations. Water and sewer infrastructure improvements, including the extension of utility lines, construction of facilities, and upgrades to existing County water and sewer infrastructure to serve properties within the Municipal Limits of the Town shall be funded by the Town or by property owners or developers, as determined by the Town. The County may, at its discretion, contribute funding for certain improvements that also provide service to properties located outside the Municipal Limits.
7. In order to connect to the County system(s), property owners shall obtain an appropriate W&S Plan classification, complete any necessary water and sewer main line extensions, in

accordance with the Water & Sewer Rules and Regulations, pay the County's prevailing water and/or sewer capacity fees, and obtain County building and/or plumbing permits as follows: 1) Unimproved property within the Town must pay the County's prevailing capacity fees and water meter installation fees before issuance of a building permit. 2) Owners of improved property within the Town, which are connecting to the County water and/or sewer system or making improvements that increase the property's water and/or sewer system utilization, in accordance with the Rules and Regulations of the Division of Water and Sewer Utilities ("DWSU"), must pay the County's prevailing capacity fees and any other fees before the issuance of building and/or plumbing permits. No buildings shall connect to the public water system until all existing private wells have been abandoned in accordance with State regulations and disconnected from the building's plumbing, as verified by the Health Department, DWSU, or other appropriate County staff. All fees, requirements, exactions and policies applicable to properties within the Municipal Limits and the Specified Growth Area Site shall be in parity with the burdens and requirements applicable to the properties generally served by the County which are outside the Municipal Limits.

8. a. Water and sewer capacity provided by the County under this WSSAA must comply with Section 9 of this Agreement, and the requirements of the County W&S Plan, the Water and Sewer Rules and Regulations, and §9-512 of the Environment Article of the Annotated Code of Maryland. W&S Plan amendments for properties subject to this WSSAA will be processed in accordance with the procedures in the W&S Plan.

b. The Town agrees that it will not maintain a separate subsidiary water and sewerage plan while this WSSAA is in force.
9. The formal action of allocating capacity from the County's water and sewer systems is solely within the purview and authority of the County and specifically the DWSU. These procedures are necessary to ensure that the DWSU is complying with the provisions of the Environment Article §9-512 of Annotated Code of Maryland:
 - a. Before the Town considers any formal commitments regarding development or redevelopment (increasing density) of existing property that requires water and sewer service to any properties located within the Municipal Limits, including existing structures that require additional capacity due to a change in use or expansion, the Town shall direct the person or entity seeking additional capacity to DWSU Department of Engineering and Planning and request a determination of available water and sewer infrastructure capacity. A request shall be submitted by the owner of each individual property or proposed subdivision.
 - b. After receiving the request, the DWSU shall evaluate the request and provide the applicant and the Town with a written response that provides a tentative determination of the available capacity.
 - c. The Town shall not enter into any agreements with property owners regarding County water and sewerage capacity or related infrastructure improvements. All such agreements must be negotiated and established directly between the applicant and the County, but shall be subject to approval by the Town or its designee in the case of development within the Municipal Limits.

- d. The Town shall include DWSU as the outside reviewing agency responsible for confirming availability of public water and/or sewer service capacity in all reviews of preliminary and final plans and plats, site plans, and building and plumbing permits, for properties within the Municipal Limits requiring public water and/or sewer service. This is necessary to ensure compliance with §9-512 of the Environmental Article of the Annotated Code of Maryland.
 - e. DWSU's approval of building or plumbing permits for properties within the Municipal Limits shall be contingent upon the payment of water and sewer capacity fees for the subject property.
 - f. Water and sewer allocations are not finalized until all required (then-current) capacity fees have been paid to the DWSU at which point they cannot be unallocated.
10. All properties within the Municipal Limits, whether improved or unimproved, that have water distribution and/or sewer collection lines along the front, back, or side of the parcel, or any combination thereof, shall be charged the prevailing Ready-to-Serve ("RTS") Charge. The RTS component of the service charge is intended to recover the cost to maintain infrastructure capacity associated with the Property Owner's potential need and shall not be construed to reserve water and/or sewer system capacity for any property.¹ Each improved property within the Municipal Limits with a County water supply and/or sewer line in the front, side, or rear (or any combination thereof) of the property shall pay the prevailing RTS Charge based on the equivalent meter chart shown in the Water and Sewer Rules and Regulations, as amended. Each unimproved property within the Municipal Limits with a County water supply and/or sewer line in the front, side, or rear (or any combination thereof) of the property shall pay the prevailing RTS Charge based on one (1) Equivalent Dwelling Unit ("EDU"). Notwithstanding payment of the RTS Charge, water and sewer service fees for all customers within the Municipal Limits shall be assessed in accordance with the Frederick County water and sewer rate structure, as amended.
11. Existing improved properties within the Municipal Limits, which are not connected to the County water system, may remain on individual well systems until these properties can be served through planned water line extensions, funded by the Town, a property owner, developer or combination thereof. The property owner or developer will initiate applications to amend the County's W&S Plan to designate properties to be served by the County water system as W-4 or lower. Properties with a classification of W-5 or PS ("Planned Service") that are contiguous to the County's water mains will not be required to connect to the County water system until the property is approved for a classification of W-4 or lower; however, these properties will be subject to the RTS charge as described in Section 10 of this Agreement. Notwithstanding the foregoing, nothing in this Section 11 shall obligate the Town to fund the extension of water lines in the Town.
12. The County's provision of water supply and wastewater disposal capacity for existing unimproved property or improved property not currently connected to the County's systems,

¹ Section 12. Service Charges (Paragraph A.1.) of the Water and Sewer Rules and Regulations, [last amended October 1, 2022]

within the Municipal Limits is available on a first-come, first-served basis.²

13. The County's agreement to provide water and sewer service pursuant to and in compliance with the terms of this Agreement shall not be unreasonably or arbitrarily withheld. The County's provision of water and sewer service to future Town annexations of property located outside the Municipal Limits or beyond the Specified Growth Area Site shown on Exhibit A will require an amendment to this Agreement. The parties hereby agree that negotiations of any amendments to this WSSAA will be conducted in good faith and without imposition of terms and conditions that are unrelated to provision of water and sewer capacity.
14. Notwithstanding Section 13 of this WSSAA, if any future Town annexation, whether outside the Municipal Limits or beyond the Specified Growth Area shown in Exhibit A, will create additional residential development, a separate agreement addressing adequate school capacity must be executed by the applicant/developer and the County, and approved by the Town, prior to issuance of the first residential building permit for the annexed property.
15. This Amended and Restated WSSAA contains the entire understanding of the parties and no amendments or modifications hereto shall be effective unless in writing signed by both parties.

WITNESS the execution of this Amended and Restated WSSAA, as of the day and year (Effective Date) set forth above.

WITNESS:

DocuSigned by:
Joyce Grossnickle
AE600686BDA/F4E3...

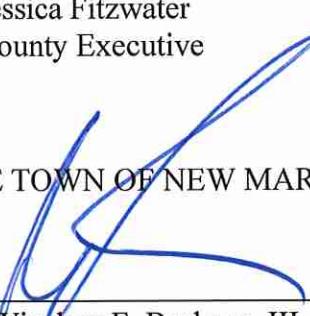
FREDERICK COUNTY, MARYLAND

DocuSigned by:
Jessica Fitzwater
By: 32F7AAE4DF204E6...
Jessica Fitzwater
County Executive

DS
BB

Michele Fletcher
Clerk

THE TOWN OF NEW MARKET

By: 
Winslow F. Burhans, III
Mayor

² Section 10. Allocation of Capacity (Paragraph A.) of the Water and Sewer Rules and Regulations, [last amended October 1, 2022]

EXHIBIT A
(Water & Sewer)

Town of New Market Municipal Limits and Specified Growth Area Site

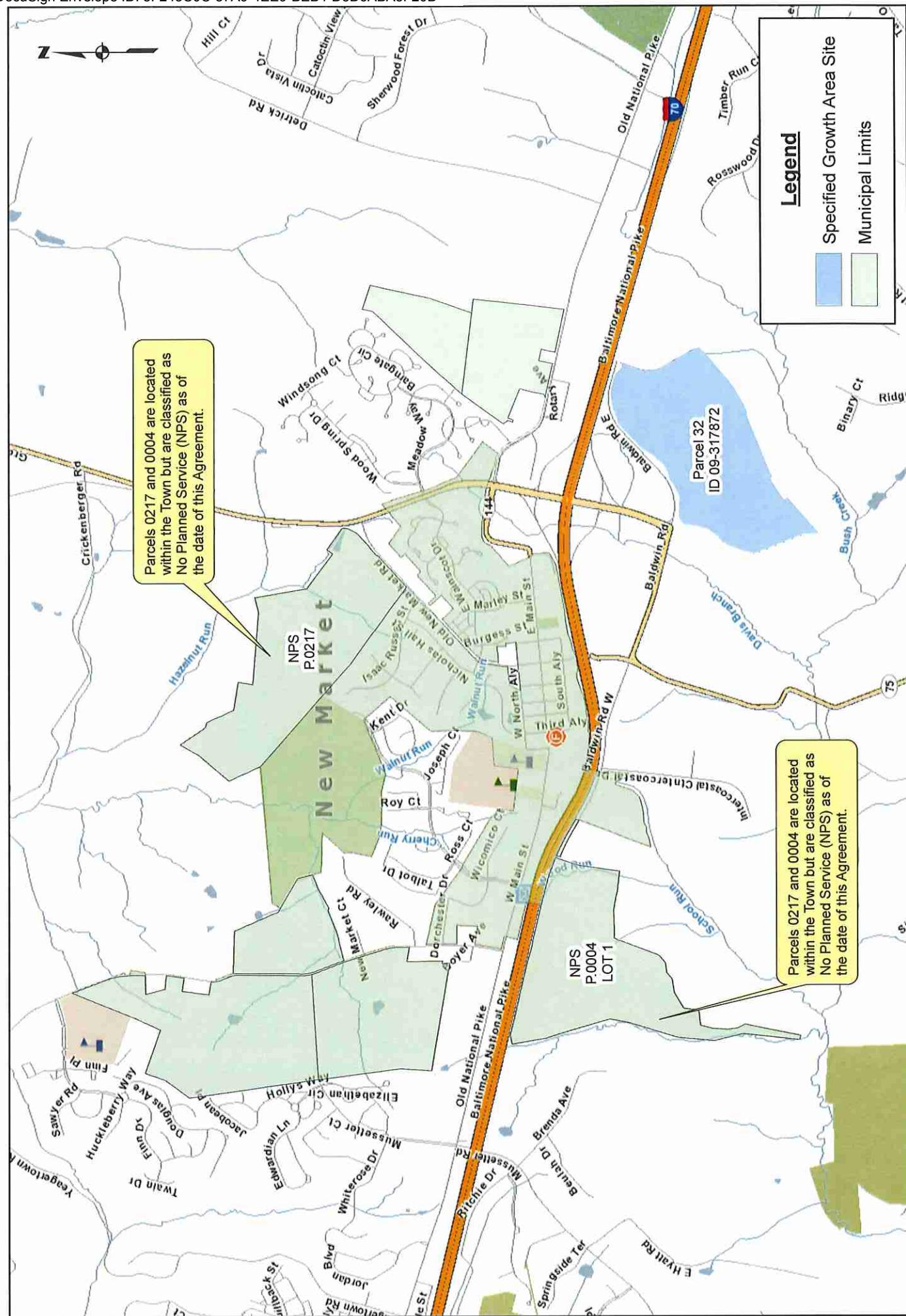


EXHIBIT A
New Market Water & Sewer Service Area Agreement
March 2023

Attachment 1

MEMORANDUM OF UNDERSTANDING BY AND BETWEEN
AVANTI ACQUISITION COMPANY, LLC,
THE TOWN OF NEW MARKET, AND
FREDERICK COUNTY, MARYLAND

This Memorandum of Understanding (“Memorandum”) by and between AVANTI ACQUISITION COMPANY LLC (“Developer”), THE TOWN OF NEW MARKET (“Town”), and FREDERICK COUNTY, MARYLAND (“County”), collectively referred to herein as the **Parties**, effective as of September 19, 2023,

RECITALS

WITNESSETH THAT WHEREAS, in April 2003, the Town and the County entered into a Water Service Area Agreement (“WSAA”) providing for public water service to be made available to serve improved properties in the Town (the WSAA has since been updated by four amendments to include sewer service, among other things), and

WHEREAS, the Town and the owners of the Charlyn, LLC and the Justron, LLC properties (the “Properties”) entered into an Annexation Agreement dated April 10, 2014 that is recorded in the Land Records of Frederick County at Book 10399, Page 423 (“Annexation Agreement”), and

WHEREAS, prior to the annexation of the Properties by the Town, the Town and County entered into a New Market Bypass Memorandum of Understanding, dated April 2, 2014 (“Bypass Agreement”), regarding shared public maintenance of a new road sometimes referred to as the New Market Parkway to be built in conjunction with the development of the Properties, and

WHEREAS, the Developer is currently the contract purchaser of the Properties, and is seeking amendments to the Frederick County Water and Sewerage Plan in order to develop the Properties – pending applications assigned as Case Nos. WS-23-01 (formerly WS-16-05) (Charlyn, LLC) and WS-23-02 (formerly WS-16-06) (Justron, LLC), and

WHEREAS, on or about December 13, 2022, the Developer filed a complaint against, in part, the County and the Town in a case styled *Avanti Acquisition Company, LLC v. Frederick County, Maryland, et al.*, Case No. C-10-CV-22-000737, pending in the Circuit Court for Frederick County (“Avanti Litigation”), seeking, among other things, declaratory and injunctive relief related to the Developer’s pending water and sewer amendment applications (Case Nos. WS-16-05 (Charlyn, LLC) and WS-16-06 (Justron, LLC)); and

WHEREAS, many of the provisions included in the WSAA were intended to address previous County water and wastewater capacity limitations that are no longer applicable; therefore, the Town and the County have agreed to enter into an amended and restated Water and Sewer Service Area Agreement, of even date herewith (“2023 WSSAA”), and

WHEREAS, it is the purpose of this Memorandum to settle the Avanti Litigation, and confirm certain understandings and agreements between the Developer, Town, and County relating to planning, development, transportation infrastructure, public water and sewer



availability within the Town, and Developer participation in funding public education and long-term maintenance of portions of the New Market Parkway, with specific reference to the Properties and the proposed Calumet development.

NOW THEREFORE, to, in part, avoid the delay, inconvenience, and expense of further litigating the Avanti Litigation and in consideration of these premises, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties, intending to be legally bound, agree as follows:

1. Recitals. The Recitals above are incorporated as if fully set forth herein.

2. Town and County Cooperation. In order that planning, transportation, utility and other outcomes adverse to the Town or the County may be identified and avoided, the Town and the County commit to intergovernmental cooperation in matters of annexation, development, land use regulation and extension of public utilities.

3. School Construction Fees. Paragraph 23 of the Annexation Agreement (Book 10399, Pages 444-445) provides certain assurances relating to school construction fees. The Developer and the Town agree that any developer funds or contributions as required by Paragraph 23 of the Annexation Agreement shall be paid to and held by the County solely for utilization in the New Market area, *i.e.*, the Oakdale-Linganore school feeder system.

In addition to the school construction fees required under Paragraph 23 of the Annexation Agreement (the “Calumet School Fees”), the Developer also hereby agrees to increase the Calumet School Fees by an amount equal to the rate of inflation, based on the US Consumer Price Index, between April 2014 and the date of payment of the Calumet School Fees. The Calumet School Fees, including the increase based on the rate of inflation, will be due and payable prior to or at issuance of each building permit for the Calumet development.

4. Maintenance of Certain Road Segments Within the Town.

a. The Town agrees to maintain certain County road segments located within or in the vicinity of the Town, labeled as B-1, B-2, and B-3 on the attached list (Exhibit A) and depicted on the drawings attached as Exhibits B-1 through B-3. Upon full execution of this Memorandum and formal transfer of road segment B-1 to the Town in accordance with the County’s road transfer process, the Town will assume full responsibility for road segment B-1 and snow removal only for road segments B-2, and B-3, to the extent indicated in Exhibit A, provided the conditions in this Memorandum are satisfied, and provided that the segments are consistent with County Standards. The Town will commence snow removal for road segments B-2 and B-3 in the winter following execution of this Memorandum. Unless otherwise agreed in writing between the Town and County, the Town will comply with applicable County standards for road acceptance, repair, maintenance, and rebuilding of the road segments, as necessary.

b. The County agrees to continue to maintain road segment B-1 until formally transferred to the Town. The Town will maintain the segment of Old National Pike (B-1) identified in Exhibit A after completion of the County’s CIP project for Boyer’s Mill Road. The County’s CIP project includes pavement repair/widening, installation of curb and gutter, storm drain improvements, and the installation of a stormwater management pond on the Town-owned

parcel located immediately west of the post office.

5. Maintenance of the New Market Parkway (“Bypass”). In order to provide financial assistance to the County for maintenance, repair and replacement of the County Portion of the Bypass (defined below), the Parties have agreed to the following:

a. The properties described below in Paragraphs 5.b and 5.c collectively comprise the portion of the Bypass to be maintained by the County under the Bypass Agreement (“County Portion”). The County Portion is depicted in Exhibit B-4 attached hereto and comprises the same areas depicted as the County Portion in Exhibit A appended to the Bypass Agreement; and

b. Upon completion of construction of the Bypass by the Developer, the Town shall convey/transfer to the County, for no monetary consideration, that portion of the Bypass located within right-of-way granted to the Town by George B. Delaplaine, Jr., and George B. Delaplaine, III, Trustees for the Delaplaine Trust B u/d dated July 25, 1939 in a Deed of Easement recorded in the Land Records of Frederick County at Book 11141 Page 187, thereby granting a perpetual easement consisting of 331,172 square feet or 7.6027 acres of land, more particularly shown and described as “80-Foot Right-of-Way” on EXHIBITS ‘A’ through ‘E’ attached to said Deed of Easement; and

c. Upon completion of construction of the Bypass by the Developer, the Town shall convey/transfer to the County, for no monetary consideration, that portion of the Bypass located on land owned by the Town consisting of approximately 111,660 square feet or 2.56 acres, as depicted in Exhibit B-5 attached hereto, and more particularly described as “80-Foot Right-of-Way” from STA 57+00 west of the proposed culvert structure over Cherry Run to STA 70+95.68 at the western boundary line of the Delaplaine property; and

d. The County shall open/establish an interest-bearing account to hold funds earmarked for use to cover the County’s maintenance costs for the County Portion of the Bypass (“County Bypass Maintenance Account” or “County BMA”); and

e. The Developer shall provide an upfront contribution to the County BMA of \$2.2 million, payable in three (3) installment payments of Seven Hundred Thirty Three Thousand Three Hundred Thirty Three Dollars and Thirty Three Cents (\$733,333.33) each, the first of which shall be due to the County prior to the start of construction of the Bypass, with each of the remaining installments due on/prior to each subsequent yearly anniversary date of the first payment; in no event will the County accept the Bypass for maintenance unless the total amount of Developer’s upfront contribution herein has been paid in full; and

- 1) The County reserves the right to request during the final design of the Bypass that Developer incorporate design elements to the culvert structure to be constructed as part of the County Portion of the Bypass that might be needed to facilitate the County’s future repair or replacement of said culvert structure.
- 2) The County agrees that any increased design costs attributable to additional engineering work required to implement design elements requested by the County pursuant to Paragraph 5.e.1 and/or any increased construction costs related to same shall be credited, dollar-for-dollar, to reduce Developer’s



upfront contribution specified under 5.e.

f. The Developer and the County agree to facilitate the collection of annual “per house lot” contributions or assessments, as applicable, toward the County BMA as follows:

1) Option A – Homeowner Association (HOA) Methodology:

a) “Per house lot” contributions to the County BMA shall initially include all residential lots¹ in both the Calumet and Gordon Mill development projects, which are proposed to yield approximately 923 and 610 housing units, respectively.

b) The Developer shall create a Homeowners Association (HOA) and record HOA Declarations for both the Calumet and Gordon Mill developments prior to the sale of the first lot in each development. The County shall review and approve the HOA Declarations prior to recordation.

c) The first annual “per house lot” contribution shall be collected from the lot purchasers by the Developer or the HOA in advance at closing and transmitted to the County by the 15th of the month following collection, with subsequent annual contributions collected/transferred to the County BMA by the respective HOAs.

d) Collection of the “per house lot” contributions under the HOA Methodology shall continue only until such time that local implementing legislation is adopted and effective for a Special Assessment District for the Calumet development under Option B below. In no event shall the collection period under Option A extend more than a total of 50 years.

e) The “per house lot” contribution amount under Option A shall be \$250.00 per year with 2% annual increases from date of first collection, consistent with the County BMA assumptions/projections certified by MuniCap, or other qualified municipal financial advisor designated by the County.

2) Option B – Special Assessment District Methodology:

a) Upon adoption of local implementing legislation as needed, the Developer and the County agree that the County may opt to convert from the above Option A – HOA Methodology of collecting a “per house lot” annual contribution to the levying of a “per house lot” special assessment by establishment of a Special Assessment District that covers all residential lots¹ in the Calumet development (“Calumet District”), which is proposed to yield approximately 923 housing units.

¹ Does not include 2 lots in the Calumet development that will be created for 2 existing residential structures that will not be part of the HOA. The 923 housing units of the Calumet development intended to be covered by this Memorandum excludes these 2 lots.

b) Upon implementation of the Calumet District, any further “per house lot” contributions from the Gordon Mill development toward maintenance of the County Portion of the Bypass shall be discontinued.

c) The “per house lot” annual assessment amount under Option B shall be consistent with the County BMA assumptions/projections certified by MuniCap, or other qualified municipal financial advisor designated by the County.

d) The Developer will require all lot purchasers in the Calumet development to sign an addendum in advance of closing, in accordance with Maryland law, that discloses the potential for the establishment of the Calumet District and the potential special assessment amount as set forth in Paragraph 5.f.2.c above through which they will agree to be liable to pay the full amount assessed against the property under the Calumet District.

6. Water and Sewer Plan Amendments. Immediately upon the full execution of the 2023 WSSAA and this Memorandum, the County will schedule the Developer’s pending water and sewer amendment applications (Case Nos. WS-16-05 (Charlyn, LLC) and WS-16-06 (Justron, LLC)) for a hearing before the Frederick County Planning Commission (“Planning Commission”). If the Planning Commission finds that the amendment applications are consistent with the Town of New Market comprehensive plan, then the County will schedule them for a hearing at the next available County Council meeting. The dates of these hearings/meetings will depend upon meeting public notice requirements.

7. Conditions Precedent to the Enforcement of the Provisions of this Memorandum. Except for the commitment of the County to act on the pending water and sewer plan amendments discussed in Paragraph 6 above, which shall become effective immediately upon the execution of this Memorandum, the obligations created in this Memorandum shall take effect following:

a. the full execution/adoption of the 2023 WSSAA; and

b. the final, unappealable approval of the pending water and sewer plan amendments (Case Nos. WS-16-05 (now WS-23-01) (Charlyn, LLC) and WS-16-06 (now WS-23-02) (Justron, LLC)) by the Maryland Department of the Environment, with no conditions unsatisfactory to the Developer; and

c. the acquisition by the Developer of the fee simple title to the Properties and the assignment to Developer (concurrent with Developer’s fee simple acquisition) of all development approvals and related agreements, detailing all rights and obligations of Charlyn, LLC and Justron, LLC relative to the Properties; and

d. once all development approvals and related agreements referenced in 7.c above are assigned to the Developer, the Town’s timely approval of the assignment which the Town and Developer acknowledge will be subject to approval provisions in paragraph 14 of the Annexation Agreement; and further subject to the full bonding in advance by the Developer of the construction and completion of the Bypass conforming to Frederick County bonding requirements, and in all



respects satisfactory to the Town. Developer, by its execution of this Memorandum, for itself, its successors and permitted assigns, ratifies and confirms the Annexation Agreement, as may be effective as of the assignment to Developer of the Annexation Agreement not later than the acquisition of the Properties by the Developer or its permitted assignee. The Developer and Town acknowledge that amendment or replacement of the "Agreement Regarding Construction, Maintenance and Dedication of New Road" appended to the Annexation Agreement is required for the bonding and construction of the Bypass and rezoning and development of the Properties to proceed. It shall be a further condition of assignment that Charlyn, LLC and the Justron, LLC have conveyed an easement for the portion of the Bypass within the Properties in accordance with the Annexation Agreement.

In the event conditions precedent a. through d. above are not satisfied, then this Memorandum of Understanding shall be null and void and of no further legal force or effect.

8. Assignment. No party hereto may assign or delegate its rights, interests or obligations hereunder without the prior written approval of the other Parties; provided, however, that Developer shall have the right to assign, in its sole discretion, any or all of its rights, interests and obligations hereunder to any of its affiliates or to its parent company, Avanti Management Corporation, or to any direct or indirect wholly owned subsidiary or affiliate of Avanti Management Corporation.

9. Time of the Essence. Time is of the essence with respect to the obligations of the Parties under this Memorandum.

10. Entire Understanding; Amendments. This Memorandum contains the entire understanding of the Parties with respect to the matters herein set forth and no amendments or modifications hereto shall be effective unless in writing and signed by the Parties. The preceding sentence notwithstanding, the Developer's concurrence, consent or participation is not required to render effective any amendment of this Memorandum between the Town and County which does not impact or otherwise affect any rights or obligations of the Developer in this Memorandum.

11. Representation on Authority of Parties/Signatories. Each person signing this Memorandum represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Memorandum. Each of the Parties represent and warrant to the others that the execution and delivery of this Memorandum and the performance of each of the Parties' obligations hereunder have been duly authorized and that the Memorandum is a valid and legal agreement binding on each of the Parties and enforceable in accordance with its terms.

12. Within five (5) business days of the conclusion of the hearing before the County Council on pending water and sewer plan amendments (Case Nos. WS-16-05 (now WS-23-01) (Charlyn, LLC) and WS-16-06 (now WS-23-02) (Justron, LLC)) referenced in paragraph 6 above, the Avanti Litigation shall be dismissed by the Developer.



