

Fall 2023 Out-of-Sequence Water/Sewerage Plan Amendments

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

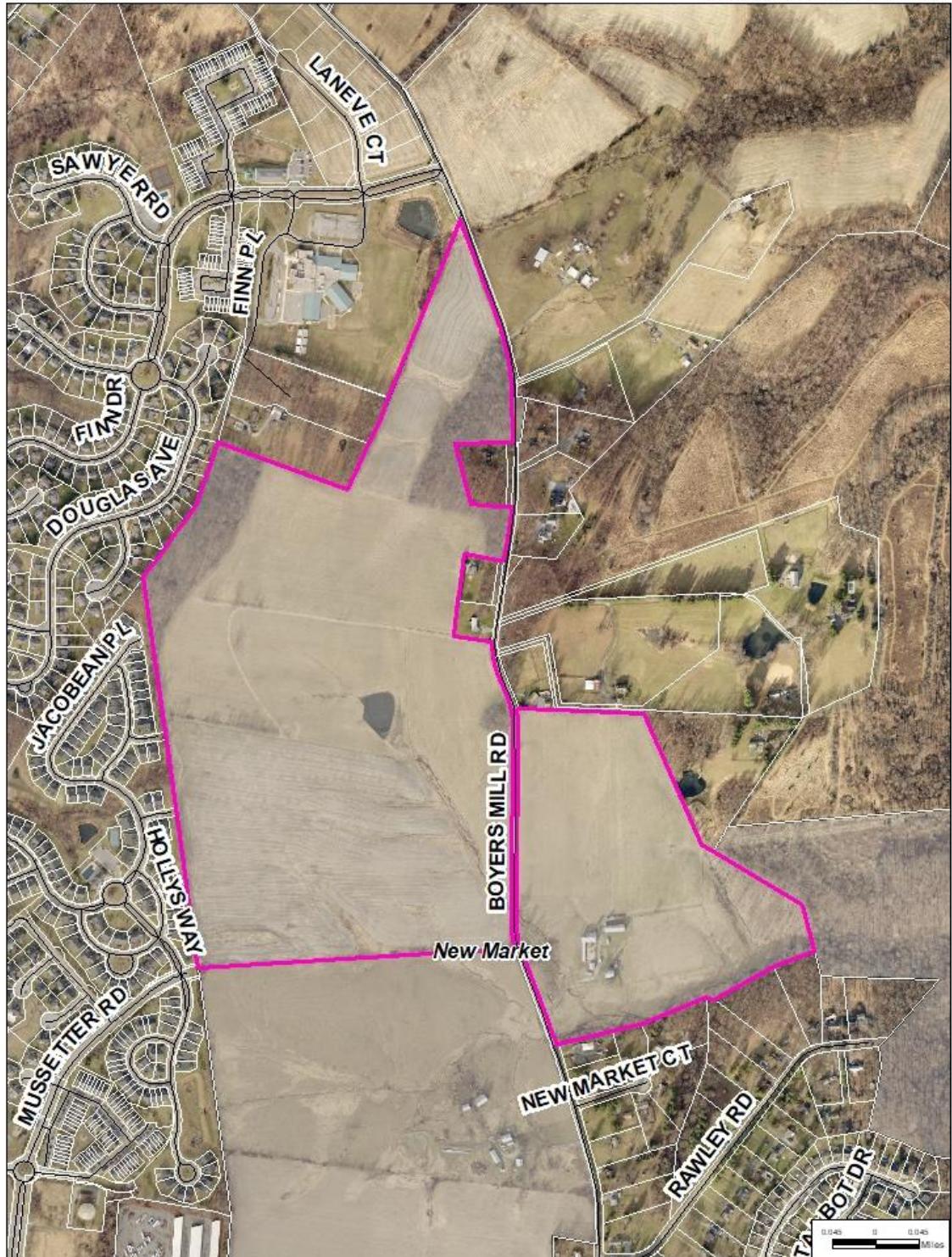
Reclassification of 170.91 acres from W-4, S-4 to W-3/Dev, S-3/Dev plus the addition of a sewage pump station symbol on the sewer map.

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

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

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

West side of Boyers Mill Road within the Town of New Market.

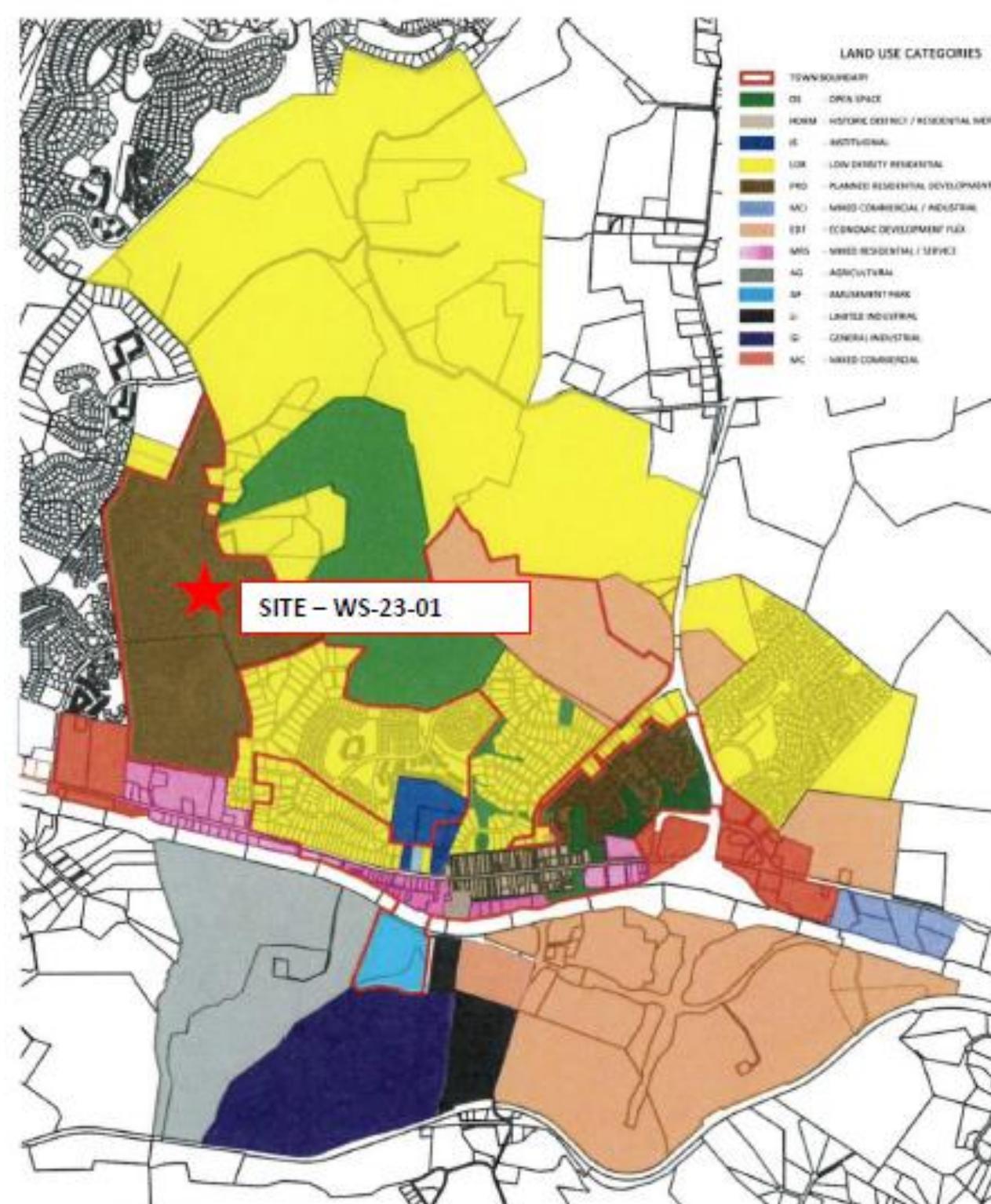


CASE: **WS-23-01**

APPLICANT: **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.**

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



CASE:

WS-23-01

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Charlyn, LLC (Calumet/Cline Farm)

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



LIVABLE FREDERICK
PLANNING & DESIGN OFFICE

ORDINANCE NO. 2015-03

THE MAYOR AND COUNCIL OF
THE TOWN OF NEW MARKET

AN ORDINANCE AMENDING THE
LAND DEVELOPMENT ORDINANCE
OF THE TOWN OF NEW MARKET
(CALUMET PDD MAP AMENDMENT)

The application of MS Charlyn Farm, LLC, and MS Justron Farm, LLC, for a map amendment changing the property hereinafter defined from R2 (medium density residential) to PDD (planned development district) having been considered by the Mayor and Council, together with the recommendation of the Planning Commission and pursuant to a public hearing,

BE IT ORDAINED that the rezoning application be and is approved; and it is further

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BY ORDER OF THE MAYOR AND COUNCIL
OF THE TOWN OF NEW MARKET


Karen Durbin
Town Clerk


Winslow F. Burhans, III, Mayor

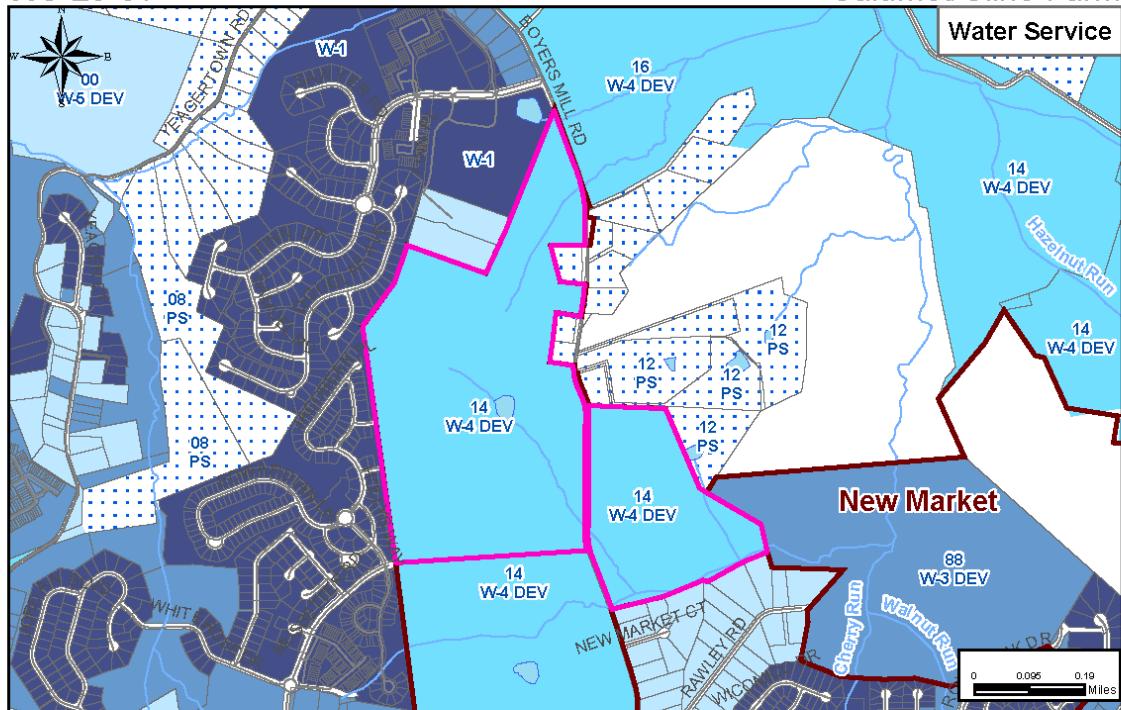
**ZONING MAP AMENDMENT ORDINANCE – Town
of New Market**

CASE: **WS-23-01**

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W-3/Dev, S-3/Dev plus the
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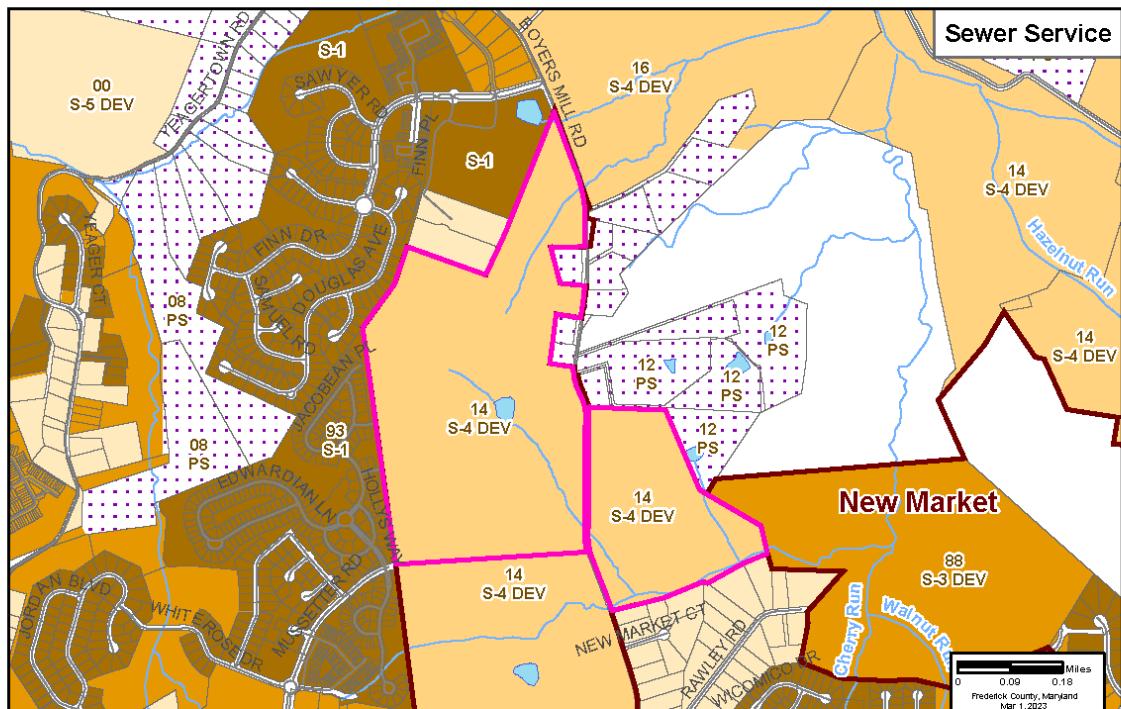
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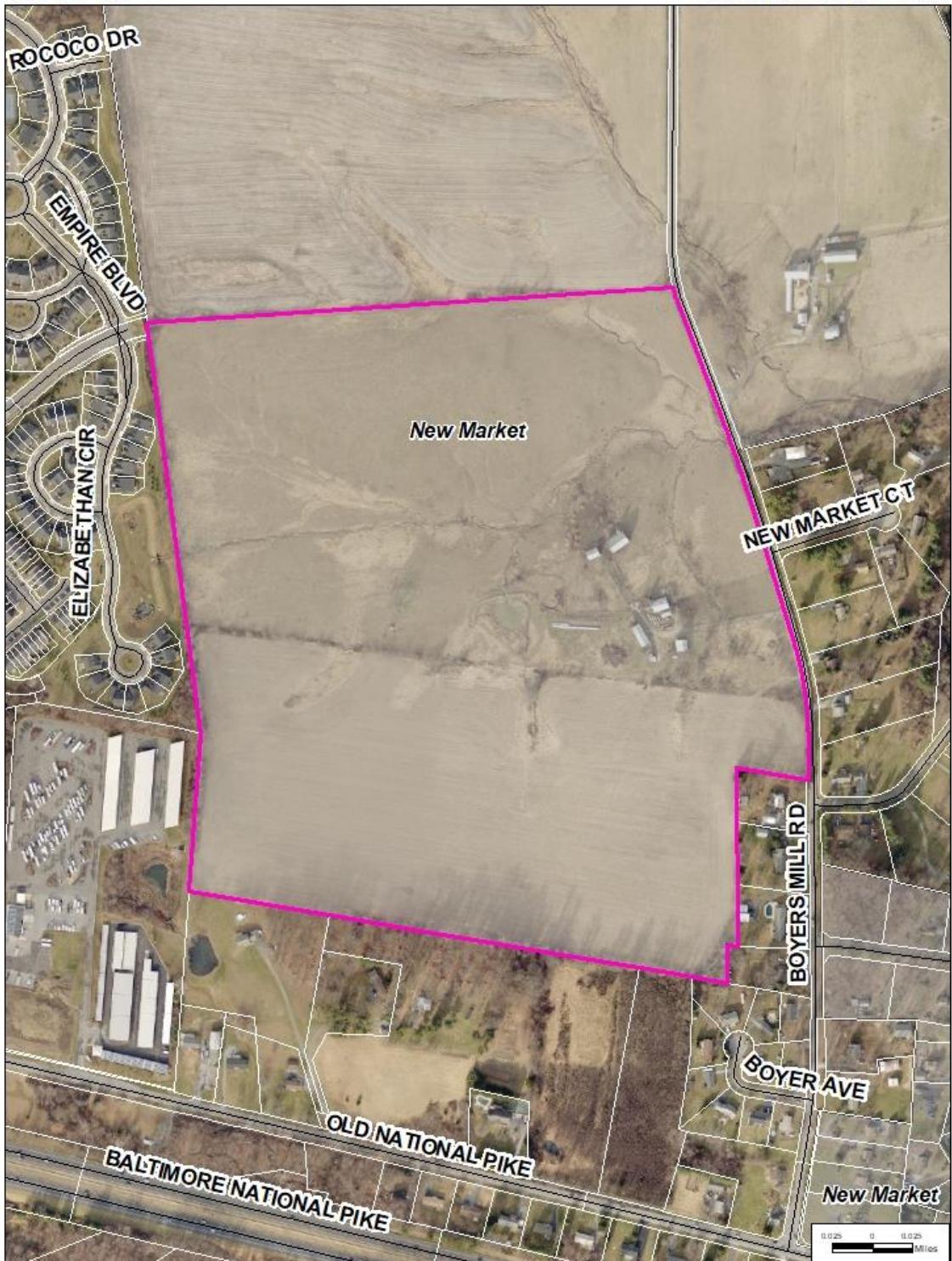
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LIVABLE FREDERICK PLANNING & DESIGN OFFICE

