

**From:** [Cherney, Ragen](#)  
**To:** [Brandt, Kimberly G.](#)  
**Cc:** [Mitchell, Kathy \(Legal\)](#)  
**Subject:** Fw: New voicemail for County Council from Public Input  
**Date:** Monday, September 19, 2022 8:00:14 AM  
**Attachments:** [Outlook-FCG-Seal-R.png](#)

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**Ragen Cherney**

*Chief of Staff/Legislative Director*

Frederick County Council  
Winchester Hall  
12 East Church Street  
Frederick, Maryland 21701  
301.600.1049



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**From:** Luna, Nancy <NLuna@FrederickCountyMD.gov>  
**Sent:** Monday, September 19, 2022 7:40 AM  
**To:** Council Members <CouncilMembers@FrederickCountyMD.gov>  
**Cc:** County Council Staff <CountyCouncilStaff@FrederickCountyMD.gov>  
**Subject:** New voicemail for County Council from Public Input

From: +13018313136

Message Transcription: This is Patrick. She Monrovia, Maryland. I'm watching the meeting of eight 13 about talking about Kai has just finished his diet tribe on a line in the sand, so to speak, you know, what the council's supposed to be projecting now is the fact that sugar loss looking for something that's not gonna change. And all you've done during this whole time is talk about how this is gonna change and that's gonna change. And Mr. Woodfield, and I forget the lady's name who are great people object because their professional opinion is being questioned. Get over it. It's not about one person. It's about everyone and you represent everyone. So, you know, it just kills me that you don't get the fact that maybe Sugarloaf looking through your conversation, that this is something that they can depend on the word of the government and stop talking about change, change, change. I'll tell you what it's crazy. Thank you very much and have a good day. And I know it's a hard plan, but believe it or not, the treasured Southeast, plan's gonna be coming up soon. Goodbye. Have a great day.

[Audio File](#)

You can change or disable notifications like these on the [project settings tab](#).

**From:** [Cherney, Ragen](#)  
**To:** [Brandt, Kimberly G.](#)  
**Cc:** [Mitchell, Kathy \(Legal\)](#)  
**Subject:** FW: Sugarloaf Treasured Landscape Management Plan  
**Date:** Wednesday, September 21, 2022 8:13:52 AM  
**Attachments:** [image001.png](#)

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**Ragen Cherney**

*Chief of Staff/Legislative Director*  
Frederick County Council  
Winchester Hall  
12 East Church Street  
Frederick, Maryland 21701  
301.600.1049



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**From:** Hannah Vo-Dinh <[hannah.vodinh@gmail.com](mailto:hannah.vodinh@gmail.com)>  
**Sent:** Tuesday, September 20, 2022 6:16 PM  
**To:** Council Members <[CouncilMembers@FrederickCountyMD.gov](mailto:CouncilMembers@FrederickCountyMD.gov)>  
**Subject:** Sugarloaf Treasured Landscape Management Plan  
**[EXTERNAL EMAIL]**

I oppose Councilman Dacey's amendment regarding the originally planned boundaries of the Sugarloaf Treasured Landscape Management Plan. When it comes to preserving wild and rural areas, there must be boundaries. Rt. 270 has long represented a border between the development in Urbana on the east, and preservation on the west. Without clear delineations between urban and rural, the result is suburban sprawl. Councilman Dacey's sudden attempt to remove 3000 acres from the original plan would open the floodgates to development and diminish the quality of life for present and future generations. Please vote against Councilman Dacey's amendment.

Thank you,  
Hannah Vo-Dinh  
5520B Burkittsville Rd.  
Jefferson, MD 21755  
(301) 401-3213

**From:** [Cherney, Ragen](#)  
**To:** [Steve Black](#)  
**Cc:** [Cherney, Ragen](#)  
**Subject:** RE: Additional person to speak for Sugarloaf Alliance  
**Date:** Tuesday, September 20, 2022 9:59:38 AM  
**Attachments:** [image001.png](#)

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Thank you. I will let President Keegan-Ayer and the time keeper be aware of this for next Tuesday, September 27, 2022.

R

**Ragen Cherney**  
*Chief of Staff/Legislative Director*  
Frederick County Council  
Winchester Hall  
12 East Church Street  
Frederick, Maryland 21701  
301.600.1049



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**From:** Steve Black <steveblack2313@gmail.com>  
**Sent:** Tuesday, September 20, 2022 9:51 AM  
**To:** Cherney, Ragen <RCherney@FrederickCountyMD.gov>  
**Subject:** Additional person to speak for Sugarloaf Alliance

**[EXTERNAL EMAIL]**

Ragen,

Attached is the Sugarloaf Alliance authorization for Michele Rosenfeld, our attorney, to speak on behalf of the Alliance at Council meetings.

Michele will be speaking on behalf of the Alliance at the Sept 27th Public Hearing for the Sugarloaf Plan. She will request 5 minutes of the Council's time.

Thank you.

Steve Black  
President  
Sugarloaf Alliance



During the September 19, 2022 Executive Committee meeting of the Sugarloaf Alliance, Inc., a 501 (c) (3) organization, Sue Trainor made a motion that Michele Rosenfeld, Attorney, is able to speak on behalf of the Sugarloaf Alliance at any and all Frederick County Council meetings. Ingrid Rosencrantz seconded the motion. All Executive Committee members voted to approve this decision.

Signed,

*Johanna Springston, 9/19/2022*

Johanna Springston, Secretary  
Sugarloaf Alliance, Inc.

## **Specht, Jennifer**

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**From:** Cherney, Ragen  
**Sent:** Thursday, September 22, 2022 9:50 AM  
**To:** Brandt, Kimberly G.  
**Cc:** Mitchell, Kathy (Legal)  
**Subject:** FW: Sugarloaf Area Plan

**Ragen Cherney**  
*Chief of Staff/Legislative Director*  
Frederick County Council  
Winchester Hall  
12 East Church Street  
Frederick, Maryland 21701  
301.600.1049



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**From:** Brian Unruh <brianedwardunruh@gmail.com>  
**Sent:** Wednesday, September 21, 2022 12:07 PM  
**To:** Council Members <CouncilMembers@FrederickCountyMD.gov>  
**Subject:** Sugarloaf Area Plan

**[EXTERNAL EMAIL]**

Frederick County Council,

My wife and I live on Yorkshire Court overlooking the Monocacy River, just south of Buckeystown and west of Baker Valley. I learned yesterday about the ongoing debate concerning the "Sugarloaf Area Plan." My understanding is that the Plan is somewhat controversial, and that a public meeting on the issue is scheduled for 27 September 2022.

I reviewed the Sugarloaf Area Plan online. In general, the Plan looks good to me. I would like to preserve and protect as much green space as possible from Sugarloaf Mountain up to and including Buckeystown Park, Baker Valley, and the Monocacy Battlefield.

Frederick County is beautiful. Karen and I moved to Yorkshire Court because we enjoy the meadow, the trees, and the rural atmosphere. As you work to finalize the Sugarloaf Area Plan, I hope that you will limit further "development."

Thank you for your consideration.

Sincerely,

Brian E. Unruh

**From:** [Gardner, Jan](#)  
**To:** [Brandt, Kimberly G.](#)  
**Subject:** FW: "Sugarloaf Treasured Landscape Management Plan" remains under attack by developers & land speculators, The last big Public Hearing is on 9/27/22 is the Big One, to defend this plan which is fair to all players PLEASE READ: Amendments & 9/27 Hearing  
**Date:** Wednesday, September 21, 2022 12:05:31 PM  
**Attachments:** [PastedGraphic-1.png](#)  
[image001.png](#)

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FYI

**From:** smordensky@aol.com <smordensky@aol.com>  
**Sent:** Wednesday, September 21, 2022 6:05 AM  
**To:** e.c.mordensky@gmail.com; stan.mordensky@gmail.com; srs1220@hotmail.com; markwgranger@gmail.com; vpcommunicatic@frederickskiclub.com; samordensky@gmail.com; kmordensky@gmail.com; g.b.moore@comcast.net; daledahlke@comcast.net  
**Cc:** Council Members <CouncilMembers@FrederickCountyMD.gov>; Gardner, Jan <JGardner@FrederickCountyMD.gov>  
**Subject:** "Sugarloaf Treasured Landscape Management Plan" remains under attack by developers & land speculators, The last big Public Hearing is on 9/27/22 is the Big One, to defend this plan which is fair to all players PLEASE READ: Amendments & 9/27 Hearing

**[EXTERNAL EMAIL]**

Good morning,

**An important update follows below my email from The Climate Change Group and the Sugarloaf Alliance, both of which I support.**

The Sugarloaf Plan (**STLMP**) can move forward to preserve & protect beneficial land uses clean water, and clean air & help maintain & support a healthier climate or take on several changes greatly weakening this "fair to all" plan.

Twenty thousand acres are in this plan which is located in S Frederick County, MD (20 square miles) west of the I-270 disputed demarcation boundary but however historic for over 50 years separating high-density development including townhouses & strip malls to the east of I-270 in Urbana City & and a rural natural setting of pastoral scenes on the west side of I-270 keeping fields, forests, small farms, high quality water in flowing trout streams, rural homes and all being a part of the view from atop Sugarloaf Mt which is 3,500 acres of this much larger plan.

The plan includes land westward from I-270 & again south of the westward flowing Monocacy River (northern boundary) & back to the Montgomery/Frederick County line (southern boundary) near Barnesville, not too far from Boyds, MD.

This plan began over two years ago when all players & landowners in this area sat down at the table and shared their visions & concerns during many, many public meetings.

**"The Livable & Sustainable Frederick Plan"**, a blueprint to guide development & provide a long vision& road map for Frederick County, MD in the next fifty or so years, preceded the Sugarloaf Plan.

After thousands of hours in sensitive negotiations, this **Sugarloaf Treasured Landscape Management Plan (STLMP) evolved. IT came out of Planning & Zoning Commission in the spring of 2022.** It has been under attack ever since by a small handful of powerful builder/developers & land speculators. Montgomery County, MD w/its large population and being a **Greater Metro**

**DC/Baltimore suburb** set aside 90,000 acres into the **Montgomery Agricultural Preserve** in the 1960s. It includes the towns of Laytonsville/Damascus, Barnesville/Poolesville, Boyds and others.

The final FC Public Hearing & opportunity to make a public comment to address the FC council is Tuesday, 9/29,22.

All speakers **must sign up on that specific sign-up sheet to speak**. Overflow will speak the following Thursday but only if somehow your name appears on the 9/29 sign in.

Again, you will not be able to make public comment on 9/29 unless your name appears on the sign-in sheet found at the public entrance & entry-level Winchester Hall lobby & by the door to the entrance to the large FC Council Meeting Room.

Maybe a friend can fill in write your name & address if you expect to be late?

Sincerely,

Stan Sr., (Retired MD World Studies & Science Teacher)  
Stan Mordensky, Sr.

Ijamsville, MD 21754

Home/Office Phone: 301-831-6619

-----Original Message-----

From: Karen Russell <[ccwgfredco@gmail.com](mailto:ccwgfredco@gmail.com)>

Sent: Sat, Sep 10, 2022 11:07 am

Subject: Fwd: PLEASE READ: Amendments & 9/27 Hearing

Ingrid is on the agenda for this Saturday's (Sept 17, 10am) CCWG meeting to address us about the Sugarloaf Plan. In the meantime, you can learn more by attending or tuning in to this Tuesday's County Council meeting. See below.

Karen Russell

[ccwgfredco@gmail.com](mailto:ccwgfredco@gmail.com)

Envisioning Frederick County through the lens of climate change

<https://envisionfrederickcounty.org/climate-change-working-group/>



Begin forwarded message:

From: Sue Trainor <[sue.trainor.music@gmail.com](mailto:sue.trainor.music@gmail.com)>

Subject: PLEASE READ: Amendments & 9/27 Hearing

Date: September 9, 2022 at 6:21:45 PM EDT

To: Sue Trainor <[Sue.trainor.music@gmail.com](mailto:Sue.trainor.music@gmail.com)>



**Dear Neighbors and Friends of Sugarloaf,**

We have 5 topics for your attention in this newsletter:

- 1. This is the big one: PLEASE PLAN TO ATTEND the Sugarloaf Plan Hearing on 9/27 at 5:30pm**
- 2. Amendments to the Plan will be Introduced and Voted on at the 9/13**

## **Council Workshop**

### **3. Sugarloaf Alliance at Frederick In-The-Streets**

#### **4. Donate**

#### **5. Next Steps**

#### **1. This is the big one: PLEASE PLAN TO ATTEND the Sugarloaf Plan Hearing on 9/27 at 5:30pm**

On Tuesday, September 27, the County Council will hold their formal hearing on their amended version of the Sugarloaf Plan. This is the night when citizen comments are the primary focus of the meeting. An overflowing room of Sugarloaf preservation supporters, **clad in green shirts**, will tell a story like nothing else can. We'll share more detailed information as the date approaches. For now, please mark your calendars and plan to attend if you believe the that this area is treasured landscape to be preserved.

There's no going back: If commercial interests prevail, if the Council does not hold the boundary line at I-270 and/or does not fully support the preservation overlay, the west-side sprawl will begin. The Sugarloaf Plan becomes a development plan, not a preservation plan.

#### **2. Amendments to the Plan will be Introduced and Voted on at the 9/13 Council Workshop**

On 8/23, Council Member McKay proposed 14 amendments to the Sugarloaf Plan, which the Sugarloaf Alliance believes are appropriate or, at least, are acceptable compromises. Some are technicalities. One eliminates the "poison pill" amendment sentence on page 54. The other big one proposes to eliminate the Plan's rezoning of steep slopes and waterways to "Rural Conservation." That rezoning idea has caused a lot of confusion and consternation among affected property owners. We agree that a more individualized, micro-lens approach could be helpful. The public has had weeks to comment on Mr. McKay's earlier proposals. As we write this, we are learning that Mr. McKay now has introduced four new amendments, which we have not had time to analyze. You can find all of the amendments introduced so far in the [County Council 9/13 agenda](#).

**We still are concerned that other amendments may be added - among them, returning the Sugarloaf Plan boundary to Rt. 80.** The Planning Commission recommended the I-270 boundary to the County Council and the Sugarloaf Alliance supports that recommendation. If you have not written to the Council Members lately supporting the I-270 boundary, **please anticipate this potential amendment and write in NOW.** (Details below.)

As always, please attend the County Council meeting if you can (**wearing a green shirt :-)**). Council meetings start at 5:30 in Winchester Hall.

### **3. Sugarloaf Alliance at Frederick In-The-Streets**

Thanks to the Sierra Club for inviting Sugarloaf Alliance to share their table at Frederick In-The-Streets all day tomorrow, Saturday, 9/10. The event takes place from 11am - 5pm. Look for the Sierra Club tent on Market Street between 4th and 5th streets, in the middle and on the left as you walk toward 5th street. We'll be there with flyers that explain the boundary issue, a mailing list sign-up, and connection to the petition, so send your friends on over. Hope to see you there!

#### **4. Donate!**

Sugarloaf Alliance has been running on a shoestring for the past year. This is the first time we've reached out to you for donations. We have some legal expenses (trying to get to the bottom of the transparency issues, as reported previously), now we have website expenses and other get-the-word-out expenses. We hope to get a "donate" button at the website soon, but while we jump through those hoops, a check would be most appreciated; whatever you can do. We are 501(c)3, so donations are deductible. Please make your check payable to Sugarloaf Alliance, Inc. and mail it c/o Nick Carrera, 2602A Thurston Road, Frederick, MD 21704.

## 5. Next Steps

Here's how you can help preserve from development the Sugarloaf Treasured Landscape:

- Share, share, share!
  - Share this newsletter to your email friends
  - Invite everyone to sign the petition - we're at 1,763 - let's get even more from Frederick Co.!
    - <https://chng.it/tpZ4SLJ24j>
  - Share our website: [www.sugarloaf-alliance.org](http://www.sugarloaf-alliance.org)
  - Share our facebook page: Facebook@sugarloafalliance
- Many hands, as they say.... We're all volunteers. We do what we can. Even if you've commented 15 times before, please comment again and again and again. The boundary issue is back. Show up, call in, email. Contact your Council Member. Contact the At-Large Council Members. Contact Council Member Jessica Fitzwater who is running for County Executive, who may be in charge of implementing the Plan and who has yet to take a position. Tell them all:
  - You support the Plan's I-270 boundary from Montgomery County to the Monocacy.
  - You support the Overlay and the Plan's preservation goals for the Sugarloaf area.
  - Include a statement about why you appreciate the rural character of the area west of I-270 and why you believe dense development should continue to be focused on the east side of I-270.
  - You oppose the paragraph on page 54, which opens the door to short-term Plan amendments because it creates an explicit opportunity for developers to quickly push for Plan changes despite more than 2 years of work and public input on the current version.
  - Thank the Council Members for their support of the Sugarloaf Plan.