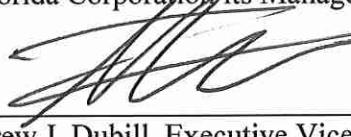
WITNESS the execution of this Memorandum of Understanding by the duly authorized representatives of the Parties hereto as of the day and year (Effective Date) first set forth above.

WITNESS/ATTEST:

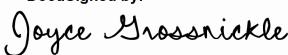


AVANTI ACQUISITION COMPANY, LLC,
a Florida limited liability company

By: Avanti Management Corporation, a
Florida Corporation its Manager

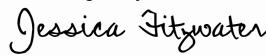
By: 
Andrew J. Dubill, Executive Vice President

DocuSigned by:



AE60606BDA7F4E3...

DocuSigned by:



32F7AAE4DF204E0...

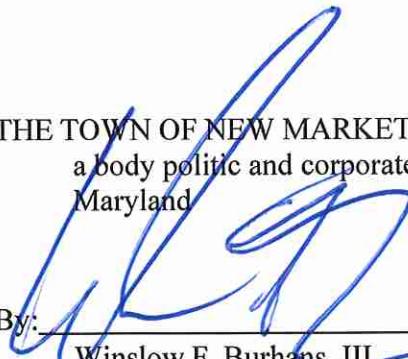
Jessica Fitzwater
County Executive

DS

BB

FREDERICK COUNTY MARYLAND,
a body politic and corporate of the State of
Maryland

By:


Winslow F. Burhans, III
Mayor

THE TOWN OF NEW MARKET

a body politic and corporate of the State of
Maryland

By:

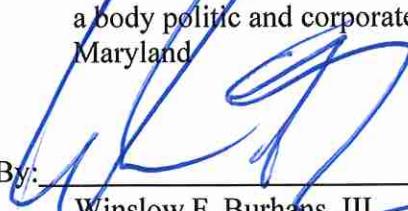

Winslow F. Burhans, III
Mayor

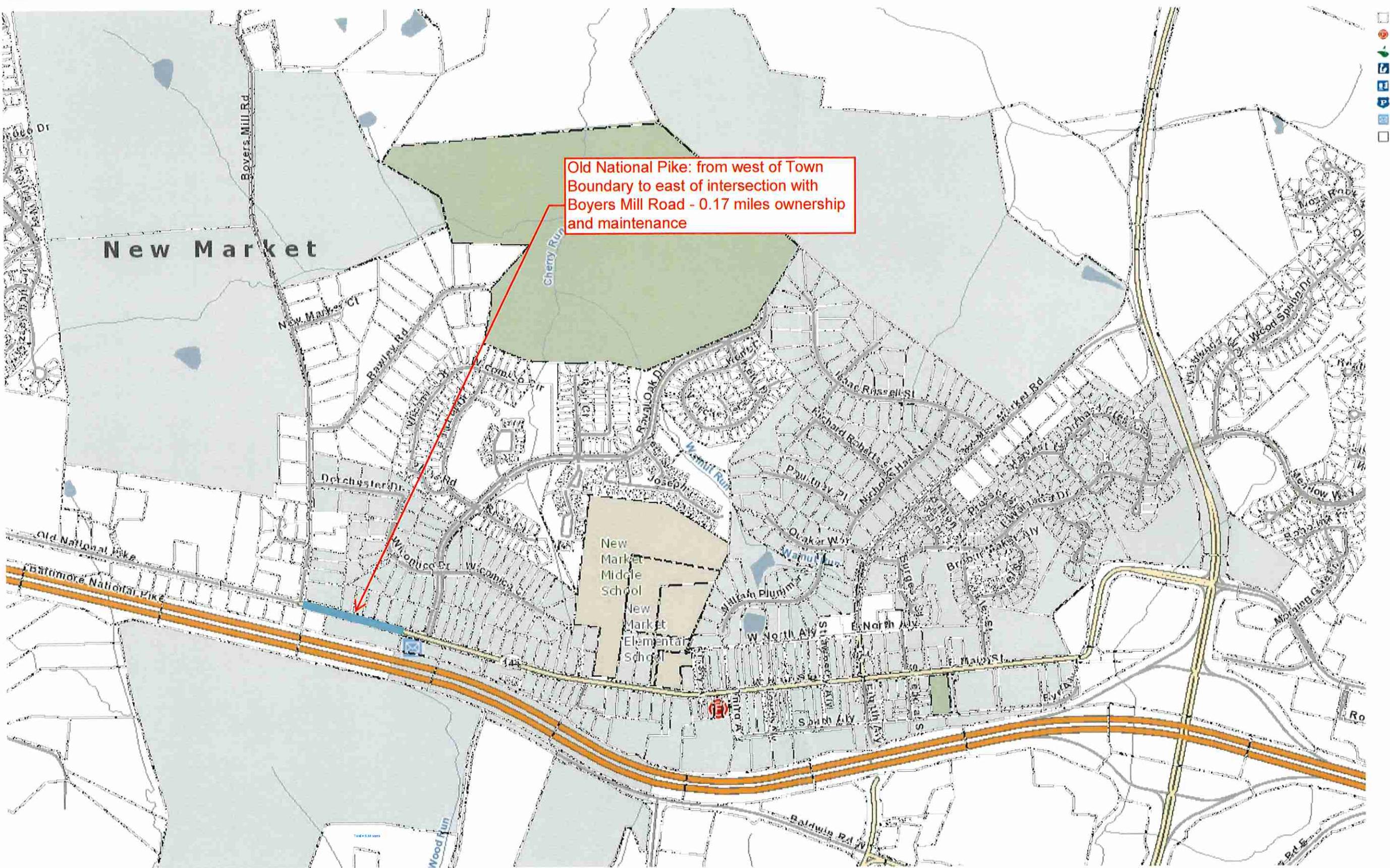
Exhibit A

Road Segments to be Maintained by Town

- B-1: 0.17 mile of Old National Pike from end of County maintenance near the Post Office to Boyer's Mill Road.
- B-2: 0.13 mile of Old New Market Road from East North Alley to E. Wainscot Drive (snow removal only)
- B-3: 0.58 mile of Old New Market Road from E. Wainscot Drive to MD Rt. 75 (snow removal only)



Exhibit B-1





Exhibit

Old New Market Road: from Town Boundary at North Alley through intersection with East Wainscot Drive 0.13 miles snow removal only

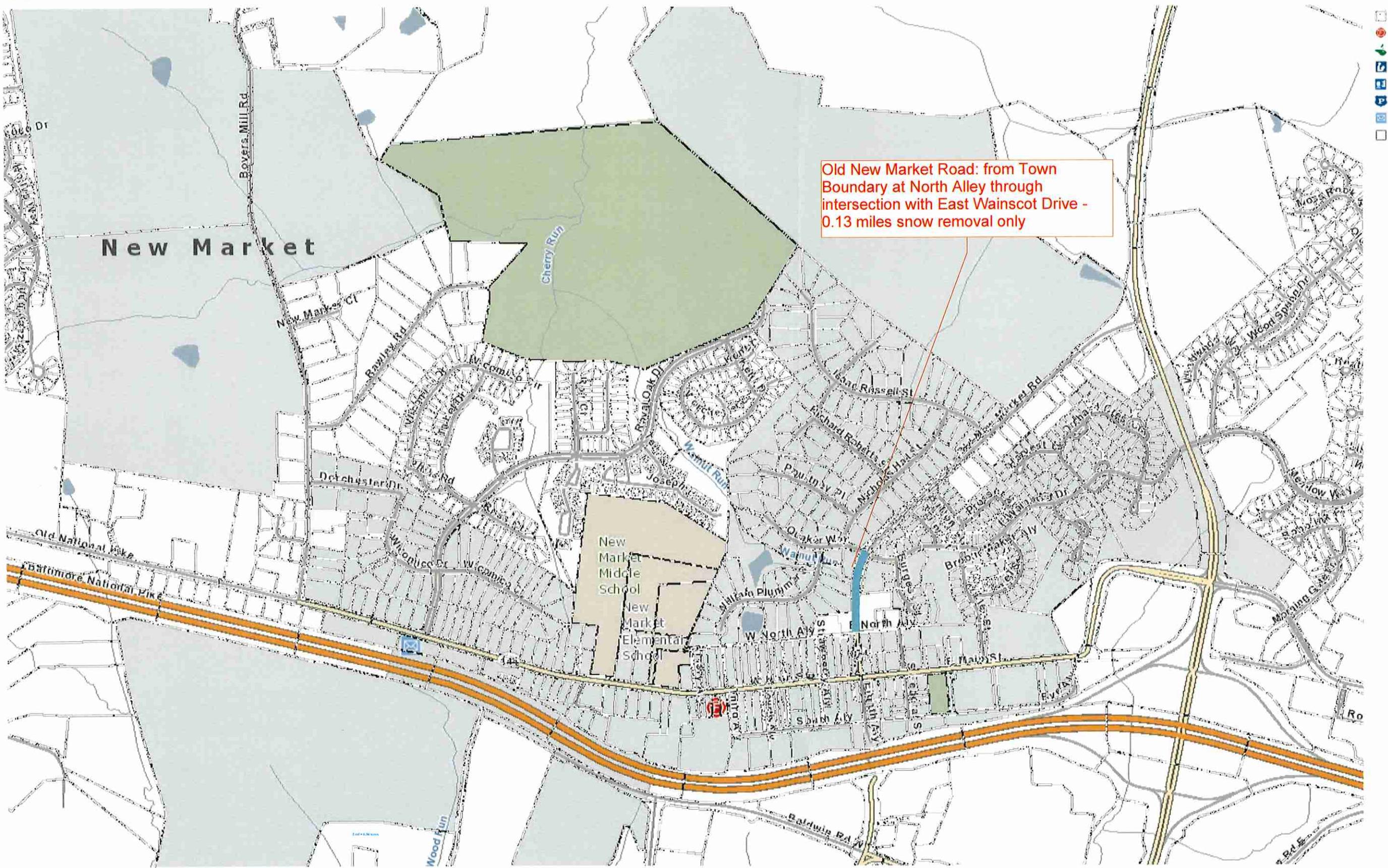
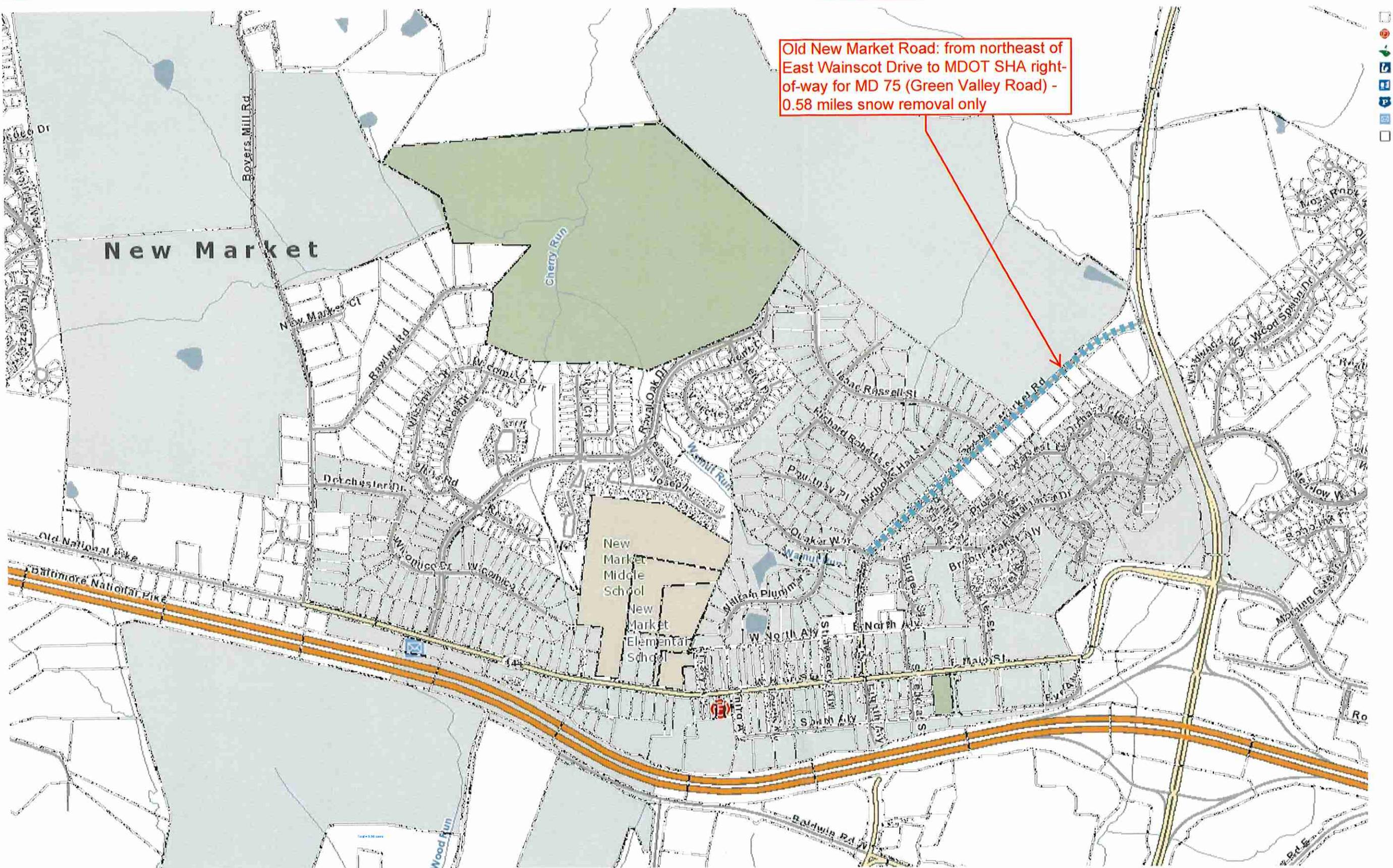
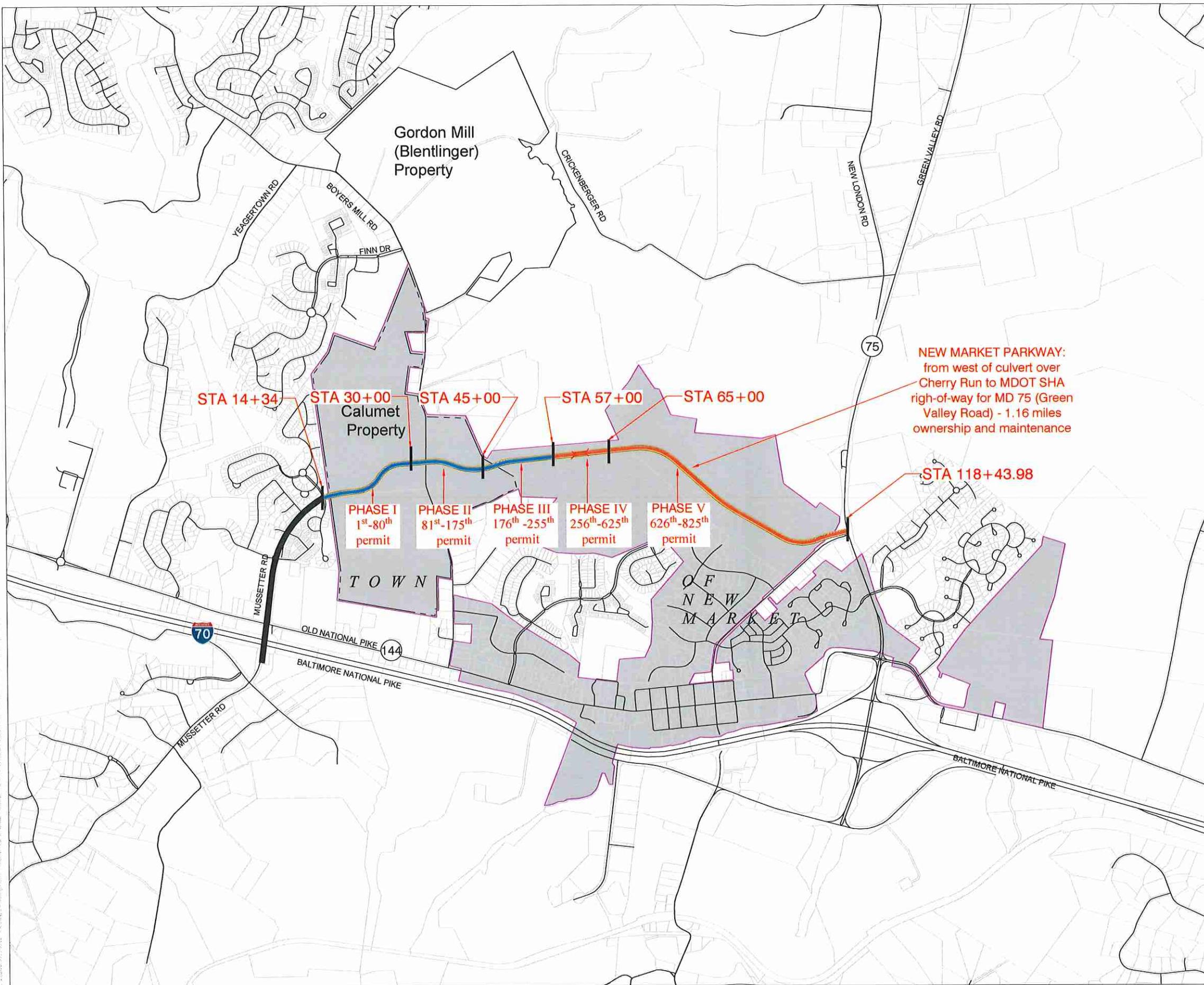




Exhibit B-3





New Market Region Bypass Exhibit - Maintenance

Legend

Maintenance Body

Existing Mussetter Road

Town of New Market

Frederick County

Town of New Market Municipal Boundary

Phases I-V indicated hereon are pursuant to Exhibit A of Annexation Agreement dated April 10, 2014, recorded at Book 10399 Page 423

Exhibit - B-4

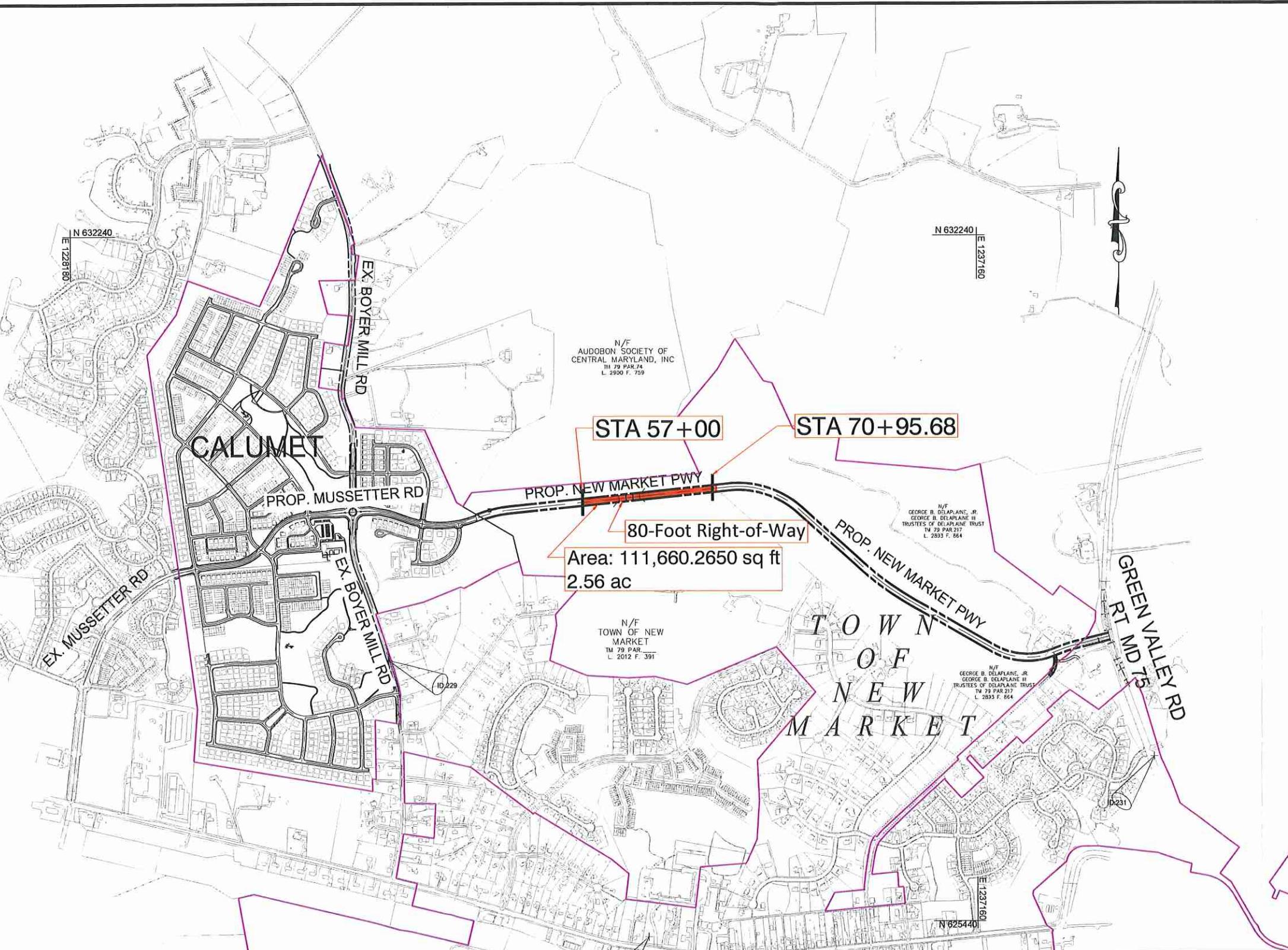
Prepared For:

AVANTI ACQUISITION COMPANY, LLC
923 N. PENNSYLVANIA AVE.
WINTER PARK, FL 32789
C/O JAMES PROAKIS
JNP CAPITAL MANAGEMENT
2428 39TH STREET NW
WASHINGTON D.C. 20007

Prepared By:

CBM
Consulting

105 East Patrick Street | Frederick, MD 21701 | Office: 240-578-4010 | cbm-consulting.com



REVISION	DATE	REVISION	DATE	OWNER/DEVELOPER
				AVANTI ACQUISITION COMPANY, LLC 923 N. PENNSYLVANIA AVE. WASH. D.C. 20001 CIO JAMES PROAKIS JNP CAPITAL MANAGEMENT 2429 39th STREET NW WASHINGTON D.C. 20007 PHONE: 202-876-0065

EXHIBIT B5
TOWN OF NEW MARKET
NEW MARKET PARKWAY



BASE DATA	BY	DATE
DESIGNED	EP	06/28/23
DRAWN	DCL	06/28/23
REVIEWED	DC	06/28/23
CONTACT:		
RELEASE FOR		
BY		DATE

CALUMET

TAX MAP 79, GRID 21, PARCEL 29 & TAX MAP 79, GRID 21,
PARCEL 213, ACCT. # 09227245 & # 09255826
NEW MARKET, ELECTION DISTRICT NO. 9
FREDERICK COUNTY, MD

SCALE:	A5 SHOWN
JOB NO.	0075-00-00
DATE:	06/28/23
CO1	
SHEET NO.	1 OF XX

INFRASTRUCTURE AGREEMENT
(CALUMET DEVELOPMENT)

This INFRASTRUCTURE AGREEMENT (“Agreement”), is made and entered into this 19 day of September 2023 (the “Effective Date”), by and between Frederick County, Maryland, a body politic and corporate of the State of Maryland (hereinafter, the “County”) and Avanti Acquisition Company, LLC, a Maryland limited liability company (hereinafter, the “Developer”).

RECITALS

WHEREAS, in accordance with § 1-16-106(A) of the Frederick County Code, a final subdivision plat “shall not be approved unless the facilities for conveying, pumping, storing, or treating water or sewage to serve the proposed subdivision would be completed in time to serve the proposed subdivision,” and

WHEREAS, § 9-512(b)(1) of the Environment Article of the Maryland Annotated Code states (in pertinent part) that a State or local authority may not issue a building permit unless: “(i) The water supply system [or] sewerage system, ... is adequate to serve the proposed construction, taking into account all existing and approved developments in the service area;” and “(ii) Any water supply system [or] sewerage system described in the application will not overload any present facility for conveying, pumping, storing, or treating water [or] sewage....;” and

WHEREAS, in accordance with a Water and Sewer Service Area Agreement, dated September 19, 2023, (the “WSSAA”), the County is the sole provider of water and sewer service in the Town of New Market (the “Town”), and

WHEREAS, in accordance with Town Resolution No. 2014-02 and an Annexation Agreement dated April 10, 2014, the Town annexed 262.408 acres of land (the “Calumet Property”) into the Town, subsequently rezoned the Calumet Property to Planned Development District floating zone and approved a master plan and preliminary subdivision plan for the development of the Calumet Property into 925 residential dwelling units (the “Project”), and

WHEREAS, the Calumet Property is designated S-4/W-4 Dev on the County Water and Sewerage Plan, and

WHEREAS, the County has identified certain improvements that are necessary to its public sanitary sewer conveying infrastructure in this area that are required in order for the County to provide sewer capacity and service to the Project under the terms and conditions of the WSAA, in compliance with § 1-16-106 of the Frederick County Code and § 9-512 of the Environment Article of the Maryland Annotated Code, and, in order to facilitate these improvements, the parties hereto desire to enter into this Agreement.