WS-23-02

Calumet/Smith Farm

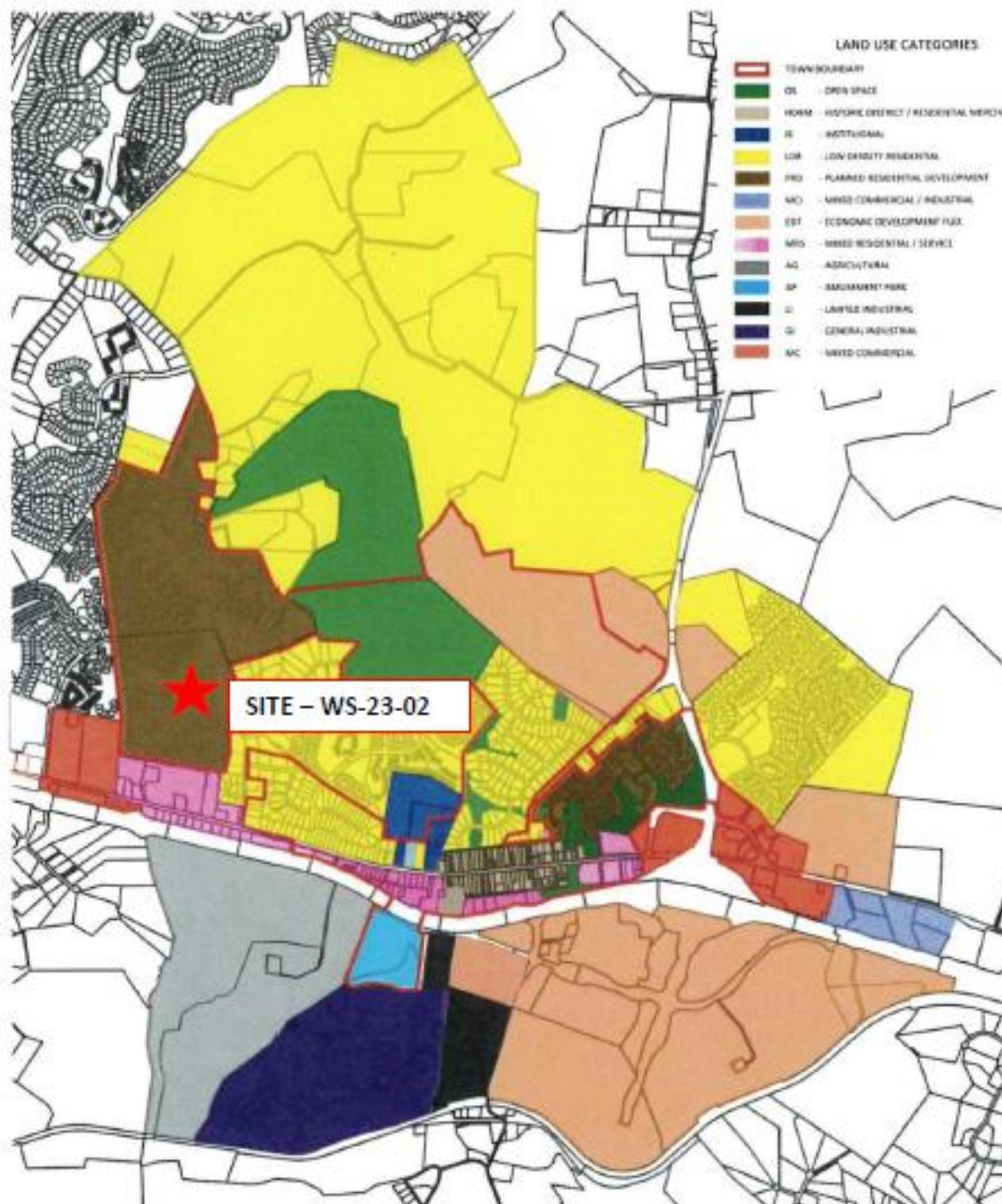


CASE: **WS-23-02**

APPLICANT: **Justron, LLC (Calumet/Smith Farm)**

REQUEST: **Reclassification of 91.49 acres from W-4, S-4 to W-3/Dev, S-3/Dev**

LOCATION: **West side of Boyers Mill Road within the Town of New Market.**



CASE: **WS-23-02**

APPLICANT: **Justron, LLC (Calumet/Smith Farm)**

REQUEST: **Reclassification of 91.49 acres from W-4, S-4 to W-3/Dev, S-3/Dev**

LOCATION: **West side of Boyers Mill Road within the Town of New Market.**



ORDINANCE NO. 2015-03

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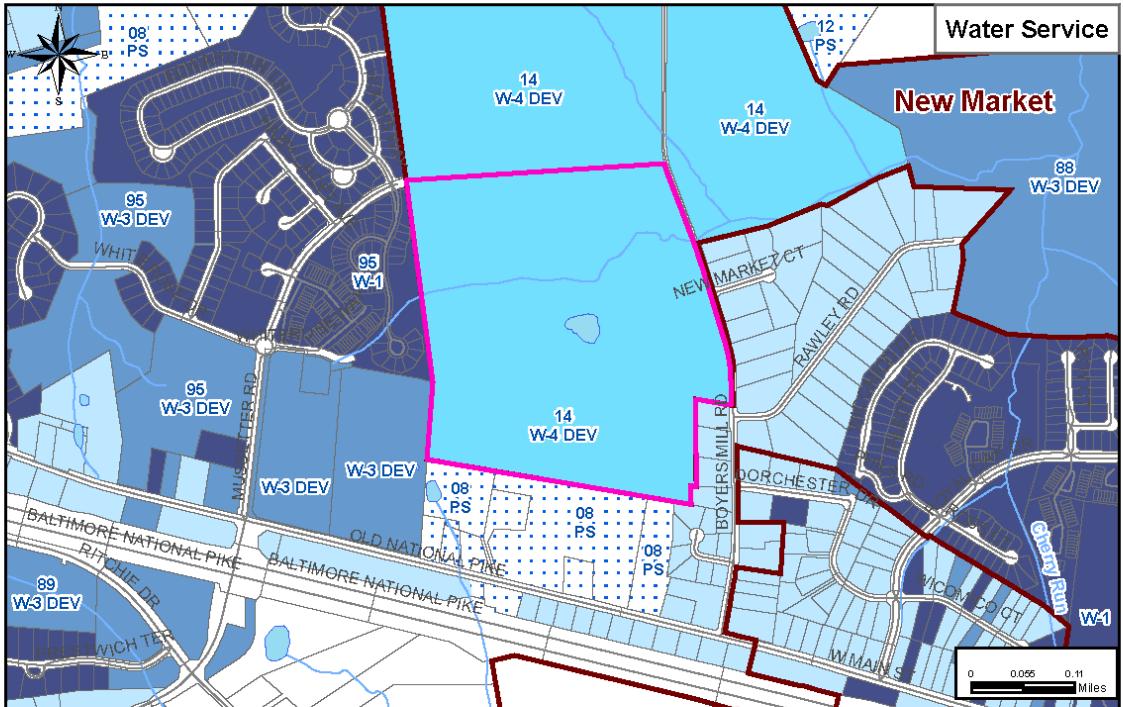
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ZONING MAP AMENDMENT ORDINANCE – Town of New Market

WS-23-02

Calumet/Smith Farm



CASE:

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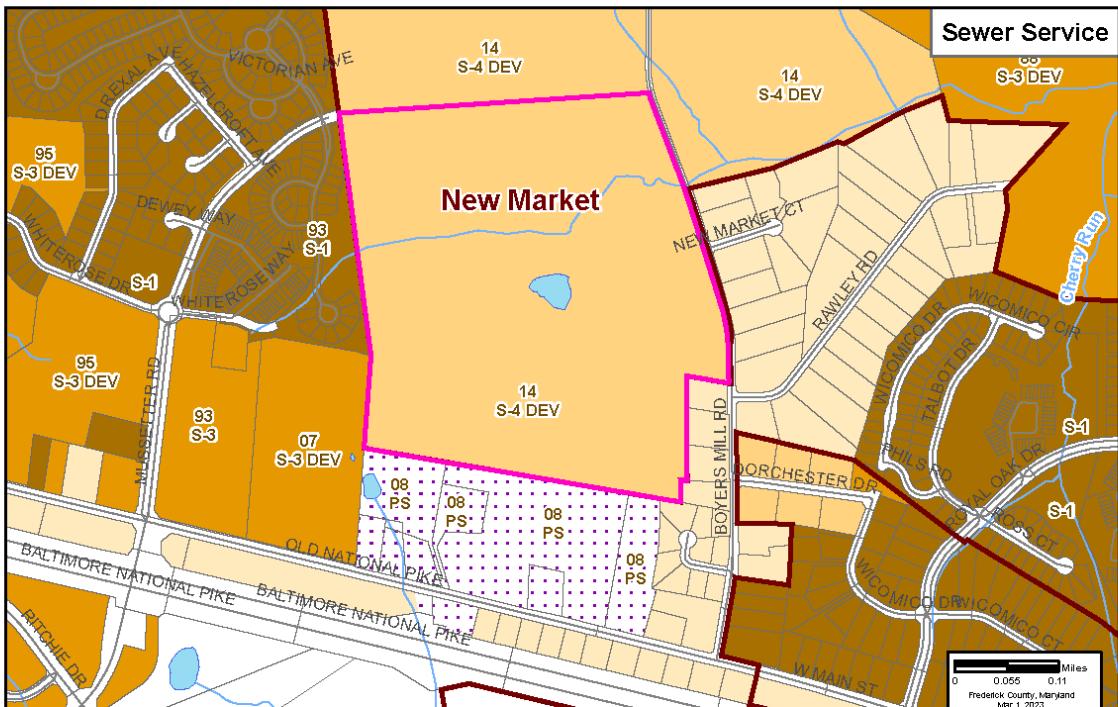
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LIVABLE FREDERICK
PLANNING & DESIGN OFFICE



FREDERICK COUNTY PLANNING COMMISSION

October 11, 2023

TITLE: **Fall 2023 Out-of-Sequence Water-Sewer Plan Amendments**

CASE NUMBER: [WS-23-01](#) Charlyn, LLC (Calumet/Cline Farm)
[WS-23-02](#) Justron, LLC (Calumet/Smith Farm)

REQUEST: Category amendments to the Water and Sewerage Plan

STAFF: Karin Flom

RECOMMENDATION: See Staff Report for individual recommendations

ATTACHMENTS:

Staff Report
Applications

Frederick County Division of Planning and Permitting

Staff Report: Water and Sewer Plan Amendments Fall 2023 Out-of-Sequence

ISSUE

The Planning Commission is requested to review the individual amendment requests for a finding of consistency with the Livable Frederick Master Plan or a municipal comprehensive plan.

REQUESTS

WS-23-01: Charlyn, LLC (Calumet/Cline Farm)
WS-23-02: Justron, LLC (Calumet/Smith Farm)

BACKGROUND

The purpose of the Planning Commission's review is to determine whether each amendment request is consistent with the Livable Frederick Master Plan or the appropriate municipal comprehensive plan.

Water and Sewerage Plan amendments are evaluated through the following Livable Frederick goals and policies that directly relate to the overall provision – supply, service, conveyance, and treatment – of a potable public water supply and wastewater treatment systems.

Our Community / Infrastructure Capacity / Supply

Capacity Expansion. Ensure that the provision of water and sewer infrastructure fulfills county planning goals and policies and that expansion of water and sewer system capacity maximizes efficiency, addresses public health issues, enhances opportunities for sustainable economic development, and respects the stewardship of natural resources. (p. 100)

Our Community / Infrastructure Operations / Safety

Evaluation. Assess risk, identify and control hazards, and continually evaluate and improve our transportation and infrastructure systems. (p. 102)

Our Community / Infrastructure Operations / Optimization

Optimization (Goal). Ensure that transportation and public infrastructure investments provide maximum value, sustainability, and resilience to citizens through responsible stewardship and continuous, deliberate improvement. (p. 103)

Our Community / Infrastructure Operations / Optimization

Environment, Supporting Initiative #4. Support public health emergency preparedness through re-evaluation of policies for the provision of public water and sewer to address failing well and/or septic systems. (p. 104)

Our Environment / Water / Supply and Treatment Infrastructure

Supply and Treatment Infrastructure (Goal). Ensure groundwater and surface water remain safe, reliable, and sustainable sources for public consumption. (p. 191)



Our Environment / Water / Supply and Treatment Infrastructure

Water and Sewer Adequacy (Initiative). Ensure that wastewater and water supply infrastructure is adequate, sound, and efficient to provide for current and future populations. (p. 192)



Our Environment / Water / Supply and Treatment Infrastructure

Water and Sewer Adequacy, Supporting Initiative #2. Thoroughly evaluate the location and size of areas designated for growth and development based on the adequacy of and impacts to drinking water supplies and wastewater treatment and conveyance capacities. (p. 192)

Finding of Consistency

The Land Use Article of the Annotated Code of Maryland provides general requirements with regard to a finding of consistency with a comprehensive plan. Section *1-303 Consistency – General Requirement* of the Land Use Article further defines consistency with a comprehensive plan to mean “an action taken that will further, and not be contrary to, the following items in the plan:”

1. Policies;
2. Timing of the implementation of the plan;
3. Timing of development;
4. Timing of rezoning;
5. Development patterns;
6. Land uses; and
7. Densities or intensities.