Find more information and talking points at our website: [sugarloaf-alliance.org](http://sugarloaf-alliance.org)

Here is a link to the most recent version of the Sugarloaf Plan, as approved by the Planning Commission, and available at the county website:

<https://www.frederickcountymd.gov/DocumentCenter/View/337082/Sugarloaf-Area-Plan-FCPC-Draft-2022-03-10>

- Here's the County Council's upcoming schedule for considering the Sugarloaf Plan. You may have seen in the *Frederick News Post* that the Council approved an extension to their Sugarloaf Plan consideration deadline in order to accommodate a legal ambiguity. At the same time, they announced that they are not changing the action schedule they announced earlier (see below). We will confirm and update this information as dates approach.
  - Tuesday, 9/13 at 5:30pm: Plan discussion wrap-up; amendments voted on
  - Tuesday, 9/27 at 5:30pm: Public Hearing on the County Council Plan Draft (including any potential amendments)
  - Thursday, 9/29 at 2pm: Back-up hearing
  - Monday, 10/3 at 5:30pm: Plan discussion and final reading of amendments
  - Tuesday, 10/11 at 5:30pm: Discussion on rezoning; public hearing (if needed)
  - Tuesday, 10/18 at 5:30pm: Rezoning discussion continued; public hearing if amended; Plan adoption
  - Tuesday, 10/25 at 5:30pm: Final reader of zoning text amendments (adoption); vote on rezoning

### **Here's How to Make Your Voice Heard:**

- Please attend some Council Meetings in person, especially 9/27! **Wear a green shirt** to show your support for the Plan. Your presence is a statement. Council meetings are held on the first floor of Winchester Hall, 12 E Church St, Frederick.
- If you are not able to attend in person, the Council also will continue to take calls. **We recommend that you call in and record your comments AFTER the meeting begins at 5:30: Call 855-925-2801 and enter code 8365. You will be prompted to press \* for more options. Press 2 to record a voicemail message that will be played during the meeting.**
- Watch the meeting online: <https://www.frederickcountymd.gov/1225/FCG-TV>
- Email your comments to the County Council at [councilmembers@frederickcountymd.gov](mailto:councilmembers@frederickcountymd.gov).

- Email or call your Council Member, the At-Large Members, and County Executive Candidate Fitzwater:

Steve McKay (District 2), [SMcKay@frederickcountymd.gov](mailto:SMcKay@frederickcountymd.gov), 301-600-1034

Michael Blue (VP, District 5) [MBlue@FrederickCountyMD.gov](mailto:MBlue@FrederickCountyMD.gov), 301-600-1034

Jerry Donald\* (District 1), [JDonald@FrederickCountyMD.gov](mailto:JDonald@FrederickCountyMD.gov), 301-600-2336

Jessica Fitzwater (District 4), [JFitzwater@FrederickCountyMD.gov](mailto:JFitzwater@FrederickCountyMD.gov), 301-600-2336

M.C. Keegan-Ayer (Pres., District 3), [MCKeegan-Ayer@FrederickCountyMD.gov](mailto:MCKeegan-Ayer@FrederickCountyMD.gov), 301-600-1101

Kai Hagen (At Large), [KHagen@FrederickCountyMD.gov](mailto:KHagen@FrederickCountyMD.gov), 301-600-2336

Phil Dacey (at Large), [PDacey@FrederickCountyMD.gov](mailto:PDacey@FrederickCountyMD.gov), 301-600-1034

\* The Sugarloaf Plan area is within Councilman Donald's district.

**As always, thanks for all you do. It's going to take a BIG village to lift this across the finish line.**

*The Sugarloaf Alliance represents over 450 stakeholders in the Sugarloaf region. The Alliance's mission is to protect the unique natural and historical aspects of the Sugarloaf Mountain area and its environment through education and initiatives in support of watersheds, streams, meadows, forests, and historic sites. Working with volunteers, civic groups, and local, state, and federal agencies, the organization's primary goal is to preserve the unique character and serenity of the area for future generations. Sugarloaf Alliance is a 501(c)(3) organization.*

*Steve Black, President*

*Sue Trainor, Vice President*

*Nick Carrera, Treasurer*

*Johanna Springston, Secretary*

**From:** [Cherney, Ragen](#)  
**To:** [Keegan-Ayer, MC](#); [Snyder, Charles](#)  
**Cc:** [Cherney, Ragen](#); [Brandt, Kimberly G.](#); [Mitchell, Kathy \(Legal\)](#); [Keller, Catherine](#)  
**Subject:** FW: Another PH question  
**Date:** Thursday, September 22, 2022 1:19:17 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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FYI

**Ragen Cherney**  
*Chief of Staff/Legislative Director*  
Frederick County Council  
Winchester Hall  
12 East Church Street  
Frederick, Maryland 21701  
301.600.1049

A large rectangular redaction box covering several lines of text, with a small blue square containing a white question mark in the center.

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**From:** Cherney, Ragen <RCherney@FrederickCountyMD.gov>

**Sent:** Thursday, September 22, 2022 1:18 PM

**To:** Blanca Poteat <bcpoteat@gmail.com>

**Cc:** Cherney, Ragen <RCherney@FrederickCountyMD.gov>

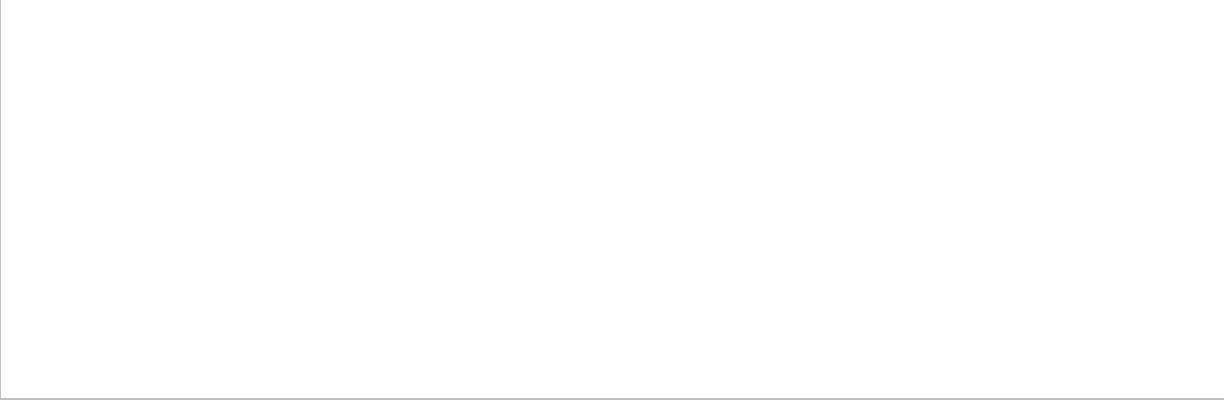
**Subject:** RE: Another PH question

Good Afternoon,

My apologies for the delay. The County has an administrative policy regarding signs below:

[County Executive - Public Meeting Rules of Conduct in County Facilities - signed CAO Barnes](#)

[1.25.19.pdf - All Documents \(sharepoint.com\)](#)

A large rectangular redaction box covering several lines of text.

Thank you.

**Ragen Cherney**  
*Chief of Staff/Legislative Director*  
Frederick County Council  
Winchester Hall  
12 East Church Street  
Frederick, Maryland 21701  
301.600.1049



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**From:** Blanca Poteat <[bcpoteat@gmail.com](mailto:bcpoteat@gmail.com)>  
**Sent:** Wednesday, September 21, 2022 1:41 PM  
**To:** Cherney, Ragen <[RCherney@FrederickCountyMD.gov](mailto:RCherney@FrederickCountyMD.gov)>  
**Subject:** Another PH question  
**[EXTERNAL EMAIL]**

Does the county council allow audience members to hold signs during meetings and public hearings?  
Any size or other requirements?

Thanks.

Blanca Poteat

**From:** [Cherney, Ragen](#)  
**To:** [Brandt, Kimberly G.](#)  
**Cc:** [Mitchell, Kathy \(Legal\)](#)  
**Subject:** FW: Sugarloaf Treasured Landscape Management Plan  
**Date:** Thursday, September 22, 2022 1:15:11 PM  
**Attachments:** [image001.gif](#)  
[image003.png](#)  
[image002.png](#)

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**Ragen Cherney**

*Chief of Staff/Legislative Director*

Frederick County Council  
Winchester Hall  
12 East Church Street  
Frederick, Maryland 21701  
301.600.1049



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**From:** Steve Heine <SHeine@woodsborobank.com>  
**Sent:** Thursday, September 22, 2022 1:01 PM  
**To:** Council Members <CouncilMembers@FrederickCountyMD.gov>  
**Subject:** Sugarloaf Treasured Landscape Management Plan  
**[EXTERNAL EMAIL]**

Dear County Council Members:

I am writing to explain Woodsboro Bank's alignment with the Livable Frederick Coalition and concern with the Sugarloaf Treasured Landscape Management Plan as presently drafted. We are not involved to advocate for individual property rights.

Our bank's concern is that the current plan proposes downzoning certain properties that would diminish the ability of the owner to make a living or receive a return on their investment that was expected when they initially purchased the property. So where do banks become involved? Banks make loans to individuals and businesses with the expectation that they will be paid back based on known or expected income later. If a property owner's zoning is changed to substantially diminish their ability to do this, then the bank may not be paid back for the loan. This will result in a loss to the bank. This loss is born by bank shareholders, which in the case of Woodsboro Bank are predominately local investor/owners. Bank employees would also be negatively impacted because it would reduce the banks financial resources that are available for their development, compensation, and benefits.

While banks always take risks when making a loan, the impact proposed in the Sugarloaf plan is not and cannot regularly be considered. Banks depend on predictability and information known at the time when making loans. Our concern is if the Sugarloaf plan moves forward as presented it will set a precedent that will eventually have a meaningful negative impact on homeowners, business owners and banks in Frederick County, ours

included. Furthermore, this precedent may be applied to other areas in Frederick County that our bank is currently or will be lending to property owners.

On a personal note, I am a Frederick County resident and avid outdoor enthusiast, thus I am concerned the proposed Sugarloaf plan overlay will result in Sugarloaf Mountain being closed to public use. This would negatively impact the quality of life for me and many other likeminded citizens. I appreciate the efforts to continue the sustainment, access to, and quality of outdoor life in Frederick County and believe it can be achieved in a balanced way.

I hope this helps explain why a local, 123-year-old community bank would weigh-in on this critical issue. Thank you for considering this position and I hope it will be a factor in how you proceed forward.

Respectfully,  
Steve Heine



**"Never believe that a few caring people can't change the world. For, indeed, that's all who ever have" – Margaret Mead**

**From:** [Brandt, Kimberly G.](#)  
**To:** [Specht, Jennifer](#)  
**Subject:** Fwd: How do I comment on the "treasured sugarloaf" plan?  
**Date:** Monday, September 26, 2022 10:18:03 AM

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Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

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**From:** Goodfellow, Tim <TGoodfellow@FrederickCountyMD.gov>  
**Sent:** Monday, September 26, 2022 9:34:30 AM  
**To:** Cherney, Ragen <RCherney@FrederickCountyMD.gov>; Redmond, Lee <LRedmond@FrederickCountyMD.gov>  
**Cc:** Brandt, Kimberly G. <KGBrandt@FrederickCountyMD.gov>  
**Subject:** FW: How do I comment on the "treasured sugarloaf" plan?

--recent public comments received. FYI.  
I also responded to this person, acknowledging receipt.  
Thanks.  
Tim

-----Original Message-----

From: Susan Grodsky <sjgrodsky@yahoo.com>  
Sent: Saturday, September 24, 2022 11:03 PM  
To: Goodfellow, Tim <TGoodfellow@FrederickCountyMD.gov>  
Cc: Jane Tomlinson <tomlinsonstudio@msn.com>  
Subject: How do I comment on the "treasured sugarloaf" plan?

[EXTERNAL EMAIL]

Looking for a website that is collecting public comments, can't find one.

—MY COMMENTS BEGIN HERE—

Planning department has done well with "treasured sugarloaf" plan.

Demands of Stronghold to be exempt from plan are absurd and should be denied.

Stronghold's threat to close the mountain to the public if their demands are not satisfied is the temper tantrum of a five year old.

County Council cannot give in to threats from ill-tempered children. Its job is to govern for the good of all residents, not to pander to the self-important.

County Council must wait patiently while Stronghold board members hold their breath and turn blue.

Argument that plan violates property rights is absurd. Property rights are subject to zoning.

As a solution, I recommend that Stronghold sell Sugarloaf to Frederick County, offering a price the county can afford. Or Stronghold can pay lawyers for the next ten years while destroying the good will built up during the last 50.

When analyzing the cost of each choice, Stronghold should factor in the price of additional security for each board member.

County Council must offer way for Stronghold board to retreat while saving face.

—END OF COMMENTS—

--Susan

"People will forget what you said. People will forget what you did. But people will never forget how you made them feel." Maya Angelou.

**From:** [Brandt, Kimberly G.](#)  
**To:** [Specht, Jennifer](#)  
**Subject:** Fwd: Town of Barnesville letter in Support of Sugarloaf Plan  
**Date:** Monday, September 26, 2022 10:08:16 AM  
**Attachments:** [Sugarloaf plan council letter.docx](#)  
[Outlook-FCG-Seal-R.png](#)

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**From:** Cherney, Ragen <RCherney@FrederickCountyMD.gov>  
**Sent:** Monday, September 26, 2022 8:14:13 AM  
**To:** Council Members <CouncilMembers@FrederickCountyMD.gov>  
**Cc:** County Council Staff <CountyCouncilStaff@FrederickCountyMD.gov>; Brandt, Kimberly G. <KGBrandt@FrederickCountyMD.gov>; Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>  
**Subject:** Fw: Town of Barnesville letter in Support of Sugarloaf Plan

FYI

**Ragen Cherney**  
*Chief of Staff/Legislative Director*  
Frederick County Council  
Winchester Hall  
12 East Church Street  
Frederick, Maryland 21701  
301.600.1049

---

**From:** Goodfellow, Tim <TGoodfellow@FrederickCountyMD.gov>  
**Sent:** Monday, September 26, 2022 8:11 AM  
**To:** Cherney, Ragen <RCherney@FrederickCountyMD.gov>; Redmond, Lee <LRedmond@FrederickCountyMD.gov>  
**Subject:** FW: Town of Barnesville letter in Support of Sugarloaf Plan

---

Hello Lee and Ragen....please see attached letter for the Council members re: Sugarloaf Plan.  
Thanks.  
Tim

-----Original Message-----

From: Mildred Callear <mildredcallear@gmail.com>  
Sent: Sunday, September 25, 2022 9:57 PM  
To: Sugarloaf Area Plan <SugarloafAreaPlan@FrederickCountyMD.gov>  
Cc: Goodfellow, Tim <TGoodfellow@FrederickCountyMD.gov>; Brandt, Kimberly G. <KGBrandt@FrederickCountyMD.gov>; Maria Castner Miller <maria.castner.miller@gmail.com>; Mike Zuckerman <mike@mocobuilder.com>; Town Barnesville <clerk.bmd@gmail.com>  
Subject: Town of Barnesville letter in Support of Sugarloaf Plan

[EXTERNAL EMAIL]

Please see the attached letter for the record for the upcoming Council meeting.



**Town of Barnesville  
Commissioners  
Montgomery County**

September 23, 2022

Frederick County Council

Subject: Monocacy Sugarloaf Treasured Landscape Management Plan Overlay District

Dear Members of the Frederick County Council:

As we did in February of this year when the matter was before the Planning Commission, the Town of Barnesville, located at the foot of Sugarloaf Mountain in Montgomery County, would like to go on record in support of the Monocacy-Sugarloaf Treasured Landscape Management Plan and its Overlay District.

Barnesville is the closest incorporated municipality in either county to Sugarloaf Mountain. Although there may be a county line between Barnesville and Sugarloaf Mountain, there is no line for our residents nor for the flora and fauna of the Sugarloaf ecosystem. Montgomery County's Agricultural Reserve adjoins the Sugarloaf district and forms a long green swath that today protects vast acreage from overdevelopment and ensures that this landscape will be here for the next generations. This area proves that in a world of frenetic activity, sometimes the most beneficial action is to refrain from doing more. We support maintaining the special character and sense of place of the Sugarloaf area by limiting future development on the west side of I-270. We urge Frederick County to support both the short and long term best interests of its citizens and neighboring Marylanders by adopting the management plan in its entirety.

We only have one opportunity to preserve this treasured landscape and we appreciate and support what you are doing to make sure that ours is not the last generation to benefit from all that the Monocacy-Sugarloaf region has to offer.

Sincerely,

*Mildred Callear*

Mildred Callear  
President  
Commissioners of Barnesville

**PO Box 95, Barnesville MD 20838  
[www.BarnesvilleMD.org](http://www.BarnesvilleMD.org)**

**From:** [Brandt, Kimberly G.](#)  
**To:** [Specht, Jennifer](#)  
**Subject:** Fwd: Separate question on sign up sheets  
**Date:** Monday, September 26, 2022 10:05:59 AM  
**Attachments:** [Outlook-FCG-Seal-R.png](#)

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**From:** Cherney, Ragen <RCherney@FrederickCountyMD.gov>  
**Sent:** Monday, September 26, 2022 8:06:48 AM  
**To:** Steve Black <steveblack2313@gmail.com>  
**Cc:** Brandt, Kimberly G. <KGBrandt@FrederickCountyMD.gov>; Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>; Cherney, Ragen <RCherney@FrederickCountyMD.gov>  
**Subject:** Re: Separate question on sign up sheets

5:00 pm.

R

**Ragen Cherney**  
*Chief of Staff/Legislative Director*  
Frederick County Council  
Winchester Hall  
12 East Church Street  
Frederick, Maryland 21701  
301.600.1049



---

**From:** Steve Black <steveblack2313@gmail.com>  
**Sent:** Sunday, September 25, 2022 7:22 PM  
**To:** Cherney, Ragen <RCherney@FrederickCountyMD.gov>  
**Subject:** Separate question on sign up sheets

**[EXTERNAL EMAIL]**

Ragen,

At what point in the day do you put out the sign up sheets for public commenters?

If the meeting starts at 530 when could I expect to see the sign up sheets?

Thank you

Steve Black

**From:** [Brandt, Kimberly G.](#)  
**To:** [Specht, Jennifer](#)  
**Subject:** Fwd: September 27 FCC Public Hearing Concerns  
**Date:** Monday, September 26, 2022 10:06:23 AM  
**Attachments:** [Outlook-FCG-Seal-R.png](#)

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**From:** Cherney, Ragen <RCherney@FrederickCountyMD.gov>  
**Sent:** Monday, September 26, 2022 8:08:35 AM  
**To:** Steve Black <steveblack2313@gmail.com>  
**Cc:** Cherney, Ragen <RCherney@FrederickCountyMD.gov>; Brandt, Kimberly G. <KGBrandt@FrederickCountyMD.gov>; Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>  
**Subject:** Re: September 27 FCC Public Hearing Concerns

Thank you for your comments. I will share your concerns with President Keegan-Ayer.