NOW THEREFORE, in consideration of the premises, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the County and the Developer hereby agree as follows:

1. The Recitals set forth above are incorporated herein by reference as a material part of this Agreement.
2. The Developer shall construct or cause to be constructed the sanitary sewer conveyancing infrastructure improvements described below and on the "Interceptor 3, Summerfield and Greenview Manhole Exhibit" attached hereto and incorporated herein as Exhibit A, all of which are necessary to provide sanitary sewer service to the Project:
 - a. Replace the existing 12-inch sewer main and manholes from Manhole 101 to Manhole 111 (Contract 84-SW) with an 18-inch sewer main, for a distance of approximately 2,150 linear feet prior to the Developer's platting (as part of the Project) of the 101st or greater equivalent dwelling unit (EDU)¹ in the Project that drain to Manhole 111 (Summerfield Outfall Sewer).
 - b. Replace the existing 14, 15, & 16-inch sewer mains and manholes from Manhole 54 to Manhole 162-2 with a 21-inch sewer main, for a distance of approximately 5,960 linear feet prior to the Developer's platting (as part of the Project) of the 101st or greater EDU in the Project that drain to Interceptor 3.
3. The Developer shall extend or cause to be extended a twelve inch (12") water line (serving the Zone 3 pressure zone) from the Project to Finn Drive and Laneve Court intersection where the water line will be reduced to an eight (8") line for the remainder of the extension to the existing Deer Crossing Elementary School eight (8") water line installed under contract 264-SW as generally shown on Exhibit B attached hereto.
4. This Agreement shall be valid for a period of five (5) years from the Effective Date but shall be extended at the written request of the Developer for an additional five (5) year period if Developer has platted at least fifty (50) EDUs as part of the Project during the initial five (5) year period.
5. This Agreement is subject to all applicable federal, state and local laws, regulations, and policies; nothing herein is intended to waive any County requirements, including but not limited to, the Frederick County Code, the Public Local Laws of Frederick County, the Frederick County Water and Sewerage Plan, Frederick County Water and Sewer Rules and Regulations, or the Design Manual for Water and Sewer Facilities, as amended.
6. This Agreement may not be assigned without the prior written consent of the County which consent shall not be unreasonably withheld, conditioned or delayed. Any assignment without such prior written consent shall be void and of no effect. If after the Effective Date Developer and/or one of its affiliates is no longer Contract

¹ An EDU is further defined in the Frederick County, Maryland *Water and Sewer Rules and Regulations* and the *Design Manual for Water and Sewer Facilities*, as amended, and are incorporated later within this Agreement.

Purchaser or Owner for the Project, then Developer and the owner(s) of the Calumet Property shall be relieved of any and all obligations under this Agreement.

7. This Agreement contains the entire understanding of the parties in connection with provision of sanitary sewer capacity and service to the Project, and no amendments or modifications hereto shall be effective unless in writing and signed by all parties hereto.

NOW THEREFORE, the undersigned representatives of the parties hereto, being duly authorized, hereby agree to the terms and conditions of this Agreement as of the day and year (Effective Date) first set forth above.

WITNESS:

FREDERICK COUNTY, MARYLAND

By: Jessica Fitzwater
Jessica Fitzwater, County Executive BB

STATE OF MARYLAND, COUNTY OF FREDERICK, TO WIT:

I HEREBY CERTIFY that on this 19 day of SEPTEMBER 2023, before me, the Subscriber, a Notary Public in and for the State of Maryland and County of FREDERICK, duly commissioned and qualified, personally appeared JESSICA FITZWATER who acknowledged herself to be the County Executive of Frederick County, Maryland a body corporate and politic, and that she, as County Executive, being authorized so to do, executed the foregoing Infrastructure Agreement for the purposes herein contained, by signing the name of the body corporate and politic by herself as County Executive.

WITNESS my hand and Notarial seal.

Elizabeth Reap

Notary Public

My Commission Expires: 8/11/2025



Elizabeth Reap
NOTARY PUBLIC
Frederick County
State of Maryland
My Commission Expires
August 11, 2025

WITNESS:

AVANTI ACQUISITION COMPANY, LLC,
a Florida limited liability company

By: Avanti Management Corporation, a
Florida corporation, its Manager

Margaux Dubill

By: _____



Andrew J. Dubill,
Executive Vice President

STATE OF FLORIDA, COUNTY OF ORANGE, TO WIT:

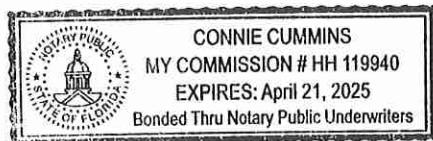
I HEREBY CERTIFY that on this 23 day of February 2023 before me, the undersigned Notary Public of said State, personally appeared ANDREW J. DUBILL, who acknowledged himself to be the Executive Vice President of Avanti Management Corporation, Manager for Avanti Acquisition Company, LLC, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes herein contained.

WITNESS my hand and Notarial Seal.

Connie Cummins

Notary Public

My Commission expires: 4/21/25

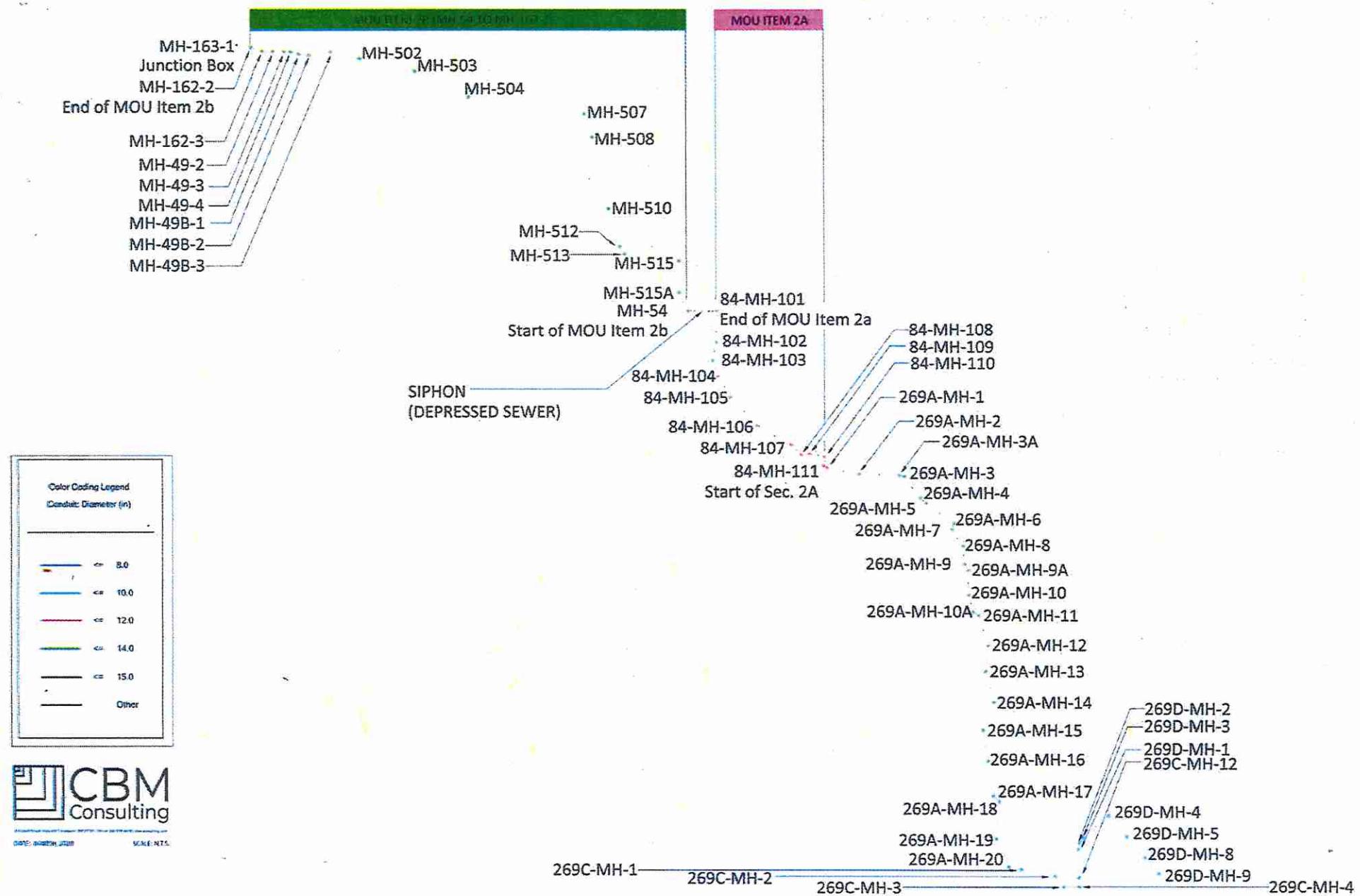


CERTIFICATION OF PREPARATION

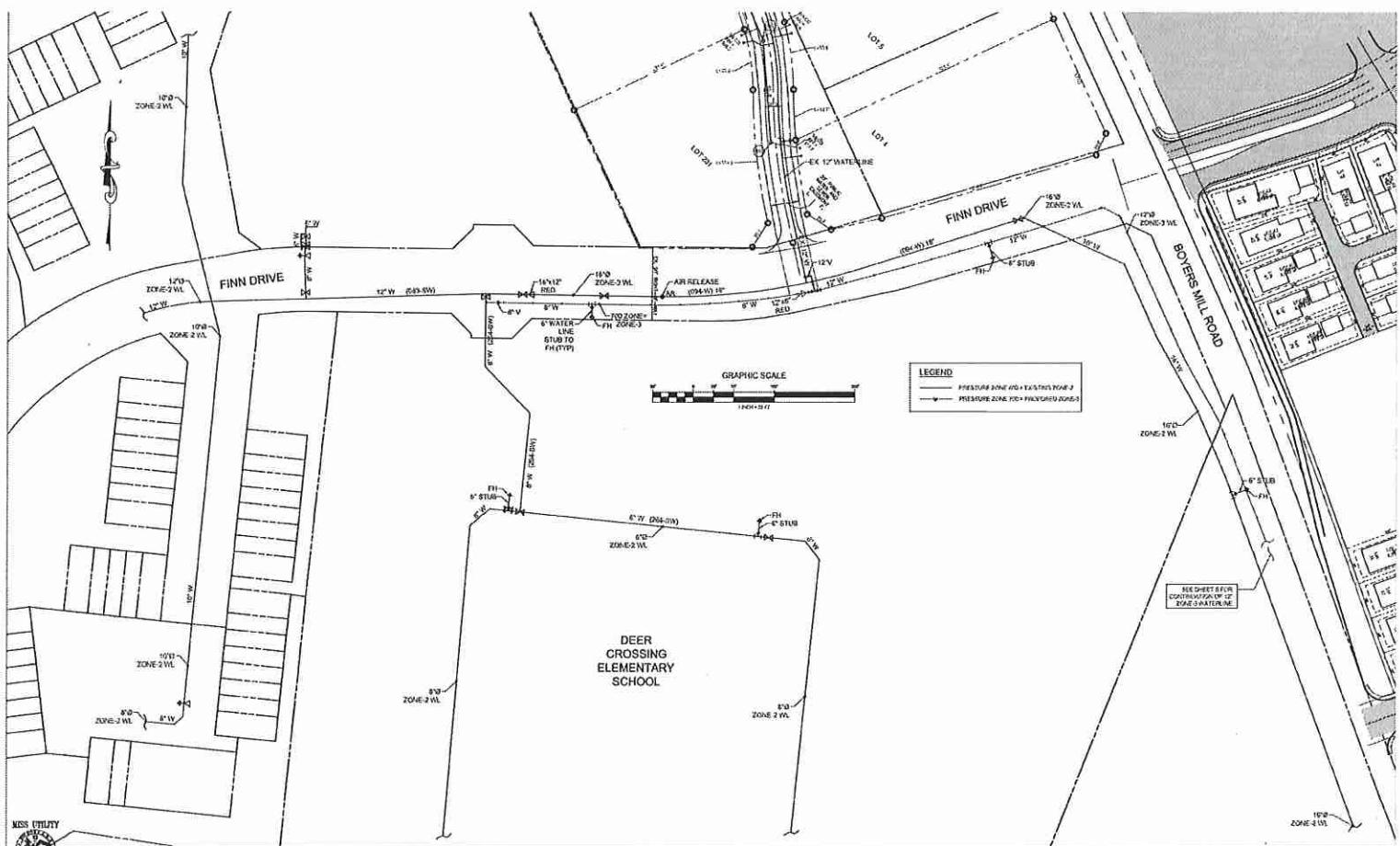
I HEREBY CERTIFY that this instrument has been prepared under the supervision of the undersigned, an Attorney admitted to practice before the Court of Appeals of Maryland.

Printed Name: _____

INTERCEPTOR 3, SUMMERFIELD AND GREENVIEW MANHOLE EXHIBIT
INFRASTRUCTURE AGREEMENT EXHIBIT A



INFRASTRUCTURE AGREEMENT EXHIBIT B





**DIVISION OF PLANNING & PERMITTING
FREDERICK COUNTY, MARYLAND**

30 North Market Street • Frederick, Maryland 21701
Phone (301) 600-1138 • Fax (301) 600-1645 <http://www.frederickcountymd.gov>

WS 16-05
charlyn

WATER and SEWERAGE PLAN AMENDMENT APPLICATION

Prior to, (at least 2 business days) your submission, email lwilliamson@frederickcountymd.gov or fax to 301-600-1645, a completed/signed application for processing, fees generated, to be paid upon initial submission.
Questions: contact Linda Williamson at 301-600-1139

Required Application Material:
Original plus **25 copies** and **PDF / CD** of all application material

Attached Zoning and Planning Public Ethics Law – **Applicant Disclosure Form**

Cycle -	<i>Summer 2016</i>
Case #	<i>WS1605</i>
A/P #	<i>16718</i>
Reviewer-	<i>Tim Goodfellow</i>

Property Information

Tax Map(s) 79 Parcel(s) 0029 Tax ID(s) 09-227245 Acreage 170.9161

Location: Boyers Mill Road north of Old National Pike

Text Amendment

Description of request (attach additional sheets if necessary): _____

Property Classification Amendment

Current Comprehensive Plan Designation: PRD (Town of New Market) Current Zoning: PDD (Town of New Market)

Current Water Classification: W-4 Requested Change: W-3

Current Sewer Classification: S-4 Requested Change: S-3

Reason for Change The subject property has obtained zoning, Master Plan and Preliminary Plan approvals. Town of New Market has approved the Town's W-3/S-3 reclassification. Water and Sewer service is anticipated to occur within 3 years or less.

Infrastructure Amendment

Description of request: Pump Station symbol to be added to Water and Sewer Maps. Pump Station will be constructed on MS Charlyn Farm, LLC parcel.

Property Owner Charlyn, LLC

Address 5920 Boyers Mill Road

New Market, MD 21774

Phone _____

Engineer/Surveyor/Attorney

David A. Severn, Esq. and Ian P. Bartman, Esq.

Address 50 Carroll Creek Way, Suite 340

Frederick, Maryland 21701

Phone 240-772-5114

Check one for Comments:

Mail Email dsevern@offitkurman.com; ibartman@offitkurman.com

Contract Purchaser (property owner letter of consent)

MS Charlyn Farm, LLC

Address 8401 Greensboro Dr., Suite 450

McLean, VA 22102

Phone 703-821-2500

Check one for Comments:

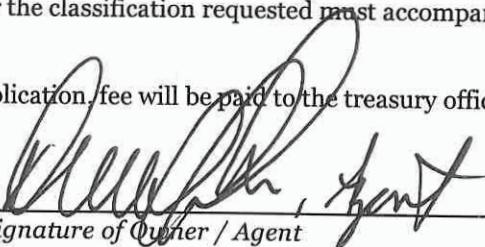
Mail Email thyde@millerandsmith.com

Notes:

1. The County reserves the right to reject applications that are not complete.
2. Documents which demonstrate satisfaction of all criteria for the classification requested must accompany application.
3. Fees to be submitted with application, upon acceptance of application, fee will be paid to the treasury office.

David A. Severn

Printed name



Signature of Owner / Agent

FEES

Checks made payable to Treasurer of Frederick County-Additional fees may be due per fee schedule FY2016

phase 1, wsplan

1. Planning	\$1200.00
2. DUSWM	\$204.00
Total	\$1,404.00

Water & Sewerage Plan Amendment Application Instructions

Applications for Water & Sewerage Plan map and text amendments will be accepted in the following months:
March – Spring Cycle
July – Summer Cycle
November – Fall Cycle

1. **Application:** Completed and signed by the property owner or contract purchaser. If contract purchaser, letter of consent from property owner must be included. **Please note the choice to have all correspondence e-mailed to the property owner or agent.**
2. **Amendment Criteria:** Effective with the March 2015 Spring Cycle all criteria for a particular classification amendment **must be met at the time of application.**
3. **Description of Property:** Provide an 8 1/2 x 11 or other appropriately sized copy of tax map marked to delineate all subject parcels, with the tax map and parcel/lot numbers labeled. These tax map and parcel/lot numbers must match the information on the application. Include a State Assessment Data listing for each parcel for which a classification change is being requested. www.dat.state.md.us.
4. **Municipal Letter:** For properties within municipalities, applications must include a letter from a designated official in that municipality certifying the amount of water supply and wastewater system capacities, and the intent to provide the available capacity to the property, or how sufficient capacity will be provided.
5. **Development Approval Letter(s):** Applications for changes to property classifications must provide approval letters from all appropriate municipal or county agencies for site plan, subdivision, and/or improvement plan approvals.
6. **Justification Statement:** Include a written explanation of how the criteria for the requested classification is met. Any other relevant material the applicant wishes to be considered may be submitted.
7. **Public Ethics Law** – Fill out and sign Applicant Disclosure Form.

APPLICANT DISCLOSURE FORM

IMPORTANT NOTE: WHILE THE APPLICATION IS PENDING, YOU MUST SUPPLEMENT THIS DISCLOSURE WHENEVER THERE IS A CHANGE IN THE INFORMATION PROVIDED.

I. Property that is the subject of the application:

Approximately 170.9161 +/- acres located on Boyers Mill Road north of Old National Pike,
also known as the Cline Property and Calumet (Tax Map 79, Parcel 29).

II. Please identify all persons and entities who have any of the following interests in the land that is the subject of the application. (Include the holders of at least a 10% interest in the land):

A. Title owners: Charlyn, LLC

B. Contract purchasers: MS Charlyn Farm, LLC

C. Trustees (do not include trustees described in a mortgage or deed of trust):

III. For each person or entity named in Part II above, indicate that person's or entity's status. If there is more than one person or entity who qualifies as an applicant, provide the name of the applicant that the information pertains to in the space provided:

An individual (Name: _____)

A partnership (Name: _____)

General partnership

Limited liability partnership

Limited partnership

Limited liability limited partnership

Joint venture

Name all partners: _____

A corporation (Name: _____)

Identify all officers and directors by name and title:

Other business entity (Name: _____)

Sole proprietorship

An association

Limited liability company

Receiver (Name: _____)

Trustee (Name: _____)

Guardian (Name: _____)

Personal representative (Name: _____)

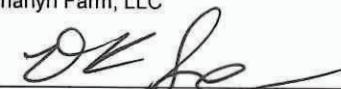
Fiduciary (Name: _____)

Other representative (Specify: _____)

I hereby affirm under penalties of perjury and upon personal knowledge that the information provided herein is true. I also acknowledge that I understand that I have a duty to supplement the information provided herein should that information change while the application is pending.

Signature:

MS Charlyn Farm, LLC



Date:

7/22/16

Name and title (if applicable)

By: Miller and Smith, Inc., as manager
By: Douglas I. Smith
as President of Miller and Smith, Inc.

May 2007

Real Property Data Search (w1)

[Search Help](#)

Search Result for FREDERICK COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration						
<u>Account Identifier:</u>	<u>District - 09 Account Number - 227245</u>							
Owner Information								
<u>Owner Name:</u>	CHARLYN LLC	<u>Use:</u> AGRICULTURAL						
<u>Mailing Address:</u>	5920 BOYERS MILL RD NEW MARKET MD 21774-6220	<u>Principal Residence:</u> NO 1) /04655/ 00680 2)						
Location & Structure Information								
<u>Premises Address:</u>	5920 BOYERS MILL RD MT AIRY 21771-0000	<u>Legal Description:</u> E/S BOYER MILL ROAD N/S ROUTE 144						
<u>Map:</u> 0079	<u>Grid:</u> 0021	<u>Parcel:</u> 0029	<u>Sub District:</u> 0000	<u>Section:</u>	<u>Block:</u>	<u>Lot:</u>	<u>Assessment Year:</u> 2013	<u>Plat No:</u>
								<u>Plat Ref:</u>
								NONE
<u>Special Tax Areas:</u>			<u>Ad Valorem:</u> 108					
			<u>Tax Class:</u>					
<u>Primary Structure Built</u>	<u>Above Grade Enclosed Area</u>	<u>Finished Basement Area</u>	<u>Property Land Area</u>	<u>County Use</u>				
1900	2,376 SF		170.8700 AC					
<u>Stories</u>	<u>Basement</u>	<u>Type</u>	<u>Exterior</u>	<u>Full/Half Bath</u>	<u>Garage</u>	<u>Last Major Renovation</u>		
2.000000	YES	STANDARD UNIT	FRAME	1 full				
Value Information								
	<u>Base Value</u>	<u>Value</u>	<u>Phase-in Assessments</u>					
		<u>As of</u>	<u>As of</u>	<u>As of</u>				
		01/01/2013	07/01/2013	07/01/2014				
<u>Land:</u>	189,200	144,200						
<u>Improvements</u>	127,700	131,800						
<u>Total:</u>	316,900	276,000	276,000	276,000				
<u>Preferential Land:</u>	39,200			39,200				
Transfer Information								
<u>Seller:</u> CHARLYN, LLC	<u>Date:</u> 06/08/2004	<u>Price:</u> \$0						
<u>Type:</u> NON-ARMS LENGTH OTHER	<u>Deed1:</u> /04655/ 00680	<u>Deed2:</u>						
<u>Seller:</u> CLINE, CHARLES R. JR. & EVELYN M	<u>Date:</u> 12/17/2003	<u>Price:</u> \$0						
<u>Type:</u> NON-ARMS LENGTH OTHER	<u>Deed1:</u> /04302/ 00264	<u>Deed2:</u>						
<u>Seller:</u>	<u>Date:</u>	<u>Price:</u>						
<u>Type:</u>	<u>Deed1:</u>	<u>Deed2:</u>						
Exemption Information								
<u>Partial Exempt Assessments:</u>	<u>Class</u>	<u>07/01/2013</u>	<u>07/01/2014</u>					
<u>County:</u>	000	0.00						
<u>State:</u>	000	0.00						
<u>Municipal:</u>	000	0.00 0.00	0.00 0.00					
<u>Tax Exempt:</u>	<u>Special Tax Recapture:</u>							
<u>Exempt Class:</u>	AGRICULTURAL TRANSFER TAX							
Homestead Application Information								
<u>Homestead Application Status:</u> No Application								

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

Report Date 07/22/2016 01:58 PM

Submitted By

Page 1

A/P # 16718 REZONING

Application Information

Stages

	Date / Time	By	Date / Time	By
Processed		Temp COO		
Approved		COO Issued		
Final		Expires		

Associated Information

Type of Work	NEW	NEW	# Plans	0	Valuation	Declared Valuation	0.00
Dept of Commerce	RESNR	RESIDENTIAL MIXED USE	# Plans	0	Calculated Valuation	0.00	
Priority		<input checked="" type="checkbox"/> Auto Reviews	Bill Group		Actual Valuation	0.00	

Description of Work

WS-16-05 S970 MS CHARLYN FARM LLC-HAZELNUT RUN-WATER AND SEWERAGE PLAN AMENDMENT-PROPERTY HAS OBTAINED ZONING, MASTER PLAN AND PRELIMINARY PLAN APPROVALS
 TOWN OF NEW MARKET
 DESCRIPTION: REQUESTING RECLASSIFICATION FROM W-4, S-4 TO W-3, S-3

Parent A/P #	14698	Project/Phase Name	WS-16-05 S970 MS CHARLYN FARM	Phase #	
Project #	16718	Size/Area	0.00	Subdivision Code	
Size/Area	0.00	Size Description		% Completed	0.00
Proposed Start		Proposed Stop			
% Complete Formula					

Applicants/Contacts

Primary	Y	Capacity	OWNER	Contact ID	91325	<input type="checkbox"/> Foreign
Effective	07/22/2016 00:00	Expire				
Name	CHARLYN, LLC					
Day Phone		Eve Phone	Organization			
Pager		PIN #	Position			
Fax		Mobile	Profession			
E-Mail						

Address 5920 BOYERS MILL RD
 NEW MARKET, MD 21774

Comments
 No Comments

Contractors

Primary	N	Capacity Type	
Effective		Expire	
Contact ID	4397	Name	OFFIT / KURMAN
Phone		Fax	Address 50 CARROLL CREEK WAY SUITE 340 FREDERICK, MD 21701-
Comments			
No Comments			

License #	Type	Contact ID	Name
No Company/Contractor Licenses			

Fees	Status	Paid Date	Amount
COMP PLANNING W&S PLAN AMENDMENT FEE	U		1220.00
DUSWME PLAN AMENDMENT FEE	U		207.00
Total Unpaid	1427.00	Total Paid	0.00

Report Date 07/22/2016 01:58 PM

Submitted By

Page 2

Check Conditions	Condition	Approval	Approved By	Approved Date	Applied By	Applied Date	Assigned
Supervisor Required							
No Conditions							
Template Type	A/P #	A/P Type	Status	Stage			
No children exist for this project							
Employee	Employee ID	Last	First	MI	Comments		
No Employee Entries							
Log	Action	Description	Comments	Entered By	Start	Stop	Hours
PLNRCV	APPLICATION	PLANS RECEIVED		LWILLIAMSON	07/22/2016 13:54		0.00

July 25, 2016

Development Review Planning and Engineering
Frederick County Community Development Division
30 North Market Street
Frederick, Maryland 21701
Attn: Tim Goodfellow

SUBJECT: Calumet – Town of New Market
Water and Sewer Re-classification for Calumet and Pump Station Symbol
BGC Project No. 5705-00-003 (the “Project”)

Dear Tim:

With the support and approval of the Town of New Market (the “Town”), we are pleased to submit the enclosed applications for Frederick County Water and Sewerage Plan Amendments for the above-captioned Project on behalf of MS Jutron Farm, LLC and MS Charlyn Farm, LLC (the “Applicants”) for Frederick County’s review, consideration and approval. The Project contains approximately 262.408+/- acres located just north of Old National Pike along the east and west sides of Boyers Mill Road (the “Property”). The Property is located within the Town and the New Market Planning Region of Frederick County, and is currently zoned Planned Development District (“PDD”). The Preliminary Plan for the Project was approved by the Town’s Planning Commission at its public meeting on July 7, 2016. On July 14, 2016 the Town’s Mayor and Council approved the reclassification request from W-4 DEV / S-4 DEV to W-3 DEV / S-3 DEV classification for the Property. The Property currently has a W-4 DEV / S-4 DEV classification on the Water and Sewerage Plan of Frederick County, Maryland as approved November 6, 2011, revised May 1, 2015 (the “Water and Sewerage Plan”).