Furthermore, the Maryland Department of Planning also provides the following guidance on determining consistency with a comprehensive plan:

“...land use regulations and decisions should agree with, and implement what the Plan recommends and advocates. A consistent regulation or decision may show clear support for the Plan. It may also be neutral but it should never undermine the Plan.”

A finding of consistency does not reference whether a case meets the specific criteria, described in the Water and Sewerage Plan, for the requested classification. That determination is made by the County Council in their review. If the Planning Commission finds a request to be inconsistent with the comprehensive plan, then the request is not forwarded to the County Council for review and public hearing.

RECOMMENDATION

Staff recommendations are noted in the individual case descriptions.

COUNTY WATER AND SEWERAGE PLAN CLASSIFICATION SYSTEM

The following is from Chapter 1, Section IV of the most recently adopted Frederick County Water and Sewerage Plan (2021).

A. General

A classification system has been established for properties that will be served by publicly owned community water and sewer systems. The classification system reflects a progression toward the attainment of public water and sewer service so as to implement the County Water and Sewerage Plan, as well as County or municipal Comprehensive Plans.

The classification system is designed to show need and intent of the County, its municipalities, and the private developer for establishing or extending publicly-owned community water and sewer systems.

Classifications which indicate anticipated improvements within the next six (6) years should be part of an action plan to be implemented within the constraints of funding and various required agreements and approvals. The classification system is not intended to prevent development of publicly-owned community water and/or sewerage systems or facilities prior to or later than the time periods indicated, rather it is the best estimate at the time of adoption as to when such development may be expected to occur. Every effort should be made by the County, municipalities, and developers to progress with water and sewer projects to the point that construction may occur in accordance with the Plan. However, after having achieved one level, there is no guarantee that the next level classification will be granted.

B. Water and Sewerage Plan Classifications

Tracts of land where publicly-owned community water and/or sewer facilities are proposed to be extended by developers or where the County or municipalities anticipate that development may occur within 20 years may be assigned a classification with the suffix "Development" or "Dev.". A "Dev." designation means that the extension or construction of publicly-owned community systems or facilities is dependent upon developer or land owner action and funding.

The year of adoption of a piecemeal Water and Sewerage Plan amendment is noted within the water and sewer classification designations for properties in 4 and 3 categories, (e.g., 90-S-3 means the sewer priority classification of S-3 was approved by the County in 1990).

NPS – No Planned Service

A classification assigned during the Comprehensive Planning Process to land, which is not planned or projected to be served by publicly-owned community water or sewer systems within the timeframe of the County Comprehensive Plan.

PS – Planned Service

A classification assigned during the Comprehensive Planning Process to an area or property shown on the Comprehensive Plan for growth utilizing publicly-owned community water and/or sewer systems, or within a Community Growth Boundary of a community to be served by public water and sewer in the County Comprehensive Plan, within the 11-20 year time frame. Properties within this classification have designations other than Agricultural/Rural or Natural Resource on the County Comprehensive Plan. This

classification may also be assigned through the piecemeal application process by a staff-initiated application with regard to location of infrastructure generally or reclassification of properties to implement the Comprehensive Plan, or if the property no longer meets the requirements of its current classification.

S-5/W-5 – Mid-Range Plan Phase

A classification assigned through the Comprehensive Planning Process where improvements to, or construction of, publicly-owned community sewerage or water systems are planned within the 7-10 year time period. Properties classified S-5/W-5 are not required to connect to the community system. Except as provided below, properties requesting this classification shall meet the following criteria:

- a. Have a land use plan designation other than Agricultural/Rural or Natural Resource on the County Comprehensive Plan.
- b. Have zoning other than Agricultural or Resource Conservation.
- c. If located within a municipality where the municipality provides community water and sewer, the property shall be designated in the municipal plan to be provided services in the 7-10 year time frame.
- d. Be located within a Community Growth Area as shown on the Frederick County Comprehensive Plan.
- e. Demonstrate that there is sufficient capacity planned in the systems serving the property within the 7-10 year period.

In addition, this classification may be assigned through the piecemeal application process to property:

1. Annexed into a municipal corporation, if the property is located within a municipal growth area and described in an adopted Municipal Growth Element (MGE); or
2. Granted a Planned Unit Development (PUD) or Mixed-Use Development (MXD) or Open Space Recreation (OSR), or Institutional (I) floating zone classification; or
3. Zoned Agricultural, if all the criteria set forth in Section II (E)(8) or, if applicable, Section II (E) (7) are satisfied; or
4. To provide public water and/or sewer service to Public Service Facilities, if the applicable criteria in Section II (E) (8) are satisfied.

S-4/W-4 – Concept Evaluation Phase

A classification assigned through the piecemeal application process to properties designated residential, commercial, or industrial, or in general, a category other than Agricultural/Rural or Natural Resource on the County Comprehensive Plan, and where improvements to, or construction of, publicly-owned community sewerage or water systems are planned within the 4-6 year time period. Properties classified S-4/W-4 shall connect to the public system when service lines abut the property. Properties requesting this classification shall meet the following criteria:

- a. The criteria required for the S-5/W-5 classification have been complied with.
- b. The application shall include documents that show conceptually how the applicant plans extensions of water and sewer lines to serve the property, including topographic information from appropriate sources and an estimate of construction costs. Water concept submissions shall consider the County's water pressure zones to develop the concept, e.g., water booster pumping stations or pressure reducing valves. Sewerage concepts shall consider gravity service as the preferred method (see II (E) (5) (E)). All concept plans shall distinguish between County planned and developer provided facilities, and be complete and accurate as determined by the Division of Utilities and Solid Waste Management (DUSWM).
- c. Adequate capacity shall exist or be programmed within the County or a municipal CIP for the system, which will serve the site. If adequate capacity does not exist, the property owner/applicant must identify and propose needed improvements (as determined by the DUSWM) to provide adequate capacity.
- d. After an S-4/W-4 classification has been granted, an application may be submitted to the Maryland Department of the Environment for Water and/or Sewerage construction permits, as applicable.

S-3/W-3 – Preliminary Design Phase

A classification assigned through the piecemeal application process to properties where improvements to, or construction of, publicly-owned community sewer or water systems are planned to be completed and operational within 3 years. If applicant has not obtained approved water and sewer improvement plans for onsite work within three years or the Preliminary Plan/Site Plan/Phase II Plan expires, they may lose their "3" classification and revert to the "4" classification at the next amendment cycle. Properties classified S-3/W-3 shall connect to the public system when service lines abut the property. Properties requesting this classification shall meet the following criteria:

- a. Criteria required for the S-4/W-4 classification have been complied with.
- 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.
- c. A preliminary subdivision plan, site plan, Phase II Plan (in the case of PUDs and MXDs or other floating zoning districts), or equivalent plan in a municipality has been approved by the Planning Commission.
- d. A discharge permit, where appropriate, has been approved by all appropriate State agencies.
- 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.

- 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.
- 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.
- 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.

S-2/W-2 – Engineering Phase

This classification is not mapped. Properties are assigned this category by County staff and shall meet the following criteria:

- a. All criteria required for the S-3/W-3 classification have been complied with.
- b. Improvement plans for water and sewer lines and preliminary design of treatment plants and other infrastructure, as appropriate, have been approved.
- c. Location of facilities, i.e., tanks, pumping stations, treatment plants have been located on the Water and Sewerage Map by prior amendment.
- d. Properties classified S-2/W-2 shall connect to the publicly owned system when service lines abut the property.

During the S-2/W-2 phase, final construction design drawings and documents are prepared, rights-of-way are determined and the necessary acquisitions are pursued, various construction related permits are applied for and obtained, a public works agreement, allocation of taps including multi-year tap agreements and improvement guarantees are approved. Final plats may then be recorded, where appropriate.¹

S-1/W-1 – Existing Service

A classification assigned to properties where publicly-owned community sewer or water systems or private community systems are existing and are connected to and serving a structure(s) on the property. Properties are assigned this classification by County staff to reflect projects recently completed or structures connected to the public water or sewer system. The County Water and Sewerage Plan map will be revised to reflect this status at regular updates.

Multi-Use Water System

A classification assigned during the piecemeal application process to a single parcel or lot or institution serving a number of individuals, with the capacity to provide in excess of 5,000 GPD utilizing a source of

¹ See Sec. 1-16-106 of the County Code for additional requirements.

ground or surface water. The Multi-Use Water system includes the piping, pumps, tanks, or other facilities utilizing a source of ground or surface water.

Applications to amend the Water and Sewerage Plan to obtain approval to use a Multi-Use Water system on a specific property will be accepted and processed in the same manner as requests for water and sewer category changes. Properties approved to use Multi-Use Water systems will be identified in the Plan text in Chapter 3 and on the Water Plan Map.

Multi-Use Sewerage System

A classification assigned during the piecemeal application process to a single parcel or lot or institution with a treatment discharge capacity in excess of 5,000 GPD. A Multi-Use Sewerage system involves the collection and discharge of sewage or industrial wastes of a liquid nature and various devices for the storage, pumping, and treatment of such wastes.

Applications to amend the Water and Sewerage Plan to obtain approval to use a Multi-Use Sewerage system on a specific property will be accepted and processed in the same manner as requests for water and sewer category changes. Properties approved to use Multi-Use Sewerage systems will be identified in the Plan text in Chapter 4 and on the Sewer Plan Map.

Applications for Multi-Use Sewerage Systems that propose to utilize a surface application and/or underground drain field system shall include, but not be limited to the following:

1. Analysis of groundwater mounding impacts of the system.
2. Nitrogen balance analysis to show that nitrogen concentrations at a property line or at any watercourse on the property do not exceed 10 mg/l.
3. Identify a suitable replacement area for the discharge/drain field.
4. Determination of treatment system requirements and discharge methods.

WATER & SEWERAGE PLAN AMENDMENTS
Fall 2023 Out-of-Sequence
WS-23-01

TITLE: **Charlyn, LLC (Calumet/Cline Farm)**

REQUEST: **Reclassification** of 170 acres plus the depiction of a sewage pump station **symbol** on the Sewer Map.

PROJECT INFORMATION

ADDRESS/LOCATION:	East and west sides of Boyers Mill Road within the Town of New Market
MAP/PARCEL:	Tax Map 79, Parcel 29; Property ID# 09-227245
COMP. PLAN:	Planned Residential District (Town of New Market)
ZONING:	Planned Development District (Town of New Market)

WATER/SEWER INFORMATION

CURRENT CLASSIFICATION:	W-4/Dev, S-4/Dev
REQUESTED CLASSIFICATION:	W-3/Dev, S-3/Dev
WATER TREATMENT PLANT:	New Design Water Treatment Plant
WASTEWATER TREATMENT PLANT:	Ballenger-McKinney Wastewater Treatment Plant
EQUIVALENT DWELLING UNITS:	925 (total with WS-23-02)

APPLICANT/REPRESENTATIVES

APPLICANT:	Avanti Acquisition Company LLC
OWNER:	Charlyn, LLC
ENGINEER:	Donavon Corum, CBM Consulting, LLC

Development Status

The property was annexed into the Town of New Market in 2014 and received Preliminary Plat of Subdivision approval (Calumet) from the Town's Planning Commission on July 7, 2016 for development of 925 residential units. The development plan, which includes the Justron, LLC Property discussed in Case WS-23-02, proposes 450 single family detached homes and 473 single family attached townhomes, and another two single family detached homes as owner out lots. No final plat has been recorded and no construction has occurred since 2016. The preliminary plat approval has been extended by the Town of New Market's Planning Commission as required by the Town's Land Development Ordinance. Therefore, the approval remains valid under the Town's development process.

Water & Sewerage Plan Status

A request to reclassify this property from W-4/Dev, S-4/Dev to W-3/Dev, S-3/Dev was filed during the Summer 2016 Cycle (WS-16-05). A Planning Commission hearing was held on

September 14, 2016 for a finding of consistency with the Town of New Market Master Plan. All Planning Commission members were present and voted unanimously in favor of the finding of consistency.

The application was not forwarded to the County Council. The application would have received a denial recommendation from staff to the County Council because the property was not included in the New Market Water Service Area Agreement, or “WSAA.” The WSAA is an agreement between the County and the Town of New Market executed in April 2003. This agreement, and all of its subsequent amendments, identifies the County as the sole provider of water and sewer service to the Town of New Market and contains a process for water/sewer capacity determination by the Division of Water and Sewer Utilities and for water/sewer system capacity reservation for projects in the Town of New Market.

The County and Town of New Market have come to an agreement on an updated New Market Water and Sewer Service Area Agreement (WSSAA). This agreement replaces the 2003 WSAA, as amended, in its entirety. Among other things, this new agreement expands the service area boundaries to include annexed properties not previously included.

A new finding of consistency by the Frederick County Planning Commission is warranted for two reasons. First, the finding of consistency in 2016 was made under the Town of New Market’s previous comprehensive plan. The Town adopted a new plan effective June 22, 2017. Second, the finding of consistency was made under a previous Frederick County Water and Sewerage Plan. The County adopted a new plan effective February 2, 2021. There is no policy in the County’s Water and Sewerage Plan that limits the time validity of a piecemeal amendment application.

Water & Sewer Planned Infrastructure

Sewage conveyance from the site will be made primarily by gravity sewer to a proposed pump station on the east side of Boyers Mill Road, with a connection to an existing 10-inch sewer line present in Mussetter Road in the adjacent Greenview PUD. Flows from the project then enter the Linganore Collection system with ultimate treatment at the Ballenger-McKinney WWTP.

Existing 12-inch and 16-inch water lines bisect the property and correspond to different water pressure zones (elevations) on and around the subject property. The existing 12-inch water line is proposed for extension through the site to serve the future Calumet subdivision. Water is provided through the County’s New Design System (Potomac River).

If the existing dwelling(s) (or any other buildings) remains as part of the future development of the property, it must connect to the public water and sewer system. The private wells must be physically disconnected from the interior plumbing and, per State regulations under COMAR 26.04.04.11, the well must be subsequently abandoned and sealed by or under the supervision of a master well driller licensed by the State or a representative of the Frederick County Health Department. The septic systems must also be abandoned per Health Department guidelines.