Have a good day.

R

**Ragen Cherney**  
*Chief of Staff/Legislative Director*  
Frederick County Council  
Winchester Hall  
12 East Church Street  
Frederick, Maryland 21701  
301.600.1049



---

**From:** Steve Black <steveblack2313@gmail.com>  
**Sent:** Sunday, September 25, 2022 6:18 PM  
**To:** Cherney, Ragen <RCherney@FrederickCountyMD.gov>  
**Subject:** September 27 FCC Public Hearing Concerns

**[EXTERNAL EMAIL]**

9/25/22

Ragen,

I am very concerned with the format of the September 27 public hearing for the Sugarloaf

Plan (etc).

At least two, fairly well organized, groups are making significant efforts to have as many people as possible attend the 9/27 public hearing. For argument's sake I think 200 people is a good working estimate. As you know, most of these people will be emotionally energized and many will have little experience with, or knowledge of, Council procedures.

I am disturbed to see that the draft agenda for the meeting looks complex, to put it mildly. Are there really going to be 4 different hearings? Each with its own signup sheet?

Setting aside the logistical issue of placing four signup sheets in front of a crowd and saying 'Sign up on one of these...', do you realize that this approach allows each person to speak at each distinct hearing? That's 3 minutes each for four issues for each person...3x4x200 ... for a total of 40 hours of testimony?

What if Joe Smith signs up for the Private Park hearing but starts talking about the cutout and data centers? Will the Presiding Officer rule him out of order?

I would assume that nearly everyone will try to sign up for the 1<sup>st</sup> hearing (The plan and the amendments) This will push the other 3 hearings off into the distant future. Will the Presiding Officer try to stop testimony in mid-process of one hearing so the Council can move on to the other hearings? I cannot imagine that this will not upset a crowd that already thinks there has been some backroom 'maneuvering' in the development of the plan.

I earnestly want to see these hearings go smoothly and for everyone, even the people I don't agree with, to have their chance to make public comments. I worry that the current agenda structure will not function as needed.

Is there any way to have the hearings run in parallel? The issues could all be introduced and then the public comment start? To satisfy procedural requirements all of the public testimony could be copied into each of the public records for each of the four hearings. (We are all going to say the same things over and over and over anyway)

I would very much like to discuss this. Is there any way we could have a brief phone conversation early-ish on Monday? My cell number is 240-416-0714.

Thank you,  
Steve Black  
President  
Sugarloaf Alliance

**From:** [Brandt, Kimberly G.](#)  
**To:** [Specht, Jennifer](#)  
**Subject:** Fwd: Sugarloaf Mountain Area  
**Date:** Monday, September 26, 2022 10:09:21 AM  
**Attachments:** [A plea.msg](#)  
[image001.png](#)  
[Preserve the Sugarloaf Mountain Plan.msg](#)

---

Sent from my Verizon, Samsung Galaxy smartphone  
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**From:** Cherney, Ragen <RCherney@FrederickCountyMD.gov>  
**Sent:** Monday, September 26, 2022 8:21:22 AM  
**To:** Brandt, Kimberly G. <KGBrandt@FrederickCountyMD.gov>  
**Cc:** Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>  
**Subject:** FW: Sugarloaf Mountain Area

**Ragen Cherney**  
*Chief of Staff/Legislative Director*  
Frederick County Council  
Winchester Hall  
12 East Church Street  
Frederick, Maryland 21701  
301.600.1049



---

**From:** Davies, Daniel <DDavies@si.edu>  
**Sent:** Sunday, September 25, 2022 2:05 PM  
**To:** Council Members <CouncilMembers@FrederickCountyMD.gov>  
**Subject:** Sugarloaf Mountain Area

**[EXTERNAL EMAIL]**

Maintain the Agricultural Reserve intact, and support the Sugarloaf Plan from the Montgomery Countryside Alliance and Sugarloaf Alliance. Do not allow exceptions for any development.

Daniel H Davies, CFM  
Smithsonian - South Mall  
202-633-5477(Ofc)  
202-345-6817(cell)

**From:** [sdpearcy@comcast.net](mailto:sdpearcy@comcast.net)  
**To:** [Council Members](#)  
**Subject:** A plea  
**Date:** Saturday, September 24, 2022 11:36:23 AM

---

[EXTERNAL EMAIL]

To protect our treasured Sugarloaf Mountain and surrounding area from development. For years the community has been addressing this issue with you and providing reasons to not develop west of 270. I hope you take into consideration all the arguments against this latest attempt to encroach on the Agricultural Reserve and vote down any attempts to commercialize our farmlands.

The pandemic highlighted the need of so many who live in congested, urban areas to seek refuge at Sugarloaf Mountain and all that it offers.

Please vote against any expansion of development west of 270 and please honor the original intentions for Sugarloaf Mountain.

Sincerely,  
Susan Due Pearcy  
Owner/Sugarloaf Studio  
Barnesville, MD

**From:** [margaret](#)  
**To:** [Council Members](#)  
**Subject:** Preserve the Sugarloaf Mountain Plan  
**Date:** Friday, September 23, 2022 7:56:56 PM

---

[EXTERNAL EMAIL]

Council Members,

I strongly support the preservation of open spaces in the Sugarloaf Mountain Plan. As the area gets more crowded, large numbers of people visit Sugarloaf Mountain in an effort to experience the peace and rejuvenation that only nature can provide. It would be tragic to develop land that serves to sustain a healthy balance between undeveloped and developed land.

Preservation is more vital now than ever before as communities face the challenge of a changed society.

Sincerely,

Margaret Kelley

Sent from my iPad

**From:** [Brandt, Kimberly G.](#)  
**To:** [Specht, Jennifer](#)  
**Subject:** Fwd: Would like to sign up to testify at the September 27, public hearing.  
**Date:** Monday, September 26, 2022 10:10:04 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

---

Sent from my Verizon, Samsung Galaxy smartphone

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**From:** Cherney, Ragen <RCherney@FrederickCountyMD.gov>  
**Sent:** Monday, September 26, 2022 8:31:30 AM  
**To:** Lauren Greenberger <lgreenberger@hotmail.com>; Tina Thieme Brown <tinaartbrown@gmail.com>  
**Cc:** Luna, Nancy <NLuna@FrederickCountyMD.gov>; Steven Findlay <stevenfindlay2@gmail.com>; Cherney, Ragen <RCherney@FrederickCountyMD.gov>; Brandt, Kimberly G. <KGBrandt@FrederickCountyMD.gov>; Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>  
**Subject:** RE: Would like to sign up to testify at the September 27, public hearing.

Thank you for the By-Laws. However, Rule 1-1(i) as Ms. Luna sent you also requires a second piece of documentation. We will need a formally executed resolution designating someone to speak on behalf of the Sugarloaf Citizens Association.



**Ragen Cherney**  
*Chief of Staff/Legislative Director*  
Frederick County Council  
Winchester Hall  
12 East Church Street  
Frederick, Maryland 21701  
301.600.1049



---

**From:** Lauren Greenberger <lgreenberger@hotmail.com>  
**Sent:** Sunday, September 25, 2022 4:31 PM  
**To:** Tina Thieme Brown <tinaartbrown@gmail.com>; Cherney, Ragen <RCherney@FrederickCountyMD.gov>  
**Cc:** Luna, Nancy <NLuna@FrederickCountyMD.gov>; Steven Findlay <stevenfindlay2@gmail.com>  
**Subject:** Re: Would like to sign up to testify at the September 27, public hearing.

**[EXTERNAL EMAIL]**

Dear Ms Luna and Ms Cherney,

On behalf of the Board of Directors of Sugarloaf Citizens Association, I am writing to authorize Ms Tina Thieme Brown, one of our board members, to speak on behalf of our association at the September 27th public hearing of the Frederick County Council.

In addition, I am attaching the bylaws of our organization. Our president, Steven Findlay, is out of town. He is copied here.

Please let me know if you need any other documentation.

Thank you for your help,

Lauren Greenberger  
Vice President  
Sugarloaf Citizens Association  
Linden Farm  
20900 Martinsburg Rd, Dickerson MD

**From:** "Luna, Nancy" <[NLuna@frederickcountymd.gov](mailto:NLuna@frederickcountymd.gov)>  
**Date:** September 21, 2022 at 4:35:15 PM EDT  
**To:** Tina Thieme Brown <[tinaartbrown@gmail.com](mailto:tinaartbrown@gmail.com)>  
**Cc:** "Cherney, Ragen" <[RCherney@frederickcountymd.gov](mailto:RCherney@frederickcountymd.gov)>  
**Subject: RE: Would like to sign up to testify at the September 27, public hearing.**

Ms. Brown,

Please forward the following to [rcherney@frederickcountymd.gov](mailto:rcherney@frederickcountymd.gov) who will take care of presenting it to the Council President for approval.

1. A copy of the organization's bylaws, which must be adopted at least 30 days prior to the Council public hearing,  
and
2. An executed written resolution from the board of directors (or similar governing body) authorizing the individual to speak on behalf of the organization

If approved, you will receive 5 minutes for your organization's comments. Please let me know if you have any further questions.

Thank you,  
Nancy Luna  
Executive Assistant, Frederick County Council  
12 E. Church Street  
Frederick, MD 21701  
301-600-2336

---

**From:** Tina Thieme Brown <[tinaartbrown@gmail.com](mailto:tinaartbrown@gmail.com)>  
**Sent:** Wednesday, September 21, 2022 1:40 PM  
**To:** Luna, Nancy <[NLuna@FrederickCountyMD.gov](mailto:NLuna@FrederickCountyMD.gov)>  
**Subject:** Re: Would like to sign up to testify at the September 27, public hearing.

**[EXTERNAL EMAIL]**

Thanks Ms. Luna,  
I thought Council President Keegan-Ayer made a point of showing it to the audience, to encourage us to be on the list.  
I will be presenting testimony for a civic organization.  
What is needed prior to the hearing, for that to be approved. Five minutes is allowed for organizations right?

Thank you for your help in navigating the logistics of this.  
Tina

On Sep 21, 2022, at 1:35 PM, Luna, Nancy <[NLuna@FrederickCountyMD.gov](mailto:NLuna@FrederickCountyMD.gov)> wrote:

Ms. Brown,

There is no online registration form. You will need to be in person on September 27 in order to sign in on the sign up

sheet. The Council looks forward to hearing your 3 minutes of public testimony.

-Nancy Luna  
Executive Assistant, Frederick County Council

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**From:** Tina Thieme Brown <[tinaartbrown@gmail.com](mailto:tinaartbrown@gmail.com)>  
**Sent:** Wednesday, September 21, 2022 1:23 PM  
**To:** Luna, Nancy <[NLuna@FrederickCountyMD.gov](mailto:NLuna@FrederickCountyMD.gov)>  
**Subject:** Would like to sign up to testify at the September 27, public hearing.

[EXTERNAL EMAIL]

Good afternoon Ms. Luna,

I am looking online at the county council website and I haven't found the link to sign up for testimony.

I remember Council President M.C. Keegan-Ayer holding up a white piece of paper for signing up to testify on the 27th, at the last Council Work Session devoted to the Sugarloaf Area Plan. Where can I find that online registration form?

I will be presenting testimony for our civic association.

Thank you for helping me with this.

Tina

Tina Thieme Brown  
Morningstar Studio  
18201 Barnesville Road  
Barnesville, MD 20838  
301-651-1188  
[https://urldefense.com/v3/\\_http://www.tinathiemebrown.com\\_:\\_!!2\\_OFBIJoQBjgqeup9g!FR55n2dkf6cc4vQmh9AHdhBK\\_ar2kZl404AqgwpakXqv8VTPUp\\_nCeQTUDz3cqA-qnEnEnEvkLHuQUlt6e083IYGFKeiPeQ\\$](https://urldefense.com/v3/_http://www.tinathiemebrown.com_:_!!2_OFBIJoQBjgqeup9g!FR55n2dkf6cc4vQmh9AHdhBK_ar2kZl404AqgwpakXqv8VTPUp_nCeQTUDz3cqA-qnEnEnEvkLHuQUlt6e083IYGFKeiPeQ$)

Tina Thieme Brown  
Morningstar Studio  
18201 Barnesville Road  
Barnesville, MD 20838  
301-651-1188  
[www.tinathiemebrown.com](http://www.tinathiemebrown.com)

**From:** [Brandt, Kimberly G.](#)  
**To:** [Specht, Jennifer](#)  
**Subject:** Fwd: Sugarloaf Plan Property Owner Comment - 3051 Thurston Road  
**Date:** Monday, September 26, 2022 10:19:24 AM  
**Attachments:** [Letter to County Council 9.26.22 re Sugarloaf.pdf](#)

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Sent from my Verizon, Samsung Galaxy smartphone  
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**From:** April Dixon <adixon@mdglawfirm.com>  
**Sent:** Monday, September 26, 2022 9:42:26 AM  
**To:** Keegan-Ayer, MC <MCKeegan-Ayer@FrederickCountyMD.gov>  
**Cc:** Council Members <CouncilMembers@FrederickCountyMD.gov>; Superczynski, Denis <DSuperczynski@FrederickCountyMD.gov>; Goodfellow, Tim <TGoodfellow@FrederickCountyMD.gov>; Brandt, Kimberly G. <KGBrandt@FrederickCountyMD.gov>  
**Subject:** Sugarloaf Plan Property Owner Comment - 3051 Thurston Road

**[EXTERNAL EMAIL]**

Good morning,

Please see the attached letter on behalf of Urbana Interchange Partners, LLC, property owner of 3051 Thurston Road, for consideration of the County Council.

Thank you,

**April L. Dixon**

Associate

---

**McCurdy, Dean & Graditor, LLC**

31 W. Patrick Street  
Suite 130  
Frederick, MD 21701

Direct: 240.503.1456  
Office: 301.620.1175  
Cell: 240.285.5869  
E-mail: [adixon@mdglawfirm.com](mailto:adixon@mdglawfirm.com)

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September 26, 2022

April L. Dixon, Esquire  
240.503.1456  
Adixon@mdglawfirm.com

**VIA ELECTRONIC AND REGULAR MAIL**

President M.C. Keegan- Ayer  
County Council  
12 E Church Street  
Frederick, MD 21701

Re: **Request for Amendments to July 22, 2022 Planning Commission Recommended Sugarloaf Treasured Landscape Management Plan (the “PC Draft Plan”)  
3051 Thurston Road, Tax Map 96, Parcel 232 (28.20 acres) (the “Property”)**

Dear President Keegan- Ayer:

This firm represents Dr. William Amoroso, the sole member of Urbana Interchange Partners, LLC (the “Owner”), which owns the Property defined above, where the Greenbrier Veterinary Hospital and Luxury Pet Resort has operated since 2002.

Our office previously submitted a letter to the County Council dated August 8, 2022, a copy attached hereto as Exhibit A, which includes, as an exhibit, a letter to the Planning Commission dated May 17, 2022. It is unclear whether the Council has reviewed our letters submitted on behalf of the Owner because the Council has not publicly discussed or acted upon the Owner’s requests outlined in the letters. We intend to participate in the public hearing on September 27, 2022, to present the Owner’s requests, which are as follows:

1. Amend the PC Draft Plan to designate the northernmost five (5) acres, more or less, of the Property, which front onto MD Route 80 and I270 and which are outlined in red on the attached Exhibit B (hereinafter, the “Interchange Parcel”) for general commercial development, by assigning the Interchange Parcel a General Commercial (“GC”) Land Use Designation on the Land Use Map and by rezoning the Interchange Parcel to the GC Zoning District on the Zoning Map;
2. Adopt Council Member Steve McKay’s “Amendment 1 to the Proposed Zoning Changes Associated With The Sugarloaf Treasured Landscape Management Plan” introduced September 13, 2022, which proposes to “remove all proposed changes for individual properties that include a change in Lane Use Designation from ‘Agricultural’ to ‘Natural Resource’, and a change in zoning from ‘Agricultural’ to ‘Resource Conservation’”.

President M.C. Keegan- Ayer

September 26, 2022

Page 2

3. Uphold the Planning Commission's recommendation that the entire 28.20 acres of the Property be excluded from the Sugarloaf Rural Heritage Overlay District (the "Overlay District") and adopt the current boundary of the Overlay District shown on the PC Draft plan.

Regarding request number 1, my client and I contend that the County Council should treat the Interchange Parcel the same as the Kannavis and Potomac Garden Center properties, and rezone the Interchange Parcel to the GC district. The Interchange Parcel is analogous to the neighboring Kannavis and Potomac Garden Center properties in that all three properties border the I270/ Route 80 interchange and existing commercial uses operate on the properties. There are no major distinctions between the Interchange Parcel and the Potomac Garden Center property, a portion of which is currently zoned GC and another portion of which the Planning Commission has proposed to rezone from Ag to GC. The Interchange Parcel has direct frontage on the interchange, even more so than the portion of the Potomac Garden Center property which the Planning Commission proposed for rezoning to GC. Rezoning the Interchange Parcel is in furtherance of the Livable Frederick Master Plan's goals of preserving the I270 Interstate Corridor for future smart growth without disrupting or degrading the rural landscape setting of Sugarloaf Mountain or its environs.

Thank you for your attention to and consideration of this submittal. Should you have any questions, please feel free to contact me.