In accordance with the Water and Sewerage Plan the Applicants request a Water and Sewerage Plan Classification change from the current W-4 DEV /S-4 DEV category to the W-3 DEV /S-3 DEV classification for the Property. Chapter 1, Section IV of the Water and Sewerage Plan and its “Classification System” lists the criteria for the S-3/W-3 Concept Evaluation Phase.

In addition to requesting the aforementioned reclassifications, the Applicants are requesting that a proposed sewage pumping station for the PDD be depicted on the Water and Sewerage Plan’s Sewer Map for Tax Map 79 Parcel 0029 of the Property located east of Boyers Mill Road.

The Applicants have worked closely with the County’s Division of Utilities and Solid Waste Management (“DUSWM”) and Division of Public Works (“DPW”) for more than four years commencing in or about September, 2012 concerning the County’s current sewage and water system as it pertains to the

Property, the PDD and the Project. During the various meetings occurring throughout that time, sewerage and water analyses have been prepared and updated including field monitoring of the existing sewerage system. These studies are submitted with these applications. In order to implement the County Water and Sewage Plan, County Staff initiated and directed the placement of a proposed pump station on the Property as shown on the enclosed "Sewer Map," attached as Exhibit C.

The enclosed applications include originals and 29 copies of the following:

- Application Forms
- Letters of Consent from Property Owners
- Description of Property - 8.5x11 highlighted Tax Map (Exhibit A) with SDAT listings, as well as a Water Map (Exhibit B) and a Sewer Map (Exhibit C)
- Development Approvals
 1. Master Plan Approval from the Town of New Market;
 2. Preliminary Plan (Site Plan equivalent to County) Letter from the Town of New Market; and
 3. Town of New Market approval letter for W-3 DEV / S-3 DEV Classification.
 - Town of New Market W-3 DEV / S-3 DEV Applications
 - Justification Statement
 - Water and Wastewater Analysis and Off-Site Sewer and Monitoring Report
 - Public Ethics Law form – Applicant Disclosure Forms

Also enclosed are the submission fees for MS Justron Farm, LLC in the amount of \$1,427.00 and MS Charlyn Farm, LLC in the amount of \$1,427.00.

The Property meets the following criteria for the S-3/W-3 classification and is outlined below.

- a. *Criteria required for the S-4/W-4 classification have been complied with (as explained below):*

The Property presently has zoning and Master Plan approval for a Planned Development District (PDD) floating zone and a S-4 DEV / W-4 DEV Water and Sewerage Plan classification. The Preliminary Plan for the Project was approved by the Town's Planning Commission at its public meeting on July 7, 2016. Subsequent approvals as noted below have advanced the Project towards construction. The Property is in compliance with the S-4 DEV / W-4 DEV classification.

b. Applicant shall provide a study of the components of the existing water and wastewater system and identify inadequacies that may result from the development of the property. This study may be performed in conjunction with the Adequate Public Facilities Ordinance (APFO) studies.

Water and Wastewater reports were originally submitted to DUSWM in September, 2012 and a Monitoring Wastewater addendum has been completed in July, 2016. The Water System Analysis report demonstrates, based on results of hydraulic modeling, that there is adequate pressure and flow available to the Project during peak domestic demands and fire flows. The Wastewater System report and Monitoring data demonstrate that the downstream sewers have adequate capacity to support the flows from the Property and the Project.

The reports were performed in consultation with DUSWM and DPW as part of the annexation plan for the Property and the Town's findings of fact in its approval of the rezoning, Master Plan and Preliminary Plan for the Project.

c. A preliminary subdivision plan, site plan, or Phase II Plan (in the case of PUDs and MXDs) has been approved by the Planning Commission.

The Preliminary Plan for the Project was approved by the Town's Planning Commission at its public meeting on July 7, 2016. On July 14, 2016 the Mayor and Council approved the Water and Sewerage Plan reclassification request from W-4 DEV / S-4 DEV to the W-3 DEV / S-3 DEV classification for the Property.

d. A discharge permit, where appropriate, has been approved by all appropriate State agencies.

No discharge permit will be required for the Project.

e. A hydrogeologic study, where appropriate, supports the establishment of a community water system, which will not be detrimental to adjoining wells or surface waters. The hydrogeologic study is typically required to appropriate both ground (well) or surface waters. A Water Appropriation and Use Permit, where appropriate, has been approved by all appropriate State agencies.

Public water lines currently traverse the Property and have recorded easements. Sewer system easements abut the Property via the existing Mussetter Road public right-of-way.

f. *If County funded CIP project(s) are needed to provide service, then construction funds for each project must be contained in the first or second year of the County's approved CIP.*

No County funded CIP projects are needed to provide service to the Project. The applications, if approved, shall allow the Project to provide the following benefits to the County water and sewer systems:

Water

1. The Project shall create a northern higher pressure zone 12" water line connection to provide water services for the properties to the north of the Project.
2. Water easements will be provided for future services for properties to the North, South and East of the Project.

Sewer

1. Sewer easements will be provided for future services for properties to the North, South and East of the Project.

g. *If service is to be provided by developer initiated and funded projects, the developer must have approved and signed water/sewer improvement plans and an approved cost proposal for all improvements required to bring adequate water and sewer service to the site. This "service to the site" requirement is considered "met" if adequate water and sewer lines abut the site and are located within a public right-of-way or a public water/sewer easement which abut the site.*

Existing water line lines traverse the Property with recorded easements. A sewer line is currently located within the Mussetter Road public right-of-way which abuts the western boundary lines of the Property.

h. *Satisfaction of Items f. and g. will create a rebuttable presumption in favor of the applicant that service will be available within 3 years.*

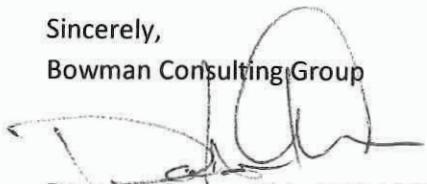
Noted.

As part of these applications and in accordance with Chapter 1, Section III, B.(3)(k) of the Water and Sewerage Plan and Section 9-507(e)(1) of the Environmental Article, Annotated Code of Maryland, the Applicants are requesting that the amendments, if approved by the County Council, become effective immediately, and not after the expiration of the ninety (90)-day MDE approval period. The reason for this request is to allow improvement and construction plans for the New Market bypass road to be submitted for review prior to the expiration of said 90-day MDE review period (at the Applicants' risk) thereby expediting the commencement of construction of this important new transportation corridor that will enhance traffic patterns in the area.

In conclusion, the Applicants' applications for Water and Sewerage Plan reclassification from S-4 DEV / W-4 DEV to S-3 DEV / W-3 DEV is fully consistent with the purpose, intent, objectives, and criteria of the County Water and Sewerage Plan and the Town of New Market Master Plan. For all the reasons advanced by way of these applications, the Applicants respectfully request approval of the proposed reclassifications and pump station symbol.

Sincerely,

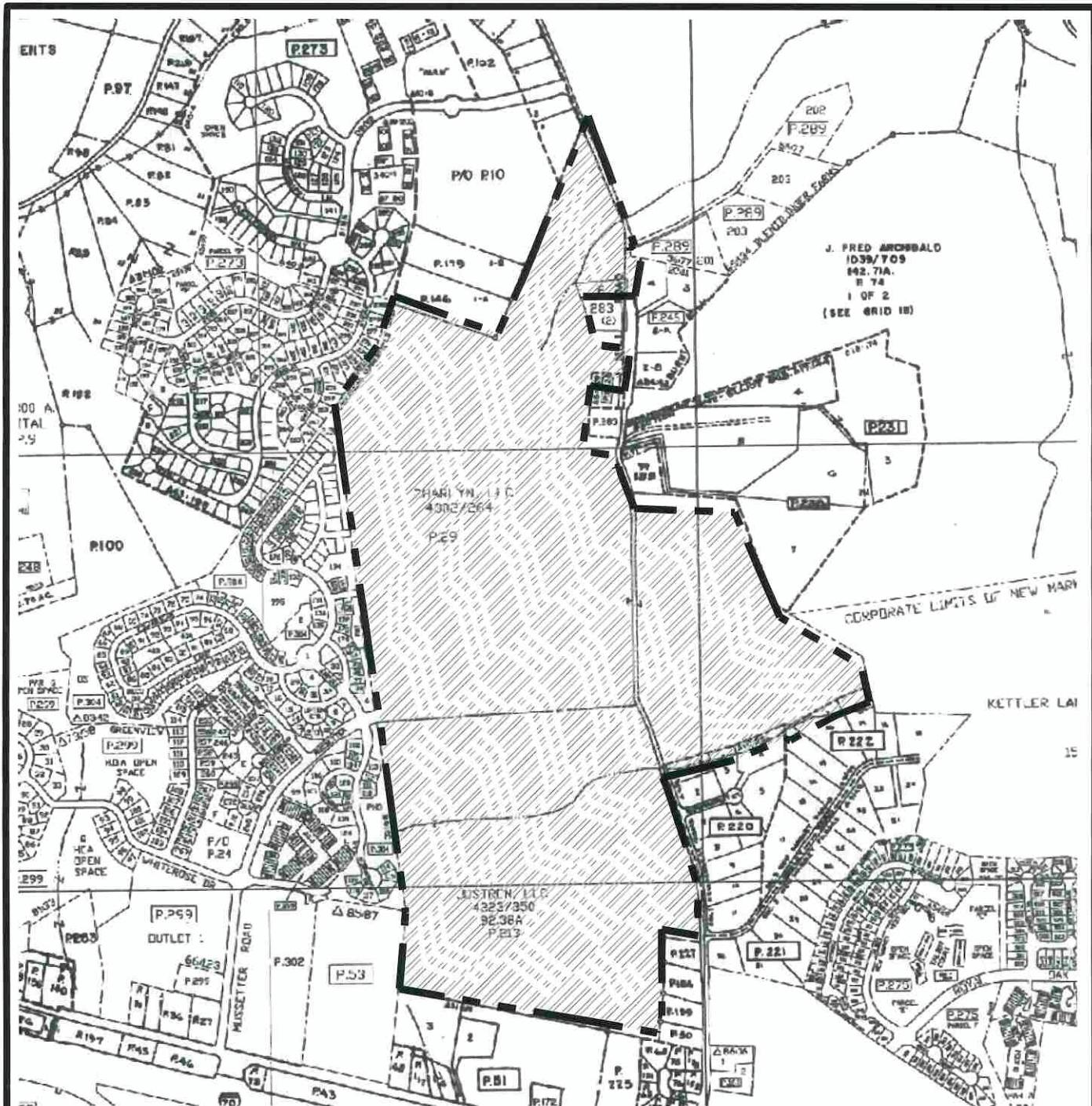
Bowman Consulting Group



Donavon Corum, RLA, AICP, LEED AP

Planning Director

4813-3849-6309, v. 2



Bowman CONSULTING

**EXHIBIT A - TAX MAP
CALUMET**

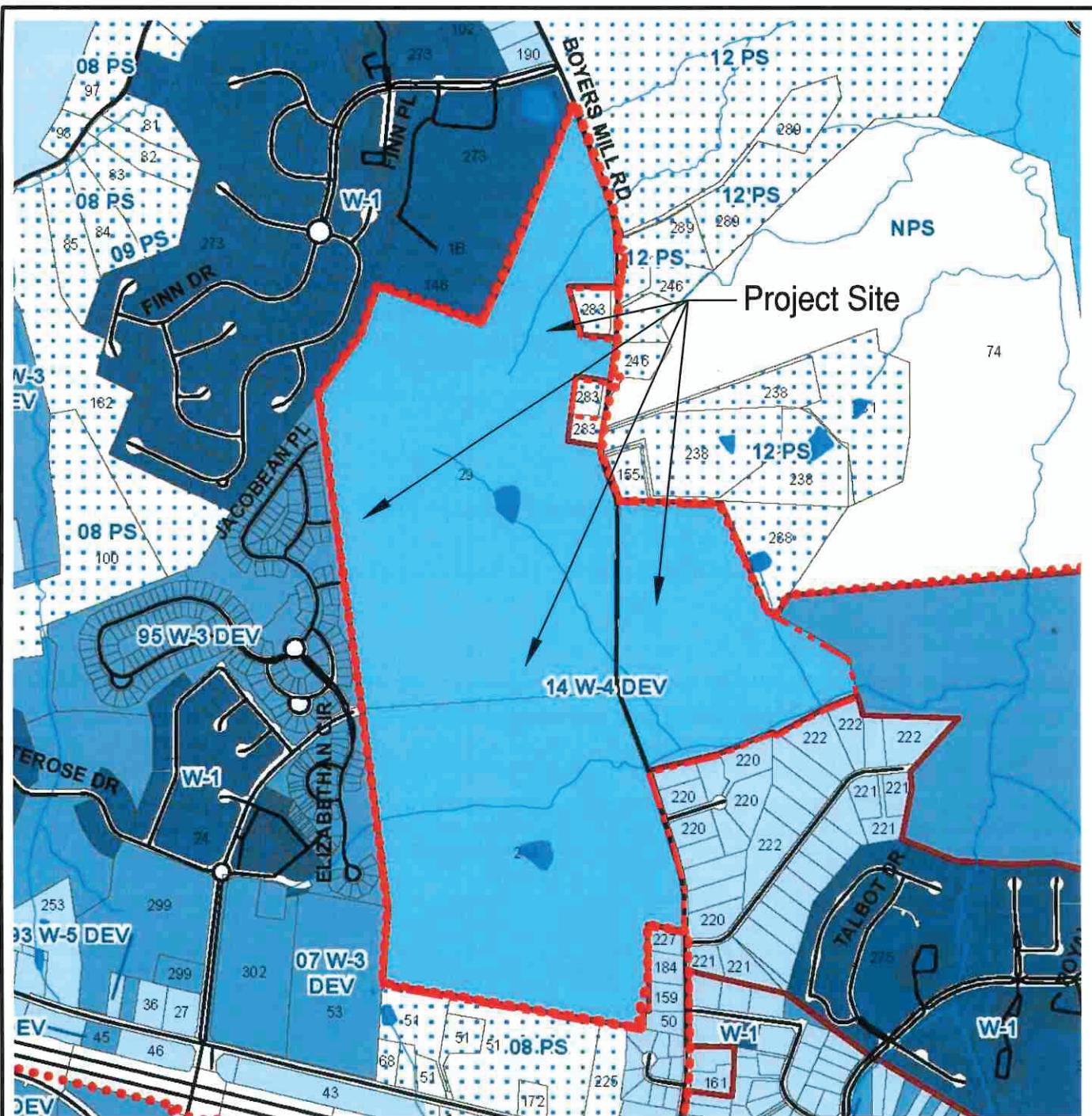
Bowman Consulting Group, Ltd.
2530 Riva Road
Suite 200
Annapolis, Maryland 21401

Phone: (410) 224-7590
Fax: (410) 224-7592

www.bowmanconsulting.com
© Bowman Consulting Group, Ltd.

BOYERS MILL ROAD
TAX MAP 0079, GRID 0021, PARCELS 0029/0213

DESIGN	DRAWN	CHKD
SCALE	H: 1" = 1000' V:	
JOB No. 6767-01-004		
DATE : 6/13/2016		
FILE No.		
SHEET 1 OF 1		



Bowman CONSULTING

Bowman Consulting Group, Ltd
2530 Riva Road
Suite 200
Annapolis, Maryland 21401

Phone: (410) 224-7590

Fax: (410) 224-7592

www.bowmanconsulting.com
© Bowman Consulting Group, Ltd.

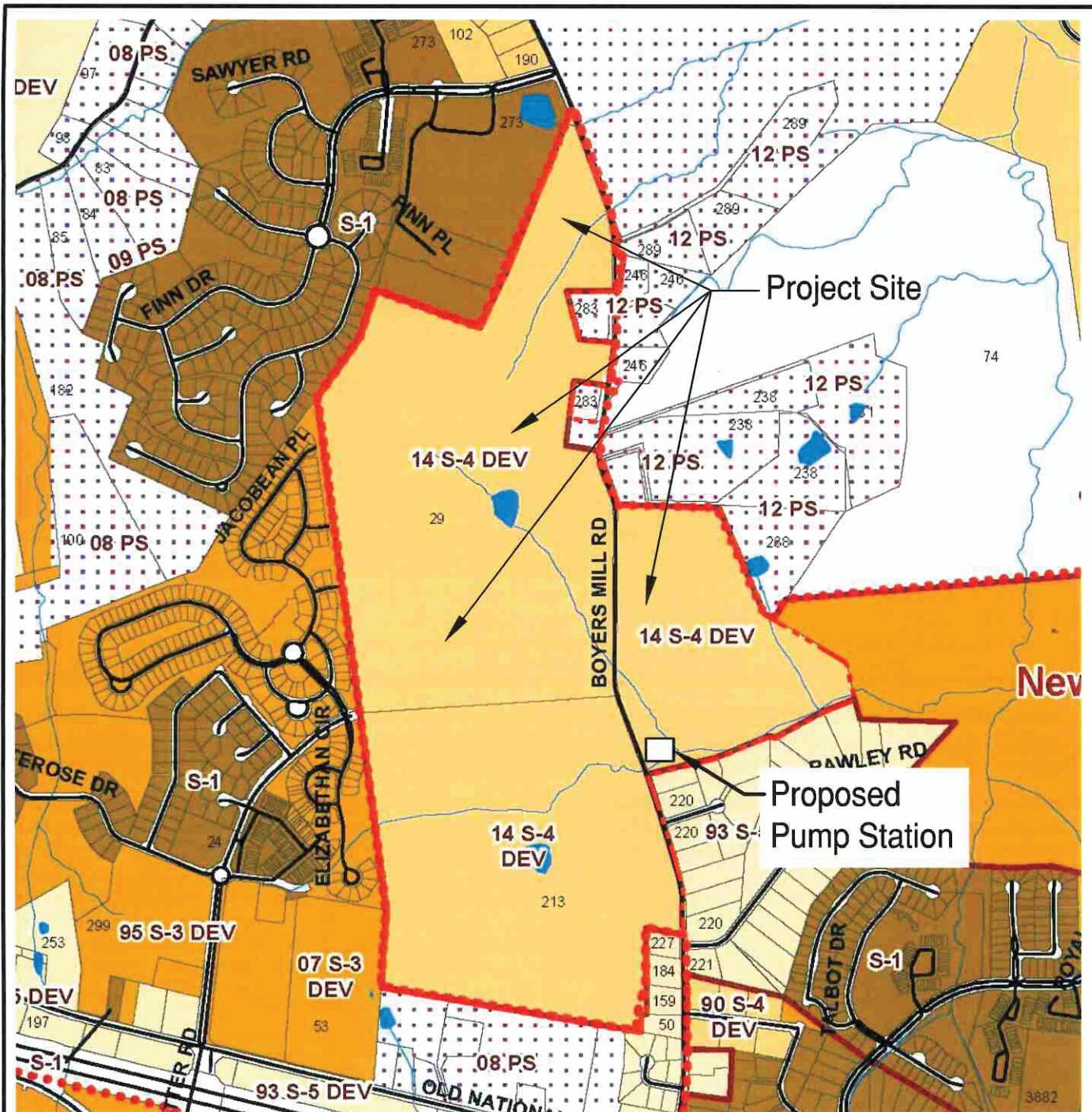
EXHIBIT B - WATER MAP
CALUMET - MS CHARLYN FARM LLC

BOYERS MILL ROAD
TAX MAP 0079, GRID 0021, PARCEL 29 & 213

DIST. 09

FREDERICK COUNTY, MD

DESIGN	DRAWN	CHKD
SCALE	H: 1" = 1000'	V:
JOB No.	6767-01-004	
DATE :	7/25/2016	
FILE No.		



Bowman CONSULTING

EXHIBIT C - SEWER MAP

Bowman Consulting Group, Ltd
2530 Riva Road
Suite 200
Annapolis, Maryland 21401

Phone: (410) 224-7590

Fax: (410) 224-7592

www.bowmanconsulting.com
© Bowman Consulting Group, Ltd.

BOYERS MILL ROAD
TAX MAP 0079, GRID 0021, PARCEL 29 & 213
DIST. 09 FREDERICK COUNTY, MD

DESIGN	DRAWN	CHKD
SCALE	H: 1" = 1000' V:	
JOB No. 6767-01-004		
DATE : 7/25/2016		
FILE No.		
SHEET	1	OF 1

EXHIBIT D
Calumet
Preliminary Engineering Report Cost Estimate
July 22, 2016

Item	Description	Quantity	Unit	Unit Cost	Total Cost
<i>Pump Station Equipment and Structures</i>					
1	Mobilization/Demobilization	1	LS	\$ 25,000	\$ 25,000
2	8' Dia. Wet Well	1	LS	\$ 80,000	\$ 80,000
3	12,000 Gal Storage Tank	12,000	GAL	\$ 2.50	\$ 30,000
4	Pumps and Controls	2	EA	\$ 20,000	\$ 40,000
5	Control Building	1	LS	\$ 45,000	\$ 45,000
6	Emergency Generator & Fuel Tank	1	LS	\$ 70,000	\$ 70,000
7	Electrical Service	1	LS	\$ 50,000	\$ 50,000
8	Bioxide Odor Control System	1	LS	\$ 20,000	\$ 20,000
9	Misc Electrical Equipment including SCADA	1	LS	\$ 50,000	\$ 50,000
10	Misc Piping and Valves	1	LS	\$ 20,000	\$ 20,000
11	Misc Equipment	1	LS	\$ 15,000	\$ 15,000
					<i>Subtotal:</i> \$ 445,000
<i>Site Work</i>					
12	Site Prep, Stormwater, E&S	1	LS	\$ 15,000	\$ 15,000
13	Fencing, Gates, Bollards	1	LS	\$ 7,500	\$ 7,500
14	Grading, Re-Seeding, Clean-up	1	LS	\$ 7,500	\$ 7,500
15	Access Road/Parking	1	LS	\$ 15,000	\$ 15,000
					<i>Subtotal:</i> \$ 45,000
<i>Offsite Sanitary Sewer</i>					
16	6" Force main	3,600	EA	\$ 33	\$ 118,800
17	Manhole	2	EA	\$ 2,500	\$ 5,000
18	Connection to existing Manhole	1	EA	\$ 2,500	\$ 2,500
19	Saw Cut existing pavement & remove	270	SY	\$ 5	\$ 1,350
20	Traffic Maintenance	1	LS	\$ 2,500	\$ 2,500
21	Replace pavement	270	SY	\$ 12	\$ 3,240
					<i>Subtotal:</i> \$ 133,390
					15% Contingency: \$ 93,509
					Total Cost: \$ 716,899

LETTER OF CONSENT OF PROPERTY OWNER

July 18, 2016

Division of Planning & Permitting
Frederick County, Maryland
30 North Market Street
Frederick, Maryland 21701

RE: CONSENT TO FILING OF FREDERICK COUNTY WATER AND
SEWERAGE PLAN AMENDMENT APPLICATION
PROPERTY: TAX MAP 79, PARCEL 29; PROP. TAX ID# 09-227245
OWNER: CHARLYN, LLC
CONTRACT PURCHASER: MS CHARLYN FARM, LLC

To Whom It May Concern:

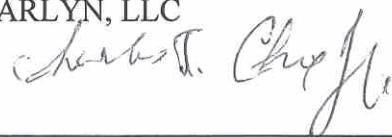
Charlyn, LLC is the owner of the real property known as the "Cline Property," which is located along Boyers Mill Road and north of Maryland Route 144 (the "Cline Property"). The Cline Property also is identified by Tax Map 79, Parcel 29 and Property Tax Identification Number 09-227245.

Charlyn, LLC is in receipt of the enclosed Frederick County Water and Sewerage Plan Amendment Application (the "Application"), which Charlyn, LLC understands is going to be filed with the County by MS Charlyn Farm, LLC, as contract purchaser of the Cline Property.

The purpose of this letter is to express the authorization, agreement, and consent of Charlyn, LLC to the filing of the Application by MS Charlyn Farm, LLC, and, more specifically, to express the authorization, agreement, and consent to the requested changes to the current Water and Sewerage classifications for the Cline Property from W-4/S-4 to W-3/S-3.

Charlyn, LLC hereby confirms its acknowledgment, authorization, agreement, and consent as herein described by signing below.

CHARLYN, LLC



By: Charles R. Cline, Jr.