Staff Recommendation

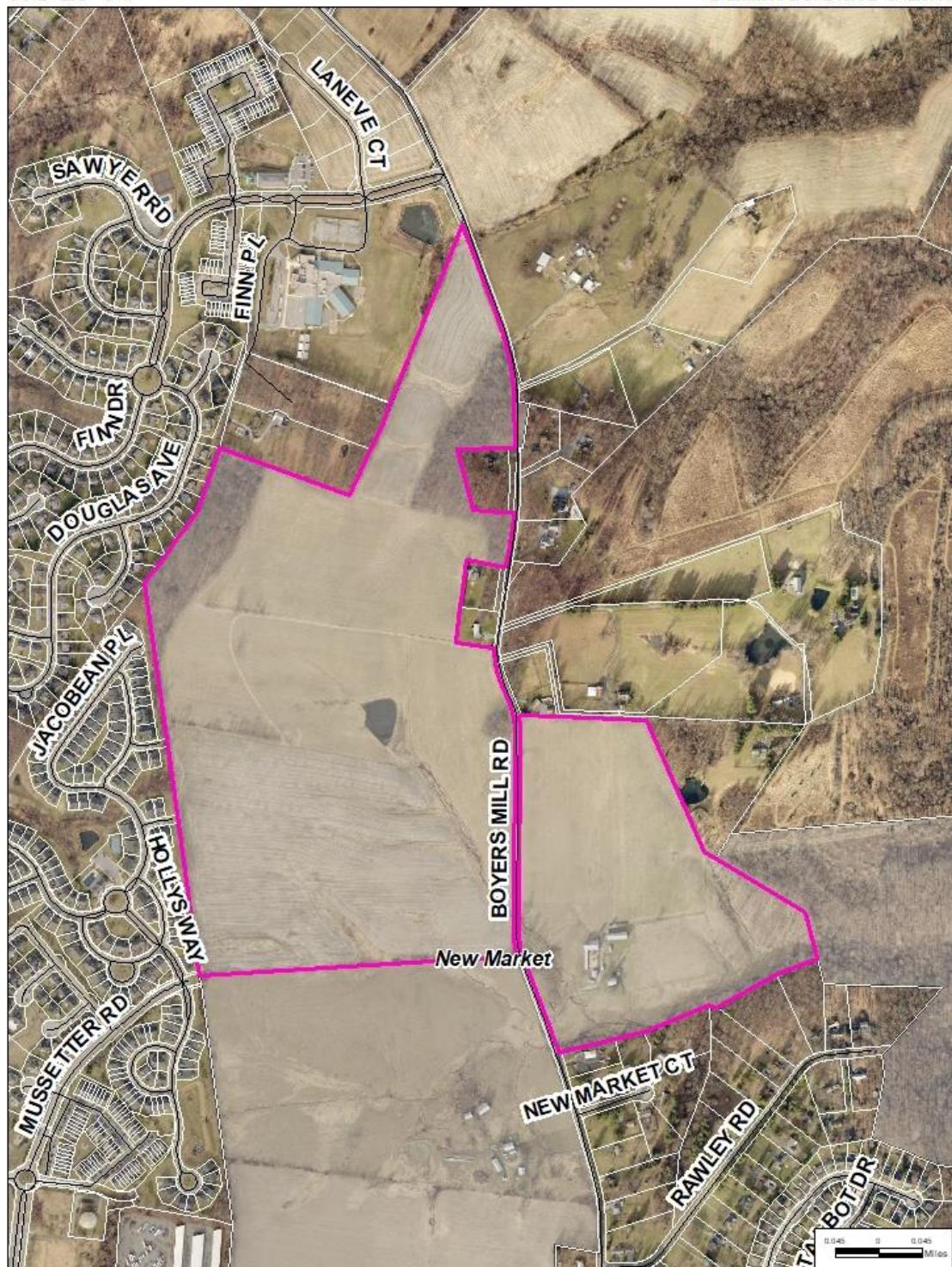
The subject property is located within the Town of New Market, a Community Growth Area, and a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the Town of New Market Master Plan for the request made in Case WS-23-01.

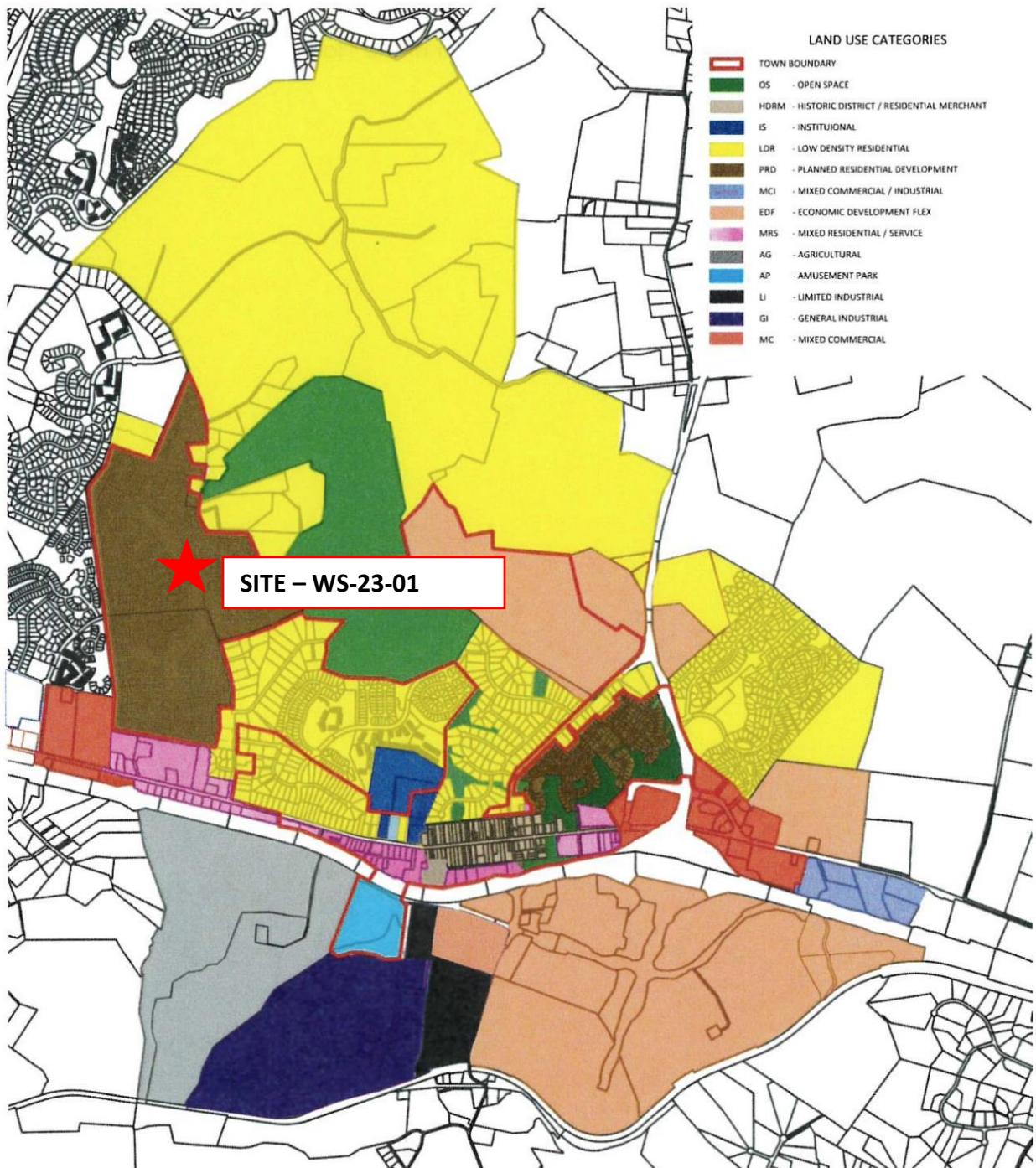
Attachments

1. Aerial Map
2. Zoning & Comprehensive Plan Map
3. Current Water & Sewer Plan Map

WS-23-01

Calumet/Cline Farm





Map 11: 2016 Planned Use Map

Source: Town of New Market

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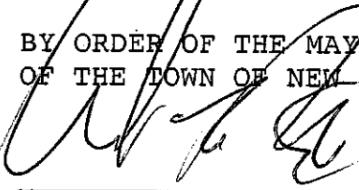
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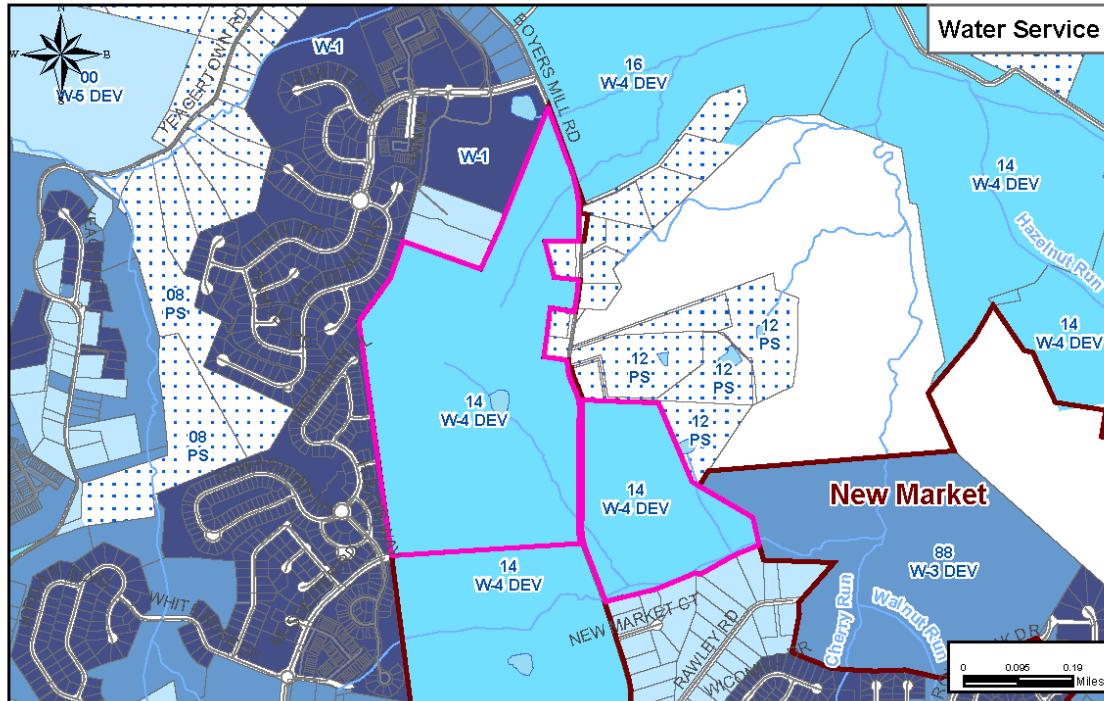

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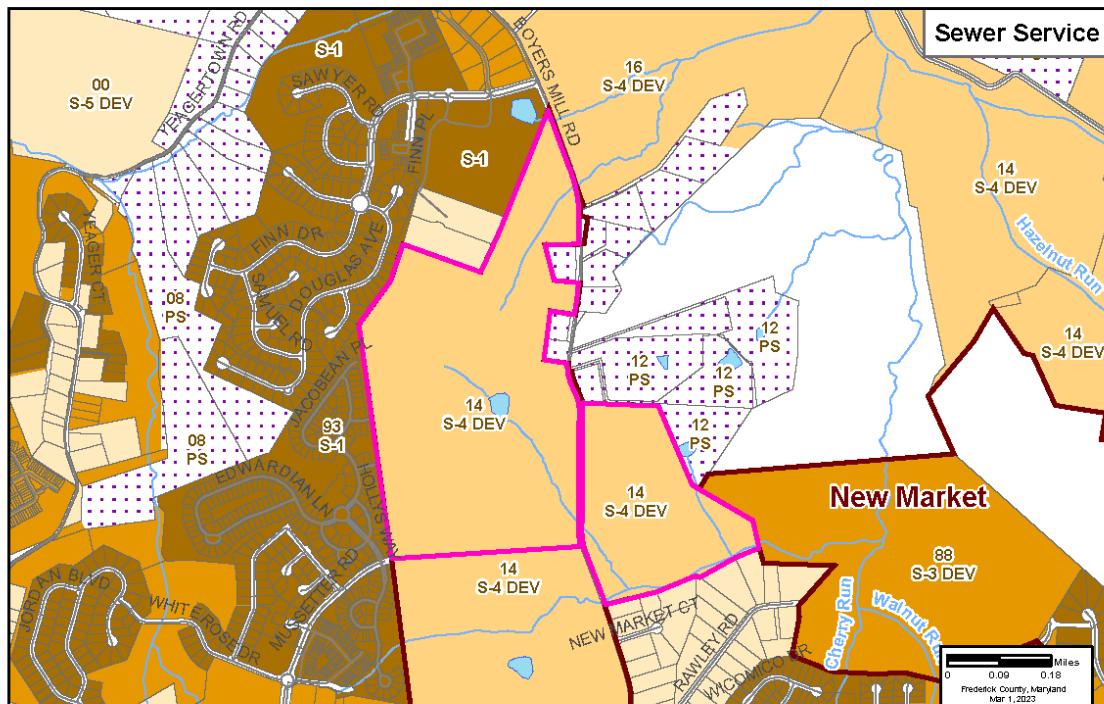
WS-23-01

Calumet/Cline Farm

Water Service



Sewer Service



WATER & SEWERAGE PLAN AMENDMENTS
Fall 2023 Out-of-Sequence
WS-23-02

TITLE: **Justron, LLC (Calumet/Smith Farm)**

REQUEST: **Reclassification of 91 acres**

PROJECT INFORMATION

ADDRESS/LOCATION:	West side of Boyers Mill Road within the Town of New Market
MAP/PARCEL:	Tax Map 79, Parcel 213; Property ID# 09-255826
COMP. PLAN:	Planned Residential District (Town of New Market)
ZONING:	Planned Development District (Town of New Market)

WATER/SEWER INFORMATION

CURRENT CLASSIFICATION:	W-4/Dev, S-4/Dev
REQUESTED CLASSIFICATION:	W-3/Dev, S-3/Dev
WATER TREATMENT PLANT:	New Design Water Treatment Plant
WASTEWATER TREATMENT PLANT:	Ballenger-McKinney Wastewater Treatment Plant
EQUIVALENT DWELLING UNITS:	925 (total with WS-23-01)

APPLICANT/REPRESENTATIVES

APPLICANT:	Avanti Acquisition Company LLC
OWNER:	Justron, LLC
ENGINEER:	Donavon Corum, CBM Consulting

Development Status

The property was annexed into the Town of New Market in 2014 and received Preliminary Plat of Subdivision approval (Calumet) from the Town's Planning Commission on July 7, 2016 for development of 925 residential units. The development plan, which includes the Charlyn, LLC property discussed in Case WS-23-01, proposes 450 single family detached homes and 473 single family attached townhomes, and another two single family detached homes as owner out lots. No final plat has been recorded and no construction has occurred since 2016. The preliminary plat approval has been extended by the Town of New Market's Planning Commission as required by the Town's Land Development Ordinance. Therefore, the approval remains valid under the Town's development process.

Water & Sewerage Plan Status

A request to reclassify this property from W-4/Dev, S-4/Dev to W-3/Dev, S-3/Dev was filed during the Summer 2016 Cycle (WS-16-06). A Planning Commission hearing was held on September 14, 2016 for a finding of consistency with the Town of New Market Master Plan. All

Planning Commission members were present and voted unanimously in favor of the finding of consistency.

The application was not forwarded to the County Council. The application would have received a denial recommendation from staff to the County Council because the property was not included in the New Market Water Service Area Agreement, or "WSAA." The WSAA is an agreement between the County and the Town of New Market executed in April 2003. This agreement, and all of its subsequent amendments, identifies the County as the sole provider of water and sewer service to the Town of New Market and contains a process for water/sewer capacity determination by the Division of Water and Sewer Utilities and for water/sewer system capacity reservation for projects in the Town of New Market.