Very truly yours,

**McCurdy, Dean & Graditor, LLC**



April L. Dixon

cc: Dr. William Amoroso

Kimberly Golden Brandt, Tim Goodfellow, and Dennis Superczynski

## Exhibit A



August 8, 2022

April L. Dixon, Esquire  
240.503.1456  
Adixon@mdglawfirm.com

### **VIA ELECTRONIC AND REGULAR MAIL**

President M.C. Keegan- Ayer  
County Council  
30 North Market Street  
Frederick, MD 21701

Re: **Request for Amendments to July 22, 2022 Planning Commission Recommended Sugarloaf Treasured Landscape Management Plan (the “PC Draft Plan”) 3051 Thurston Road, Tax Map 96, Parcel 232 (28.20 acres) (the “Property”)**

Dear President Keegan- Ayer:

This firm represents Dr. William Amoroso, sole member of Urbana Interchange Partners, LLC (the “Owner”), which entity owns the Property defined above, at which the Greenbrier Veterinary Hospital and Luxury Pet Resort has operated since 2002. The purpose of this letter is to request two (2) amendments to the PC Draft Plan – amendments which were requested prior to the Planning Commission’s adoption of the PC Draft Plan, but which were never acted upon or discussed by the Planning Commission at a public meeting. Specifically, we are requesting that the County Council:

1. Amend the PC Draft Plan to designate the northernmost five (5) acres, more or less, of the Property, which front onto MD Route 80 and I270 and which are outlined in red on the attached **Exhibit A** (hereinafter, the “Interchange Parcel”) for general commercial development, by assigning the Interchange Parcel a General Commercial (“GC”) Land Use Designation on the Land Use Map and by rezoning the Interchange Parcel to the GC Zoning District on the Zoning Map;
2. Amend the PC Draft Plan to retain the existing Agricultural (“Ag”) zoning on the remaining balance of the Property outlined in yellow on **Exhibit A** (the “Greenbrier Parcel”) and remove the proposed Resource Conservation (“RC”) zoning proposed for a portion of the Greenbrier Parcel; and,
3. Uphold the Planning Commission’s recommendation that the entire 28.20 acres of the Property be excluded from the Sugarloaf Rural Heritage Overlay District (the “Overlay District”) and adopt the current boundary of the Overlay District shown on the PC Draft plan.

President M.C. Keegan- Ayer

August 8, 2022

Page 2

We submitted a detailed letter to the Planning Commission addressing each of these three points. A copy of that letter, dated May 17, 2022, is attached hereto as Exhibit B, and we ask that the County Council incorporate that letter into the official public record of these proceedings. Thus, we will limit the scope of this submission to providing additional support for request numbers 1 and 2 above.<sup>1</sup>

The Applicant is requesting that the Interchange Parcel be rezoned GC, consistent with the zoning of the other two properties that abut the I270 interchange (at its intersection with Maryland Route 80). While the Applicant made this request to the Planning Commission in the attached letter, it is not clear that the Planning Commission ever received or considered this request.<sup>2</sup> The Interchange Parcel is a geographically isolated parcel that is sandwiched between I270 (and its associated entrance ramp) and Thurston Road. It abuts the Kannavis Property, which is already zoned GC and is opposite from Potomac Garden Center, portions of which are also currently zoned GC (and other portions of which the Planning Commission has proposed to rezone from Ag to GC). Rezoning of the Interchange Parcel to GC furthers the Livable Frederick Master Plan's goals of preserving the I270 Interstate Corridor for future growth without disrupting or degrading the rural landscape setting of Sugarloaf Mountain or its environs, as the Interchange Parcel is already situated in a commercial setting next to I270. The requested rezoning to GC is also consistent with the existing zoning on the surrounding parcels, and would not have a negative impact on the Greenbrier Parcel, which although zoned Ag is developed with an existing commercial use. In approving the removal of the entire 28.20 acres from the Overlay District, the Planning Commission recognized both the commercial nature of the Interchange

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<sup>1</sup> The Applicant notes that exclusion from the Overlay District is absolutely critical to the continued operation of the Greenbrier Veterinary Hospital and to preserve the important development potential of this Property. Because the Planning Commission has recognized this and is recommending that the entire Property be excluded from the Overlay District, we have not reiterated the numerous detailed arguments that support exclusion of the entire Property from the Overlay District in this letter. For the Council's easy reference, those arguments appear on pages 2-4 of the attached letter of May 17, 2022.

<sup>2</sup> The County Staff stated that the only property owner request for a zoning intensification that it received was from the owner of the Potomac Garden Center. While Commissioner Sepe noted in a public meeting that the Planning Commission did receive the Applicant's rezoning request, County Staff incorrectly responded by stating that the May 2022 Letter does not request a change in land use or zoning designation and only stated objections to the application of the Overlay District to the Property. Commissioner Hicks confirmed that the Planning Commission received the May 2022 Letter containing the rezoning request to General Commercial. However, this exchange was not subsequently revisited, and, to our knowledge, the rezoning request was never publicly discussed or voted on at a public Planning Commission workshop or hearing.

President M.C. Keegan- Ayer

August 8, 2022

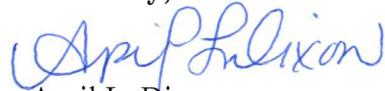
Page 3

Parcel, and the County's need to preserve the ability for smart development along the western side of the I270 Corridor. For the same reasons, the County Council should treat the Interchange Parcel the same as the Kannavis and Potomac Garden Center properties and rezone the Interchange Parcel to the GC district.

The Applicant strongly opposes rezoning any portion of the Greenbrier Parcel to RC. The Greenbrier Veterinary Hospital and Luxury Pet Resort is a thriving commercial business consisting of veterinarian rehabilitation and hospital services, dog training, a dog camp, grooming services, boarding facilities, exercise parks, and walking trails all of which operate as an approved special exception use in the Ag District. Greenbrier's operations are conducted both within the buildings located on the Greenbrier Parcel and throughout the surrounding acreage which contains a trail network and exercise parks. Because animal hospitals, veterinary clinics and kennels are not permitted uses in the RC District, the proposed rezoning of a portion of the Greenbrier Parcel to RC would render the Greenbrier Veterinary Hospital a nonconforming use, subject to the significant restrictions and limitations set forth in Section 1-19-4.230 of the Frederick County Zoning Ordinance. The zoning nonconformity created by this proposed downzoning would serve no legitimate public policy purpose, because 12.12 acres of environmentally sensitive areas of the Greenbrier Parcel are subject to and located within an existing Forest Resource Easement recorded among the Land Records of Frederick County, Maryland in Liber 4713, folio 0454, and are therefore undevelopable. The balance of the Greenbrier Parcel is largely undevelopable as it contains the veterinarian and training facilities used by Greenbrier. As such, the Applicant requests that the Greenbrier Parcel retain its existing Ag zoning so that it can continue its successful operations in accordance with its approved special exception.

Thank you for your attention to and consideration of this submittal. Should you have any questions, please feel free to contact me.

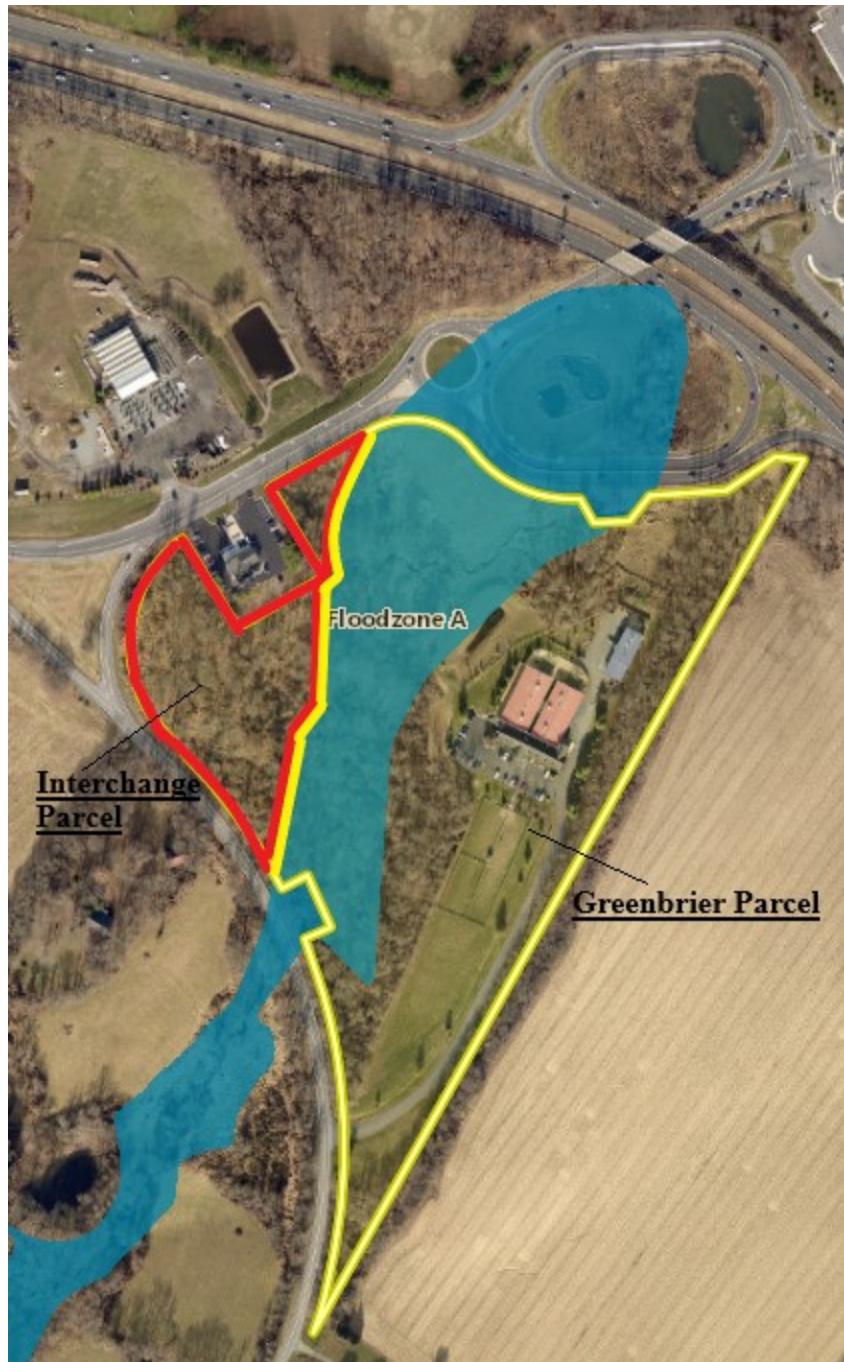
Very truly yours,  
**McCurdy, Dean & Graditor, LLC**

  
April L. Dixon

cc: Dr. William Amoroso

Kimberly Golden Brandt, Tim Goodfellow, and Dennis Superczynski

## Exhibit A



## Exhibit B



May 17, 2022

**April L. Dixon**  
240.503.1456  
Adixon@mdglawfirm.com

**VIA ELECTRONIC AND REGULAR MAIL**

Tim Goodfellow  
Principal Planner and Project Lead  
Frederick County Government  
Division of Planning and Permitting  
30 North Market Street  
Frederick, MD 21701

Re: Property Owner Comments Regarding the Draft Sugarloaf Treasured Landscape Management Plan (the “Draft Sugarloaf Plan” or the “Plan”)  
3051 Thurston Road, Tax Map 96, Parcel 232 (28.20 acres) (the “Property”)

Dear Tim:

I am writing you on behalf of Dr. William Amoroso and Urbana Interchange Partners, LLC, the owner of 3051 Thurston Road, Frederick, Maryland 21704 (referenced above as the Property). Dr. William Amoroso is the sole member of Urbana Partners, LLC. The Greenbrier Veterinary Hospital and Luxury Pet Resort has operated at the Property since 2002.

The Property consists of approximately 28 acres of land. The bulk of the southern portion of the Property is developed with the Greenbrier Veterinary Hospital and Luxury Pet Resort, which is a thriving commercial business consisting of veterinarian rehabilitation and hospital services, dog training, a dog camp, grooming services, boarding facilities, an onsite crematory, exercise parks, and walking trails. The northern portion of the Property, as the company’s name connotes, is an interchange property, with direct frontage along Maryland Route 80 on the northwest side and the onramp to Interstate 270 South (“I270”) on the northeast side, both of which are major roadways.

The Property is zoned Agricultural and has a land use designation of Agricultural/ Rural. In 2002, Urbana Interchange Partners, LLC received special exception approval from the Frederick County Board of Appeals (“Board of Appeals”) to establish and operate a kennel and

Tim Goodfellow

May 17, 2022

Page 2

veterinary clinic with outdoor runs on the Property. In 2007, Urbana Interchange Partners, LLC and Heavenly Days, LLC obtained special exception approval to operate an accessory animal incinerator at the Property. In 2008, Urbana Interchange Partners, LLC obtained special exception approval from the Board of Appeals to allow the existing fenced area on the Property to be used in a manner similar to an outdoor run. The veterinary clinic and kennels are approximately 28,000 square feet, with a separate incinerator building of approximately 4,000 square feet. The Property also includes a 3,867 square feet memorial garden.

The Property is currently included in the draft Plan boundaries, of which the Sugarloaf Rural Heritage Overlay District (the “Overlay District” or the “Overlay”) is to be applied. Additionally, the Plan’s list of “Properties with Recommended Land Use and/or Zoning Changes” indicates a proposed Land Use Designation of Natural Resources and proposed Zoning Classification of Resource Conservation to be newly applied to 10.2 acres of the Property.

Urbana Interchange Partners, LLC strongly opposes its inclusion in the Plan boundaries and the application of the Overlay District, due to its location along a major Interstate and its history of commercial use. First and foremost, the application of the Overlay to the Property is significantly inconsistent with the specific framework and goals of the Livable Frederick Master Plan (“LFMP”). The LFMP specifically supports and proposes the proposed future review of the I270 Highway Corridor, separately and distinctly from the Sugarloaf planning area. Further, the LFMP designates the I270 Highway Corridor as a Primary Growth Sector for the County, and the areas around the existing and future Interchanges as Primary Growth Areas for the County. The Thematic Plan Design, located on page 40 of the LFMP, clearly depicts that the boundary of the proposed Sugarloaf Rural Heritage area is not a straight line that runs right up I270.

It is important to recognize that the Interstate Corridor, as depicted on page 45 of the LFMP, is critical in identifying the goals of LFMP and in distinguishing the goals and initiatives of the intended Corridor Plan from those of the Sugarloaf Planning Area. Figure 4, a magnified view of the Thematic Plan Design, again shows the intent to allow development on the west side of the I270 Highway Interchanges. The determination of the actual extent of development is left to a future small area plan process for the I270 Corridor. Page 45 of the LFMP states in part:

“The Thematic Plan Diagram identifies a corridor for growth and development along Interstate 270 leading from central Frederick City, through the Ballenger Creek Community Growth Area, and continuing along I-270 through the Urbana Community Growth Area and terminating at the northern edge of Hyattstown (Figure 4). This corridor emphasizes transit-oriented, mixed-use development to be served by a practical and affordable transit line (e.g., Bus Rapid Transit,

Tim Goodfellow

May 17, 2022

Page 3

Transitway) (17) that parallels Interstate 270 and takes advantage of public and private infrastructure improvements extended to the Urbana Community Growth Area in recent decades. Additionally, the Interstate Corridor will continue to capitalize on significant access to regional employment centers by supporting policies that facilitate the development of this area as a prime employment corridor enhanced by livable, mixed-use neighborhoods between the City of Frederick and northern Montgomery County.”

The framework of LFMP supports the conservation efforts pursued through the current Draft Sugarloaf Plan as well as, and separate from, future development efforts of the Interstate Corridor through a future area plan. In describing the Planning Area, the Plan states in part:

“The Urbana CGA borders the Sugarloaf Planning Area along I-270, which is currently a boundary that demarcates a large mixed-use (commercial, employment, residential) community from an area with dispersed residences, unique environmental and historic resources, and a distinctively rural sense of place; **however, minor commercial development exists in the Sugarloaf Planning Area in the vicinity of the MD 80/I-270 interchange.** The Urbana CGA embodies the characteristics of a typical CGA in Frederick County where population growth, public and private investments, and employment growth are focused and targeted. It contains four public schools, a library, a YMCA facility, a variety of housing types, plus numerous commercial services and businesses, including several in the biological and information technology sectors. These existing and planned employment, residential, commercial, and industrial land uses follow the entire east side of I-270, from just north of the existing Urbana community southward to the Montgomery County border.”

The land uses surrounding the Property identified as “the minor commercial development” include the Potomac Garden Center, located at 8710 Fingerboard Road (parcel 44 on the tax map), and Kannavis, located at 8709 Fingerboard Road (parcel 186 on the Tax Map 186). 8709 Fingerboard Road, which is surrounded on three sides by the Property and fronts on MD Route 80, is zoned General Commercial. The proposed Plan includes the rezoning of Potomac Garden Center, owned by PGC Properties LLC, to General Commercial.

Should the Planning Commission proceed with the Planning Area and application of the Overlay as proposed, Urbana Interchange Partners, LLC hereby requests that the northernmost ten (10) acres of the Property, closest to the interchange, be rezoned General Commercial.

Tim Goodfellow

May 17, 2022

Page 4

Rezoning that portion of the Property to General Commercial and applying a land use designation of General Commercial is consistent with the zoning of the neighboring properties, the Property's proximity to the Interstate, and the LFMP's goals of preserving the I270 Interstate Corridor for future growth. Rezoning of the northern portion of the Property will not have a negative impact on the remaining lands of the Property or the agricultural ground to the southeast of the Property. Rezoning of the Property presents no potential to disrupt and degrade the rural landscape setting of Sugarloaf Mountain or its environs as outlined in the Plan, because this Property is already situated in a commercial setting next to I270.

The application of the Overlay will however dramatically and negatively affect the Property. Most notably, the 15,000 square foot building footprint maximum will cause the Property to be in non-conforming status. While the proposed § 1-19-7.700 text includes a mechanism to request to exceed the 15,000 square foot building footprint, this is a burdensome process to add to property owners that have already completed the current zoning approvals. Existing buildings that exceed the 15,000 square feet building footprint should receive an exception to continue at their footprint as conforming structures, without any requirement that they apply for additional approvals. Application of the Overlay will require Urbana Interchange Partners, LLC to seek Board of Appeals approval for uses requiring special exception approval, County staff for permitted uses, and Planning Commission approval for uses requiring site plan approval.