Title: Managing Member



July 22, 2016

Tim Goodfellow
Division of Planning & Permitting
Frederick County, Maryland
30 North Market Street,
Frederick, Maryland 21701

RE: MS Justron Farm, LLC and MS Charlyn Farm, LLC
Frederick County Water & Sewerage Plan Amendment Applications
Justron, LLC Property (Tax Map 79, Parcel 213; Tax ID: 09-255826)
Charlyn, LLC Property (Tax Map 79, Parcel 29; Tax ID: 09-227245)

Dear Mr. Goodfellow:

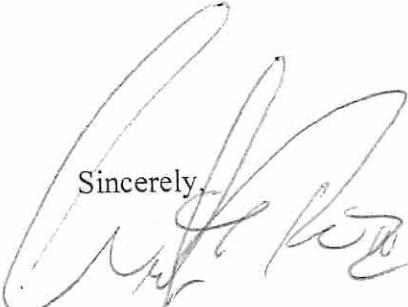
On July 14, 2016, the Mayor and Council of the Town of New Market, Maryland approved requests for amendments to the Frederick County Water & Sewerage Plan submitted by MS Justron Farm, LLC and MS Charlyn Farm, LLC for the above-referenced properties and the Calumet PDD. More specifically, the Town approved the Applicants' requests and proposals that the Water & Sewerage Plan be amended to reclassify the Justron, LLC and Charlyn, LLC properties from W-4/S-4 to the W-3/S-3 classifications, and, the request that a proposed sewage pumping station for the Calumet PDD be depicted on the Water and Sewerage Plan's Sewer Map for the Charlyn Property.

As you know, water and sewer studies were performed for the Calumet PDD (in consultation with DUSWM) as part of the annexation, rezoning, master plan and preliminary subdivision plan process, and, approved by the Town, indicating that adequate water and sewer facilities are available to serve the development of the Calumet PDD.

In addition to agreeing with and approving the proposed reclassifications, the Town also joins in and supports MS Justron Farm, LLC's and MS Charlyn Farm, LLC's requests that Frederick County exercise its discretion and authority, pursuant to § 9-507(e)(1) of the Environmental Article of the Annotated Code of Maryland, to make the requested W-3/S-3 amendments effective immediately after their anticipated approval by the County. As the County knows, the development of the Calumet PDD and the new transportation corridor and infrastructure will directly benefit and enhance the roads, traffic and other infrastructure of the

Town and County. The sooner those road improvements and infrastructure can be constructed, the better it will be for all area residents.

If you have any questions concerning the matters stated herein, please do not hesitate to contact me at 301-865-5544.


Sincerely,

Winslow F. Burhans, III
Mayor of the Town of New Market, Maryland

4814-8863-1093, v. 1

July 13, 2016

Town of New Market
P.O. Box 27
New Market, MD 21774
Attn: Winslow F. Burhans, III, Mayor

SUBJECT: **Calumet PDD**
Water and Sewer Re-classification Requests for Calumet from W-4/S-4 to W-3/S-3
BGC Project No. 6767-00-004

Dear Mayor Burhans:

We are pleased to submit the enclosed Requests for Water and Sewerage Plan Amendments (the "Town Requests") on behalf of MS Jutron Farm, LLC and MS Charlyn Farm, LLC (the "Applicants") for the Town's review and consideration. The site is a 262.408+- acre tract of land (the "Property") located just north of Old National Pike along Boyers Mill Road. The Property is located within the Town and the New Market Planning Region of Frederick County (the "County"), and is currently zoned Planned Development District ("PDD"). The Preliminary Plat for this Project was approved by the Town's Planning Commission at its public meeting on July 7, 2016. The Property currently has a W-4/S-4 classification on the Water and Sewerage Plan of Frederick County, Maryland (the "Water and Sewerage Plan").

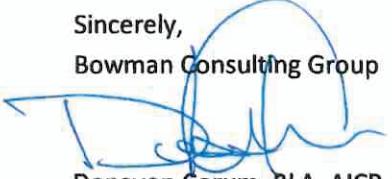
If the Town approves the Town Requests, and in accordance with the Water and Sewerage Plan (as adopted on November 6, 2011, and revised May 1, 2015), the Applicants will be applying for amendments to the Water and Sewerage Plan for the Property from the current W-4/S-4 classification to W-3/S-3 (the "County Applications"). Section IV. of the Water and Sewerage Plan (County Water and Sewerage Plan Classification System) and the March 3, 2015 Water and Sewerage Plan Amendment Application Policy list the criteria for the W-3/S-3 Preliminary Design Phase. In addition to requesting the aforementioned reclassifications, the Applicants will be requesting that a sewage pumping station for the PDD be depicted on the Water and Sewerage Plan's Sewer Map.

Additionally, if the Town approves the Town Requests, we respectfully request that the Town also join in and support the Applicants' request that the County exercise its discretion and authority, pursuant to § 9-507(e)(1) of the Environmental Article of the Annotated Code of Maryland, to make the requested W-3/S-3 amendments effective immediately after their anticipated approval by the County. As the Town knows, the development of the Property as a PDD and its associated road improvements and

infrastructure will directly benefit and improve the roads, traffic and infrastructure of the Town and County, and the sooner those road improvements and infrastructure can be constructed the better it will be for all area residents. The Applicants plan to request that the W-3/S-3 amendments be made effective immediately, contemporaneously with the filing of the County Applications.

Upon obtaining approval of the Town Requests, the Applicants anticipate submission of the County Applications to occur later this month on or before July 29, 2016.

Sincerely,
Bowman Consulting Group


Donavon Corum, RLA, AICP, LEED AP
Planning Director

Cc: Shawn Burnett, Town Engineer
 Pat Faux, Town Planner

4840-3074-1812, v. 1

TOWN OF NEW MARKET

REQUEST FOR WATER AND SEWERAGE PLAN AMENDMENT

Property Owner/Applicant

Name: MS JUSTRON FARM, LLC (as contract purchaser - see attached letter of consent of owner)
Address: 8401 Greensboro Drive, Suite 450
McLean, VA 22102
Phone: 703-821-2500

Property Information

Tax Map(s)	79	Parcel(s)	213	Property Tax ID#	09-255826	Acreage	91.4919 +/-
------------	----	-----------	-----	---------------------	-----------	---------	-------------

Property Classification Amendment

Current Comprehensive Plan Designation: PRD Current Zoning: PDD

Current Water Classification: W4/S4 Requested Change: W3/S3

Reason for Change: To extend water and sewer service to the Property.

I hereby acknowledge, that authorizing the Town of New Market to change my water classification, subjects me to the requirements, both monetary and physical as set forth by the Division of Utilities and Solid Waste Management's Water & Sewer Rules & Regulations (Amended March 14, 2013), as well as the rates and payment schedule. A copy of the Rules and Regulations can be viewed online at www.co.frederick.md.us. Please note: Whether or not you request the Town of New Market to change your classification, you will be subject to billing from the County for the Ready to Serve charge as well as any delinquent fees or charges that normally apply to their customers. Per Section IX.C.CONNECTION TO THE WATER OR SEWER SYSTEM – you will be required to make the physical connection to the system within 60 days of the Board of County Commissioner's approval of the classification change.

This form must be returned to the Town of New Market, PO Box 27, New Market, MD 21774
by the close of business on Nov 1, 2016.

Failure to return by this date will delay your reclassification until the next cycle.

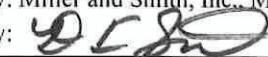
Attorney/Agent Contact

Name: David A. Severn, Esq. and Ian P. Bartman, Esq.

MS JUSTRON FARM, LLC

Address: 50 Carroll Creek Way, Suite 340
Frederick, MD 21701

By: Miller and Smith, Inc., Managing Member



Phone: 240-772-5114

Printed Name(s): MS JUSTRON FARM, LLC

E-mail: dsevern@offitkurman.com

By: Miller and Smith, Inc., Managing Member

By: ~~Charles F. Stuart, Jr.~~ *Charles F. Stuart, Jr.* *Charles F. Stuart, Jr.*
Title: ~~Senior Vice President~~ *Senior Vice President*

ADDENDUM TO REQUEST FOR WATER AND SEWERAGE PLAN AMENDMENT

In addition to the requested Water and Sewerage Plan amendments and reclassifications (from W-4/S-4 to W-3/S-3 for the Property), the Applicant also requests that the Town approve a sewage pumping station for the Calumet PDD to be depicted as a symbol on the Water and Sewerage Plan's Sewer Map.

4841-3448-5300, v. 1

LETTER OF CONSENT OF PROPERTY OWNER

July 14, 2016

Town of New Market, Maryland
P.O. Box 27
New Market, Maryland 21774

RE: CONSENT TO FILING OF REQUEST FOR W&S AMENDMENT
PROPERTY: TAX MAP 79, PARCEL 213; PROP. TAX ID# 09-255826
OWNER: JUSTRON, LLC
CONTRACT PURCHASER: MS JUSTRON FARM, LLC

Dear Mayor and Council of the Town of New Market, Maryland:

Justron, LLC is the owner of the real property known as the "Smith Property," which is located along Boyers Mill Road and north of Maryland Route 144 (the "Smith Property"). The Smith Property also is identified by Tax Map 79, Parcel 213 and Property Tax Identification Number 09-255826.

Justron, LLC in receipt of the enclosed Town of New Market Request for Water and Sewerage Amendment (the "Request"), which Justron, LLC understands is going to be filed with the Town by MS Justron Farm, LLC, as contract purchaser of the Smith Property.

The purpose of this letter is to express the authorization, agreement, and consent of Justron, LLC to the filing of the Request by MS Justron Farm, LLC, and, more specifically, to express the authorization, agreement, and consent to the requested changes to the current Water and Sewer classifications for the Smith Property from W-4/S-4 to W-3/S-3.

Justron, LLC hereby confirms its acknowledgment, authorization, agreement, and consent as herein described by signing below.

JUSTRON, LLC


By: C. Wayne Smith
Title: Managing Member

TOWN OF NEW MARKET

REQUEST FOR WATER AND SEWERAGE PLAN AMENDMENT

Property Owner/Applicant

Name: MS CHARLYN FARM, LLC (as contract purchaser - see attached letter of consent of owner)
Address: 8401 Greensboro Drive, Suite 450
McLean, VA 22102
Phone: 703-821-2500

Property Information

Tax Map(s)	79	Parcel(s)	29	Property Tax ID#	09-227245	Acreage	170.8700 +/-

Property Classification Amendment

Current Comprehensive Plan Designation: PRD Current Zoning: PDD
Current Water Classification: W4/S4 Requested Change: W3/S3

Reason for Change: To extend water and sewer service to the Property.

I hereby acknowledge, that authorizing the Town of New Market to change my water classification, subjects me to the requirements, both monetary and physical as set forth by the Division of Utilities and Solid Waste Management's Water & Sewer Rules & Regulations (Amended March 14, 2013), as well as the rates and payment schedule. A copy of the Rules and Regulations can be viewed online at www.co.frederick.md.us. Please note: Whether or not you request the Town of New Market to change your classification, you will be subject to billing from the County for the Ready to Serve charge as well as any delinquent fees or charges that normally apply to their customers. Per Section IX.C.CONNECTION TO THE WATER OR SEWER SYSTEM – you will be required to make the physical connection to the system within 60 days of the Board of County Commissioner's approval of the classification change .

This form must be returned to the Town of New Market, PO Box 27, New Market, MD 21774
by the close of business on Nov 1, 2016.
Failure to return by this date will delay your reclassification until the next cycle.

Attorney/Agent Contact

Name:	<u>David A. Severn, Esq. and Ian P. Bartman, Esq.</u>	MS CHARLYN FARM, LLC
Address:	<u>50 Carroll Creek Way, Suite 340</u>	By: Miller and Smith, Inc., Managing Member
	<u>Frederick, MD 21701</u>	<u></u>
Phone:	<u>240-772-5114</u>	Printed Name(s): <u>MS CHARLYN FARM, LLC</u>
E-mail:	<u>dsevern@offitkurman.com</u>	By: Miller and Smith, Inc., Managing Member
		By: Charles F. Stuart, Jr. <u>Daugler I. Smith</u>
		Title: Senior Vice President

ADDENDUM TO REQUEST FOR WATER AND SEWERAGE PLAN AMENDMENT

In addition to the requested Water and Sewerage Plan amendments and reclassifications (from W-4/S-4 to W-3/S-3 for the Property), the Applicant also requests that the Town approve a sewage pumping station for the Calumet PDD to be depicted as a symbol on the Water and Sewerage Plan's Sewer Map.

4841-3448-5300, v. 1

LETTER OF CONSENT OF PROPERTY OWNER

July 14, 2016

Town of New Market, Maryland
P.O. Box 27
New Market, Maryland 21774

RE: CONSENT TO FILING OF REQUEST FOR W&S AMENDMENT
PROPERTY: TAX MAP 79, PARCEL 29; PROP. TAX ID# 09-227245
OWNER: CHARLYN, LLC
CONTRACT PURCHASER: MS CHARLYN FARM, LLC

Dear Mayor and Council of the Town of New Market, Maryland:

Charlyn, LLC is the owner of the real property known as the "Cline Property," which is located along Boyers Mill Road and north of Maryland Route 144 (the "Cline Property"). The Cline Property also is identified by Tax Map 79, Parcel 29 and Property Tax Identification Number 09-227245.

Charlyn, LLC is in receipt of the enclosed Town of New Market Request for Water and Sewerage Amendment (the "Request"), which Charlyn, LLC understands is going to be filed with the Town by MS Charlyn Farm, LLC, as contract purchaser of the Cline Property.

The purpose of this letter is to express the authorization, agreement, and consent of Charlyn, LLC to the filing of the Request by MS Charlyn Farm, LLC, and, more specifically, to express the authorization, agreement, and consent to the requested changes to the current Water and Sewer classifications for the Cline Property from W-4/S-4 to W-3/S-3.

Charlyn, LLC hereby confirms its acknowledgment, authorization, agreement, and consent as herein described by signing below.

CHARLYN, LLC

By: Charles R. Cline, Jr.
Title: Managing Member



MS Charlyn Farm, LLC
MS Justron Farm, LLC
c/o Thomas Hyde, Jr
8401 Greensboro Drive, Suite 450
McLean, VA 22102

July 25th, 2016

Dear Mr. Hyde;

At their meeting of July 7th, 2016 the New Market Planning and Zoning Commission made findings of fact and conditionally approved, by a unanimous vote, the Preliminary Plan of Subdivision for the Calumet Planned Development on Tax Map 79, Parcel Nos. 29 and 213 based on the recommendations made by staff in their report and at the meeting.

For the record, the Planning and Zoning Commission found that the Preliminary Plat of Subdivision application materials submitted on July 6, 2016, along with the noted modifications listed therein, conform to the Town Master Plan, to the Town zoning ordinance and the principals and standards stated therein.

The Planning and Zoning Commission conditionally approved the Preliminary Plat of Subdivision application with the following Conditions of Approval:

1: The applicant shall make the following changes to the plan before providing Mylar sheets for signature:

- Sheet 1 – General Note 24 will be cleared up.
- Sheet 2 – Wording in General Development Notation 16 will be corrected.
- Sheet 4 – Required Open Space area in chart will be made consistent with General Note 2 on Sheet 1 (65.86 acres).
- Sheet 13 – PRC at sta. 24+97 Mussetter Road Extended will be replaced by a minimum 100 foot tangent section of roadway.
- Sheet 16 – Colored elements at clubhouse will be made black, and bluish modification circle around Wayne Road cul-de-sac will be removed.
- Sheet 17 – Right-of-way width (50 foot) will be added to Local Access Street typical section.
- Sheet 19 – Sidewalk will be removed adjacent to open section in Residential Local Access Street typical section

- 2: Staff shall confirm that, in accordance with LDO Article III 1.3.2 (Fees), the applicant does not have any outstanding review fees.
- 3: Provisions of the LDO Article III.6.2 (Residential Site Plan Review) will be applied to the Improvement Plan reviews.
- 4: In accordance with LDO Article VI 2.2.6, the Planning and Zoning Commission has approved a validity period of two years for this Planned Unit Development "Preliminary Plat of Subdivision" and may approve requested multiple extensions of the validity period so as to allow added time for the staged final design, final plat approvals and construction due to the size of the development envisioned by the approved Master Plan.

On July 25, 2015, the applicant provided mylars of the Preliminary Plat to the Town staff that addressed all of the item 1 changes above. Town of New Market Planning and Zoning Commission Vice-Chair has fully approved and signed the mylars.

The Applicant may now proceed with applications for the next steps of approvals for the development. These shall be reviewed for compliance with the approved; Agreements, Calumet Master Plan and its Conditions as well as the Preliminary Plan of Subdivision with its Conditions.

Sincerely,



Pat Faux
Town Zoning Administrator and Planner

CC: Anthony Bruscia, Planning and Zoning Commission Chairman
Karen Durbin, Town Clerk
Shawn Burnett, Town Engineer
David Severn/Ian Bartman – Offit Kurman, P.A.
Donovan Corum - Bowman Consulting



MS Charlyn Farm, LLC
MS Justron Farm, LLC
c/o Thomas Hyde, Jr
8401 Greensboro Drive, Suite 450
McLean, VA 22102

January 19th, 2016

Dear Mr. Hyde;

At their meeting of November 11th, 2015 the New Market Planning and Zoning Commission made findings of fact and approved, by a unanimous vote, the Calumet Planned Development Master Plan on Tax Map 79, Parcel Nos. 29 and 213 based on the recommendations made by staff in their letter of November 10th, 2015. For the record, the Findings of Fact made by Planning and Zoning Commission and the Conditions of their Approval are as follows:

#1) We find that the proposed Master Plan conforms to all applicable regulations contained in this Ordinance provided that: *an expanded Community Design Guideline document is provided for approval by the Planning Commission with the Preliminary Plan of Subdivision application. The expanded Community Design Guideline document shall both ensure and document that the application conforms to all applicable regulations contained in the Land Development Ordinance. It shall respond to the Comments stated herein to the satisfaction of the Planning and Zoning Commission. In accordance with LDO Article IV 15.6.6, it shall define which regulations are not applicable, and shall in accordance with Article IV 15.6.1 establish Property Specific Development Standards that replace the inapplicable standards.*

Comments:

- 1) **Architectural Design Guidelines:** *Both a package of detailed exterior architectural design plans for all prototypical unit designs proposed in the master plan and a house design matrix that meets ARC standards. Comprehensive Plan Design standards shall be provided for approval to the Planning and Zoning Commission and ARC approval at the time of Preliminary Plat of Subdivision application. Any requested updates to these items may be provided at the time of subsequent final subdivision plan submittals.*
- 2) **Community Design Guidelines:** *Added information is needed to fully establish Property Specific Development Standards for this property. Information still needed includes, but is not limited to, standards on impervious coverage, landscaping, bufferyards and screening, outdoor lighting, on and off-street parking, walkways, and road standards. Any further*

amendments to the approved standards for use in individual PDD Districts, if requested, may be considered and approved by the Planning Commission before implementation. Property Specific Development Standards shall be approved as stated as a part of the Master Plan:

- a) *Reduced Yard Setbacks and setback encroachments that vary from Article VI.4.*
 - b) *Bulk Standards: Projections of architectural elements such as baywindows, chimneys, entrances, etc., into the Building Restriction Lines (BRL);*
 - i) *Accessory Structures setbacks from the property line, such as detached garage setbacks from rear and side property lines; and*
 - ii) *Placement of Dwelling Units fronting onto greenways such as HOA open Space.*
- c) *Proposed Lot sizes, layouts and proposed townhome string lengths*
- d) *Height of Structures: The Community Design Guidelines lists the maximum height for the residential dwellings to be Forty (40) feet. The Building Height will be measured from the average finished grade at building front, to the midpoint of the roof, to match the measurement points that the County uses during building permit reviews. This is a site specific definition of Building Height that will replace the definition stated in Article XII page 168.*
- e) *Article V 9.3.3 Allowances for limited amounts of on-street parking may be used to meet off-street parking requirements for townhouses rather than the bedroom bases standards Article V 9.3.3*
- f) *The concept of narrower road pavements widths with closed sections per Article V 3.2.16, except where approved by the Planning Commission along open space edges.*

3) **Parking** - All lot prototypes in the Expanded Community Design Guidelines document and all lots in the property shall be designed to accommodate all required residential parking on the lot, unless adequate nearby on-street guest parking is located and approved by the Planning Commission. The Expanded Community Design Guidelines document requires the provision of on-street guest parking in areas with rear loaded units. Town houses at a minimum rate of 1 space for every 5 rear loaded unit and to place spaces within 500' of any underserved units, unless otherwise approved by the Planning Commission at the time of Preliminary Plat of Subdivision. (Staff notes that the Master Plan commits to providing a minimum of 297 on-street parking space on the property.) Community Design Guidelines shall be revised to stipulate that a minimum of 2 parking spaces shall be provided for all residential lot types and that on-street parking may be used to meet added parking requirements above 2, with Planning Commission approval. Locations and quantities for adequate on-street guest parking shall be provided, in the residential areas with rear loaded units, and shall be identified on streets and/or alleys at the time of the Preliminary Plan per Article V 9.1. An agreement regarding the management and enforcement of on-street parking on the streets and alleys within, may be required and reached between the applicant and the town Council as part of any DRRA.

- 4) SWM: *Storm water treatment facilities on the property, including those that serve the roads to be dedicated to or maintained by the Town, shall be located in private common open space areas and be maintained by the HOA unless otherwise agreed to in an approved DRRA with the Town Council.*
- 5) Roads: *Staff concurs with the general concept of narrower road pavement widths and limited use of open section roads in the Project, provided that the expanded Community Design Guidelines document establish the following road standards. Require roads to be closed, per section per Article V 3.2.16 in front of units. Segments of open section roads with grassy swales, be permitted on designated road segments and sides that abut common open spaces, and elsewhere, as approved by the Planning Commission and/or the Town Engineer during Subdivision Plan approvals. Review and approval of standards for detailed geometry design and modifications will be completed at the preliminary plat stage. Placement and management of Stormwater Management ESD facilities within right-of-ways, and Street Trees within right-of-ways, shall be addressed in the DRRA or a Public Works Agreement. As on street parking will be limited on some streets, an agreement regarding the management and enforcement of on-street parking on the streets and alleys within, may be required and reached between the applicant and the Town Council as part of any DRRA.*
- 6) Alleys: *The expanded Community Design Guidelines document shall clarify that all alleys shall be privately owned and maintained by the HOA, by altering the graphics (e.g., on page 6) of the Design Guidelines to label the alley as private. Approvals and agreements with the town on public access easements in private alleys shall be determined at the Preliminary Plat of Subdivision.*
- 7) Outdoor Lighting: *Standards for any outdoor street lighting, within the right-of-way at intersections and cul-de-sacs for safety, shall be added to the Expanded Community Design Guidelines for Planning Commission approval. In addition, a standard that requires private lighting of streets and alleys, using a small lighting fixture on each lot is recommended. This to be in the form of a hardwired lawn lamp or facade element to provide low level lighting of the public streets and sidewalks. LED lighting is recommended for any town lighting.*
- 8) Block Design Standards: *The master plan schematic design shall be adjusted as part of the Preliminary Plat of Subdivision to be located and provided through block pedestrian connections on any block over 1000' in length, per Article VI 3.3, except as approved by the Planning Commission.*
- 9) Open Space: *Commonly owned, legal documentation, ensuring the continuance and maintenance of all commonly owned Open Space, must be submitted to and approved by the Planning Commission.*

#2 We find that the proposed Master Plan conforms to the New Market Comprehensive Plan as submitted. *Per the applicant's offer, additional trails shall be provided by the Applicant within Calumet HOA property as the Calumet project moves through Preliminary Plat and*

Improvement Plan review and approval stages. In order to more fully meet the planning goal of Town connectivity, Staff recommends that the applicant and the Planning Commission consider the addition of, or reservation of, an alley or pedestrian connection to the abutting commercial property in the southwest corner of the site. A north/south, hiker/biker trail in the common open space, that roughly parallels Boyers Mill and extends to the southern property line, is also recommended in the Boyers Mill CIP, if the project does not occur in a timely manner.

#3 We find that the proposed Master Plan in conjunction with reasonably anticipated development in the surrounding neighborhood, will not create a substantial adverse impact on the adequate and orderly provision of public services and facilities for the area as submitted.

The information provided, is appropriate for the Master Plan stage. Further studies and approvals of these issues, including defining and meeting County requirements for water and sewer service, are required by the LDO at future approval stages.

#4 We find that the proposed Master Plan is planned in such a manner as to minimize adverse impacts to environmentally sensitive areas and important historic or cultural features on the site as submitted. The information provided, is appropriate for the Master Plan stage. Further studies and approvals of these issues, including reforestation; storm water management; rare, threatened and endangered species; and cultural resource studies, are required by the LDO at future approval stages of both the development and Parkway.

#5 We find that the proposed Master Plan is designed to be compatible with existing development in the surrounding neighborhood and/or the proposed development contains adequate screening, landscaping and buffer yards to protect the surrounding neighborhood provided that:

- 1) A detailed landscape plan establishing buffer yard depths and screening requirements is provided for Planning Commission approval at time of Preliminary Plat Subdivision per Article V 3.2.1. Standard treatments for perimeter bufferyards are established in the Expanded Community Design Guidelines document. These standards shall establish adequate buffer yard separation and screening elements along abutting property lines based on their zoning and current use. Per Article V 3.2.14, particular attention shall be paid to screening the effects of incompatible activities on adjoining or nearby properties such as farming.
- 2) The applicant shall designate high visibility lots in areas, such as at key intersections and town gateways, on the Preliminary Plats for Planning Commission approval, and ARC consideration. Added vegetative buffers plantings may be required for these lots by the Planning Commission. Added architectural elements shall be approved, provided for these exposed sides and rear facades by the ARC. Special attention should be paid to any exposed rear facades and rear yards visible from Boyers Mill Road and Mussetter Road.