The County and Town of New Market have come to an agreement on an updated New Market Water and Sewer Service Area Agreement (WSSAA). This agreement replaces the 2003 WSAA, as amended, in its entirety. Among other things, this new agreement expands the service area boundaries to include annexed properties not previously included.

A new finding of consistency by the Frederick County Planning Commission is warranted for two reasons. First, the finding of consistency in 2016 was made under the Town of New Market's previous comprehensive plan. The Town adopted a new plan effective June 22, 2017. Second, the finding of consistency was made under a previous Frederick County Water and Sewerage Plan. The County adopted a new plan effective February 2, 2021. There is no policy in the County's Water and Sewerage Plan that limits the time validity of a piecemeal amendment application.

Water & Sewer Planned Infrastructure

Sewage conveyance from the site will be made primarily by gravity sewer to a proposed pump station on the east side of Boyers Mill Road, with a connection to an existing 10-inch sewer line present in Mussetter Road in the adjacent Greenview PUD. Flows from the project then enter the Linganore Collection system with ultimate treatment at the Ballenger-McKinney WWTP.

Existing 12-inch and 16-inch water lines bisect the property and correspond to different water pressure zones (elevations) on and around the subject property. The existing 12-inch water line is proposed for extension through the site to serve the future Calumet subdivision. Water is provided through the County's New Design System (Potomac River).

If the existing dwelling(s) (or any other buildings) remains as part of the future development of the property, it must connect to the public water and sewer system. The private wells must be physically disconnected from the interior plumbing and, per State regulations under COMAR 26.04.04.11, the well must be subsequently abandoned and sealed by or under the supervision of a master well driller licensed by the State or a representative of the Frederick County Health Department. The septic systems must also be abandoned per Health Department guidelines.

Staff Recommendation:

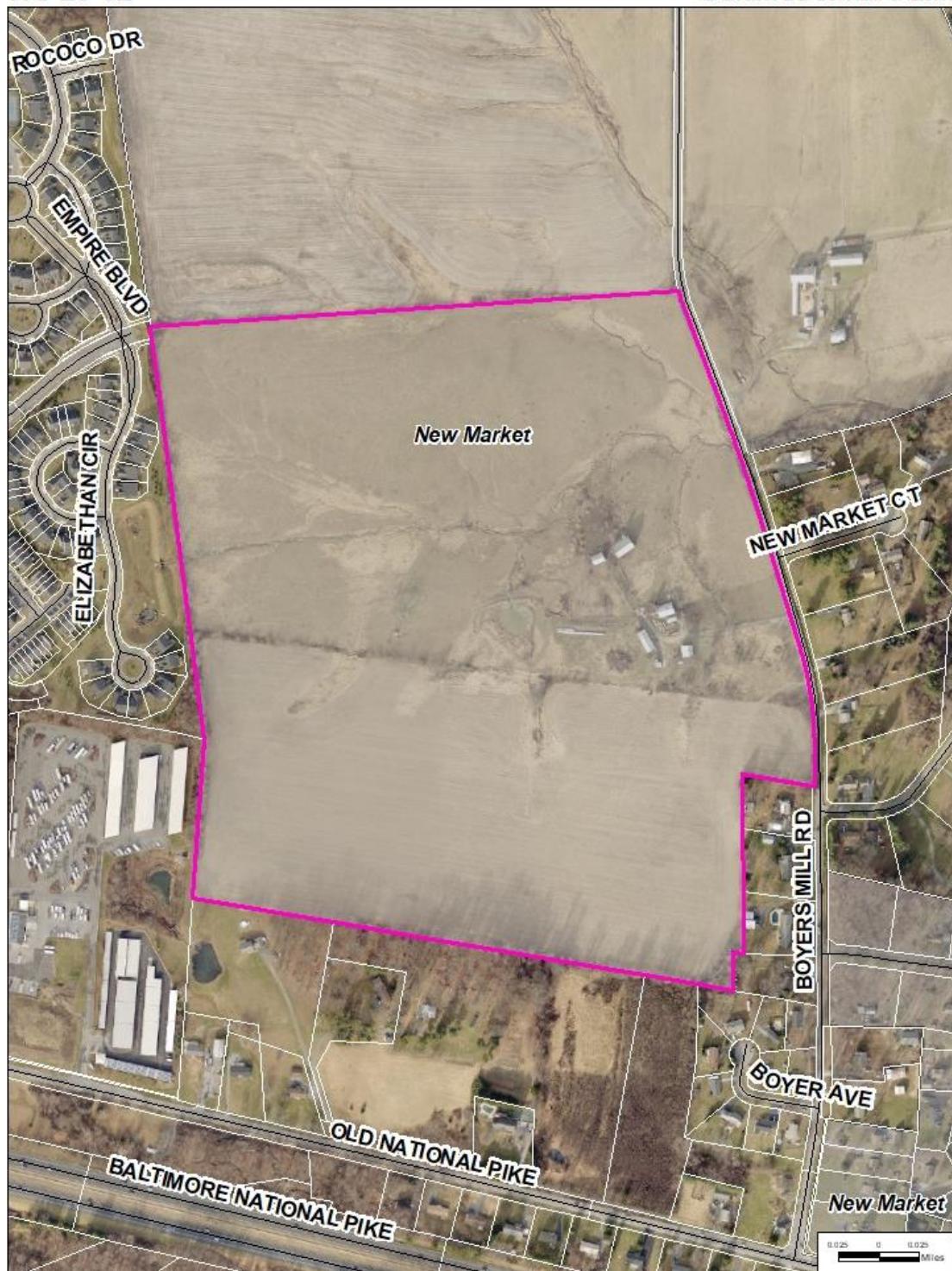
The subject property is located within the Town of New Market, a Community Growth Area, and a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the Town of New Market Master Plan for the request made in Case WS-23-02.

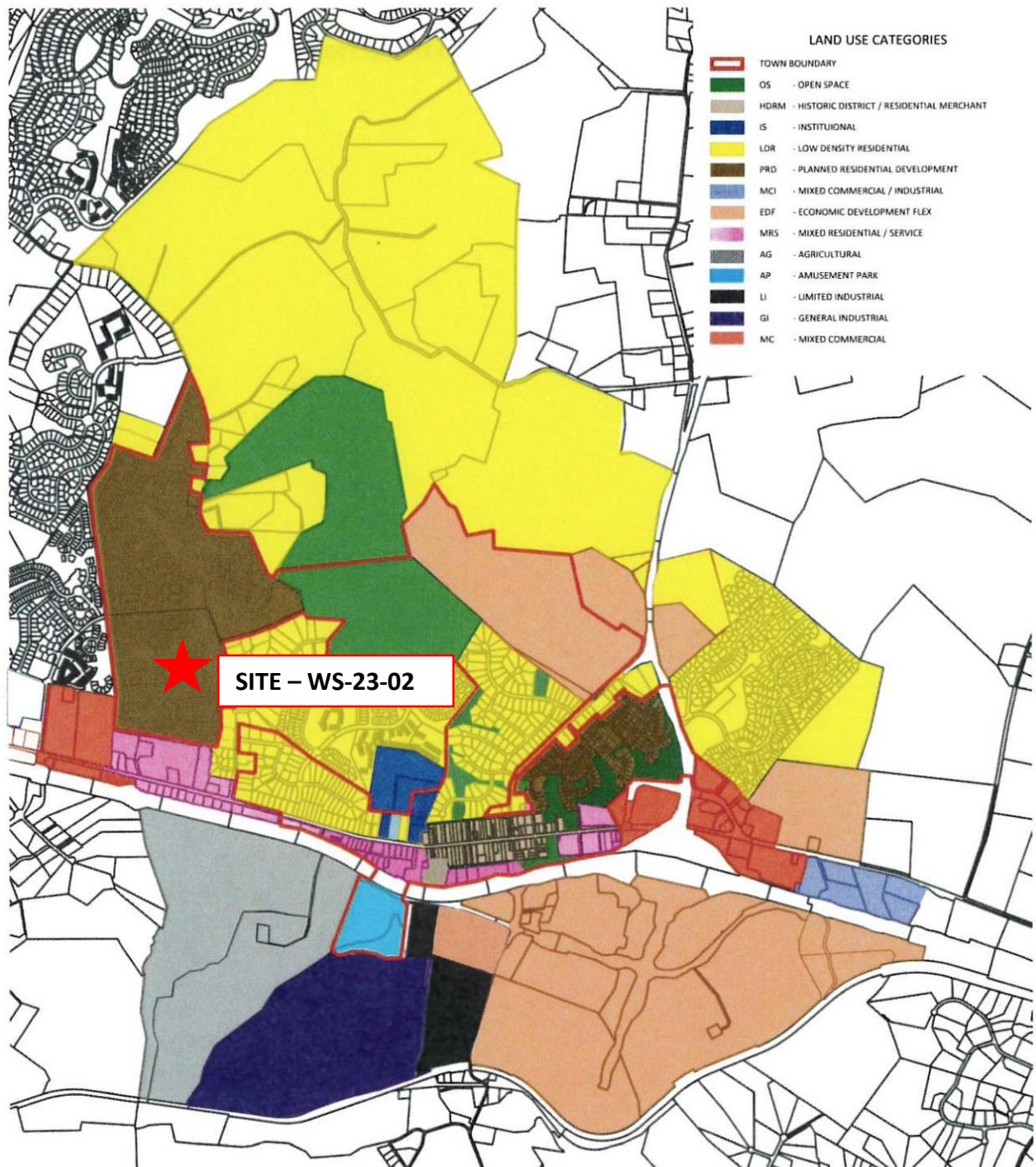
Attachments

1. Aerial Map
2. Zoning & Comprehensive Plan Map
3. Current Water & Sewer Plan Map

WS-23-02

Calumet/Smith Farm





Map 11: 2016 Planned Use Map

Source: Town of New Market

ORDINANCE NO. 2015-03

THE MAYOR AND COUNCIL OF
THE TOWN OF NEW MARKET

AN ORDINANCE AMENDING THE
LAND DEVELOPMENT ORDINANCE
OF THE TOWN OF NEW MARKET
(CALUMET PDD MAP AMENDMENT)

The application of MS Charlyn Farm, LLC, and MS Justron Farm, LLC, for a map amendment changing the property hereinafter defined from R2 (medium density residential) to PDD (planned development district) having been considered by the Mayor and Council, together with the recommendation of the Planning Commission and pursuant to a public hearing,

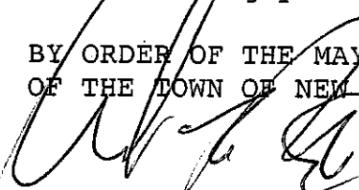
BE IT ORDAINED that the rezoning application be and is approved; and it is further

ORDAINED that the subject property consisting of parcels 29 and 213 on Tax Map 79 be and is rezoned from R2 to PDD, and the zoning map be and is amended accordingly.

ATTEST:

BY ORDER OF THE MAYOR AND COUNCIL
OF THE TOWN OF NEW MARKET

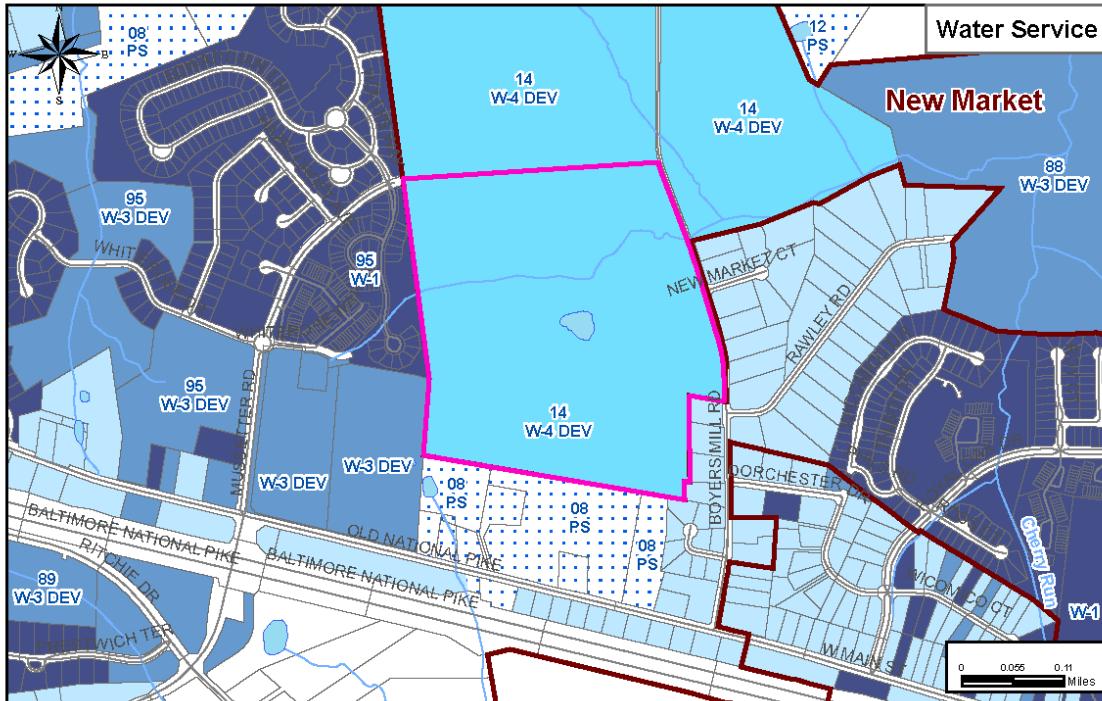

Karen Dushim
Town Clerk


Winslow F. Burhans, III, Mayor

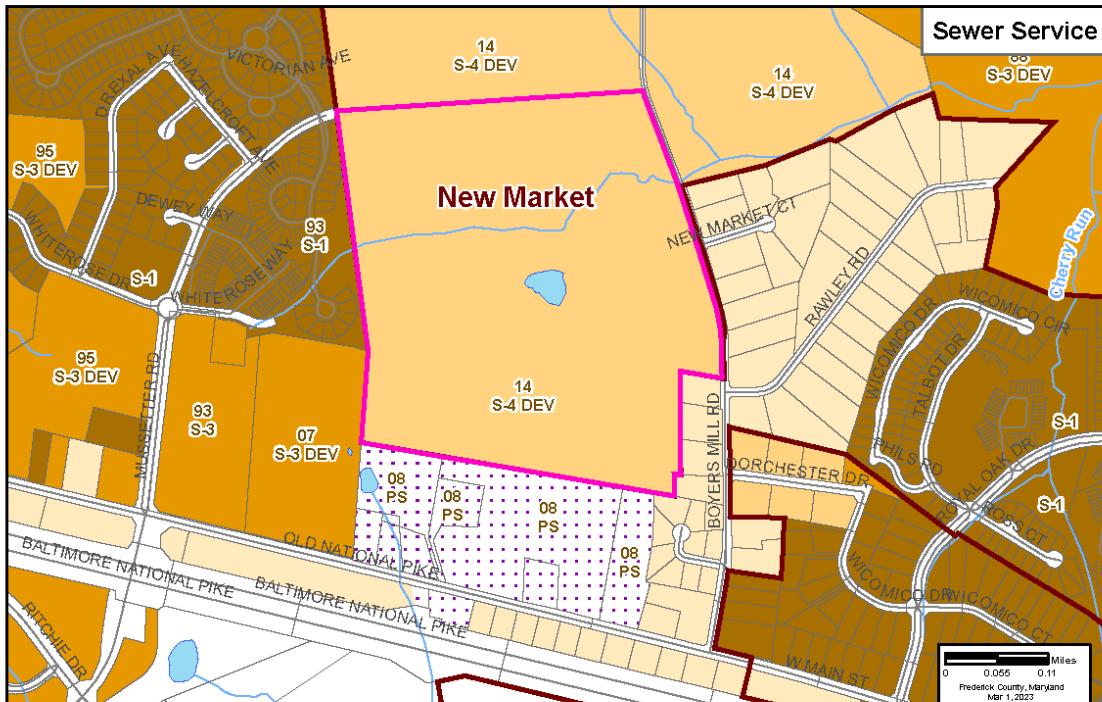
ZONING MAP AMENDMENT ORDINANCE – Town of New Market

WS-23-02

Calumet/Smith Farm



Sewer Service



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: _____)

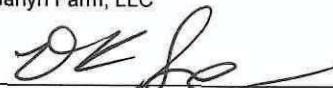
Fiduciary (Name: _____)

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

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

Name: Patricia A. Staley
Charlyn Cline LLC
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

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.*

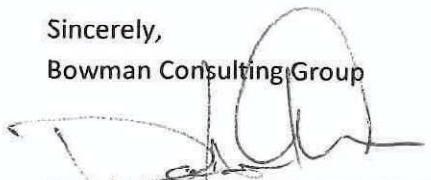
Noted.