Applying to the Board of Appeals for approval to exceed the 15,000 square foot building footprint is not a simple one-step process. It is burdensome to force current property owners with existing uses to submit a justification statement describing, in detail:

“The specialized functional and operational needs of the proposed activity or use that warrant a non-residential building with a building footprint larger than 15,000 square feet; and the site design elements and building design features, such as enhanced energy efficiency, water conservation (e.g., re-use, consumption reductions), and stormwater runoff controls, or other measures that will be utilized to minimize negative impacts to natural resources and surrounding properties that may result from the overall development proposal and increased building footprint.”

Such a submittal will subsequently trigger a further review under the proposed “Design Standards” and the “Additional requirements in the Sugarloaf Rural Heritage Overlay Zoning District” outlined in the Plan Appendix. The additional approvals are costly and time-consuming.

Tim Goodfellow

May 17, 2022

Page 5

It is arduous to require current property owners with already existing structures to be subject to further review, including but not limited to design standards, the requirement to submit an environmental and natural features map, and a possible Department of Natural Resources review.

In addition to the footprint maximum causing non-conforming status, the downzoning of over one-third of the Property to Resource Conservation will also place the Property in a non-conforming status due to the existence of uses not permitted in the Resource Conservation district. The more restrictive uses permitted within the Resource Conservation district directly impact the Property. Pursuant to the Use Table and § 1-19-5.310 of the Frederick County Code, the use of “Animal hospital or veterinary clinic” and “kennel,” the current primary uses of the Property, are not permitted within the Resource Conservation district.

By contrast, an animal hospital, veterinary clinic, and kennel are permitted with special exception use in the Agricultural district, a kennel requires special exception approval in the General Commercial district, and an animal hospital or veterinary clinic are permitted in the General Commercial district subject to site plan approval. Additionally, pursuant to § 1-19-8.220 and § 1-19-8.338 of the Code, animal incinerator operations are only permitted within the Agricultural district as either an accessory use to cemetery/ memorial gardens or animal hospital or veterinary clinic. While the buildings are not within the 10.2 acres proposed for Resource Conservation, Greenbriar Veterinary utilizes the 10.2 acres in their overall operations. Urbana Interchange Partners, LLC understands the desire to preserve forested areas and the Urbana Branch stream; however, the current uses include, for example, exercise parks and walking trails located on the 10.2 acres. If there were an option to apply Resource Conservation to the forested areas near the stream and not cause non-conforming status, Urbana Interchange Partners, LLC would not object to the application of Resource Conservation to a smaller portion of the Property.

A non-conforming status will lead to a plethora of detrimental effects. If the property owner or tenant is unable to operate for 12 consecutive months, the non-conforming use will terminate. Such actions would have a significant negative impact on the value of Urbana Interchange Partners, LLC’s investment in this Property. Non-conforming status impacts the value of the Property and the ability to obtain financing, which affects the current property owner in its daily operations, the ability to sell the Property, and the uses of a future owner.

In conclusion, we continue to be on record opposing the application of the Overlay Zoning District to the Property and the downzoning of 10.2 acres of the Property to Resource Conservation and Natural Resource. Urbana Interchange Partners, LLC supports the proposed

Tim Goodfellow

May 17, 2022

Page 6

future review of the Urbana Community Growth Area and the I270 Highway Corridor in a holistic manner to include the Property.

Should the Planning Commission proceed with the inclusion of the Property in this draft Plan, Urbana Interchange Partners, LLC respectfully requests the following:

- That the Planning Commission amend the Plan to propose the land use designation and rezoning of the northernmost ten (10) acres of the Property, closest to the interchange, to General Commercial to preserve the development potential of the undeveloped acreage of the Property; and
- That the Planning Commission amend the Plan to propose exceptions that will apply to current property owners to prevent non-conforming status related to current uses and structures.

Thank you for your attention to and consideration of this submittal. Should you have any questions, please feel free to contact me.

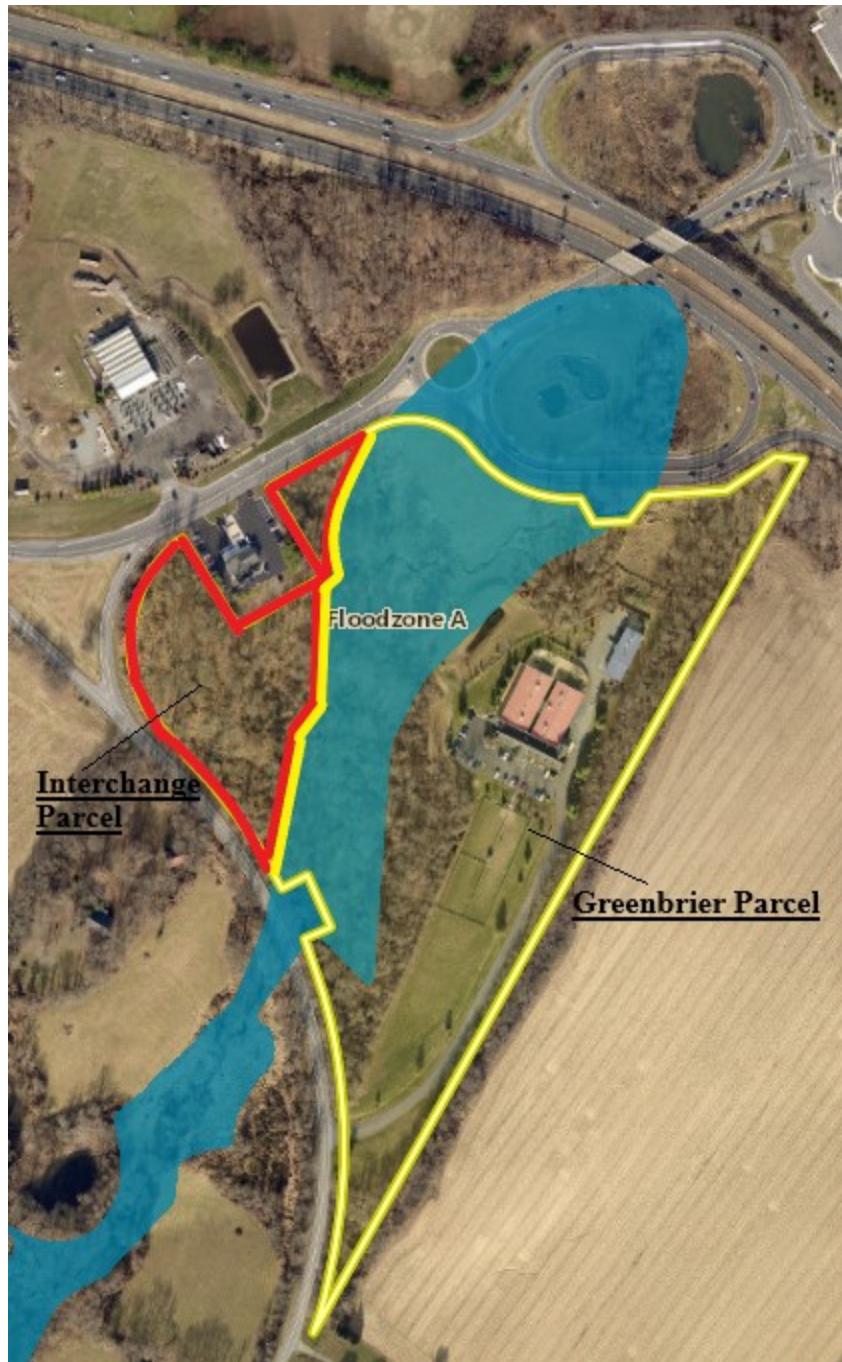
Very truly yours,

**McCurdy, Dean & Graditor, LLC**

  
April L. Dixon

cc: Dr. William Amoroso

## Exhibit B



**From:** [Brandt, Kimberly G.](#)  
**To:** [Specht, Jennifer](#)  
**Subject:** Fwd: Development of the Sugarloaf Area  
**Date:** Monday, September 26, 2022 10:26:05 AM  
**Attachments:** [image001.png](#)

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**From:** Cherney, Ragen <RCherney@FrederickCountyMD.gov>  
**Sent:** Monday, September 26, 2022 9:49:38 AM  
**To:** Brandt, Kimberly G. <KGBrandt@FrederickCountyMD.gov>  
**Cc:** Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>  
**Subject:** FW: Development of the Sugarloaf Area

**Ragen Cherney**  
*Chief of Staff/Legislative Director*  
Frederick County Council  
Winchester Hall  
12 East Church Street  
Frederick, Maryland 21701  
301.600.1049



---

**From:** Claire Lacey <camelot108@gmail.com>  
**Sent:** Monday, September 26, 2022 8:56 AM  
**To:** Council Members <CouncilMembers@FrederickCountyMD.gov>  
**Subject:** Development of the Sugarloaf Area

**[EXTERNAL EMAIL]**

Dear Council members,

I am writing with deep concern over development of the area surrounding Sugarloaf Mountain. Whilst I understand the need for development and growth, there are certain areas that need to be preserved for our well being and mental health as an escape from suburbia. Sugarloaf is a wonderful resource for that and the views from the top a great reward for getting stimulating exercise. Please preserve those views keeping development on the Urbana side of I270 and out of the Adamstown valley. There is also premium farmland in these areas that needs to stay in production supplying

other area farms with feed materials and local produce accessible for residents of Frederick and towns South of that. Please stand up for us and say no to any development plan that impacts these outstanding areas in Frederick County. Maintaining firm boundaries on development that keep that in clusters surrounded by firmly designated farmland and recreational areas is the secret of Frederick County's desirability and quality of life. Please don't let this turn into another Montgomery County!

Sincerely,

Claire Lacey,

[\*\*LaceyEQS\*\*](#)  
**Dressage, Driving, Barefoot & more.**

Over 40 Years Experience!

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**From:** [Brandt, Kimberly G.](#)  
**To:** [Specht, Jennifer](#)  
**Subject:** Fwd: OPPOSED - The Sugarloaf Treasured Landscape Management Plan (STLMP)  
**Date:** Monday, September 26, 2022 10:26:08 AM

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---

**From:** Lauren Klingler <Lauren.Klingler@gaithersburgmd.gov>  
**Sent:** Monday, September 26, 2022 10:10:43 AM  
**To:** Council Members <CouncilMembers@FrederickCountyMD.gov>  
**Cc:** Goodfellow, Tim <TGoodfellow@FrederickCountyMD.gov>; Superczynski, Denis <DSuperczynski@FrederickCountyMD.gov>; Brandt, Kimberly G. <KGBrandt@FrederickCountyMD.gov>  
**Subject:** Re: OPPOSED - The Sugarloaf Treasured Landscape Management Plan (STLMP)

**[EXTERNAL EMAIL]**

Dear Frederick County Council,

I am a co-owner of property located in the area that will be negatively impacted by the STLMP and I strongly oppose its adoption.

After observing the process of the South Frederick Corridor Plan, it is quite evident the process followed for the STLMP is seriously flawed. The process should be uniform for all the area plans, including The Livable Frederick Master Plan. This process has been totally inequitable to the property owners in the Sugarloaf Plan area. There has been no roundtable discussion or back and forth with the property owners, as is the case with the South Frederick Corridor Plan.

Watching the public comments from previous County meetings on the Sugarloaf Plan, it is quite apparent a coalition of activists have been influenced by a sitting Council Member. Many of these activists are not property owners or residents of Frederick County, let alone owners of property located in the STLMP area.

For these reasons, I strongly urge the County Council to REMAND THE PLAN back to the Planning Commission to bring uniform integrity to the process and make all area plans have a level playing field in the Livable Frederick Master Plan.

Thank you for your consideration,  
Lauren Klingler  
Park Mills Road  
Adamstown, MD 21710

**From:** [Brandt, Kimberly G.](#)  
**To:** [Specht, Jennifer](#)  
**Subject:** Fwd: Forestry provisions in the Sugarloaf Overlay Zoning Proposal  
**Date:** Monday, September 26, 2022 1:44:02 PM  
**Attachments:** [image001.jpg](#)  
[image003.png](#)  
[image004.jpg](#)

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**From:** Cherney, Ragen <RCherney@FrederickCountyMD.gov>  
**Sent:** Monday, September 26, 2022 1:43:13 PM  
**To:** Brandt, Kimberly G. <KGBrandt@FrederickCountyMD.gov>  
**Cc:** Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>  
**Subject:** FW: Forestry provisions in the Sugarloaf Overlay Zoning Proposal

**Ragen Cherney**  
*Chief of Staff/Legislative Director*  
Frederick County Council  
Winchester Hall  
12 East Church Street  
Frederick, Maryland 21701  
301.600.1049



---

**From:** alberto dcfarm.net <alberto@dcfarm.net>  
**Sent:** Monday, September 26, 2022 1:27 PM  
**To:** Donald, Jerry <JDonald@FrederickCountyMD.gov>  
**Cc:** Council Members <CouncilMembers@FrederickCountyMD.gov>  
**Subject:** Forestry provisions in the Sugarloaf Overlay Zoning Proposal

**[EXTERNAL EMAIL]**

Dear Mr. Donald:

We have a 112 acre operating farm on Park Mills Road located in your district and within the proposed Sugarloaf Treasured Landscape planning area. We board and breed horses, have a few sheep and chickens. We grow hay and occasionally other farm commodities. Our farm has a USDA-approved agricultural conservation plan. We are required to have, revise, and annually report data

pursuant to a nutrient management plan. We also have approximately 40 acres of woodland.

We are pleased that the County Council is considering eliminating the planning staff proposal to rezone portions of agricultural properties to Resource Conservation. That clearly would complicate land management without any significant benefit. However, the proposed Overlay Zoning Ordinance also includes very restrictive forest management regulations that may be similarly problematic.

The additional regulations are intended to support the Plan's goals of preserving forests. Instead, they may serve as a disincentive to more tree planting or to productively managing and maintaining existing forest. The regulations will make it overly cumbersome to conduct timber harvesting even when conditions (such as invasives or storm damage) or landowner objectives may warrant. The State and County already have strict regulations that must be followed when timber harvesting is conducted.

I would like to suggest that the County Council consider tabling the new forestry provisions of the proposed Overlay Zoning Ordinance at least temporarily. The Council can certainly elect to add and implement them at a later date. Instead, I would like to propose that the county sponsor a forum about Frederick County's forests. Among other things, such a conference could examine and discuss opportunities and challenges to meeting state and county goals with respect to forests, including the forests covered by the Sugarloaf Plan.

I am confident that the County Forestry Board, as well as DNR, would support such a program. It would enable an assessment of the current forest situation in Frederick County and allow a more informed consideration of any regulatory approaches for the Sugarloaf Overlay Zoning Ordinance and for other planning areas.

Thank you.

AI



**Alberto Goetzl**  
**Dream Catcher Farm**  
**2101 Park Mills Road**  
**Adamstown, Maryland 21710**  
**Cell: 301-775-6868**

**From:** [Brandt, Kimberly G.](#)  
**To:** [Specht, Jennifer](#)  
**Subject:** Fwd: Sugarloaf Treasured Landscape  
**Date:** Monday, September 26, 2022 1:43:41 PM  
**Attachments:** [FW Sugarloaf Master Plan.msg](#)  
[Sugarloaf Alliance Analysis of Secret Amazon Sugarloaf Data Center\(s\) Project.msg](#)  
[No!.msg](#)  
[Re OPPOSED - The Sugarloaf Treasured Landscape Management Plan \(STLMP\).msg](#)

---

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**From:** Cherney, Ragen <RCherney@FrederickCountyMD.gov>  
**Sent:** Monday, September 26, 2022 1:42:32 PM  
**To:** Brandt, Kimberly G. <KGBrandt@FrederickCountyMD.gov>  
**Cc:** Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>  
**Subject:** FW: Sugarloaf Treasured Landscape

Ragen Cherney  
Chief of Staff/Legislative Director  
Frederick County Council  
Winchester Hall  
12 East Church Street  
Frederick, Maryland 21701  
301.600.1049

-----Original Message-----

From: Bev Thoms <thoms.bev@icloud.com>  
Sent: Monday, September 26, 2022 12:51 PM  
To: Council Members <CouncilMembers@FrederickCountyMD.gov>  
Cc: Bev Thoms <thoms.bev@icloud.com>  
Subject: Sugarloaf Treasured Landscape

[EXTERNAL EMAIL]

Dear Council,

Now we have learned that a data center is planned for the proposed Natelli ‘carve out.’ This means that your citizens and neighbors who have been promised a peaceful existence in a rural area will instead be subject to immense industrial development. Their rural soundscape in which they are presently surrounded by bird song, the rustle of breezes in the forests and the gurgling of rivers and streams, will instead be dominated by day and night machine- based noise pollution. This would be a deeply immoral betrayal: An act of cowardice or corruption, or both. If you do this, it would be a taking- an erosion of quality of life and property value - for which these people should be compensated.

Bev Thoms  
Dickerson, MD 20842

**From:** [Sullivan, Morgan](#)  
**To:** [Council Members](#)  
**Subject:** FW: Sugarloaf Master Plan  
**Date:** Monday, September 26, 2022 12:14:08 PM  
**Attachments:** [09262022114726-0001.pdf](#)

---

[EXTERNAL EMAIL]

Morgan Sullivan  
C +1 240 401 9571

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Dear County Council Members:

I am contacting you regarding the Sugarloaf Master Plan that is before you.

Based on my understanding of the Plan, approximately 20,000 acres of land between Sugarloaf Mountain and I-270 from Montgomery County to the Monocacy River will be permanently barred from many uses, for the most part, other than agricultural.

As an engaged community member, long-time historic preservationist, and active nature participant the protection of the majority of the land between I-270 and Sugar Loaf Mountain garners my enthusiastic support.