Other Conditions Of Approval:

- 1) For the Town records and use in subsequent implementation review, three hard copies of the master plan application with appropriate supplemental material places inserted into the binders, shall be provided to the town within 5 working days of an approval.
- 2) Approval of the Master Plan application, does not constitute Town approval of any of the design elements to be reviewed as part of the Preliminary Plat and Improvement Plan submittals. Applicant will need to request modifications/exceptions to the LDO standards for approval by the Commission of specific elements in the Preliminary Plat and Improvement Plan submissions.
- 3) The Preliminary Plat of Subdivision application shall provide the following elements in addition to the others stated herein and required by the town LDO:
 - a) Provide a summary of known resource impacts from Parkway construction, along with anticipated procedures to achieve permit requirements (e.g., X amount of reforestation potentially required, as compared to Y amount of area identified as potentially available for reforestation), along with a list of permits likely to be required for Parkway construction..
 - b) Provide a more detailed Development Phasing Plan that includes relationship of number of lots anticipated, within each of the 12 development phases to the phases (or numerical triggers) of the Road Agreement.
 - c) Regarding Documentation of Complete Regulatory Agency Coordination particularly in regard to Rare, Threatened and Endangered Species (FWS and DNR PRD) and Cultural Resources including historic standing structures and archeology (MHT) for the planned development and new road between Mussetter Road and Green Valley Road. The Applicant shall explain why coordination with Federal regulatory agencies, DNR PRD and MHT has not been documented for either the Calumet development or the Parkway. 1/12/15 MDE letter indicates records of state rare plant species in proximity to project site. Indicate location of this recorded population.
 - d) Regarding Documentation of Further Coordination with Frederick County Division of Utilities and Solid Waste Management (DUSWM) concerning improvements needed to provide adequate water and sewer service for the planned development and fire protection along the New Road. Provide results of DUSWM review of the February 10, 2015, Water and Wastewater System Feasibility Studies included in the PDD application.
- 4) The Applicant shall commit to placing basic, ground-mounted directional signage to I-70 or Lake Linganore at intersections, where allowed by the road improvement plan(s) and permit approvals. Additional similar guide and destination signs may be required along off-site roadways via Town, County and SHA coordination. The Town will assist by requesting SHA approval.

The Applicant may now proceed with a Preliminary Plan of Subdivision application which shall be reviewed for compliance with the approved Master Plan and these Conditions.

Please let me know if there are any questions,

Sincerely,



Pat Faux
Town Zoning Administrator and Planner

CC: Anthony Brascia, Planning and Zoning Commission Chairman
Karen Durbin, Town Clerk
Shawn Burnett, Town Engineer
David Severn/Ian Bartman – Offit Kurman, P.A.
Donovan Corum - Bowman Consulting



**DIVISION OF PLANNING & PERMITTING
FREDERICK COUNTY, MARYLAND**

30 North Market Street • Frederick, Maryland 21701
Phone (301) 600-1138 • Fax (301) 600-1645 <http://www.frederickcountymd.gov>

WS 16-06

Justron

WATER and SEWERAGE PLAN AMENDMENT APPLICATION

Prior to, (at least 2 business days) your submission, email lwilliamson@frederickcountymd.gov or fax to 301-600-1645, a completed/signed application for processing, fees generated, to be paid upon initial submission.
Questions: contact Linda Williamson at 301-600-1139

Required Application Material:
Original plus **25 copies** and **PDF / CD** of all application material

Attached Zoning and Planning Public Ethics Law – **Applicant Disclosure Form**

Cycle - <i>Summer 2016</i>
Case # <i>WS 16-06</i>
A/P # <i>16719</i>
Reviewer- <i>Tim Goodfellow</i>

Property Information

Tax Map(s) 79 Parcel(s) 0213 Tax ID(s) 09-255826 Acreage 91.4919

Location: Boyers Mill Road north of Old National Pike

Text Amendment

Description of request (attach additional sheets if necessary): _____

Property Classification Amendment

Current Comprehensive Plan Designation: PRD (Town of New Market) Current Zoning: PDD (Town of New Market)

Current Water Classification: W-4 Requested Change: W-3

Current Sewer Classification: S-4 Requested Change: S-3

Reason for Change The subject property has obtained zoning, Master Plan and Preliminary Plan approvals. Town of New Market has approved the Town's W-3/S-3 reclassification. Water and Sewer service is anticipated to occur within 3 years or less.

Infrastructure Amendment

Description of request: _____

Property Owner Justron, LLC

Address P.O. Box 222

New Market, MD 21774

Phone _____

Contract Purchaser (property owner letter of consent)
MS Justron Farm, LLC

Address 8401 Greensboro Drive, Ste. 450

McLean, VA 22102

Phone 703-821-2500

Check one for Comments:

Mail Email thyde@millerandsmith.com

Engineer/Surveyor/Attorney

David A. Severn, Esq. and Ian P. Bartman, Esq.

Address 50 Carroll Creek Way, Suite 340

Frederick, Maryland 21701

Phone 240-772-5114

Check one for Comments:

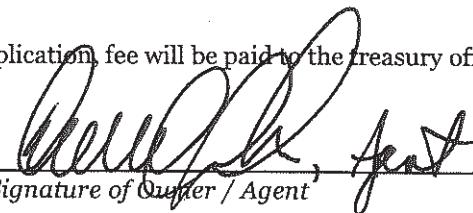
Mail Email dsevern@offikurman.com; ibartman@offikurman.com

Notes:

1. The County reserves the right to reject applications that are not complete.
2. Documents which demonstrate satisfaction of all criteria for the classification requested must accompany application.
3. Fees to be submitted with application, upon acceptance of application, fee will be paid to the treasury office.

Dave A. Severn

Printed name



Signature of Owner / Agent, *Severn*

FEES

Checks made payable to Treasurer of Frederick County-Additional fees may be due per fee schedule FY2016

phase 1, wsplan

1. Planning	\$1200.00
2. DUSWM	\$204.00
Total	\$1,404.00

Water & Sewerage Plan Amendment Application Instructions

Applications for Water & Sewerage Plan map and text amendments will be accepted in the following months:
March – Spring Cycle
July – Summer Cycle
November – Fall Cycle

1. **Application:** Completed and signed by the property owner or contract purchaser. If contract purchaser, letter of consent from property owner must be included. **Please note the choice to have all correspondence e-mailed to the property owner or agent.**
2. **Amendment Criteria:** Effective with the March 2015 Spring Cycle all criteria for a particular classification amendment **must be met at the time of application.**
3. **Description of Property:** Provide an 8 1/2 x 11 or other appropriately sized copy of tax map marked to delineate all subject parcels, with the tax map and parcel/lot numbers labeled. These tax map and parcel/lot numbers must match the information on the application. Include a State Assessment Data listing for each parcel for which a classification change is being requested. www.dat.state.md.us.
4. **Municipal Letter:** For properties within municipalities, applications must include a letter from a designated official in that municipality certifying the amount of water supply and wastewater system capacities, and the intent to provide the available capacity to the property, or how sufficient capacity will be provided.
5. **Development Approval Letter(s):** Applications for changes to property classifications must provide approval letters from all appropriate municipal or county agencies for site plan, subdivision, and/or improvement plan approvals.
6. **Justification Statement:** Include a written explanation of how the criteria for the requested classification is met. Any other relevant material the applicant wishes to be considered may be submitted.
7. **Public Ethics Law** – Fill out and sign Applicant Disclosure Form.

Real Property Data Search (WI)

[Search Help](#)

Search Result for FREDERICK COUNTY

View Map	View Ground Rent Redemption	View Ground Rent Registration																					
<u>Account Identifier:</u>	<u>District - 09 Account Number - 255826</u>																						
<u>Owner Information</u>																							
<u>Owner Name:</u>	JUSTRON LLC	<u>Use:</u> AGRICULTURAL <u>Principal Residence:</u> NO																					
<u>Mailing Address:</u>	C/O C WAYNE SMITH P O BOX 222 NEW MARKET MD 21774-	<u>Deed Reference:</u> 1) /04821/ 00395 2)																					
<u>Location & Structure Information</u>																							
<u>Premises Address:</u>	5720 BOYERS MILL RD NEW MARKET 21774-0000	<u>Legal Description:</u> 92.37 AC W/S BOYER MILL RD N/RT. 144																					
<u>Map:</u> 0079	<u>Grid:</u> 0021	<u>Parcel:</u> 0213	<u>Subdivision:</u> 0000	<u>Section:</u>	<u>Block:</u>	<u>Lot:</u>	<u>Assessment Year:</u> 2013	<u>Plat No:</u>															
							<u>Plat Ref:</u>																
<u>Special Tax Areas:</u>			<u>Town:</u> NONE																				
			<u>Ad Valorem:</u> 108																				
<u>Primary Structure Built</u>		<u>Above Grade Enclosed Area</u> 1,824 SF	<u>Finished Basement Area</u> 92.3700 AC	<u>Property Land Area</u>	<u>County Use</u>																		
<u>Stories</u> 2.000000	<u>Basement</u> YES	<u>Type</u> STANDARD UNIT	<u>Exterior</u> FRAME	<u>Full/Half Bath</u> 1 full	<u>Garage</u>	<u>Last Major Renovation</u>																	
<u>Value Information</u>																							
			<u>Base Value</u>	<u>Value</u>	<u>Phase-in Assessments</u>																		
				<u>As of</u>	<u>As of</u>	<u>As of</u>																	
				01/01/2013	07/01/2013	07/01/2014																	
<u>Land:</u>			174,500	129,500																			
<u>Improvements</u>			109,100	107,400																			
<u>Total:</u>			283,600	236,900	236,900		236,900																
<u>Preferential Land:</u>			24,500				24,500																
<u>Transfer Information</u>																							
<u>Seller:</u> JUSTRON, LLC	<u>Date:</u> 08/31/2004		<u>Price:</u> \$0																				
<u>Type:</u> NON-ARMS LENGTH OTHER	<u>Deed1:</u> /04821/ 00395		<u>Deed2:</u>																				
<u>Seller:</u> SMITH, WILLIAM F. & GRACE P.	<u>Date:</u> 12/31/2003		<u>Price:</u> \$0																				
<u>Type:</u> NON-ARMS LENGTH OTHER	<u>Deed1:</u> /04323/ 00350		<u>Deed2:</u>																				
<u>Seller:</u>	<u>Date:</u>		<u>Price:</u>																				
<u>Type:</u>	<u>Deed1:</u>		<u>Deed2:</u>																				
<u>Exemption Information</u>																							
<u>Partial Exempt Assessments:</u>	<u>Class</u>		<u>07/01/2013</u>		<u>07/01/2014</u>																		
<u>County:</u>	000		0.00																				
<u>State:</u>	000		0.00																				
<u>Municipal:</u>	000		0.00	0.00	0.00																		
<u>Tax Exempt:</u>	<u>Special Tax Recapture:</u>		0.00		0.00																		
<u>Exempt Class:</u>	AGRICULTURAL TRANSFER TAX																						
<u>Homestead Application Information</u>																							
<u>Homestead Application Status:</u> No Application																							

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

APPLICANT DISCLOSURE FORM

IMPORTANT NOTE: WHILE THE APPLICATION IS PENDING, YOU MUST SUPPLEMENT THIS DISCLOSURE WHENEVER THERE IS A CHANGE IN THE INFORMATION PROVIDED.

I. Property that is the subject of the application:

Approximately 91.4919 +/- acres located on Boyers Mill Road north of Old National Pike,
also known as the Smith Property and Calumet (Tax Map 79, Parcel 213).

II. Please identify all persons and entities who have any of the following interests in the land that is the subject of the application. (Include the holders of at least a 10% interest in the land):

A. Title owners: Justron, LLC

B. Contract purchasers: MS Justron Farm, LLC

C. Trustees (do not include trustees described in a mortgage or deed of trust):

III. For each person or entity named in Part II above, indicate that person's or entity's status. If there is more than one person or entity who qualifies as an applicant, provide the name of the applicant that the information pertains to in the space provided:

An individual (Name: _____)

A partnership (Name: _____)

General partnership

Limited liability partnership

Limited partnership

Limited liability limited partnership

Joint venture

Name all partners: _____

A corporation (Name: _____)

Identify all officers and directors by name and title:

Other business entity (Name: _____)

Sole proprietorship

An association

Limited liability company

Receiver (Name: _____)

Trustee (Name: _____)

Guardian (Name: _____)

Personal representative (Name: _____)

Fiduciary (Name: _____)

Other representative (Specify: _____)

I hereby affirm under penalties of perjury and upon personal knowledge that the information provided herein is true. I also acknowledge that I understand that I have a duty to supplement the information provided herein should that information change while the application is pending.

Signature:

MS Justron Farm, LLC



Date:

7/22/06

Name and title (if applicable)

By: Miller and Smith, Inc., as manager

By: Douglas I. Smith
as President of Miller and Smith, Inc.

May 2007

Report Date 07/22/2016 02:10 PM

Submitted By

Page 1

A/P # 16719 REZONING

Application Information

Stages

	Date / Time	By	Date / Time	By
Processed			Temp COO	
Approved			COO Issued	
Final			Expires	

Associated Information

Type of Work	NEW	NEW	# Plans	0	Valuation	Declared Valuation	0.00
Dept of Commerce	RESNR	RESIDENTIAL MIXED USE	# Plans	0	Calculated Valuation	0.00	
Priority		<input checked="" type="checkbox"/> Auto Reviews	Bill Group		Actual Valuation	0.00	

Description of Work

WS-16-06 S970 MS JUSTRON FARM LLC-HAZELNUT RUN-WATER AND SEWERAGE PLAN AMENDMENT-
 DESCRIPTION-PROPERTY HAS OBTAINED ZONING, MASTER PLAN AND PRELIMINARY PLAN APPROVALS
 TOWN OF NEW MARKET
 DESCRIPTION: REQUESTING RECLASSIFICATION FROM W-4, S-4 TO W-3, S-3

Parent A/P # 14697
 Project # 16719 Project/Phase Name WS-14-07 MS JUSTRON FARM LLC-
 Size/Area 91.49 A Size Description
 Proposed Start Proposed Stop
 % Complete Formula

Phase #
 Subdivision Code S970
 % Completed 0.00

Applicants/Contacts

Primary N Capacity APPL Contact ID AC31620 Foreign
 Effective Expire
 Name MS CHARLTN FARM LLC & MS JUSTRON FARM, LLC
 Day Phone Eve Phone Organization MILLER AND SMITH LLC
 Pager PIN # Position
 Fax Mobile Profession
 E-Mail
 Address 8401 GREENSBORO DRIVE
 SUITE 450
 MCLEAN, VA 22102

Comments

No Comments

Primary Y Capacity OWNER Contact ID AC31286 Foreign
 Effective 07/22/2016 00:00 Expire
 Name C WAYNE SMITH
 Day Phone Eve Phone Organization JUSTRON LLC
 Pager PIN # Position
 Fax Mobile Profession
 E-Mail
 Address C/O C WAYNE SMITH
 PO BOX 222
 NEW MARKET, MARYLAND 21774

Comments

No Comments

Contractors

Primary N Capacity Type
 Effective Expire
 Contact ID 4397 Name OFFIT / KURMAN
 Phone Fax Address 50 CARROLL CREEK WAY
 SUITE 340
 FREDERICK, MD 21701-
 Comments
 No Comments

Report Date	07/22/2016 02:10 PM	Submitted By	Page 2																									
<table border="1"> <thead> <tr> <th>License #</th> <th>Type</th> <th>Contact ID</th> <th>Name</th> </tr> </thead> <tbody> <tr> <td colspan="4">No Company/Contractor Licenses</td> </tr> </tbody> </table>				License #	Type	Contact ID	Name	No Company/Contractor Licenses																				
License #	Type	Contact ID	Name																									
No Company/Contractor Licenses																												
Fees		Status	Paid Date	Amount																								
COMP PLANNING W&S PLAN AMENDMENT FEE		U		1220.00																								
DUSWME PLAN AMENDMENT FEE		U		207.00																								
		Total Unpaid	1427.00	Total Paid 0.00																								
<table border="1"> <thead> <tr> <th>Check Conditions</th> <th>Condition</th> <th>Approval</th> <th>Approved By</th> <th>Approved Date</th> <th>Applied By</th> <th>Applied Date</th> <th>Assigned</th> </tr> <tr> <th>Supervisor Required</th> <th></th> <th>Comments</th> <th></th> <th></th> <th></th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>No Conditions</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					Check Conditions	Condition	Approval	Approved By	Approved Date	Applied By	Applied Date	Assigned	Supervisor Required		Comments						No Conditions							
Check Conditions	Condition	Approval	Approved By	Approved Date	Applied By	Applied Date	Assigned																					
Supervisor Required		Comments																										
No Conditions																												
Template Type A/P #		A/P Type	Status	Stage																								
No children exist for this project																												
Employee																												
Employee ID		Last	First	MI	Comments																							
No Employee Entries																												
Log	Action	Description	Entered By	Start	Stop	Hours																						
		PLNRCV PLANS RECEIVED APPLICATION	LWILLIAMSON	07/22/2016 14:08		0.00																						

July 25, 2016

Development Review Planning and Engineering
Frederick County Community Development Division
30 North Market Street
Frederick, Maryland 21701
Attn: Tim Goodfellow

SUBJECT: Calumet – Town of New Market
Water and Sewer Re-classification for Calumet and Pump Station Symbol
BGC Project No. 5705-00-003 (the “Project”)

Dear Tim:

With the support and approval of the Town of New Market (the “Town”), we are pleased to submit the enclosed applications for Frederick County Water and Sewerage Plan Amendments for the above-captioned Project on behalf of MS Justron Farm, LLC and MS Charlyn Farm, LLC (the “Applicants”) for Frederick County’s review, consideration and approval. The Project contains approximately 262.408+/- acres located just north of Old National Pike along the east and west sides of Boyers Mill Road (the “Property”). The Property is located within the Town and the New Market Planning Region of Frederick County, and is currently zoned Planned Development District (“PDD”). The Preliminary Plan for the Project was approved by the Town’s Planning Commission at its public meeting on July 7, 2016. On July 14, 2016 the Town’s Mayor and Council approved the reclassification request from W-4 DEV / S-4 DEV to W-3 DEV / S-3 DEV classification for the Property. The Property currently has a W-4 DEV / S-4 DEV classification on the Water and Sewerage Plan of Frederick County, Maryland as approved November 6, 2011, revised May 1, 2015 (the “Water and Sewerage Plan”).

In accordance with the Water and Sewerage Plan the Applicants request a Water and Sewerage Plan Classification change from the current W-4 DEV /S-4 DEV category to the W-3 DEV /S-3 DEV classification for the Property. Chapter 1, Section IV of the Water and Sewerage Plan and its “Classification System” lists the criteria for the S-3/W-3 Concept Evaluation Phase.

In addition to requesting the aforementioned reclassifications, the Applicants are requesting that a proposed sewage pumping station for the PDD be depicted on the Water and Sewerage Plan’s Sewer Map for Tax Map 79 Parcel 0029 of the Property located east of Boyers Mill Road.

The Applicants have worked closely with the County’s Division of Utilities and Solid Waste Management (“DUSWM”) and Division of Public Works (“DPW”) for more than four years commencing in or about September, 2012 concerning the County’s current sewage and water system as it pertains to the

Property, the PDD and the Project. During the various meetings occurring throughout that time, sewerage and water analyses have been prepared and updated including field monitoring of the existing sewerage system. These studies are submitted with these applications. In order to implement the County Water and Sewage Plan, County Staff initiated and directed the placement of a proposed pump station on the Property as shown on the enclosed "Sewer Map," attached as Exhibit C.

The enclosed applications include originals and 29 copies of the following:

- Application Forms
- Letters of Consent from Property Owners
- Description of Property - 8.5x11 highlighted Tax Map (Exhibit A) with SDAT listings, as well as a Water Map (Exhibit B) and a Sewer Map (Exhibit C)
- Development Approvals
 1. Master Plan Approval from the Town of New Market;
 2. Preliminary Plan (Site Plan equivalent to County) Letter from the Town of New Market; and
 3. Town of New Market approval letter for W-3 DEV / S-3 DEV Classification.
 - Town of New Market W-3 DEV / S-3 DEV Applications
 - Justification Statement
 - Water and Wastewater Analysis and Off-Site Sewer and Monitoring Report
 - Public Ethics Law form – Applicant Disclosure Forms

Also enclosed are the submission fees for MS Justron Farm, LLC in the amount of \$1,427.00 and MS Charlyn Farm, LLC in the amount of \$1,427.00.

The Property meets the following criteria for the S-3/W-3 classification and is outlined below.

- a. *Criteria required for the S-4/W-4 classification have been complied with (as explained below):*

The Property presently has zoning and Master Plan approval for a Planned Development District (PDD) floating zone and a S-4 DEV / W-4 DEV Water and Sewerage Plan classification. The Preliminary Plan for the Project was approved by the Town's Planning Commission at its public meeting on July 7, 2016. Subsequent approvals as noted below have advanced the Project towards construction. The Property is in compliance with the S-4 DEV / W-4 DEV classification.

b. Applicant shall provide a study of the components of the existing water and wastewater system and identify inadequacies that may result from the development of the property. This study may be performed in conjunction with the Adequate Public Facilities Ordinance (APFO) studies.

Water and Wastewater reports were originally submitted to DUSWM in September, 2012 and a Monitoring Wastewater addendum has been completed in July, 2016. The Water System Analysis report demonstrates, based on results of hydraulic modeling, that there is adequate pressure and flow available to the Project during peak domestic demands and fire flows. The Wastewater System report and Monitoring data demonstrate that the downstream sewers have adequate capacity to support the flows from the Property and the Project.

The reports were performed in consultation with DUSWM and DPW as part of the annexation plan for the Property and the Town's findings of fact in its approval of the rezoning, Master Plan and Preliminary Plan for the Project.

c. A preliminary subdivision plan, site plan, or Phase II Plan (in the case of PUDs and MXDs) has been approved by the Planning Commission.

The Preliminary Plan for the Project was approved by the Town's Planning Commission at its public meeting on July 7, 2016. On July 14, 2016 the Mayor and Council approved the Water and Sewerage Plan reclassification request from W-4 DEV / S-4 DEV to the W-3 DEV / S-3 DEV classification for the Property.

d. A discharge permit, where appropriate, has been approved by all appropriate State agencies.

No discharge permit will be required for the Project.

e. A hydrogeologic study, where appropriate, supports the establishment of a community water system, which will not be detrimental to adjoining wells or surface waters. The hydrogeologic study is typically required to appropriate both ground (well) or surface waters. A Water Appropriation and Use Permit, where appropriate, has been approved by all appropriate State agencies.

Public water lines currently traverse the Property and have recorded easements. Sewer system easements abut the Property via the existing Mussetter Road public right-of-way.

f. If County funded CIP project(s) are needed to provide service, then construction funds for each project must be contained in the first or second year of the County's approved CIP.

No County funded CIP projects are needed to provide service to the Project. The applications, if approved, shall allow the Project to provide the following benefits to the County water and sewer systems:

Water

1. The Project shall create a northern higher pressure zone 12" water line connection to provide water services for the properties to the north of the Project.
2. Water easements will be provided for future services for properties to the North, South and East of the Project.

Sewer

1. Sewer easements will be provided for future services for properties to the North, South and East of the Project.

g. If service is to be provided by developer initiated and funded projects, the developer must have approved and signed water/sewer improvement plans and an approved cost proposal for all improvements required to bring adequate water and sewer service to the site. This "service to the site" requirement is considered "met" if adequate water and sewer lines abut the site and are located within a public right-of-way or a public water/sewer easement which abut the site.

Existing water line lines traverse the Property with recorded easements. A sewer line is currently located within the Mussetter Road public right-of-way which abuts the western boundary lines of the Property.

h. Satisfaction of Items f. and g. will create a rebuttable presumption in favor of the applicant that service will be available within 3 years.

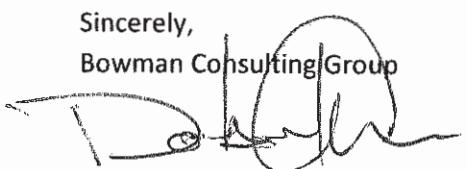
Noted.

As part of these applications and in accordance with Chapter 1, Section III, B.(3)(k) of the Water and Sewerage Plan and Section 9-507(e)(1) of the Environmental Article, Annotated Code of Maryland, the Applicants are requesting that the amendments, if approved by the County Council, become effective immediately, and not after the expiration of the ninety (90)-day MDE approval period. The reason for this request is to allow improvement and construction plans for the New Market bypass road to be submitted for review prior to the expiration of said 90-day MDE review period (at the Applicants' risk) thereby expediting the commencement of construction of this important new transportation corridor that will enhance traffic patterns in the area.