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,

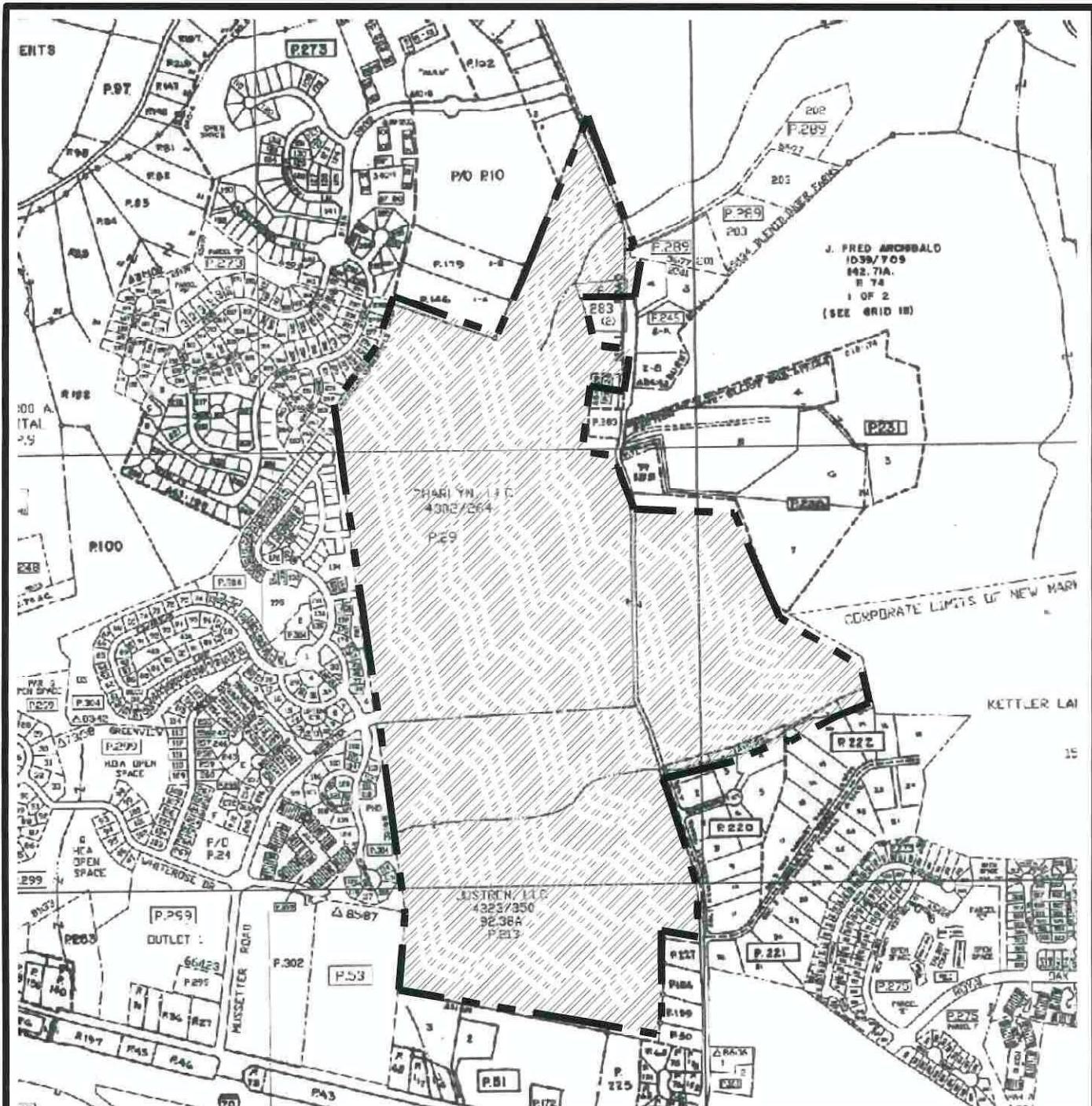
Bowman Consulting Group



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

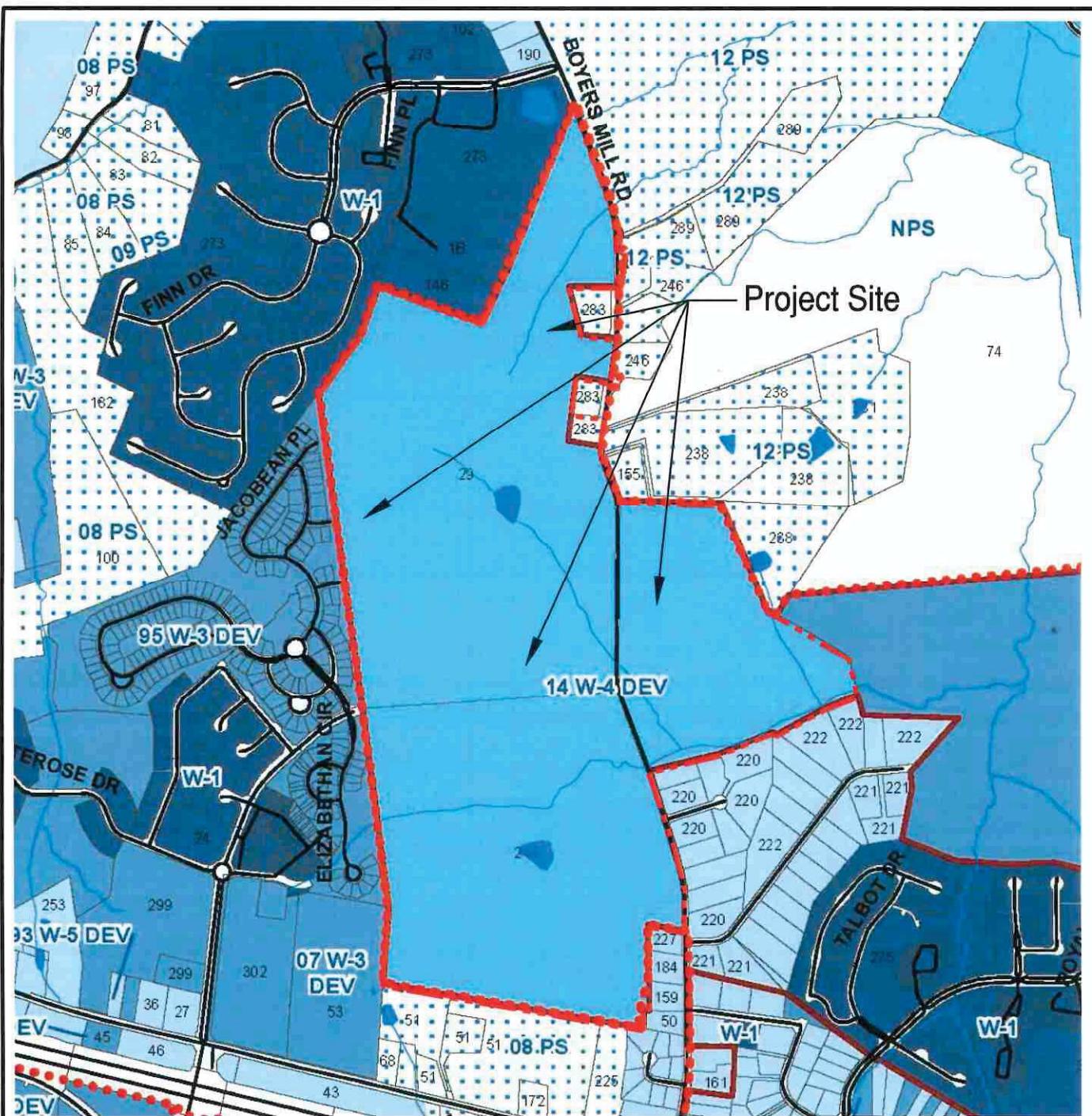
www.bowmanconsulting.com
© Bowman Consulting Group, Ltd.

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

DIST. 09

FREDERICK COUNTY, MD

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

EXHIBIT B - WATER MAP
CALUMET - MS CHARLYN FARM LLC

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

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

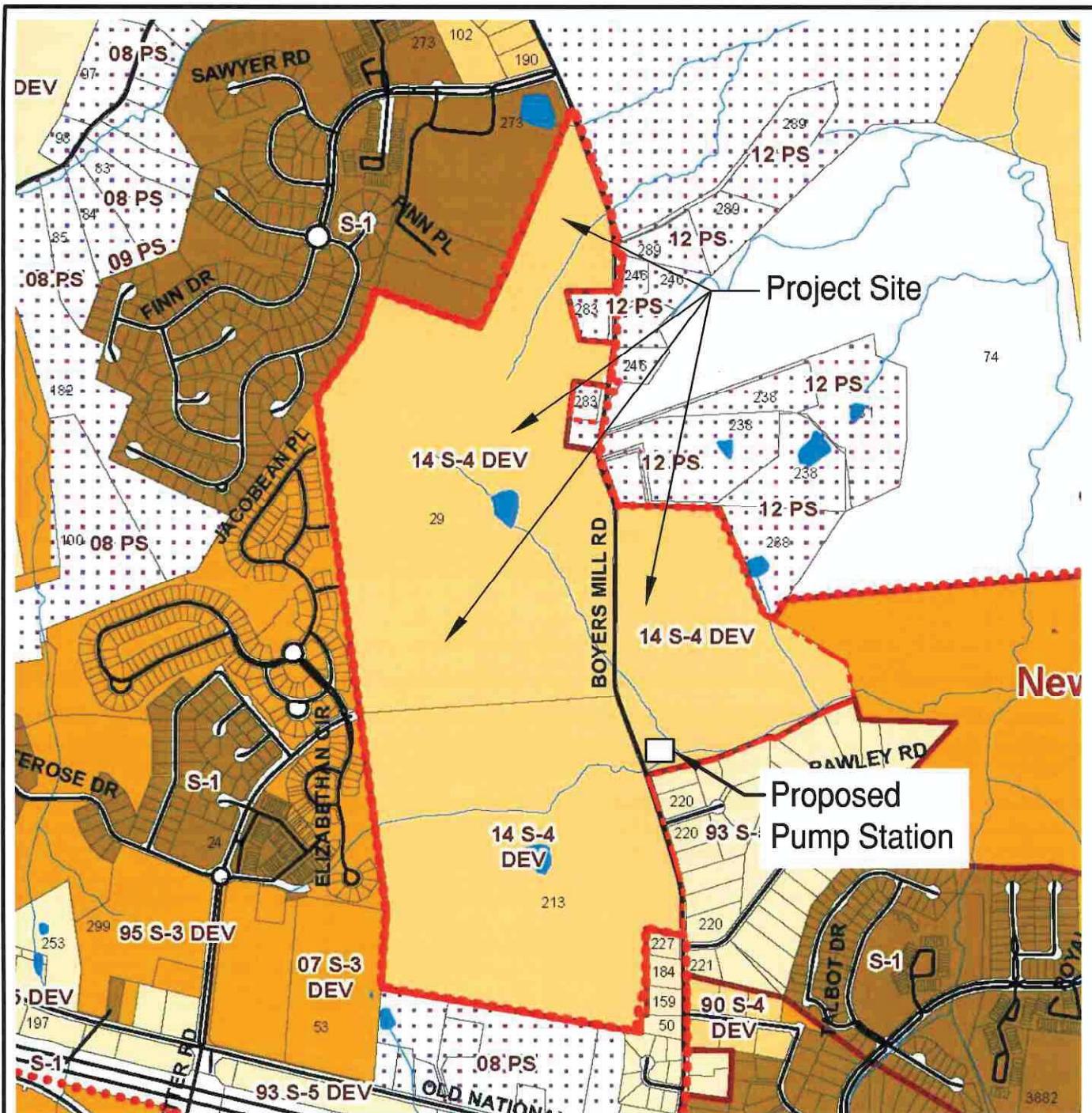
www.bowmanconsulting.com
© Bowman Consulting Group, Ltd.

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



Bowman CONSULTING

**EXHIBIT C - SEWER MAP
CALUMET - MS CHARLYN FARM LLC**

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.		

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:

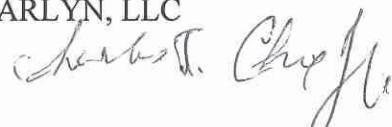
Charlyn, LLC is the owner of the real property known as the "Cline Property," which is located along Boyers Mill Road and north of Maryland Route 144 (the "Cline Property"). The Cline Property also is identified by Tax Map 79, Parcel 29 and Property Tax Identification Number 09-227245.