However, I do believe that it would be a mistake to preclude economic development opportunity along the areas of the plan that are immediately adjacent to I-270, particularly at the current and future interchanges.

I have been a commercial real estate practitioner for nearly 30 years. During this time, I have represented commercial tenants in their real estate transaction needs, a practice that has included a variety of life science clients. The I-270 corridor is the region's primary area for this growing and critically important industry that generates high paying jobs and saves and lives. I have had the pleasure of seeing the direct benefit in employment, tax revenue, and overall business success that the growth of the life science industry has brought Frederick County. A large amount of public and private sector life science occupants makes Frederick County their home, with a steady stream of prospects considering the County.

Removing the above referenced area adjacent to I-270 from future development consideration will have long-term negative

impacts on the County's ability to attract life science and corporate tenants which will have varied and negative impacts on the County overall.

I urge you to remove the referenced belt of land from the no-development designation as this will help ensure a healthy stream of development sites for current and future tenants to consider.

Thank you.

Morgan Sullivan

240-401-9571

**From:** [Steve Black](#)  
**To:** [Council Members](#)  
**Cc:** [Keegan-Ayer, MC](#); [McKay, Steve](#); [Donald, Jerry](#); [Blue, Michael](#); [Hagen, Kai](#); [Dacey, Phil](#); [Fitzwater, Jessica](#)  
**Subject:** Sugarloaf Alliance Analysis of Secret Amazon / Sugarloaf Data Center(s) Project  
**Date:** Monday, September 26, 2022 10:39:14 AM  
**Attachments:** [SugarloafAllianceLetteronDatacenters9252022b.pdf](#)

---

**[EXTERNAL EMAIL]**

Council President and Members:

Please see the attached paper by the Sugarloaf Alliance.

Please include this paper in the public record for the Sugarloaf Plan.

As always, if you have any questions about this paper, or any of our investigative work, please don't hesitate to contact us.

Sincerely,

Steve Black  
President  
Sugarloaf Alliance



September 25, 2022

To Frederick County Council Members:

## **The Secret Amazon Data Center Project at Sugarloaf**

The Sugarloaf Alliance has obtained information indicating that Amazon Web Services intends to build one or more data center complex(s) on the West side of I-270, within the current boundaries of the draft Sugarloaf Treasured Landscape Management Plan. We believe that current efforts to move the plan boundary away from I-270 (the Dacey Amendment) are related to this secret Amazon project.

In its efforts to understand the process used to draft the Sugarloaf Plan and to uncover the facts behind non-public, backroom changes to the draft plan in spring 2021, the Sugarloaf Alliance filed Public Information Act requests with various state and local government offices. In reaction to a lawsuit by Sugarloaf Alliance, Frederick County has belatedly started the process of releasing relevant documents and summaries of documents. By using the information released by Frederick County, local and national press reports, and other sources, the Sugarloaf Alliance is now able to describe the Amazon Web Service plan to build data center complexes in the Sugarloaf region.

In the summer of 2021 news began to break of a secret Amazon Web Services (AWS) project to build Data Centers in southern Frederick County.<sup>1</sup> At the time the potential locations of these sites were only vaguely described.

“Frederick County officials said realtors, on behalf of Amazon, spoke with landowners in Urbana, Brunswick and Adamstown about selling their property.”<sup>2</sup>

### **Critical Digital Infrastructure Floating Zone**

We now know that the AWS plan for Frederick County, known as *Project Holiday*, dates to at least early 2021 and likely began in 2020.<sup>3 4</sup> The development of a “Critical Digital Infrastructure Floating Zone (CDI-FZ)” was central to the Amazon plan. Development of the proposed CDI-FZ zoning text and related map involved most if not all of the senior staff of the Department of Planning. Senior members of the Office of Economic development were also involved in the development of the CDI-FZ.<sup>5</sup>

The Amazon Project was treated as a confidential project within Frederick County Government.<sup>6</sup> Even now, Frederick County Government is withholding documents related to Project Holiday and the Critical Digital Infrastructure Floating Zone.<sup>7</sup>

Despite its secrecy, select people outside Frederick County Government were aware of and involved with the Amazon Data Centers project.<sup>8</sup> Bruce Dean, a Frederick attorney and registered lobbyist for Natelli Communities, not only submitted draft language for the CDI zoning text amendment but also received copies of draft CDI-FZ language and maps.<sup>9 10 11</sup>

In one March 2021 email to county officials concerning the CDI issue Mr. Dean copied Mr. Natelli, his client.<sup>12</sup> At that time Mr. Natelli owned or otherwise controlled about 500 acres of agricultural and resource conservation land along the West side of I-270 in the Sugarloaf region.

### **The March 2021 Cutout**

By late February 2021 the planning staff's work on the draft Sugarloaf plan had reached a point where it could be released to the public.<sup>13 14</sup> Planning staff scheduled a briefing for the County Council and planned a series of Planning Commission workshops to start on April 14, 2021.<sup>15</sup>

On March 2, 2021, Steve Horn, Director of Planning met with Jan Gardner, County Executive. The Sugarloaf Plan was discussed.<sup>16</sup> That day a senior staff member wrote in an email to Horn, "Hopefully after tomorrow's discussion, our path forward with Sugarloaf will be clear."<sup>17</sup> It is not yet known who participated in this staff meeting.

After March 3, 2021, preparation for release of the draft Sugarloaf plan ceased. The updated draft plan, scheduled for distribution to members of the citizen Advisory Board was withheld. Briefings to the County Council were postponed.<sup>18</sup> Following the March 3 staff meeting the draft plan began a period of renewed editing and modification.<sup>19</sup>

By the end of April staff had settled on a new boundary for the Sugarloaf Plan area. Comparison of the March 2 2021 internal staff draft and the July 2021 publicly released draft shows that the primary change in the Plan is the removal of a large swath of land along the West side of I-270 from the plan area.<sup>20 21</sup> Other changes to the document all seem to be a result of this boundary change (for example changes in total acreage of the Plan area).<sup>22</sup> Also, text is added to explain and justify the boundary change. The source of this new language remains unknown.

While the Sugarloaf plan was being changed, before the public was aware of the new plan boundary, Mr. Natelli began preparing his property for a non-agricultural use. The July 2021 draft Sugarloaf Plan was released to the public on July 30, 2021.<sup>23</sup> Well in advance of the public release of the draft plan Natelli Holdings II, LLC began preparations to file a "Plat Addition" (a change in the property lines of multiple contiguous parcels with the same owner).

On July 28, 2021, Rodgers Consulting, on behalf of Natelli Holdings II, LLC, filed a replatting of "Natelli South."<sup>24</sup> This set of parcels totaling several hundred acres are located South of the Rt 80 / I-270 interchange. This is the region removed from the draft March 2021 Sugarloaf Plan. The new property lines do not suggest a residential or agricultural use. The new property layout shows a probable entrance from Thurston Rd, a curved area, and two parcels separated

by a corridor, suggesting a commercial / industrial use having two installations. Two of the three new parcels do not have road access.

Personnel from Rodgers Consulting, including its President and CEO Mr. Dusty Rood, were also directly involved in the creation of the Critical Digital Infrastructure Floating Zone.<sup>25</sup>

On July 30, 2021, the first “public” draft of the Sugarloaf Treasured Landscape Management Plan was released. When compared with the February 2021 internal staff draft of the plan some 490 acres are “cut out” of the plan boundary, including the 381 acres of “Natelli South.”<sup>26</sup>

Figures 1 through 3 show the evolution of the Sugarloaf Plan boundary and the area proposed for replating by Natelli Holdings.

### **CDI and the Sugarloaf Cutout**

The link between the county’s secret work on the Amazon driven Critical Digital Infrastructure Floating Zone and the Sugarloaf plan modification is made clear in a pair of emails from a planning staffer to the principal author of the Sugarloaf Plan.<sup>27 28</sup> By the end of April 2021, significant work had been completed on the CDI-FZ. Also, the County had retracted the March version of the Sugarloaf plan and was in the process of reworking the plan to address its new boundaries.<sup>29 30</sup> A staff member wrote two emails asking a simple question:

“cdi? What is it stand for re Sugarloaf” [sic]

The emails themselves are being withheld by the County and their full content has not been released. The County’s summary of the email states “This record discusses questions related to the description of CDI and its implementation within the County.”<sup>31</sup>

### **The Amazon Meetings**

On August 16 and 24, 2021 the Frederick County Council met in closed sessions to discuss “...a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.”<sup>32</sup>

In addition to the County Council members and nine other county officials, nine senior personnel representing Amazon Web Services attended the closed meetings.

The following AWS personnel attended the August 16 closed meeting:

Michael Punke, Vice President of Public Policy for Amazon Web Services (AWS)  
Shannon Kellogg, Vice President of Public Policy at Amazon  
Tony Burkart, Principal, Economic Development · AWS  
Sarah Sheehan, Public Policy, AWS  
Becky Ford, Manager, AWS Economic Development - Global Infrastructure  
Keith Klein, Managing Principal-Americas-AWS Real Estate Acquisition and Development

Amy Vetal, Senior Real Estate Transaction Manager at AWS.

Garrett Jansma, Environmental Policy Manager · AWS

Matt Mincieli, Manager, AWS Public Policy - Northeast

One of the Amazon participants, Tony Burkart, describes his job this way: “As Principal of Economic Development, within the Global Public Policy organization, I oversee and manage, site selection, infrastructure development and credits & incentives projects, state and local government affairs with global scope. I lead discussions with state and local government agencies, regulatory, planning, permitting, and taxing authorities in support of our infrastructure development teams.”<sup>33</sup>

Also, in attendance at the closed meeting on August 16 were:

Bruce Dean, a land-use and real estate development lawyer, Frederick

Eric Soter, Principal and Director of Research & Analytics at Rodgers Consulting, Maryland. Soter is also the former Director of Planning for Frederick County.

Both Mr. Dean and Mr. Soter are employed by Natelli Communities and perform professional service for a range of Natelli projects. Dean and Soter are both, as of July 2022, registered as Lobbyists for various Natelli entities.<sup>34</sup> Mr. Dean and Mr. and Soter were directly involved in the development of the proposed Critical Digital Infrastructure Floating Zone.<sup>35</sup>

According to statements from participants in the closed meetings, the discussions were “informational.”<sup>36</sup> The County Council discussed “all the possible requirements” of the Amazon proposal.<sup>37</sup> Participants described the meetings as extensive discussion of “changes to various areas of the County Code” and revisions to “prior Resolutions.”<sup>38</sup>

### **Amazon Sugarloaf Project**

This wealth of new information allows us to draw several important conclusions.

Properties owned by a developer along the west side of I-270 were part of the Amazon Web Service plan to establish a series of Data Center complexes in southern Frederick County.

The draft Sugarloaf Plan was modified in March and April of 2021 for the purpose of excluding these properties from the preservation goals of the Sugarloaf Plan so that they would be available for Amazon use. The draft plan boundary shown in the July 2021 version of the Sugarloaf Plan depicts this exclusion.

All aspects of the Amazon Web Service plan for Frederick County Data Center sites were discussed in a pair of closed County Council meetings in August 2021. These discussions would have necessarily included full details of the proposed Data Center sites, including those planned for the Sugarloaf region.

As the Sugarloaf Alliance receives more information on connections between Amazon and the Sugarloaf Plan development process, we will share them with the Council and public as quickly as possible.

Sincerely,

The Sugarloaf Alliance

Attachments:

Figure 1: March 2, 2021, staff draft Sugarloaf Plan.

Figure 2: Natelli properties July 28, 2021, replating.

Figure 3: July 30, 2021, first publicly released draft Sugarloaf Plan.

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<sup>1</sup> Hogan, J., "Amazon sought to invest billions, bring data centers to Frederick County." Frederick News Post, 2/8/22.

<sup>2</sup> Hogan, J., "Amazon sought to invest billions, bring data centers to Frederick County." Frederick News Post, 2/8/22.

<sup>3</sup> Kim, Eugene, et al. "Secret Amazon Projects Try to Mitigate Outage-Prone AWS Cloud Region." Business Insider, 12/10/21.

<sup>4</sup> Email 2/3/21, Subject: final draft- critical digital infrastructure, From: Wilkins, Michael. To: Brandt, Kimberly G., Superczynski, Denis, Moore, Ashley, DeSa, Tolson. This record discusses an internal draft copy of proposed language relating to CDI Text Amendments by County Employees, including Planning Staff.

<sup>5</sup> Email 4/11/21, Subject: Re: Project Holiday, From: Brandt, Kimberly G., To: Gardner, Jan, Wilkins, Michael, CC: Horn, Steve. This record discusses an upcoming meeting with the County Executive relating to an [sic] potential Office of Economic Development (OED) Project, and related topics, and includes notes related to that meeting. This email includes the phrase "Critical Digital Infrastructure."

<sup>6</sup> Email 3/18/21, Subject: Re: the plan..., From: Horn, Steve, To: Brandt, Kimberly G. This email discusses updates to the Sugarloaf Area Plan as it moved through the drafting process. This is part of a confidential internal discussion within a County Department.

<sup>7</sup> See Frederick County MPIA response file "Bryon Black - All Results \_\_ Vaughn Sheet.pdf" dated August 31, 2022. This file, or Vaughn index, lists all of the files related to the Sugarloaf Alliance PIA requests that are being withheld.

<sup>8</sup> Email 3/12/21, Subject: Draft CDI Zoning Language, From: Propheter, Helen, To: [REDACTED], Bruce Dean, CC: Gardner, Jan, Wilkins, Michael, Brandt, Kimberly G. This record contains draft language of the proposed CDI Zoning Bill.

<sup>9</sup> Email: 3/23/21, Subject: [REDACTED] From: Bruce Dean, To: Brandt, Kimberly G., Wilkins, Michael, Hessong, Gary, CC: Tom Natelli, [REDACTED], Eric Soter, Dusty Rood, Lisa Graditor. This record contains information received from a person outside of Frederick County Government, and the information contained within is commercial in nature, and was provided to the County under an assurance of privacy. This email contains the phrase "Critical Digital Infrastructure."

<sup>10</sup> Email 4/6/21, Subject: CDI – Bruce Dean Comments, From: Brandt, Kimberly G. To: Gardner, Jan. This email contains a draft copy of proposed language relating to CDI Text Amendments provided by an outside person.

<sup>11</sup> Email 4/11/21, Subject: Fw: CDI – Bruce Dean Comments, From: Brandt, Kimberly G. To: Gardner, Jan. CC: Horn, Steve, Wilkins, Michael. This email contains a draft copy of proposed language relating to CDI Text Amendments provided by an outside person.

<sup>12</sup> Email: 3/23/21, Subject: [REDACTED] From: Bruce Dean, To: Brandt, Kimberly G., Wilkins, Michael, Hessong, Gary, CC: Tom Natelli, [REDACTED], Eric Soter, Dusty Rood, Lisa Graditor. This record contains information received from a person outside of Frederick County Government, and the information contained within is commercial in nature, and was provided to the County under an assurance of privacy. This email contains the phrase "Critical Digital Infrastructure."

<sup>13</sup> Email 2/20/22. Subject: Draft Sugarloaf Plan. From: Brandt, Kimberly G, To: Brandt, Kimberly G., Bradley, Anne, DeSa, Tolson, Wilkins, Michael, Sinton, Thomas, Mitchell, Kathy (Legal), CC: Hessong, Gary, Horn, Steve. This email distributes a draft copy of the Sugarloaf Plan for review by other County Employees, including Planning Staff and

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Legal Staff. The record includes the copy of the Sugarloaf Plan draft as an attachment, reflecting changes requested by other staff members. Horn Vaughn – 1.

<sup>14</sup> “March 2021 DRAFT Sugarloaf Plan” PDF file created 3/2/21. Sugarloaf Alliance obtained this file via an October 5, 2021 Public Information Act request. Frederick County PIA #72896.

<sup>15</sup> Email 3/2/21. Subject: Extra PC Meetings for Sugarloaf Workshops, From: Brandt, Kimberly G, To: Horn, Steve, Wilkins, Michael, CC: Wolfgang, Patricia. Horn – 11.

<sup>16</sup> Email 2/25/21. Subject: Meeting with CE Gardner.3.2.21, From: Horn, Steve, To: Gardner, Jan, CC: Harcum, Rick, Spiegel, Janice, Edsall, Athena, Barlet, Lori. This record contains thoughts and topics of discussion for an upcoming meeting with the County Executive. This is an internal communication, sent by Mr. Horn to the Executive and related parties, concerning items to be discussed during an upcoming meeting. This email contains the phrase “Sugarloaf”.

<sup>17</sup> Email 3/2/21. Subject: Extra PC Meetings for Sugarloaf Workshops, From: Brandt, Kimberly G, To: Horn, Steve, Wilkins, Michael, CC: Wolfgang, Patricia. Horn – 11.

<sup>18</sup> Email 4/6/21, Subject: Fwd: Reschedule. From: Horn, Steve, To: Brandt, Kimberly G. Horn-45.

<sup>19</sup> Email 3/18/21, Subject: Re: the plan.... From: Horn, Steve, To: Brandt, Kimberly G. This email discusses updates to the Sugarloaf Area Plan as it moved through the drafting process. Horn Vaughn – 39.

<sup>20</sup> Email 4/27/21. Subject: Revised Sugarloaf Planning Area, From: Brandt, Kimberly G. To: Horn, Steve. This email discussed, and contains an attachment of, the Sugarloaf Planning Area. Horn Vaughn – 35.

<sup>21</sup> Email 4/30/21. Subject: Re: Revised Sugarloaf Planning Area, From: Brandt, Kimberly G. To: Gardner, Jan, Horn, Steve. This email discussed, and contains an attachment of, the Sugarloaf Planning Area. Horn Vaughn – 37.

<sup>22</sup> “March 2021 DRAFT Sugarloaf Plan” PDF file created 3/2/21. Sugarloaf Alliance obtained this file via an October 5, 2021, Public Information Act request. Frederick County PIA #72896.