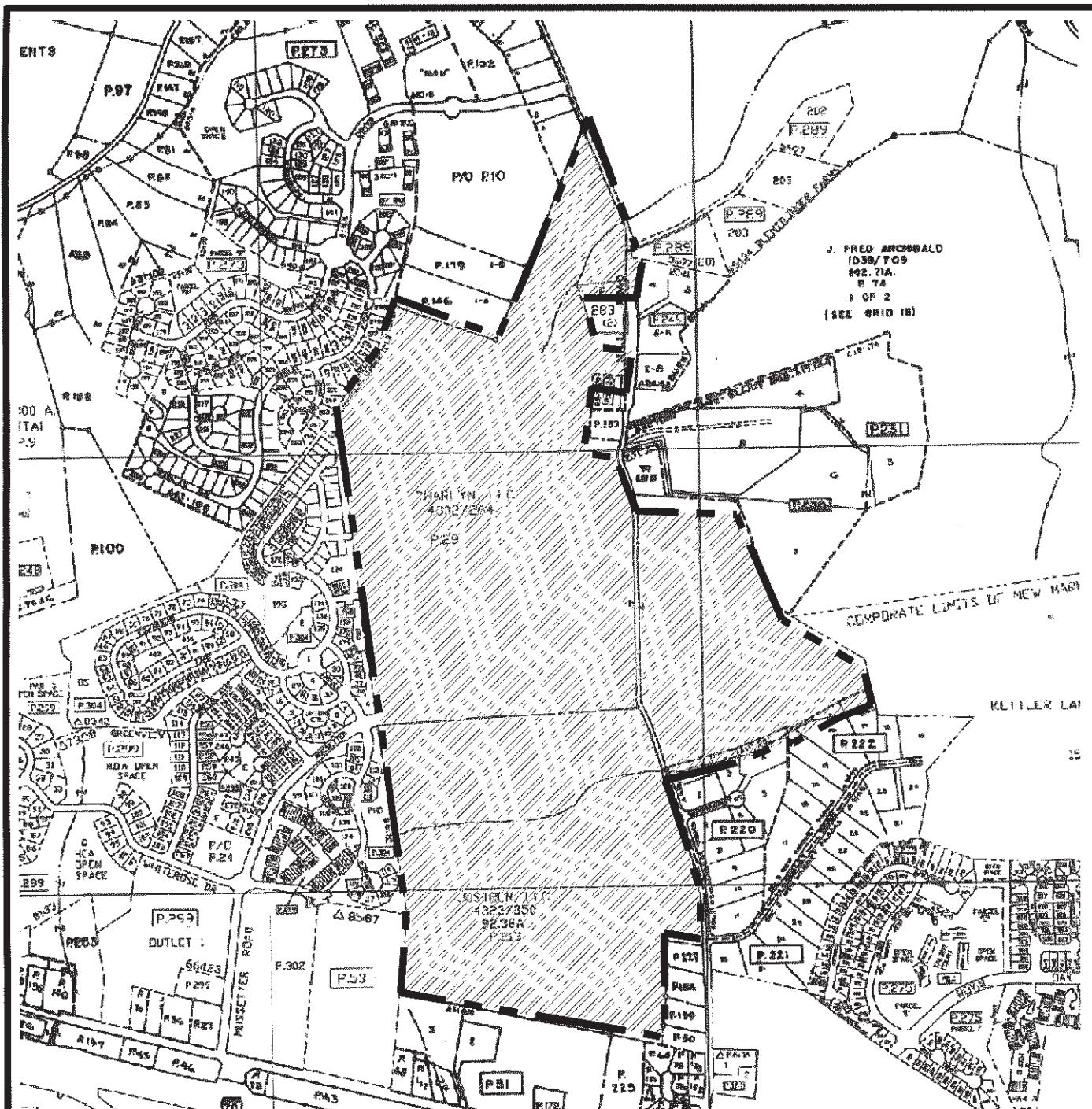
In conclusion, the Applicants' applications for Water and Sewerage Plan reclassification from S-4 DEV / W-4 DEV to S-3 DEV / W-3 DEV is fully consistent with the purpose, intent, objectives, and criteria of the County Water and Sewerage Plan and the Town of New Market Master Plan. For all the reasons advanced by way of these applications, the Applicants respectfully request approval of the proposed reclassifications and pump station symbol.

Sincerely,

Bowman Consulting Group



Donavon Corum, RLA, AICP, LEED AP
Planning Director
4813-3849-6309, v. 2



Bowman CONSULTING

**EXHIBIT A - TAX MAP
CALUMET**

Bowman Consulting Group, Ltd.
2530 Riva Road
Suite 200
Annapolis, Maryland 21401

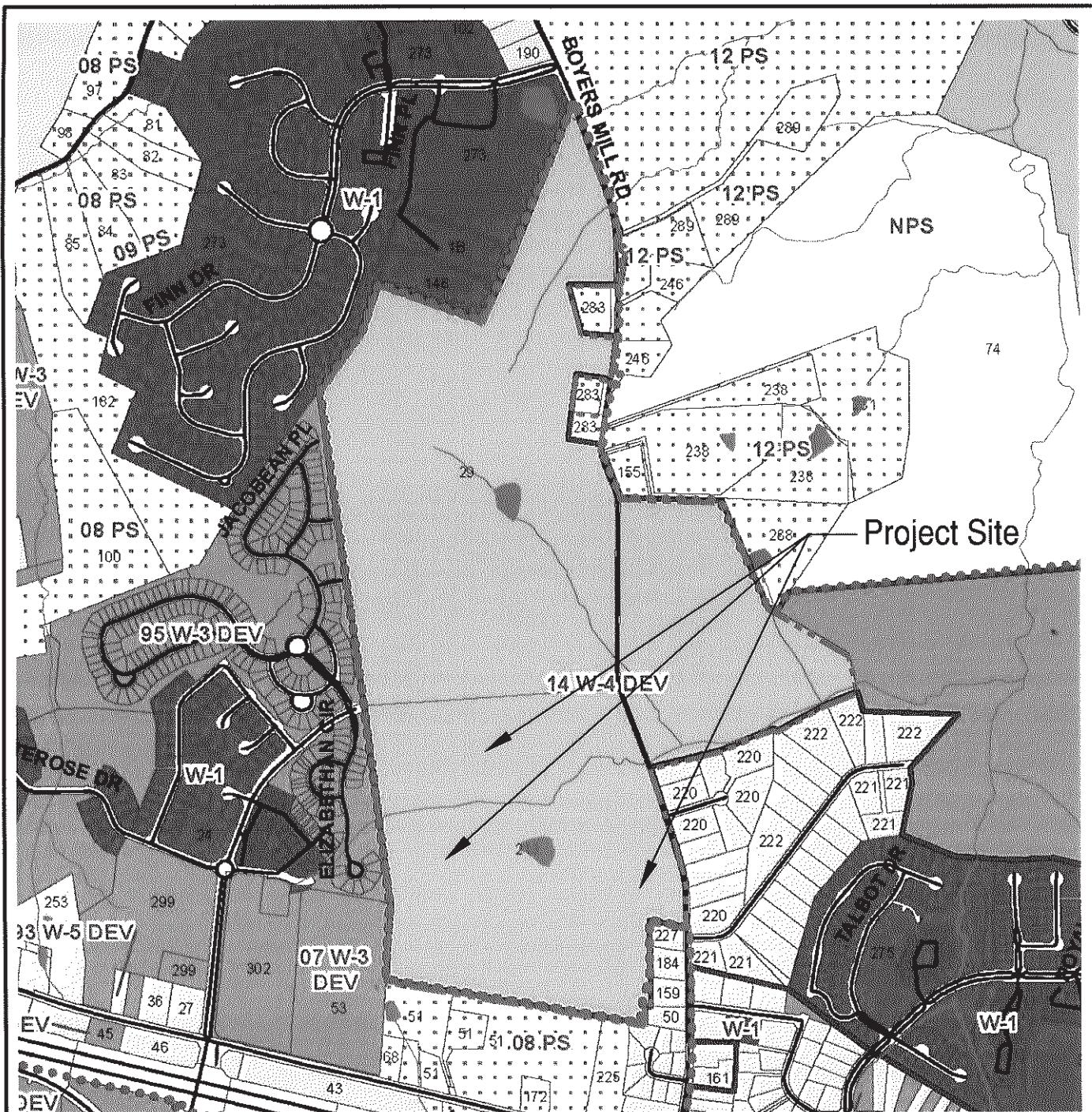
Phone: (410) 224-7590

Fax: (410) 224-7592

www.bowmanconsulting.com
© Bowman Consulting Group, Ltd.

BOYERS MILL ROAD
TAX MAP 0079, GRID 0021, PARCELS 0029/0213

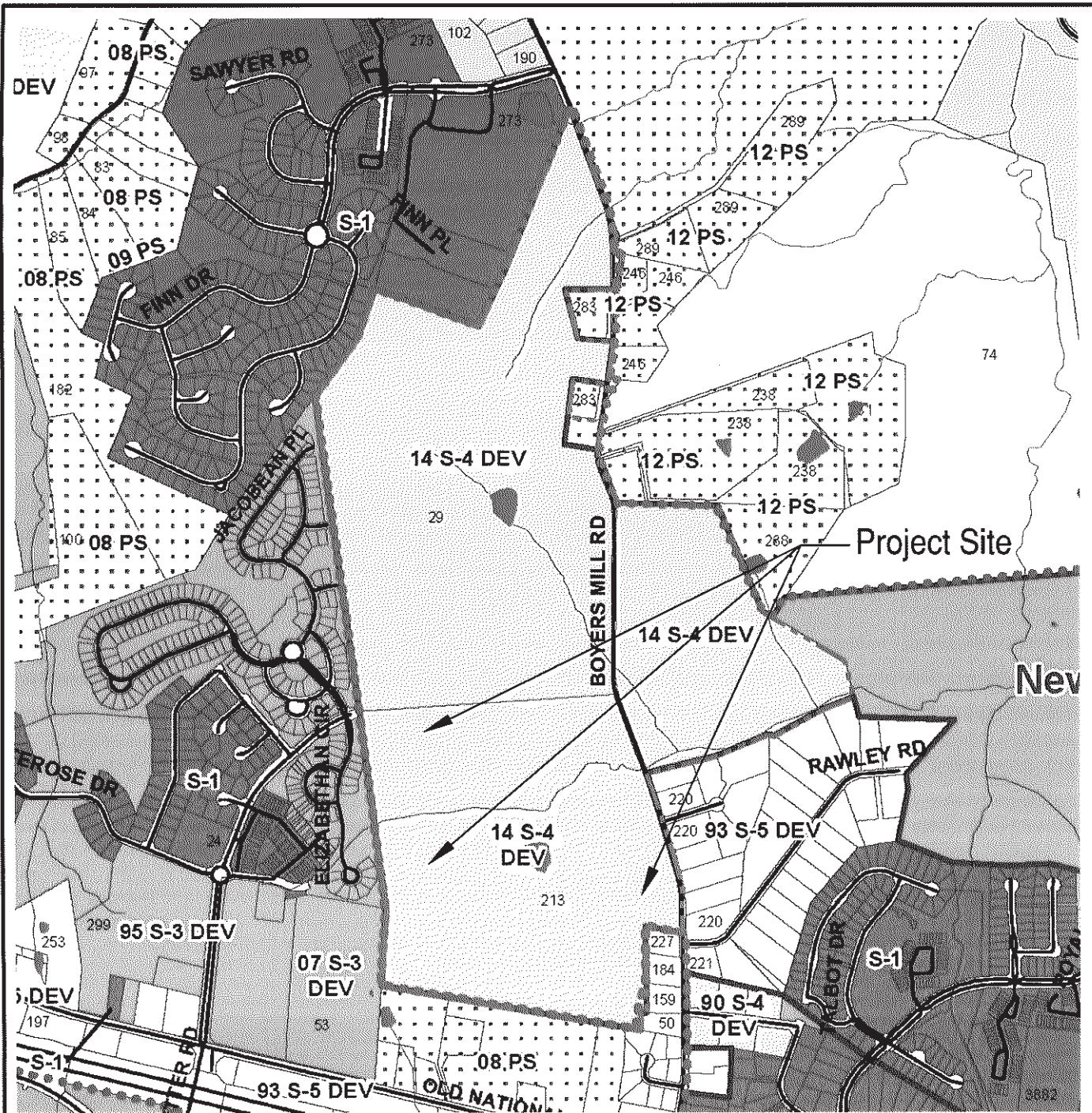
DESIGN	DRAWN	CHKD
SCALE	H: 1" = 1000'	
	V:	
JOB No.	6767-01-004	
DATE :	6/13/2016	
FILE No.		
SHEET	1	OF



Bowman CONSULTING

EXHIBIT B - WATER MAP
CALUMET - MS JUSTRON FARM LLC

DESIGN	DRAWN	CHKD
SCALE	H: 1" = 1000' V:	
JOB No. 6767-01-004		
DATE : 7/25/2016		
FILE No.		
SHEET		1
OF		1



Bowman
CONSULTING

Bowman Consulting Group, Ltd.
2530 Riva Road
Suite 200
Annapolis, Maryland 21401
Phone: (410) 224-7590
Fax: (410) 224-7592
www.bowmanconsulting.com
© Bowman Consulting Group, Ltd.

EXHIBIT C - SEWER MAP
CALUMET - MS JUSTRON FARM LLC

BOYERS MILL ROAD
TAX MAP 0079, GRID 0021, PARCEL 29 & 213

DIST. 09

FREDERICK COUNTY, MD

DESIGN	DRAWN	CHKD
SCALE	H: 1" = 1000' V:	
JOB No.	6767-01-004	
DATE :	7/25/2016	
FILE No.		
SHEET	1	OF 1

EXHIBIT D

Calumet

Preliminary Engineering Report Cost Estimate

July 22, 2016

Item	Description	Quantity	Unit	Unit Cost	Total Cost
<i>Pump Station Equipment and Structures</i>					
1	Mobilization/Demobilization	1	LS	\$ 25,000	\$ 25,000
2	8' Dia. Wet Well	1	LS	\$ 80,000	\$ 80,000
3	12,000 Gal Storage Tank	12,000	GAL	\$ 2.50	\$ 30,000
4	Pumps and Controls	2	EA	\$ 20,000	\$ 40,000
5	Control Building	1	LS	\$ 45,000	\$ 45,000
6	Emergency Generator & Fuel Tank	1	LS	\$ 70,000	\$ 70,000
7	Electrical Service	1	LS	\$ 50,000	\$ 50,000
8	Bioxide Odor Control System	1	LS	\$ 20,000	\$ 20,000
9	Misc Electrical Equipment including SCADA	1	LS	\$ 50,000	\$ 50,000
10	Misc Piping and Valves	1	LS	\$ 20,000	\$ 20,000
11	Misc Equipment	1	LS	\$ 15,000	\$ 15,000
					<i>Subtotal:</i> \$ 445,000
<i>Site Work</i>					
12	Site Prep, Stormwater, E&S	1	LS	\$ 15,000	\$ 15,000
13	Fencing, Gates, Bollards	1	LS	\$ 7,500	\$ 7,500
14	Grading, Re-Seeding, Clean-up	1	LS	\$ 7,500	\$ 7,500
15	Access Road/Parking	1	LS	\$ 15,000	\$ 15,000
					<i>Subtotal:</i> \$ 45,000
<i>Offsite Sanitary Sewer</i>					
16	6" Force main	3,600	EA	\$ 33	\$ 118,800
17	Manhole	2	EA	\$ 2,500	\$ 5,000
18	Connection to existing Manhole	1	EA	\$ 2,500	\$ 2,500
19	Saw Cut existing pavement & remove	270	SY	\$ 5	\$ 1,350
20	Traffic Maintenance	1	LS	\$ 2,500	\$ 2,500
21	Replace pavement	270	SY	\$ 12	\$ 3,240
					<i>Subtotal:</i> \$ 133,390
					15% Contingency: \$ 93,509
					Total Cost: \$ 716,899

EXHIBIT D**Calumet****Preliminary Engineering Report Cost Estimate****July 22, 2016**

Item	Description	Quantity	Unit	Unit Cost	Total Cost
<i>Pump Station Equipment and Structures</i>					
1	Mobilization/Demobilization	1	LS	\$ 25,000	\$ 25,000
2	8' Dia. Wet Well	1	LS	\$ 80,000	\$ 80,000
3	12,000 Gal Storage Tank	12,000	GAL	\$ 2.50	\$ 30,000
4	Pumps and Controls	2	EA	\$ 20,000	\$ 40,000
5	Control Building	1	LS	\$ 45,000	\$ 45,000
6	Emergency Generator & Fuel Tank	1	LS	\$ 70,000	\$ 70,000
7	Electrical Service	1	LS	\$ 50,000	\$ 50,000
8	Bioxide Odor Control System	1	LS	\$ 20,000	\$ 20,000
9	Misc Electrical Equipment including SCADA	1	LS	\$ 50,000	\$ 50,000
10	Misc Piping and Valves	1	LS	\$ 20,000	\$ 20,000
11	Misc Equipment	1	LS	\$ 15,000	\$ 15,000
					<i>Subtotal:</i> \$ 445,000
<i>Site Work</i>					
12	Site Prep, Stormwater, E&S	1	LS	\$ 15,000	\$ 15,000
13	Fencing, Gates, Bollards	1	LS	\$ 7,500	\$ 7,500
14	Grading, Re-Seeding, Clean-up	1	LS	\$ 7,500	\$ 7,500
15	Access Road/Parking	1	LS	\$ 15,000	\$ 15,000
					<i>Subtotal:</i> \$ 45,000
<i>Offsite Sanitary Sewer</i>					
16	6" Force main	3,600	EA	\$ 33	\$ 118,800
17	Manhole	2	EA	\$ 2,500	\$ 5,000
18	Connection to existing Manhole	1	EA	\$ 2,500	\$ 2,500
19	Saw Cut existing pavement & remove	270	SY	\$ 5	\$ 1,350
20	Traffic Maintenance	1	LS	\$ 2,500	\$ 2,500
21	Replace pavement	270	SY	\$ 12	\$ 3,240
					<i>Subtotal:</i> \$ 133,390
					15% Contingency: \$ 93,509
					Total Cost: \$ 716,899

LETTER OF CONSENT OF PROPERTY OWNER

July 18, 2016

Division of Planning & Permitting
Frederick County, Maryland
30 North Market Street
Frederick, Maryland 21701

RE: CONSENT TO FILING OF FREDERICK COUNTY WATER AND
SEWERAGE PLAN AMENDMENT APPLICATION
PROPERTY: TAX MAP 79, PARCEL 213; PROP. TAX ID# 09-255826
OWNER: JUSTRON, LLC
CONTRACT PURCHASER: MS JUSTRON FARM, LLC

To Whom It May Concern:

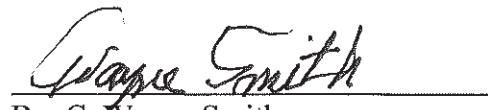
Justron, LLC is the owner of the real property known as the "Smith Property," which is located along Boyers Mill Road and north of Maryland Route 144 (the "Smith Property"). The Smith Property also is identified by Tax Map 79, Parcel 213 and Property Tax Identification Number 09-255826.

Justron, LLC is in receipt of the enclosed Frederick County Water and Sewerage Plan Amendment Application (the "Application"), which Justron, LLC understands is going to be filed with the County by MS Justron Farm, LLC, as contract purchaser of the Smith Property.

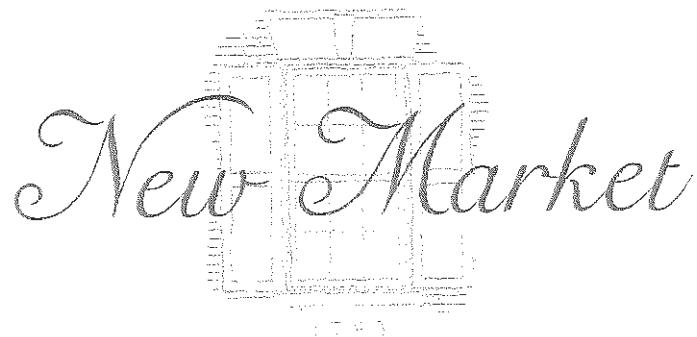
The purpose of this letter is to express the authorization, agreement, and consent of Justron, LLC to the filing of the Application by MS Justron Farm, LLC, and, more specifically, to express the authorization, agreement, and consent to the requested changes to the current Water and Sewerage classifications for the Smith Property from W-4/S-4 to W-3/S-3.

Justron, LLC hereby confirms its acknowledgment, authorization, agreement, and consent as herein described by signing below.

JUSTRON, LLC



By: C. Wayne Smith
Title: Managing Member



July 22, 2016

Tim Goodfellow
Division of Planning & Permitting
Frederick County, Maryland
30 North Market Street,
Frederick, Maryland 21701

RE: MS Justron Farm, LLC and MS Charlyn Farm, LLC
Frederick County Water & Sewerage Plan Amendment Applications
Justron, LLC Property (Tax Map 79, Parcel 213; Tax ID: 09-255826)
Charlyn, LLC Property (Tax Map 79, Parcel 29; Tax ID: 09-227245)

Dear Mr. Goodfellow:

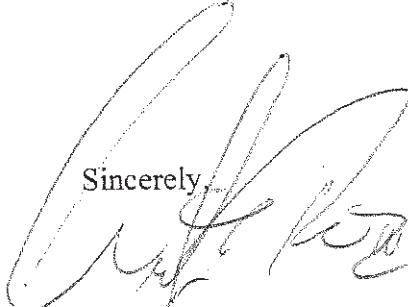
On July 14, 2016, the Mayor and Council of the Town of New Market, Maryland approved requests for amendments to the Frederick County Water & Sewerage Plan submitted by MS Justron Farm, LLC and MS Charlyn Farm, LLC for the above-referenced properties and the Calumet PDD. More specifically, the Town approved the Applicants' requests and proposals that the Water & Sewerage Plan be amended to reclassify the Justron, LLC and Charlyn, LLC properties from W-4/S-4 to the W-3/S-3 classifications, and, the request that a proposed sewage pumping station for the Calumet PDD be depicted on the Water and Sewerage Plan's Sewer Map for the Charlyn Property.

As you know, water and sewer studies were performed for the Calumet PDD (in consultation with DUSWM) as part of the annexation, rezoning, master plan and preliminary subdivision plan process, and, approved by the Town, indicating that adequate water and sewer facilities are available to serve the development of the Calumet PDD.

In addition to agreeing with and approving the proposed reclassifications, the Town also joins in and supports MS Justron Farm, LLC's and MS Charlyn Farm, LLC's requests that Frederick County exercise its discretion and authority, pursuant to § 9-507(e)(1) of the Environmental Article of the Annotated Code of Maryland, to make the requested W-3/S-3 amendments effective immediately after their anticipated approval by the County. As the County knows, the development of the Calumet PDD and the new transportation corridor and infrastructure will directly benefit and enhance the roads, traffic and other infrastructure of the

Town and County. The sooner those road improvements and infrastructure can be constructed, the better it will be for all area residents.

If you have any questions concerning the matters stated herein, please do not hesitate to contact me at 301-865-5544.


Sincerely

Winslow F. Burbans, III
Mayor of the Town of New Market, Maryland

4814-8863-1093, v. 1



July 13, 2016

Town of New Market
P.O. Box 27
New Market, MD 21774
Attn: Winslow F. Burhans, III, Mayor

SUBJECT: Calumet PDD
Water and Sewer Re-classification Requests for Calumet from W-4/S-4 to W-3/S-3
BGC Project No. 6767-00-004

Dear Mayor Burhans:

We are pleased to submit the enclosed Requests for Water and Sewerage Plan Amendments (the "Town Requests") on behalf of MS Justron Farm, LLC and MS Charlyn Farm, LLC (the "Applicants") for the Town's review and consideration. The site is a 262.408+/- acre tract of land (the "Property") located just north of Old National Pike along Boyers Mill Road. The Property is located within the Town and the New Market Planning Region of Frederick County (the "County"), and is currently zoned Planned Development District ("PDD"). The Preliminary Plat for this Project was approved by the Town's Planning Commission at its public meeting on July 7, 2016. The Property currently has a W-4/S-4 classification on the Water and Sewerage Plan of Frederick County, Maryland (the "Water and Sewerage Plan").

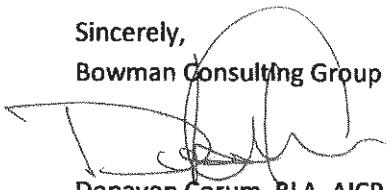
If the Town approves the Town Requests, and in accordance with the Water and Sewerage Plan (as adopted on November 6, 2011, and revised May 1, 2015), the Applicants will be applying for amendments to the Water and Sewerage Plan for the Property from the current W-4/S-4 classification to W-3/S-3 (the "County Applications"). Section IV. of the Water and Sewerage Plan (County Water and Sewerage Plan Classification System) and the March 3, 2015 Water and Sewerage Plan Amendment Application Policy list the criteria for the W-3/S-3 Preliminary Design Phase. In addition to requesting the aforementioned reclassifications, the Applicants will be requesting that a sewage pumping station for the PDD be depicted on the Water and Sewerage Plan's Sewer Map.

Additionally, if the Town approves the Town Requests, we respectfully request that the Town also join in and support the Applicants' request that the County exercise its discretion and authority, pursuant to § 9-507(e)(1) of the Environmental Article of the Annotated Code of Maryland, to make the requested W-3/S-3 amendments effective immediately after their anticipated approval by the County. As the Town knows, the development of the Property as a PDD and its associated road improvements and

infrastructure will directly benefit and improve the roads, traffic and infrastructure of the Town and County, and the sooner those road improvements and infrastructure can be constructed the better it will be for all area residents. The Applicants plan to request that the W-3/S-3 amendments be made effective immediately, contemporaneously with the filing of the County Applications.

Upon obtaining approval of the Town Requests, the Applicants anticipate submission of the County Applications to occur later this month on or before July 29, 2016.

Sincerely,
Bowman Consulting Group


Donavon Corum, RLA, AICP, LEED AP
Planning Director

Cc: Shawn Burnett, Town Engineer
 Pat Faux, Town Planner

4840-3074-1812, v. 1

TOWN OF NEW MARKET

REQUEST FOR WATER AND SEWERAGE PLAN AMENDMENT

Property Owner/Applicant

Name: MS JUSTRON FARM, LLC (as contract purchaser - see attached letter of consent of owner)
Address: 8401 Greensboro Drive, Suite 450
McLean, VA 22102
Phone: 703-821-2500

Property Information

Tax Map(s)	79	Parcel(s)	213	Property Tax ID#	09-255826	Acreage	91.4919 +/-
------------	----	-----------	-----	------------------	-----------	---------	-------------

Property Classification Amendment

Current Comprehensive Plan Designation: PRD Current Zoning: PDD

Current Water Classification: W4/S4 Requested Change: W3/S3

Reason for Change: To extend water and sewer service to the Property.

I hereby acknowledge, that authorizing the Town of New Market to change my water classification, subjects me to the requirements, both monetary and physical as set forth by the Division of Utilities and Solid Waste Management's Water & Sewer Rules & Regulations (Amended March 14, 2013), as well as the rates and payment schedule. A copy of the Rules and Regulations can be viewed online at www.co.frederick.md.us. Please note: Whether or not you request the Town of New Market to change your classification, you will be subject to billing from the County for the Ready to Serve charge as well as any delinquent fees or charges that normally apply to their customers. Per Section IX.C.CONNECTION TO THE WATER OR SEWER SYSTEM – you will be required to make the physical connection to the system within 60 days of the Board of County Commissioner's approval of the classification change.

This form must be returned to the Town of New Market, PO Box 27, New Market, MD 21774
by the close of business on Nov 1, 2016.
Failure to return by this date will delay your reclassification until the next cycle.