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:

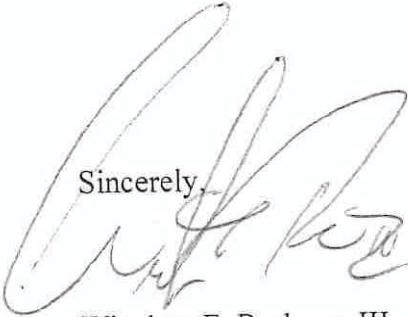
On July 14, 2016, the Mayor and Council of the Town of New Market, Maryland approved requests for amendments to the Frederick County Water & Sewerage Plan submitted by MS Justron Farm, LLC and MS Charlyn Farm, LLC for the above-referenced properties and the Calumet PDD. More specifically, the Town approved 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



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)

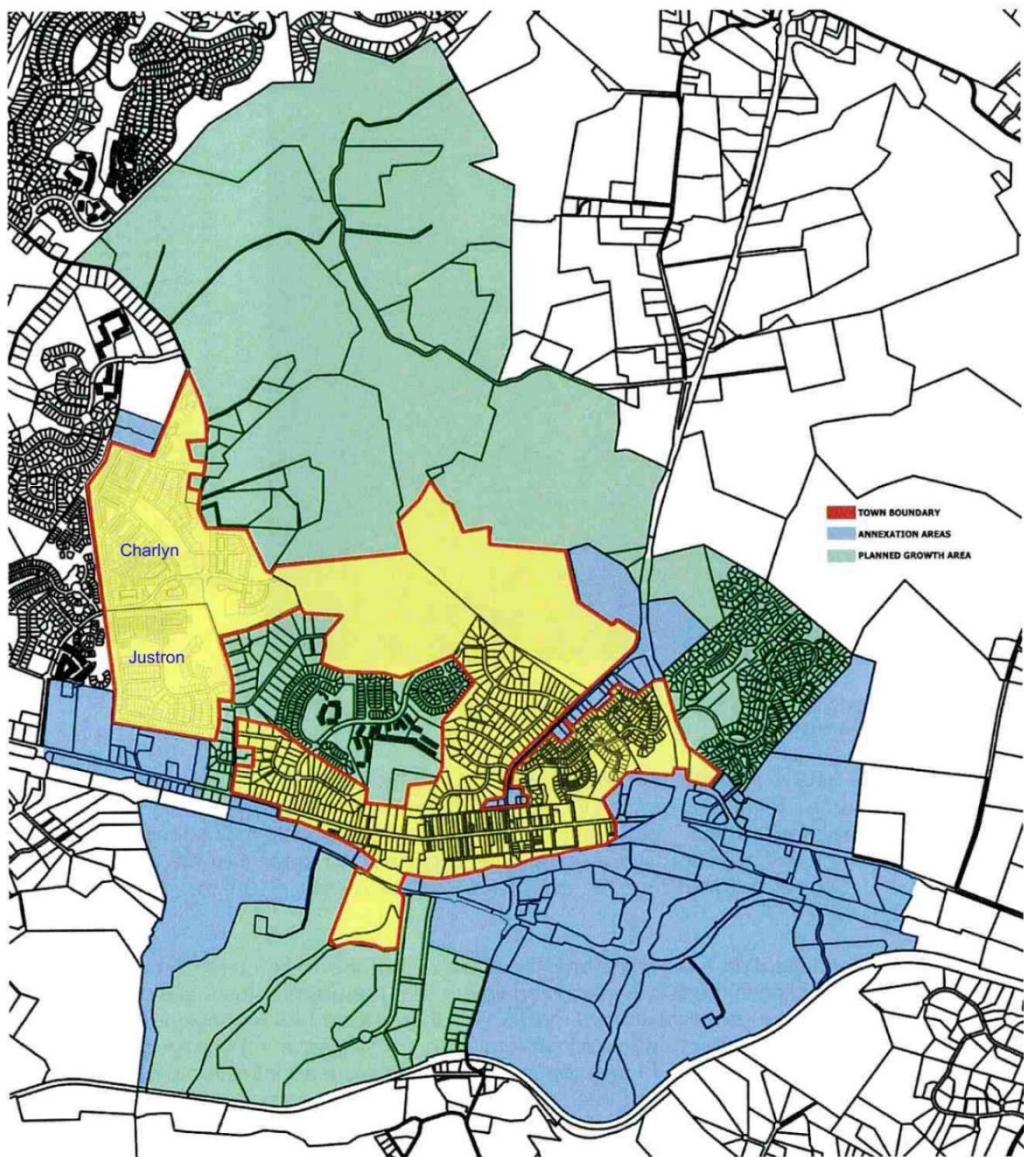
Dear Ms. Gaines and Ms. Flom:

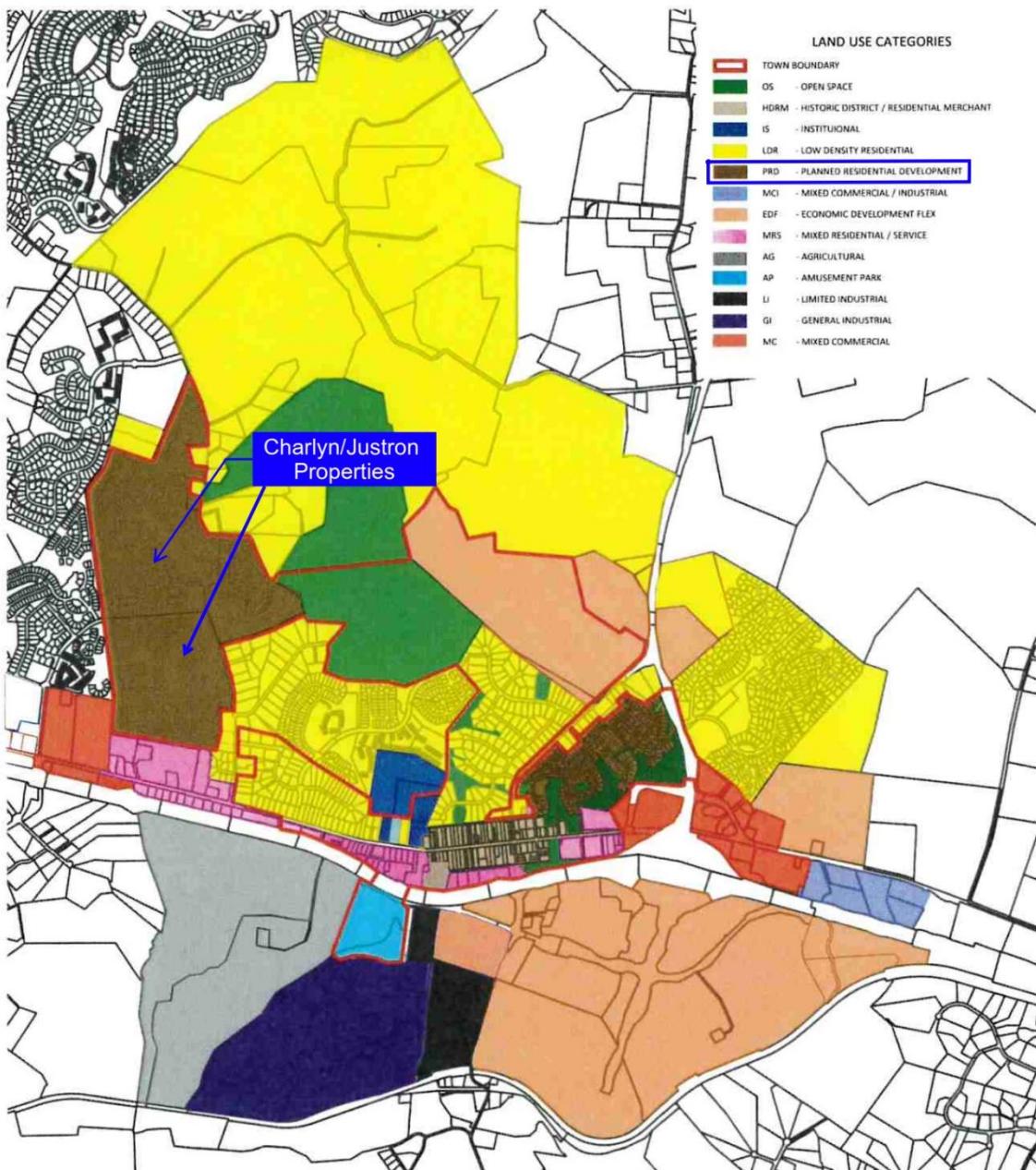
Previously, on July 14, 2016, the Mayor and Council of the Town of New Market, Maryland (“Mayor and Council” or “Town”) approved requests for amendments to the Frederick County Water & Sewerage Plan (“Water & Sewerage Plan”) to reclassify the above referenced properties from W-4/Dev, S-4/Dev to the W-3/Dev, 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 the top line and "Faux" on the bottom line.

Pat Faux
Town Zoning Administrator and Planner

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

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.*

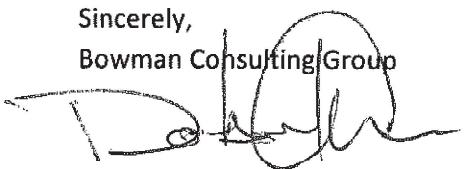
Noted.

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

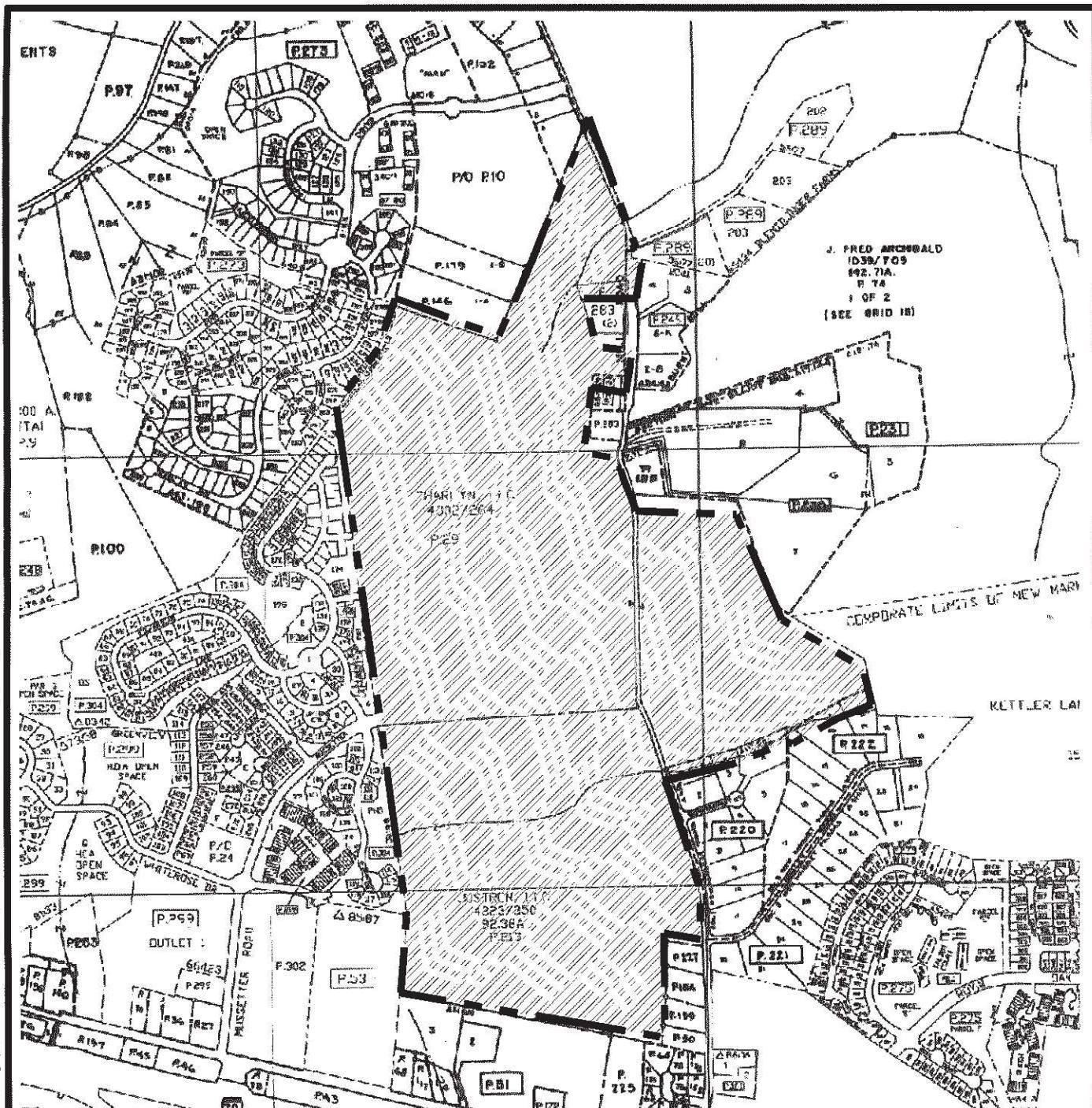


Donavon Corum, RLA, AICP, LEED AP

Planning Director

4813-3849-6309, v. 2

96



Bowman
CONSULTING

**EXHIBIT A - TAX MAP
CALUMET**

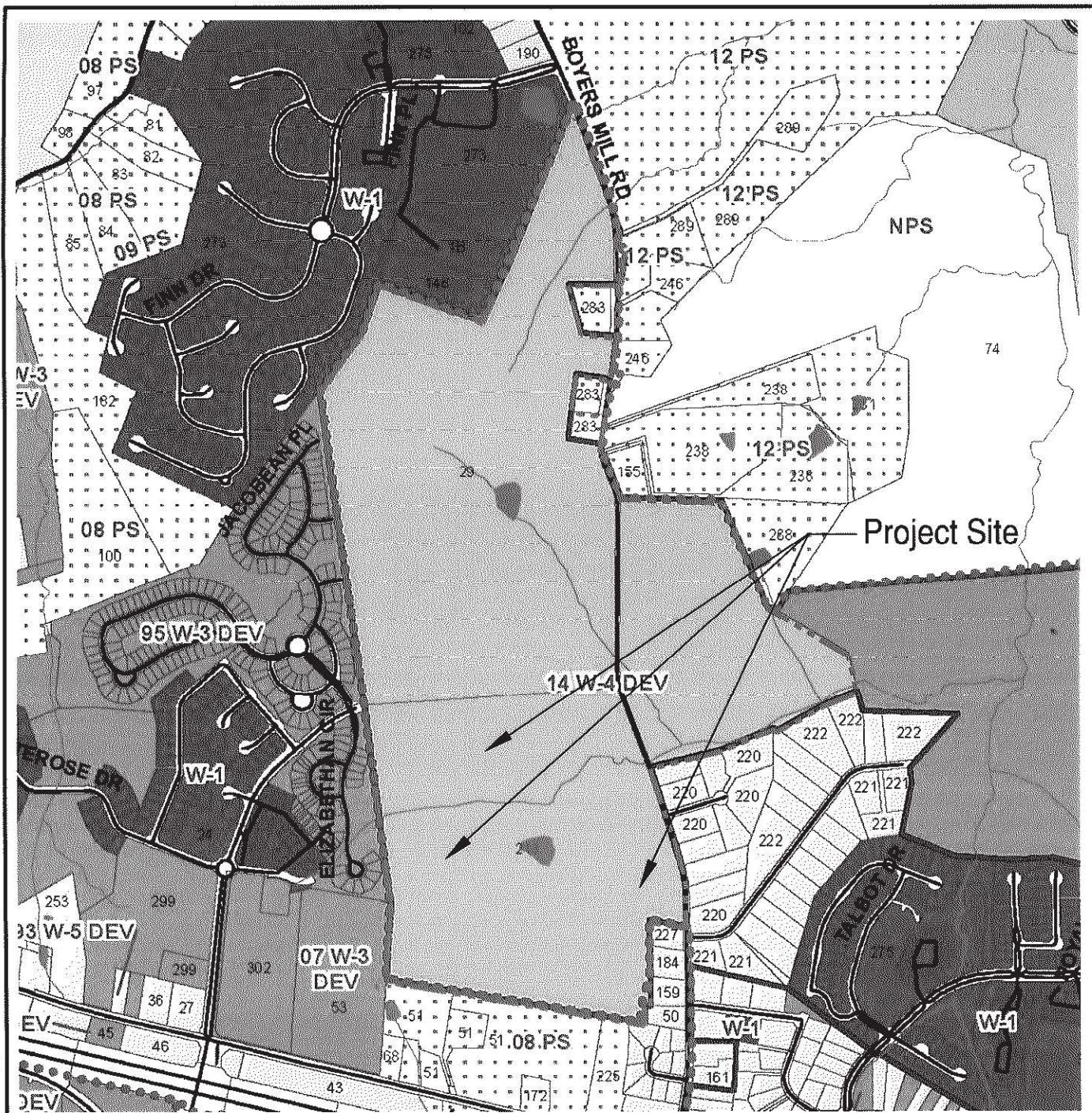
Bowman Consulting Group, Ltd.
2530 Riva Road
Suite 200
Annapolis, Maryland 21401

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.		