<sup>23</sup> Frederick County News Release, “Livable Frederick Releases Draft Sugarloaf Treasured Landscape Management Plan.” July 30, 2021. Available at <https://frederickcountymd.gov/DocumentCenter/View/333102/Press-Release-Sugarloaf--Planning>

<sup>24</sup> Rodgers Consulting Inc. “Addition Plat. Part of the Lands of Natelli Holdings II, LLC to Natelli Holdings II, LLC. July 28, 2021. RCI Job No. 1341A. Available at [https://planningandpermitting.frederickcountymd.gov/delegate/civics-api/api/core/attachments/c9b8f7c04e9a4bdcb1528b8ec8f544bd/stream?fname=Natelli%20Holdings%20Addition%20Plat%201%20\(2021-07-28\).pdf](https://planningandpermitting.frederickcountymd.gov/delegate/civics-api/api/core/attachments/c9b8f7c04e9a4bdcb1528b8ec8f544bd/stream?fname=Natelli%20Holdings%20Addition%20Plat%201%20(2021-07-28).pdf)

<sup>25</sup> Email: 3/23/21, Subject: [REDACTED] From: Bruce Dean, To: Brandt, Kimberly G., Wilkins, Michael, Hessong, Gary, CC: Tom Natelli, [REDACTED], Eric Soter, Dusty Rood, Lisa Graditor. This record contains information received from a person outside of Frederick County Government, and the information contained within is commercial in nature, and was provided to the County under an assurance of privacy. This email contains the phrase “Critical Digital Infrastructure.”

<sup>26</sup> “March 2021 DRAFT Sugarloaf Plan” PDF file created 3/2/21. Sugarloaf Alliance obtained this file via an October 5, 2021, Public Information Act request. Frederick County PIA #72896.

<sup>27</sup> Email 4/22/21. Subject: Re: cdi? What is it stand for re Sugarloaf?, From: Keju, Dail, To: Goodfellow, Tim. This email discusses questions related to the description of CDI and its implementation within the County. Phrases Vaughn – 88.

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<sup>28</sup> Email 4/22/21. Subject: Re: cdi? What is it stand for re Sugarloaf?, From: Keju, Dail, To: Goodfellow, Tim. This email discusses questions related to the description of CDI and its implementation within the County. Phrases Vaughn – 89.

<sup>29</sup> Email 4/27/21. Subject: Revised Sugarloaf Planning Area, From: Brandt, Kimberly G., To: Horn, Steve. This email discussed, and contains an attachment of, the Sugarloaf Planning Area. Horn Vaughn – 35.

<sup>30</sup> Email 4/30/21. Subject: Re: Revised Sugarloaf Planning Area, From: Brandt, Kimberly G., To: Gardner, Jan, Horn, Steve. This email discussed, and contains an attachment of, the Sugarloaf Planning Area. Horn Vaughn – 37.

<sup>31</sup> Email 4/27/21. Subject: Revised Sugarloaf Planning Area, From: Brandt, Kimberly G., To: Horn, Steve. This email discussed, and contains an attachment of, the Sugarloaf Planning Area. Horn Vaughn – 35.

<sup>32</sup> COUNTY COUNCIL OF FREDERICK COUNTY MEETING MINUTES Monday, August 16 & 17, 2021.

<sup>33</sup> LinkedIn page for “Tony Burkart”.

<sup>34</sup> <https://frederickcountymd.gov/DocumentCenter/View/4247/Lobbyists-Currently-Registered?bId=...>

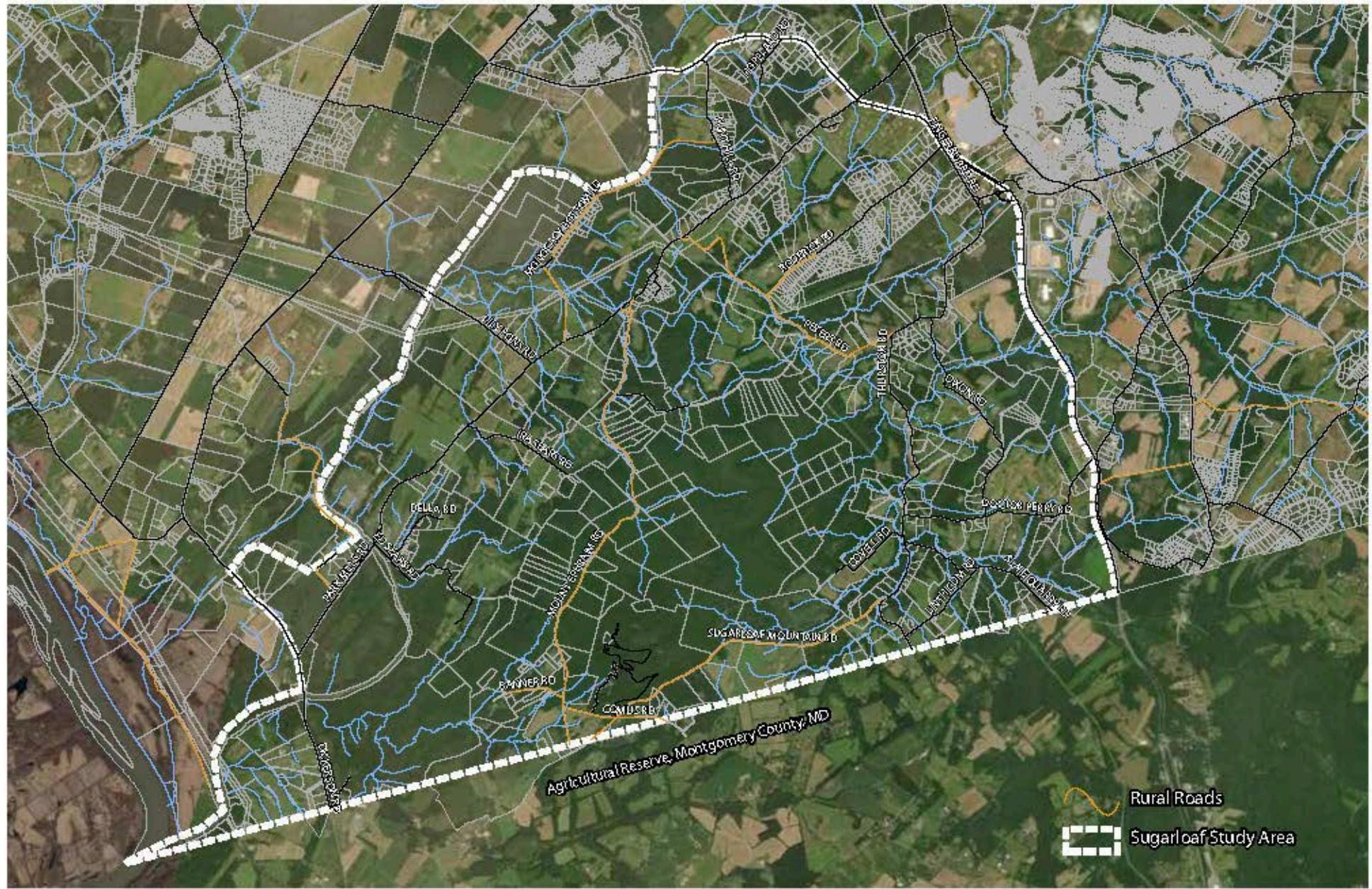
<sup>35</sup> Email: 3/23/21, Subject: [REDACTED] From: Bruce Dean, To: Brandt, Kimberly G., Wilkins, Michael, Hessong, Gary, CC: Tom Natelli, [REDACTED], Eric Soter, Dusty Rood, Lisa Graditor. This record contains information received from a person outside of Frederick County Government, and the information contained within is commercial in nature, and was provided to the County under an assurance of privacy. This email contains the phrase “Critical Digital Infrastructure.”

<sup>36</sup> Hogan, J. “Maryland board finds Frederick County Council violated Open Meetings Act” Frederick News Post, 11/30/21.

<sup>37</sup> Frederick County Council Statement on the OMBC Opinion 11/29/21 Issued 12/21/21.

<sup>38</sup> Frederick County Council Statement on the OMBC Opinion 11/29/21 Issued 12/21/21.

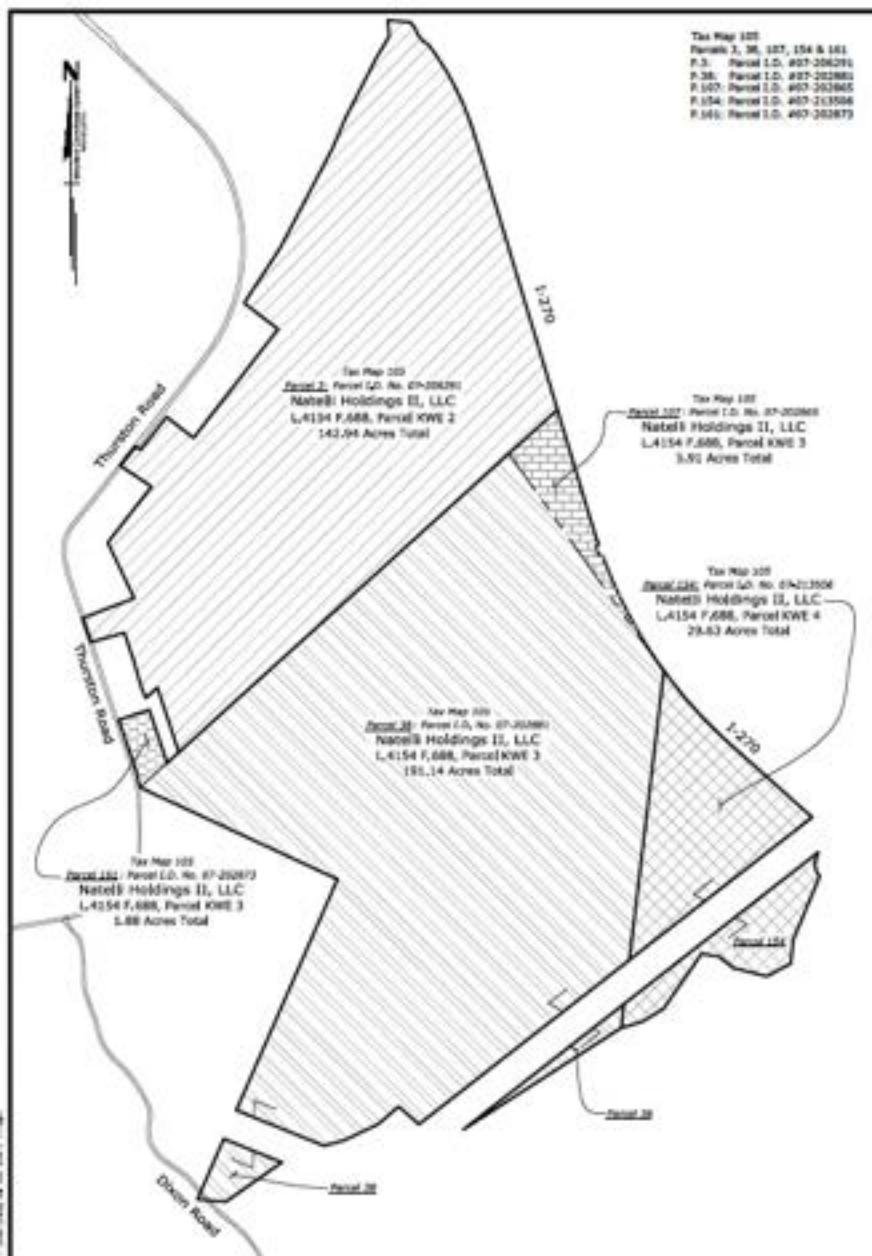
# Figure 1: March 2, 2021, staff draft Sugarloaf Plan



**Planning Area Boundary**

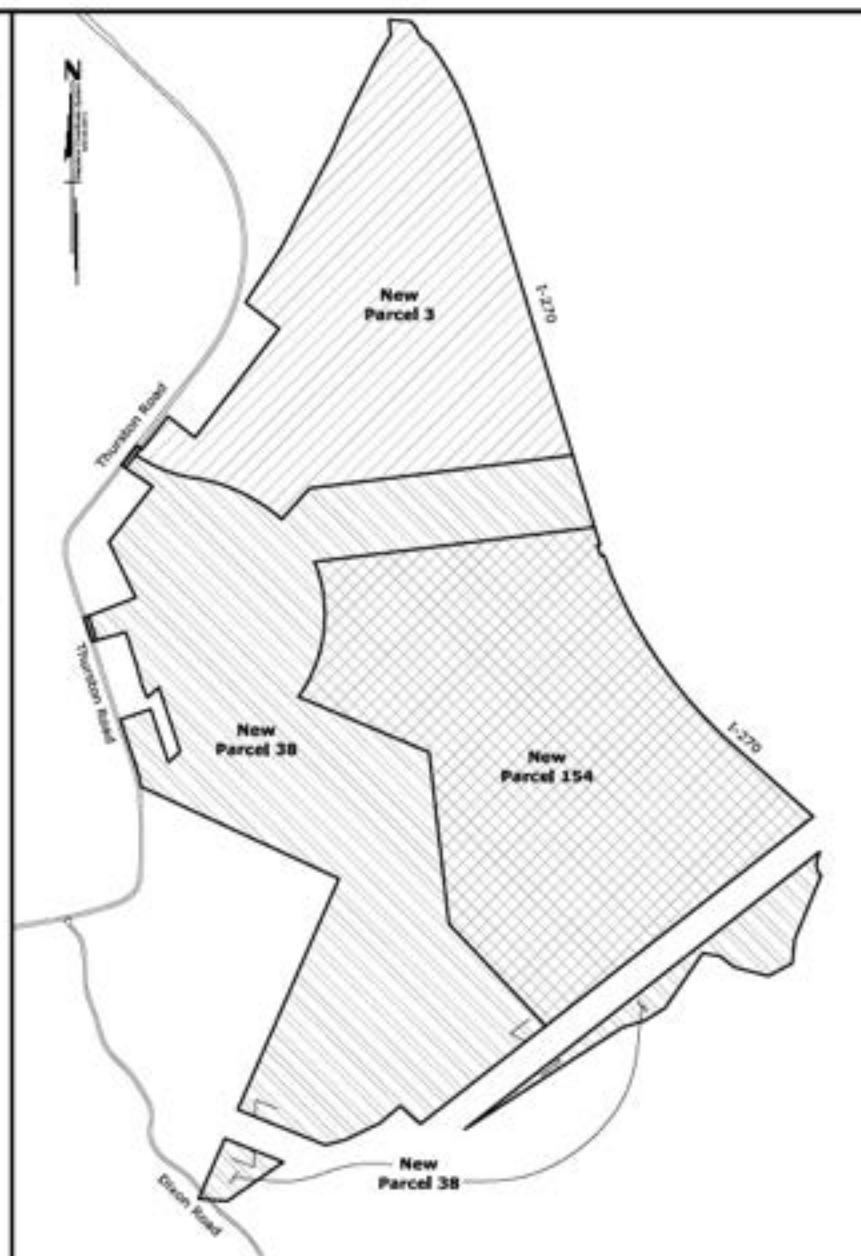


Map 1-1



Overall Deed Exhibit (Existing Parcels)  
Scale: 1"= 600'

	<p><b>Owners:</b>          Nataali Holdings II, LLC          804 Main Street, Suite 300          Gaithersburg, Maryland 20878          Phone: 301-470-4320</p>	<p><b>Symbols:</b></p> <ul style="list-style-type: none"> <li>■ - Concrete Monument</li> <li>● - Iron Rod</li> </ul> <p>Sq. Ft. - Square Feet</p>
<p><b>TO THE CLERK OF THE COURT:</b>          This plan complies with Article II, Section          5-5b-7 of the Frederick County Code.</p>		



Overall Deed Exhibit (Proposed Parcels)  
Scale: 1" = 600'

I hereby certify that this Addition Plan is correct, that it is part of the property acquired by Nasco Holdings, LLC, a Maryland limited liability company, from the Village of Washington Heights, Inc., a Delaware corporation, and by the Subdivision Committee of the Village of Washington Heights, an unincorporated association, located in Frederick County, Maryland, in the Land Subdivision of the Assistant County, Maryland in Liber 41 of the folio 1588, and that the requirements of the Maryland Land Subdivision Act, Title 26 of the Annotated Maryland Code, Real Property, Book 1, Title 2, Subtitle 1, Section 3-118 have been complied with, and that once engaged as described in the Owner's Certification and Dedication affidavit, all property marked will be set as delineated herein in accordance with the provision of Section 1-16-139 of the Frederick County Code; and that the work reflected herein was prepared under my direct responsibility and charge and is in accordance with CORAM TS04-09, Volume 13, Chapter 26, Real Estates, 12.