Attorney/Agent Contact

Name: David A. Severn, Esq. and Ian P. Bartman, Esq.

MS JUSTRON FARM, LLC

By: Miller and Smith, Inc., Managing Member

Address: 50 Carroll Creek Way, Suite 340
Frederick, MD 21701

Signature of Applicant(s):



Phone: 240-772-5114

Printed Name(s): MS JUSTRON FARM, LLC

E-mail: dsevern@offitkurman.com

By: Miller and Smith, Inc., Managing Member
By: Charles F. Stuart, Jr. Douglas I. Smith
Title: Senior Vice President

ADDENDUM TO REQUEST FOR WATER AND SEWERAGE PLAN AMENDMENT

In addition to the requested Water and Sewerage Plan amendments and reclassifications (from W-4/S-4 to W-3/S-3 for the Property), the Applicant also requests that the Town approve a sewage pumping station for the Calumet PDD to be depicted as a symbol on the Water and Sewerage Plan's Sewer Map.

4841-3448-5300, v. 1

LETTER OF CONSENT OF PROPERTY OWNER

July 14, 2016

Town of New Market, Maryland
P.O. Box 27
New Market, Maryland 21774

RE: CONSENT TO FILING OF REQUEST FOR W&S AMENDMENT
PROPERTY: TAX MAP 79, PARCEL 213; PROP. TAX ID# 09-255826
OWNER: JUSTRON, LLC
CONTRACT PURCHASER: MS JUSTRON FARM, LLC

Dear Mayor and Council of the Town of New Market, Maryland:

Justron, LLC is the owner of the real property known as the "Smith Property," which is located along Boyers Mill Road and north of Maryland Route 144 (the "Smith Property"). The Smith Property also is identified by Tax Map 79, Parcel 213 and Property Tax Identification Number 09-255826.

Justron, LLC in receipt of the enclosed Town of New Market Request for Water and Sewerage Amendment (the "Request"), which Justron, LLC understands is going to be filed with the Town by MS Justron Farm, LLC, as contract purchaser of the Smith Property.

The purpose of this letter is to express the authorization, agreement, and consent of Justron, LLC to the filing of the Request by MS Justron Farm, LLC, and, more specifically, to express the authorization, agreement, and consent to the requested changes to the current Water and Sewer classifications for the Smith Property from W-4/S-4 to W-3/S-3.

Justron, LLC hereby confirms its acknowledgment, authorization, agreement, and consent as herein described by signing below.

JUSTRON, LLC


By: C. Wayne Smith
Title: Managing Member

TOWN OF NEW MARKET

REQUEST FOR WATER AND SEWERAGE PLAN AMENDMENT

Property Owner/Applicant

Name: MS CHARLYN FARM, LLC (as contract purchaser - see attached letter of consent of owner)
Address: 8401 Greensboro Drive, Suite 450
McLean, VA 22102
Phone: 703-821-2500

Property Information

Tax Map(s)	79	Parcel(s)	29	Property Tax ID#	09-227245	Acreage	170.8700 +/-

Property Classification Amendment

Current Comprehensive Plan Designation: PRD Current Zoning: PDD
Current Water Classification: W4/S4 Requested Change: W3/S3

Reason for Change: To extend water and sewer service to the Property.

I hereby acknowledge, that authorizing the Town of New Market to change my water classification, subjects me to the requirements, both monetary and physical as set forth by the Division of Utilities and Solid Waste Management's Water & Sewer Rules & Regulations (Amended March 14, 2013), as well as the rates and payment schedule. A copy of the Rules and Regulations can be viewed online at www.co.frederick.md.us. Please note: Whether or not you request the Town of New Market to change your classification, you will be subject to billing from the County for the Ready to Serve charge as well as any delinquent fees or charges that normally apply to their customers. Per Section IX.C.CONNECTION TO THE WATER OR SEWER SYSTEM – you will be required to make the physical connection to the system within 60 days of the Board of County Commissioner's approval of the classification change.

This form must be returned to the Town of New Market, PO Box 27, New Market, MD 21774

by the close of business on Nov 1, 2016.

Failure to return by this date will delay your reclassification until the next cycle.

Attorney/Agent Contact

Name: David A. Severn, Esq. and Ian P. Bartman, Esq.

Address: 50 Carroll Creek Way, Suite 340
Frederick, MD 21701

Phone: 240-772-5114

E-mail: dsevern@offitkurman.com

MS CHARLYN FARM, LLC

By: Miller and Smith, Inc., Managing Member



Signature of Applicant(s):

Printed Name(s): MS CHARLYN FARM, LLC

By: Miller and Smith, Inc., Managing Member

By: Charles F. Stuart, Jr. Douglas I. Smith
Title: Senior Vice President

ADDENDUM TO REQUEST FOR WATER AND SEWERAGE PLAN AMENDMENT

In addition to the requested Water and Sewerage Plan amendments and reclassifications (from W-4/S-4 to W-3/S-3 for the Property), the Applicant also requests that the Town approve a sewage pumping station for the Calumet PDD to be depicted as a symbol on the Water and Sewerage Plan's Sewer Map.

4841-3448-5300, v. 1

LETTER OF CONSENT OF PROPERTY OWNER

July 14, 2016

Town of New Market, Maryland
P.O. Box 27
New Market, Maryland 21774

RE: CONSENT TO FILING OF REQUEST FOR W&S AMENDMENT
PROPERTY: TAX MAP 79, PARCEL 29; PROP. TAX ID# 09-227245
OWNER: CHARLYN, LLC
CONTRACT PURCHASER: MS CHARLYN FARM, LLC

Dear Mayor and Council of the Town of New Market, Maryland:

Charlyn, LLC is the owner of the real property known as the "Cline Property," which is located along Boyers Mill Road and north of Maryland Route 144 (the "Cline Property"). The Cline Property also is identified by Tax Map 79, Parcel 29 and Property Tax Identification Number 09-227245.

Charlyn, LLC is in receipt of the enclosed Town of New Market Request for Water and Sewerage Amendment (the "Request"), which Charlyn, LLC understands is going to be filed with the Town by MS Charlyn Farm, LLC, as contract purchaser of the Cline Property.

The purpose of this letter is to express the authorization, agreement, and consent of Charlyn, LLC to the filing of the Request by MS Charlyn Farm, LLC, and, more specifically, to express the authorization, agreement, and consent to the requested changes to the current Water and Sewer classifications for the Cline Property from W-4/S-4 to W-3/S-3.

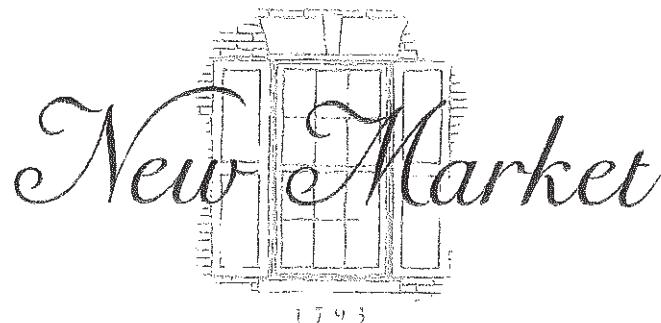
Charlyn, LLC hereby confirms its acknowledgment, authorization, agreement, and consent as herein described by signing below.

CHARLYN, LLC

Charles R. Cline, Jr.

By: Charles R. Cline, Jr.

Title: Managing Member



MS Charlyn Farm, LLC
MS Justron Farm, LLC
c/o Thomas Hyde, Jr
8401 Greensboro Drive, Suite 450
McLean, VA 22102

July 25th, 2016

Dear Mr. Hyde;

At their meeting of July 7th, 2016 the New Market Planning and Zoning Commission made findings of fact and conditionally approved, by a unanimous vote, the Preliminary Plan of Subdivision for the Calumet Planned Development on Tax Map 79, Parcel Nos. 29 and 213 based on the recommendations made by staff in their report and at the meeting.

For the record, the Planning and Zoning Commission found that the Preliminary Plat of Subdivision application materials submitted on July 6, 2016, along with the noted modifications listed therein, conform to the Town Master Plan, to the Town zoning ordinance and the principals and standards stated therein.

The Planning and Zoning Commission conditionally approved the Preliminary Plat of Subdivision application with the following Conditions of Approval:

1: The applicant shall make the following changes to the plan before providing Mylar sheets for signature:

- Sheet 1 – General Note 24 will be cleared up.
- Sheet 2 – Wording in General Development Notation 16 will be corrected.
- Sheet 4 – Required Open Space area in chart will be made consistent with General Note 2 on Sheet 1 (65.86 acres).
- Sheet 13 – PRC at sta. 24+97 Mussetter Road Extended will be replaced by a minimum 100 foot tangent section of roadway.
- Sheet 16 – Colored elements at clubhouse will be made black, and bluish modification circle around Wayne Road cul-de-sac will be removed.
- Sheet 17 – Right-of-way width (50 foot) will be added to Local Access Street typical section.
- Sheet 19 – Sidewalk will be removed adjacent to open section in Residential Local Access Street typical section

- 2: Staff shall confirm that, in accordance with LDO Article III 1.3.2 (Fees), the applicant does not have any outstanding review fees.
- 3: Provisions of the LDO Article III.6.2 (Residential Site Plan Review) will be applied to the Improvement Plan reviews.
- 4: In accordance with LDO Article VI 2.2.6, the Planning and Zoning Commission has approved a validity period of two years for this Planned Unit Development "Preliminary Plat of Subdivision" and may approve requested multiple extensions of the validity period so as to allow added time for the staged final design, final plat approvals and construction due to the size of the development envisioned by the approved Master Plan.

On July 25, 2015, the applicant provided mylars of the Preliminary Plat to the Town staff that addressed all of the item 1 changes above. Town of New Market Planning and Zoning Commission Vice-Chair has fully approved and signed the mylars.

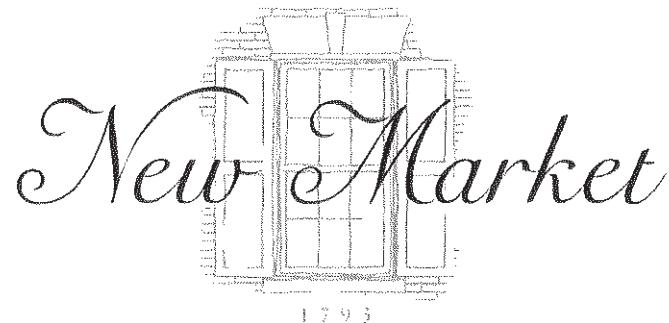
The Applicant may now proceed with applications for the next steps of approvals for the development. These shall be reviewed for compliance with the approved; Agreements, Calumet Master Plan and its Conditions as well as the Preliminary Plan of Subdivision with its Conditions.

Sincerely,



Pat Faux
Town Zoning Administrator and Planner

CC: Anthony Bruscia, Planning and Zoning Commission Chairman
Karen Durbin, Town Clerk
Shawn Burnett, Town Engineer
David Severn/Ian Bartman – Offit Kurman, P.A.
Donovan Corum - Bowman Consulting



MS Charlyn Farm, LLC
MS Justron Farm, LLC
c/o Thomas Hyde, Jr
8401 Greensboro Drive, Suite 450
McLean, VA 22102

January 19th, 2016

Dear Mr. Hyde;

At their meeting of November 11th, 2015 the New Market Planning and Zoning Commission made findings of fact and approved, by a unanimous vote, the Calumet Planned Development Master Plan on Tax Map 79, Parcel Nos. 29 and 213 based on the recommendations made by staff in their letter of November 10th, 2015. For the record, the Findings of Fact made by Planning and Zoning Commission and the Conditions of their Approval are as follows:

#1) We find that the proposed Master Plan conforms to all applicable regulations contained in this Ordinance provided that: *an expanded Community Design Guideline document is provided for approval by the Planning Commission with the Preliminary Plan of Subdivision application. The expanded Community Design Guideline document shall both ensure and document that the application conforms to all applicable regulations contained in the Land Development Ordinance. It shall respond to the Comments stated herein to the satisfaction of the Planning and Zoning Commission. In accordance with LDO Article IV 15.6.6, it shall define which regulations are not applicable, and shall in accordance with Article IV 15.6.1 establish Property Specific Development Standards that replace the inapplicable standards.*

Comments:

- 1) **Architectural Design Guidelines:** *Both a package of detailed exterior architectural design plans for all prototypical unit designs proposed in the master plan and a house design matrix that meets ARC standards. Comprehensive Plan Design standards shall be provided for approval to the Planning and Zoning Commission and ARC approval at the time of Preliminary Plat of Subdivision application. Any requested updates to these items may be provided at the time of subsequent final subdivision plan submittals.*
- 2) **Community Design Guidelines:** *Added information is needed to fully establish Property Specific Development Standards for this property. Information still needed includes, but is not limited to, standards on impervious coverage, landscaping, bufferyards and screening, outdoor lighting, on and off-street parking, walkways, and road standards. Any further*

amendments to the approved standards for use in individual PDD Districts, if requested, may be considered and approved by the Planning Commission before implementation. Property Specific Development Standards shall be approved as stated as a part of the Master Plan:

- a) Reduced Yard Setbacks and setback encroachments that vary from Article VI.4.
- b) Bulk Standards: Projections of architectural elements such as bay windows, chimneys, entrances, etc., into the Building Restriction Lines (BRL);
 - i) Accessory Structures setbacks from the property line, such as detached garage setbacks from rear and side property lines; and
 - ii) Placement of Dwelling Units fronting onto greenways such as HOA open Space.
- c) Proposed Lot sizes, layouts and proposed townhome string lengths
- d) Height of Structures: The Community Design Guidelines lists the maximum height for the residential dwellings to be Forty (40) feet. The Building Height will be measured from the average finished grade at building front, to the midpoint of the roof, to match the measurement points that the County uses during building permit reviews. This is a site specific definition of Building Height that will replace the definition stated in Article XII page 168.
- e) Article V 9.3.3 Allowances for limited amounts of on-street parking may be used to meet off-street parking requirements for townhouses rather than the bedroom bases standards Article V 9.3.3
- f) The concept of narrower road pavements widths with closed sections per Article V 3.2.16, except where approved by the Planning Commission along open space edges.

3) Parking - All lot prototypes in the Expanded Community Design Guidelines document and all lots in the property shall be designed to accommodate all required residential parking on the lot, unless adequate nearby on-street guest parking is located and approved by the Planning Commission. The Expanded Community Design Guidelines document requires the provision of on-street guest parking in areas with rear loaded units. Town houses at a minimum rate of 1 space for every 5 rear loaded unit and to place spaces within 500' of any underserved units, unless otherwise approved by the Planning Commission at the time of Preliminary Plat of Subdivision. (Staff notes that the Master Plan commits to providing a minimum of 297 on-street parking space on the property.) Community Design Guidelines shall be revised to stipulate that a minimum of 2 parking spaces shall be provided for all residential lot types and that on-street parking may be used to meet added parking requirements above 2, with Planning Commission approval. Locations and quantities for adequate on-street guest parking shall be provided, in the residential areas with rear loaded units, and shall be identified on streets and/or alleys at the time of the Preliminary Plan per Article V 9.1. An agreement regarding the management and enforcement of on-street parking on the streets and alleys within, may be required and reached between the applicant and the town Council as part of any DRRA.

- 4) SWM: *Storm water treatment facilities on the property, including those that serve the roads to be dedicated to or maintained by the Town, shall be located in private common open space areas and be maintained by the HOA unless otherwise agreed to in an approved DRRA with the Town Council.*
- 5) Roads: *Staff concurs with the general concept of narrower road pavement widths and limited use of open section roads in the Project, provided that the expanded Community Design Guidelines document establish the following road standards. Require roads to be closed, per section per Article V 3.2.16 in front of units. Segments of open section roads with grassy swales, be permitted on designated road segments and sides that abut common open spaces, and elsewhere, as approved by the Planning Commission and/or the Town Engineer during Subdivision Plan approvals. Review and approval of standards for detailed geometry design and modifications will be completed at the preliminary plat stage. Placement and management of Stormwater Management ESD facilities within right-of-ways, and Street Trees within right-of-ways, shall be addressed in the DRRA or a Public Works Agreement. As on street parking will be limited on some streets, an agreement regarding the management and enforcement of on-street parking on the streets and alleys within, may be required and reached between the applicant and the Town Council as part of any DRRA.*
- 6) Alleys: *The expanded Community Design Guidelines document shall clarify that all alleys shall be privately owned and maintained by the HOA, by altering the graphics (e.g., on page 6) of the Design Guidelines to label the alley as private. Approvals and agreements with the town on public access easements in private alleys shall be determined at the Preliminary Plat of Subdivision.*
- 7) Outdoor Lighting: *Standards for any outdoor street lighting, within the right-of-way at intersections and cul-de-sacs for safety, shall be added to the Expanded Community Design Guidelines for Planning Commission approval. In addition, a standard that requires private lighting of streets and alleys, using a small lighting fixture on each lot is recommended. This to be in the form of a hardwired lawn lamp or facade element to provide low level lighting of the public streets and sidewalks. LED lighting is recommended for any town lighting.*
- 8) Block Design Standards: *The master plan schematic design shall be adjusted as part of the Preliminary Plat of Subdivision to be located and provided through block pedestrian connections on any block over 1000' in length, per Article VI 3.3, except as approved by the Planning Commission.*
- 9) Open Space: *Commonly owned, legal documentation, ensuring the continuance and maintenance of all commonly owned Open Space, must be submitted to and approved by the Planning Commission.*

#2 We find that the proposed Master Plan conforms to the New Market Comprehensive Plan as submitted. *Per the applicant's offer, additional trails shall be provided by the Applicant within Calumet HOA property as the Calumet project moves through Preliminary Plat and*

Improvement Plan review and approval stages. In order to more fully meet the planning goal of Town connectivity, Staff recommends that the applicant and the Planning Commission consider the addition of, or reservation of, an alley or pedestrian connection to the abutting commercial property in the southwest corner of the site. A north/south, hiker/biker trail in the common open space, that roughly parallels Boyers Mill and extends to the southern property line, is also recommended in the Boyers Mill CIP, if the project does not occur in a timely manner.

#3 We find that the proposed Master Plan in conjunction with reasonably anticipated development in the surrounding neighborhood, will not create a substantial adverse impact on the adequate and orderly provision of public services and facilities for the area as submitted.
The information provided, is appropriate for the Master Plan stage. Further studies and approvals of these issues, including defining and meeting County requirements for water and sewer service, are required by the LDO at future approval stages.

#4 We find that the proposed Master Plan is planned in such a manner as to minimize adverse impacts to environmentally sensitive areas and important historic or cultural features on the site as submitted. The information provided, is appropriate for the Master Plan stage. Further studies and approvals of these issues, including reforestation; storm water management; rare, threatened and endangered species; and cultural resource studies, are required by the LDO at future approval stages of both the development and Parkway.

#5 We find that the proposed Master Plan is designed to be compatible with existing development in the surrounding neighborhood and/or the proposed development contains adequate screening, landscaping and buffer yards to protect the surrounding neighborhood provided that:

- 1) A detailed landscape plan establishing buffer yard depths and screening requirements is provided for Planning Commission approval at time of Preliminary Plat Subdivision per Article V 3.2.1. Standard treatments for perimeter bufferyards are established in the Expanded Community Design Guidelines document. These standards shall establish adequate buffer yard separation and screening elements along abutting property lines based on their zoning and current use. Per Article V 3.2.14, particular attention shall be paid to screening the effects of incompatible activities on adjoining or nearby properties such as farming.
- 2) The applicant shall designate high visibility lots in areas, such as at key intersections and town gateways, on the Preliminary Plats for Planning Commission approval, and ARC consideration. Added vegetative buffers plantings may be required for these lots by the Planning Commission. Added architectural elements shall be approved, provided for these exposed sides and rear facades by the ARC. Special attention should be paid to any exposed rear facades and rear yards visible from Boyers Mill Road and Mussetter Road.

Other Conditions Of Approval:

- 1) *For the Town records and use in subsequent implementation review, three hard copies of the master plan application with appropriate supplemental material places inserted into the binders, shall be provided to the town within 5 working days of an approval.*
- 2) *Approval of the Master Plan application, does not constitute Town approval of any of the design elements to be reviewed as part of the Preliminary Plat and Improvement Plan submittals. Applicant will need to request modifications/exceptions to the LDO standards for approval by the Commission of specific elements in the Preliminary Plat and Improvement Plan submissions.*
- 3) *The Preliminary Plat of Subdivision application shall provide the following elements in addition to the others stated herein and required by the town LDO:*
 - a) *Provide a summary of known resource impacts from Parkway construction, along with anticipated procedures to achieve permit requirements (e.g., X amount of reforestation potentially required, as compared to Y amount of area identified as potentially available for reforestation), along with a list of permits likely to be required for Parkway construction..*
 - b) *Provide a more detailed Development Phasing Plan that includes relationship of number of lots anticipated, within each of the 12 development phases to the phases (or numerical triggers) of the Road Agreement.*
 - c) *Regarding Documentation of Complete Regulatory Agency Coordination particularly in regard to Rare, Threatened and Endangered Species (FWS and DNR PRD) and Cultural Resources including historic standing structures and archeology (MHT) for the planned development and new road between Mussetter Road and Green Valley Road. The Applicant shall explain why coordination with Federal regulatory agencies, DNR PRD and MHT has not been documented for either the Calumet development or the Parkway. 1/12/15 MDE letter indicates records of state rare plant species in proximity to project site. Indicate location of this recorded population.*
 - d) *Regarding Documentation of Further Coordination with Frederick County Division of Utilities and Solid Waste Management (DUSWM) concerning improvements needed to provide adequate water and sewer service for the planned development and fire protection along the New Road. Provide results of DUSWM review of the February 10, 2015, Water and Wastewater System Feasibility Studies included in the PDD application.*
- 4) *The Applicant shall commit to placing basic, ground-mounted directional signage to I-70 or Lake Linganore at intersections, where allowed by the road improvement plan(s) and permit approvals. Additional similar guide and destination signs may be required along off-site roadways via Town, County and SHA coordination. The Town will assist by requesting SHA approval.*

The Applicant may now proceed with a Preliminary Plan of Subdivision application which shall be reviewed for compliance with the approved Master Plan and these Conditions.

Please let me know if there are any questions,

Sincerely,



Pat Faux
Town Zoning Administrator and Planner

CC: Anthony Brascia, Planning and Zoning Commission Chairman
Karen Durbin, Town Clerk
Shawn Burnett, Town Engineer
David Severn/Ian Bartman – Offit Kurman, P.A.
Donovan Corum - Bowman Consulting

December 12, 2022

Mr. Tim Goodfellow
Frederick County Community Development Division
30 North Market Street
Frederick, MD 21701

RE: Frederick County Water and Sewerage Plan Amendment Applications;
Case Nos. **WS-16-05** (Charlyn, LLC/Property Owner) AND **WS-16-06** (Justron,
LLC/Property Owner)

Dear Mr. Goodfellow:

This firm represents Avanti Acquisition Company LLC (“Avanti”), the current contract purchaser of properties owned by Charlyn, LLC and Justron, LLC that are the subject of pending Case Nos. WS-16-05 and WS-16-06 respectively.

On behalf of Avanti and as authorized by the 2nd Supplement to Applicant Disclosure Forms attached hereto, please note my appearance as land use counsel for the Applicant in both of the cases referenced above.

Thank you for your attention to this matter.

Sincerely yours,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By: 
Soo Lee-Cho

Attachments

December 5, 2022

Mr. Tim Goodfellow
Frederick County Community Development Division
30 North Market Street
Frederick, MD 21701

RE: 2nd Supplement to Applicant Disclosure Form
Frederick County Water and Sewerage Plan Amendment Application
Property: Tax Map 79, Parcel 29 / Tax ID #09-227245
Case # WS-16-05 – Charlyn, LLC, Property Owner

Dear Mr. Goodfellow:

Charlyn, LLC is the owner of the real property identified above and known as the “Cline Property” that is the subject of the above referenced Water and Sewerage Plan Amendment Application, Case # WS-16-05.

By this letter we further supplement the Applicant Disclosure Form originally submitted in Case # WS-16-05 and hereby designate **Avanti Acquisition Company LLC** (“Avanti”) as the current contract purchaser. We also authorize James N. Proakis of JNP Capital Management and Bregman, Berbert, Schwartz & Gilday, LLC to act as Avanti’s agents in pending Case # WS-16-05, which seeks a change of the water/sewer classification for the Cline Property from W-4/S-4 to W-3/S-3 and for a pump station symbol to be added to the Water and Sewer Maps accordingly.

Thank you for your attention to this matter.

Sincerely,

CHARLYN, LLC

By:

Patricia A Staley
Charlyn Cline
Name: *Patricia A Staley*
Charlyn Cline
Managing Member

December 5, 2022

Mr. Tim Goodfellow
Frederick County Community Development Division
30 North Market Street
Frederick, MD 21701

RE: 2nd Supplement to Applicant Disclosure Form
Frederick County Water and Sewerage Plan Amendment Application
Property: Tax Map 79, Parcel 213 / Tax ID #09-255826
Case # WS-16-06 – Justron, LLC, Property Owner

Dear Mr. Goodfellow:

Justron, LLC is the owner of the real property identified above and known as the “Smith Property” that is the subject of the above referenced Water and Sewerage Plan Amendment Application, Case # WS-16-06.

By this letter we further supplement the Applicant Disclosure Form originally submitted in Case # WS-16-06 and hereby designate **Avanti Acquisition Company LLC** (“Avanti”) as the current contract purchaser. We also authorize James N. Proakis of JNP Capital Management and Bregman, Berbert, Schwartz & Gilday, LLC to act as Avanti’s agents in pending Case # WS-16-06, which seeks a change of the water/sewer classification for the Smith Property from W-4/S-4 to W-3/S-3.

Thank you for your attention to this matter.

Sincerely,

JUSTRON, LLC

By: Justin Smith
Name:

Managing Member