Bowman CONSULTING

EXHIBIT B - WATER MAP
CALUMET - MS JUSTRON FARM LLC

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

Phone: (410) 224-7590

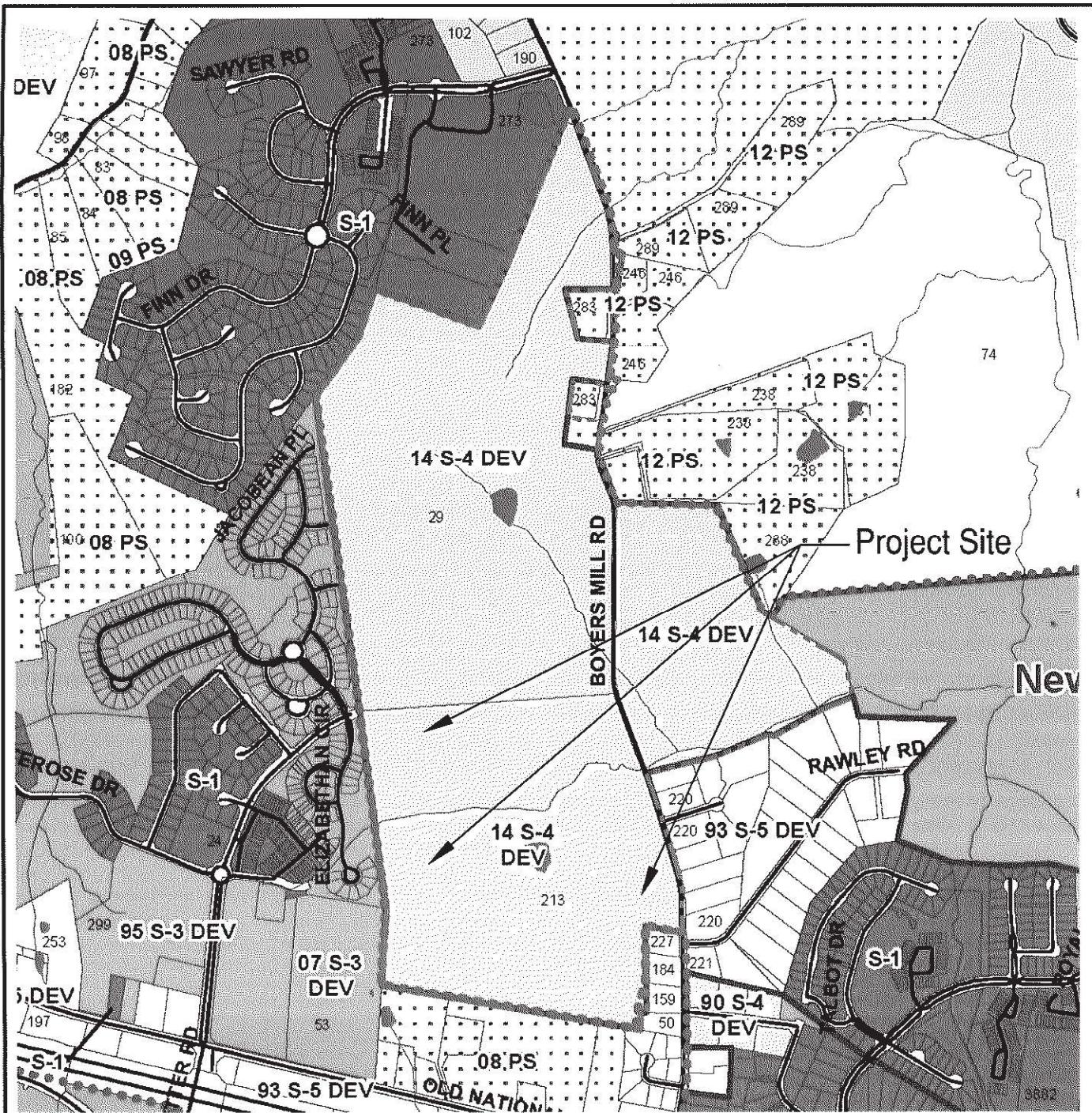
Fax: (410) 224-7592

www.bowmanconsulting.com

© Bowman Consulting Group, Ltd.

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

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



Bowman CONSULTING

**EXHIBIT C - SEWER MAP
CALUMET - MS JUSTRON FARM LLC**

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

EXHIBIT D

Calumet

Preliminary Engineering Report Cost Estimate

July 22, 2016

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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:

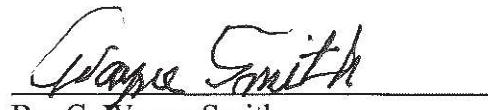
Justron, LLC is the owner of the real property known as the "Smith Property," which is located along Boyers Mill Road and north of Maryland Route 144 (the "Smith Property"). The Smith Property also is identified by Tax Map 79, Parcel 213 and Property Tax Identification Number 09-255826.

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.

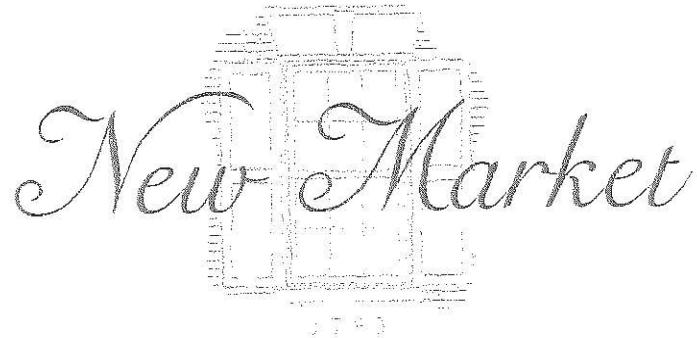
The purpose of this letter is to express the authorization, agreement, and consent of Justron, LLC to the filing of the Application by MS Justron Farm, LLC, and, more specifically, to express the authorization, agreement, and consent to the requested changes to the current Water and Sewerage classifications 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

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.

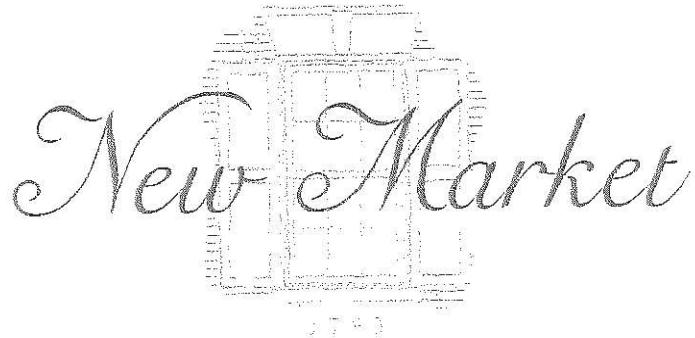
Thank you for your attention to this matter.

Sincerely,

JUSTRON, LLC

By: Justin Smith
Name:

Managing Member



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.

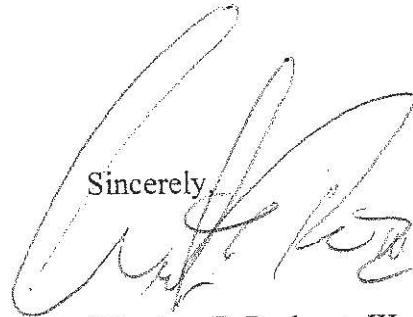
As you know, water and sewer studies were performed for the Calumet PDD (in consultation with DUSWM) as part of the annexation, rezoning, master plan and preliminary subdivision plan process, and, approved by the Town, indicating that adequate water and sewer facilities are available to serve the development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

A handwritten signature in black ink, appearing to read "Winslow F. Burbans, III".

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

4814-8863-1093, v. 1



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)

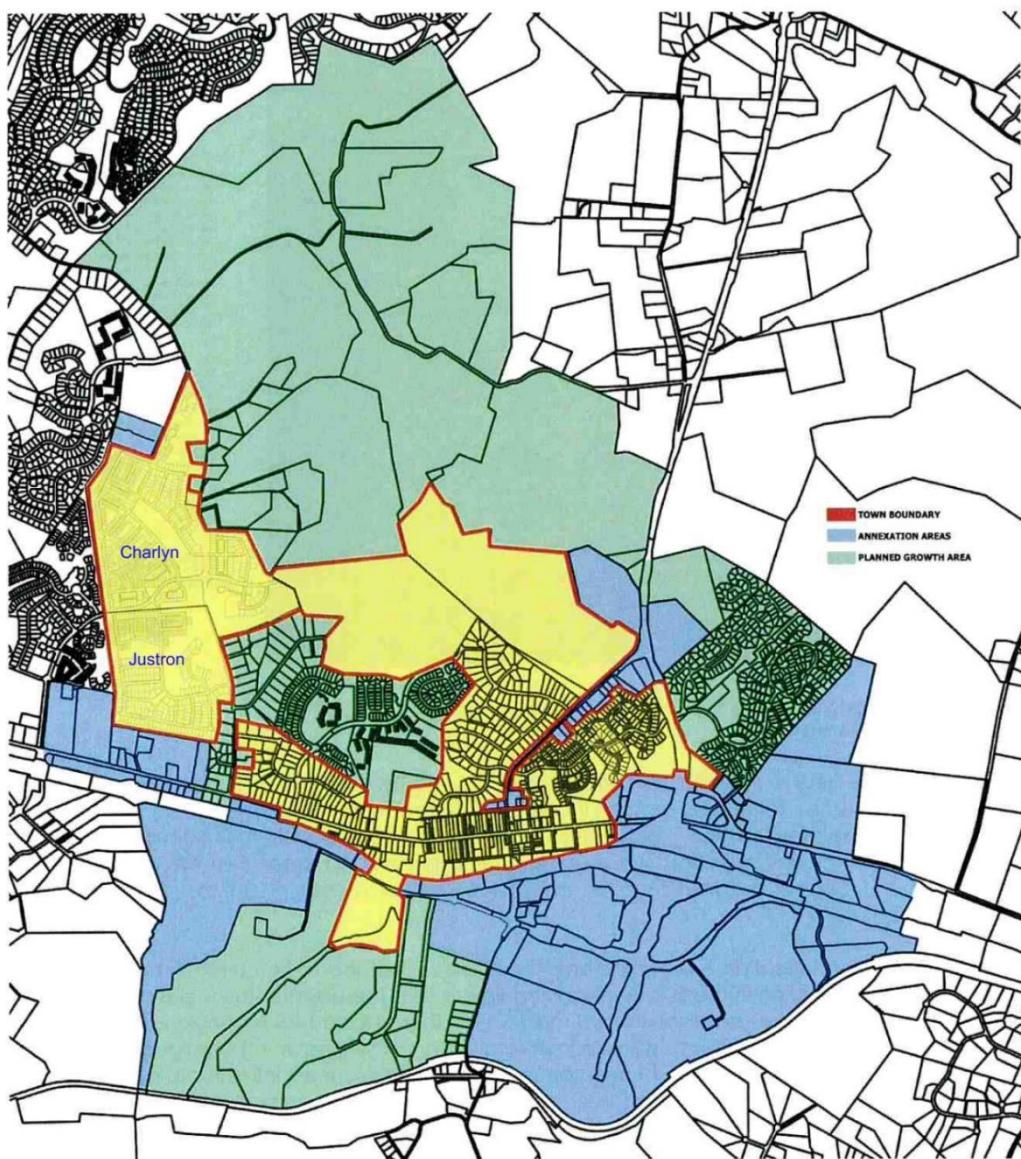
Dear Ms. Gaines and Ms. Flom:

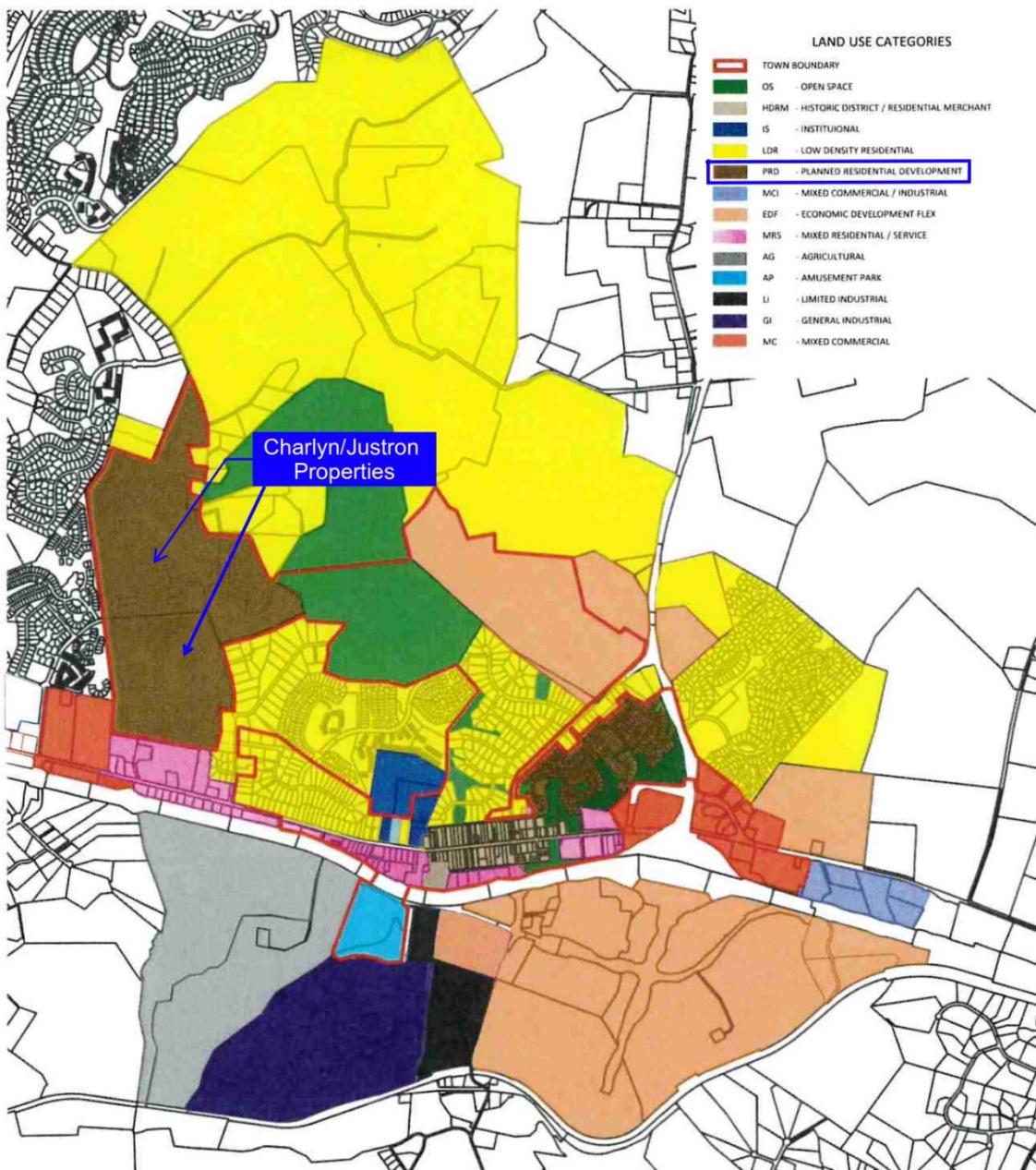
Previously, on July 14, 2016, the Mayor and Council of the Town of New Market, Maryland (“Mayor and Council” or “Town”) approved requests for amendments to the Frederick County Water & Sewerage Plan (“Water & Sewerage Plan”) to reclassify the above referenced properties from W-4/Dev, S-4/Dev to the W-3/Dev, 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