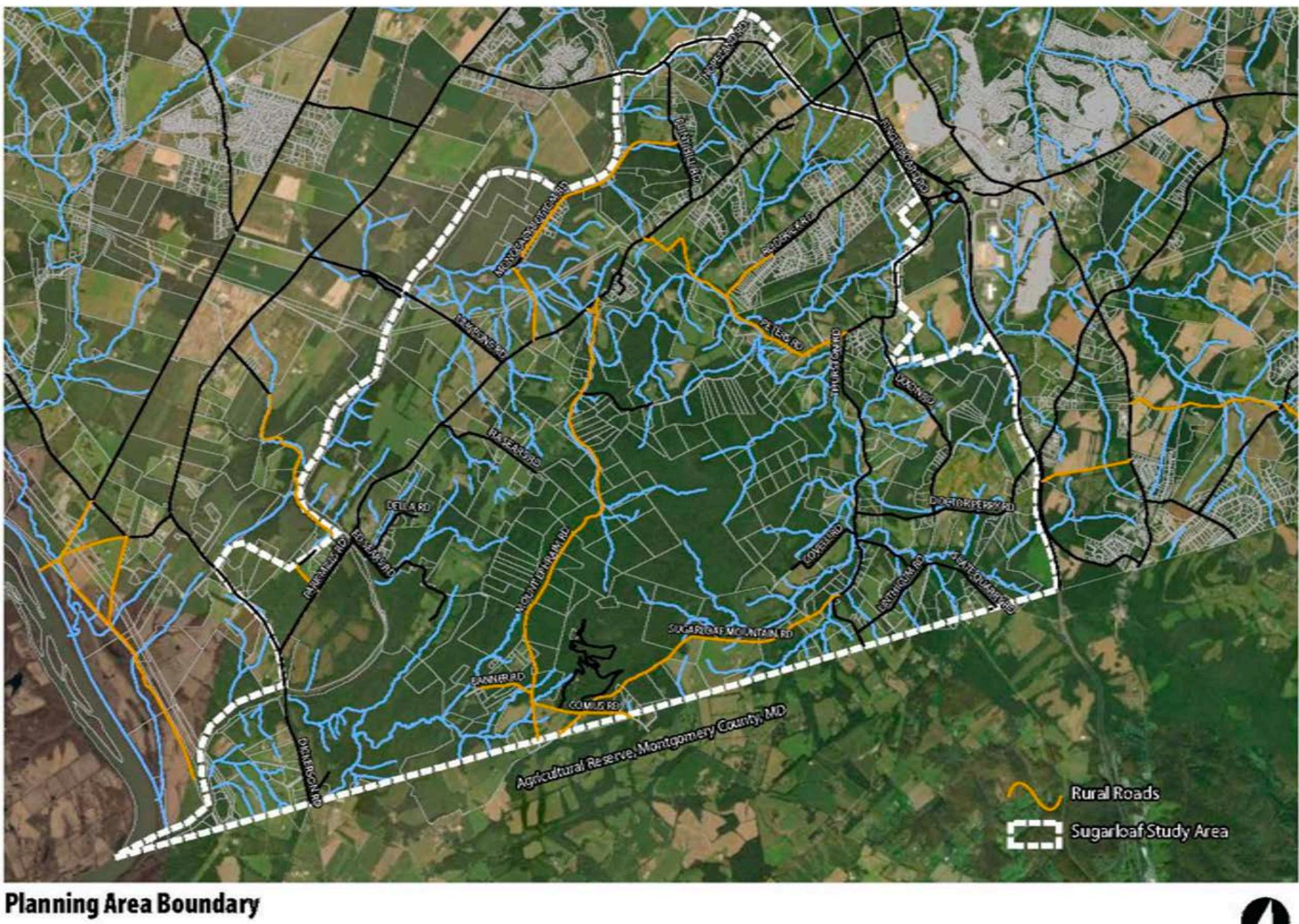
Date \_\_\_\_\_  
Per: Rodgers Consulting, Inc.  
By: Aaron Eugene Worley  
Professional Land Surveyor  
Maryland Registration No. 21539  
(License Expired, Date: 12-31-2010)

File #: 100-00000  
A/P #: 100-00000  
Recorded: 10-10-2000

Addition Plat  
Part of the Lands of  
Natelli Holdings II, LLC  
to  
Natelli Holdings II, LLC  
Urbana (7th) Election District  
Frederick County, Maryland  
Scales As Shown, Sales 2011

Urbana (7th) Election District  
Frederick County, Maryland  
Scale: As Shown, July 2021

**Figure 3: July 30, 2021, first publicly released draft Sugarloaf Plan**



**From:** [Comus Sky Farm](#)  
**To:** [Council Members](#)  
**Subject:** No!  
**Date:** Monday, September 26, 2022 10:34:50 AM  
**Attachments:** [unknown.jpg](#)

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**[EXTERNAL EMAIL]**

To Whom it May Concern,

I am voicing my opposition to the current proposal of widening the boundaries of development around Sugarloaf Mountain.

HOLD THE LINE.

Kindest of regards,

Juanita Wheatley Breland



***Juanita W. Breland***  
***P.O. Box 465***  
***Barnesville, MD 20838***  
***301-448-6677***

**From:** [Brandt, Kimberly G.](#)  
**To:** [Specht, Jennifer](#)  
**Subject:** FW: Sugarloaf Plan letter  
**Date:** Tuesday, September 27, 2022 10:21:52 AM  
**Attachments:** [9-26-22 Letter to the County Council.docx](#)  
[image001.png](#)  
[image002.png](#)

---

Best,  
Kim

**Kimberly Golden Brandt**

Livable Frederick Director  
[kgbrandt@frederickcountymd.gov](mailto:kgbrandt@frederickcountymd.gov)  
o: (301) 600-1144  
c: (410) 598-9026

**Livable Frederick Planning and Design Office**

<http://www.frederickcountymd.gov/livablefrederick>  
30 North Market Street  
Frederick, MD 21701  
(301) 600-1138



Division of Planning and Permitting  
<https://www.frederickcountymd.gov/planning>  
Frederick County Government  
<https://www.frederickcountymd.gov/>

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**From:** Cherney, Ragen <RCherney@FrederickCountyMD.gov>  
**Sent:** Monday, September 26, 2022 3:00 PM  
**To:** Brandt, Kimberly G. <KGBrandt@FrederickCountyMD.gov>  
**Cc:** Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>  
**Subject:** FW: Sugarloaf Plan letter

**Ragen Cherney**  
*Chief of Staff/Legislative Director*  
Frederick County Council

Winchester Hall  
12 East Church Street  
Frederick, Maryland 21701  
301.600.1049



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**From:** Johanna Springston <[johannaspringston@gmail.com](mailto:johannaspringston@gmail.com)>  
**Sent:** Monday, September 26, 2022 2:14 PM  
**To:** Council Members <[CouncilMembers@FrederickCountyMD.gov](mailto:CouncilMembers@FrederickCountyMD.gov)>  
**Subject:** Sugarloaf Plan letter

**[EXTERNAL EMAIL]**

Please find attached my letter to the Council Council concerning the Sugarloaf Treasured Landscape Management Plan.

Thank you for your consideration.

Johanna Springston

September 26, 2022

Dear County Council Members:

I am writing to urge you to support the *Sugarloaf Treasured Landscape Management Plan*. I believe the Planning Commission largely got it right on this Plan. They recognized the unique and irreplaceable natural resources of the Sugarloaf area and sought to protect them by extending the boundary to I-270 and down to the Monocacy River and placing the preservation overlay over most of the area. I think you should go further and extend the preservation overlay over the entire area, including the businesses at the Rt. 80 interchange. The overlay will not interfere with their current business operations and will help to protect against unwanted development on those parcels. I oppose the rezoning of Potomac Garden Center (PGC). It is my understanding that PGC currently has approval to expand their business on their agricultural land and does not need to be rezoned in order to do so. Rezoning will only allow for future dense development on that site—something the adjacent property owners oppose.

You are hearing arguments that Frederick County's economic development is dependent on dense development being allowed west of I-270 in the Sugarloaf area. You are hearing that the development on the west side of I-270 is in sync with the Livable Frederick Master Plan (LFMP). **I urge to reject these arguments.** Frederick County has ample space for economic development on the east side of I-270 and LFMP is only a thematic plan. Currently, in the Urbana Growth Area, there are 1,500 acres of undeveloped agricultural land that could be rezoned for industrial or commercial land use. Data centers and other industrial development could be placed in the Urbana Growth Area where it is already appropriate to develop. On the east side of I-270 directly across from Mr. Natelli's land on Parks Mill Rd. is agricultural land that could be rezoned for data centers or other dense development. Frederick County's economic future does not hinge on developing in the Sugarloaf area. If it does, then the County is in trouble.

Allowing data centers and other dense development into the Sugarloaf area will irreparably damage this area and ruin the preservation goals of the Sugarloaf Plan. Once development is allowed, you will not be able to contain it. Land owners, like myself, will not want to live across the road from dense development and all of its consequences, and may seek to rezone so that we can leave the area. It is not appropriate to locate data centers and other industrial land uses in a preservation area. Development and preservation are not compatible land uses and development will win every time—overtaking preservation.

I urge you to vote down the Dacey amendment which would change the boundary from I-270 to Thurston Rd. and Rt. 80 and would remove 2,600 acres from the protection of this Plan. If this amendment is passed, Mr. Natelli will seek to rezone his 600+ acres, but it won't stop

there. Much of the remaining 2,000 acres will be up for grabs and vulnerable to development. In addition, any properties bordering this development, whether or not they are included in the Sugarloaf Plan, will be vulnerable to development.

You are hearing that the Preservation Overlay is similar to an HOA. **It is not.** An HOA places building restrictions on homes that governs their size and appearance. The building restrictions in this Preservation Overlay **do not apply** to residential and agriculturally zoned properties. In other words, no homes or farms buildings are affected. So, how is the Preservation Overlay like an HOA? The answer is it is not like an HOA at all and I urge you to reject this argument.

The Preservation Overlay adds much-needed protections to the entire Sugarloaf area, including the 3,400 acres owned by Stronghold, Inc. The objectives of the Overlay are in sync with Gordon Strong's preservation vision for the Sugarloaf area. Not only does the Overlay provide for greater protection of the natural resources of the area; but, it also, prohibits certain obnoxious land uses that do not belong in a preservation area. I urge you to apply the Preservation Overlay evenly over entire Sugarloaf area.

Fortunately for the public, much is now coming to light about the origin of the developer cut outs and the secret meetings with Amazon. And, what we are learning does not cast the County Government in a favorable light. Conducting public business in secret and behind closed doors for the benefit of the rich and the powerful is no way to govern. The residents of the Sugarloaf area deserve better representation than that. Fortunately, the Planning Commission recognized the destructive nature of these developer cut outs and did away with them. They are destructive not only to the environment, the rural landscape, people's homes and home values, and their ways of life, they are destructive to the public trust. If placing data centers in the Sugarloaf area is such a good idea then why not discuss it out in the open in a way that is transparent and affords the public the opportunity to weigh in? But, that is not the path the County Government has chosen.

When the Sugarloaf Alliance asked for information pertaining to the developer cut outs, Frederick County Government chose not to respond. Even though the Maryland Public Information Act requires government agencies to respond within 30 days of the inquiry, the County Government ignored the law. The County Attorney contends that they forgot to respond, but I hope you see through that flimsy and unacceptable excuse. After waiting over six months, the Sugarloaf Alliance finally filed a lawsuit to compel our County Government to follow the law. Even now, the County continues to ignore Public Information Act requests and is attempting to hide information from its citizens. I a higher code of conduct from my local government.

So, if you vote for the Dacey amendment to move the boundary away from I-270, then you are saying that you support dense development in a preservation area. You are saying that you believe that one land owner (a developer) deserves to be richly rewarded at the expense of

smaller land owners who will suffer the consequences of his development. You are saying that it is perfectly fine to start the zoning process in secret without public knowledge or consent. If you vote for this amendment, you are aggressively undermining the public trust in such an egregious manner that I wouldn't expect it to be restored any time soon.

Please respect the law and the will of the people and support the Sugarloaf Treasured Landscape Management Plan with the boundary at I-270 and the preservation overlay over the entire area.

Sincerely,

Johanna M. Springston  
8101 Fingerboard Rd.  
Frederick, MD 21704

**From:** [Brandt, Kimberly G.](#)  
**To:** [Specht, Jennifer](#)  
**Subject:** FW: 640 acres per square mile  
**Date:** Tuesday, September 27, 2022 10:21:30 AM  
**Attachments:** [image001.png](#)

---

Best,  
Kim

**Kimberly Golden Brandt**

Livable Frederick Director  
[kgbrandt@frederickcountymd.gov](mailto:kgbrandt@frederickcountymd.gov)  
o: (301) 600-1144  
c: (410) 598-9026

**Livable Frederick Planning and Design Office**

<http://www.frederickcountymd.gov/livablefrederick>

30 North Market Street  
Frederick, MD 21701  
(301) 600-1138



Division of Planning and Permitting  
<https://www.frederickcountymd.gov/planning>  
Frederick County Government  
<https://www.frederickcountymd.gov/>

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**From:** Gardner, Jan <JGardner@FrederickCountyMD.gov>  
**Sent:** Monday, September 26, 2022 11:14 PM  
**To:** Brandt, Kimberly G. <KGBrandt@FrederickCountyMD.gov>  
**Cc:** Disclosures <Disclosures@FrederickCountyMD.gov>  
**Subject:** Fwd: 640 acres per square mile

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**From:** Bill Woodcock <[refertobill@gmail.com](mailto:refertobill@gmail.com)>  
**Sent:** Monday, September 26, 2022 10:24:47 PM

**To:** Blue, Michael <[MBlue@FrederickCountyMD.gov](mailto:MBlue@FrederickCountyMD.gov)>; Keegan-Ayer, MC <[MCKeegan-Ayer@FrederickCountyMD.gov](mailto:MCKeegan-Ayer@FrederickCountyMD.gov)>; McKay, Steve <[SMcKay@FrederickCountyMD.gov](mailto:SMcKay@FrederickCountyMD.gov)>; Fitzwater, Jessica <[JFitzwater@FrederickCountyMD.gov](mailto:JFitzwater@FrederickCountyMD.gov)>; Dacey, Phil <[PDacey@FrederickCountyMD.gov](mailto:PDacey@FrederickCountyMD.gov)>; [khagan@frederickcountymd.gov](mailto:khagan@frederickcountymd.gov) <[khagan@frederickcountymd.gov](mailto:khagan@frederickcountymd.gov)>; Donald, Jerry <[JDonald@FrederickCountyMD.gov](mailto:JDonald@FrederickCountyMD.gov)>  
**Cc:** Gardner, Jan <[JGardner@FrederickCountyMD.gov](mailto:JGardner@FrederickCountyMD.gov)>  
**Subject:** Fwd: 640 acres per square mile

**[EXTERNAL EMAIL]**

**Sugarloaf Plan Comment:**

**RESPECTFULLY Council Members,**

WHEN is "Enough is enough"? Frederick County has "preserved/protected" as of 2017's Report, **Frederick County Land Preservation Plan** **104,403 ACRES OF LAND. Which equals about**  
**....163 Square Miles of Land preserved.**

**Frederick Preserved 104,403 ACRES OF LAND. Which equals about**  
**.....163 Square Miles.**

**The ENTIRE land mass of Baltimore City**  
**is..... 81 Square Miles.**

**The ENTIRE land mass of Calvert County is.....**  
**213 Square Miles.**

**Two Baltimore Cities of Preserved Land, almost the entire county of**  
**Calvert preserved. Enough is enough, we have Preserved enough**  
**land, Private Property Rights must prevail.**

**Please Ladies and Gentlemen we need Parks and Recreational Land, but enough is**  
**enough. Stop solving problems that frankly do not exist. Private Property Rights are**  
**a foundation of a free society.**

Sincerely yours,  
William Woodcock  
9236 Oak Tree Circle  
Frederick, MD. 21701-2288

Source material:

*"These preserved/protected lands total approximately 104,403 acres comprising about 24% of the county's total land area. This figure includes the almost 3,000 acres of Sugarloaf Mountain."*  
Quote from Frederick County Land Preservation Plan

**CALCULATOR GOOGLE search acres per square mile:**

1 square mile =

640 acres

104,000 acres = 156 Square miles

### **Google "What are the sizes of Maryland Counties?"**

1.	80.94 sq mi	<a href="#">Baltimore City, MD</a> / 622,271
2.	213.15 sq mi	<a href="#">Calvert, MD</a> / 89,793
3.	250.74 sq mi	<a href="#">Howard, MD</a> / 299,269
4.	268.54 sq mi	<a href="#">Talbot, MD</a> / 37,894
5.	277.03 sq mi	<a href="#">Kent, MD</a> / 20,016
6.	319.42 sq mi	<a href="#">Caroline, MD</a> / 32,759
7.	319.72 sq mi	<a href="#">Somerset, MD</a> / 26,197
8.	346.27 sq mi	<a href="#">Cecil, MD</a> / 101,803
9.	357.18 sq mi	<a href="#">Saint Marys, MD</a> / 108,472
10.	371.91 sq mi	<a href="#">Queen Annes, MD</a> / 48,439
11.	374.44 sq mi	<a href="#">Wicomico, MD</a> / 100,376
12.	414.90 sq mi	<a href="#">Anne Arundel, MD</a> / 550,269
13.	424.16 sq mi	<a href="#">Allegany, MD</a> / 73,976
14.	437.09 sq mi	<a href="#">Harford, MD</a> / 248,029
15.	447.59 sq mi	<a href="#">Carroll, MD</a> / 167,399
16.	457.75 sq mi	<a href="#">Charles, MD</a> / 150,960
17.	457.78 sq mi	<a href="#">Washington, MD</a> / 148,913
18.	468.28 sq mi	<a href="#">Worcester, MD</a> / 51,558
19.	482.69 sq mi	<a href="#">Prince Georges, MD</a> / 884,764
20.	491.25 sq mi	<a href="#">Montgomery, MD</a> / 1,005,087
21.	540.76 sq mi	<a href="#">Dorchester, MD</a> / 32,614
22.	598.30 sq mi	<a href="#">Baltimore, MD</a> / 817,720
23.	647.10 sq mi	<a href="#">Garrett, MD</a> / 29,945
24.	660.22 sq mi	<a href="#">Frederick, MD</a> / 239,253

**From:** [Brandt, Kimberly G.](#)  
**To:** [Specht, Jennifer](#)  
**Subject:** FW: Sugarloaf Plan comments  
**Date:** Tuesday, September 27, 2022 10:21:12 AM  
**Attachments:** [Sugarloaf Plan.docx](#)  
[image001.png](#)

---

Best,  
Kim

**Kimberly Golden Brandt**

Livable Frederick Director  
[kgbrandt@frederickcountymd.gov](mailto:kgbrandt@frederickcountymd.gov)  
o: (301) 600-1144  
c: (410) 598-9026

**Livable Frederick Planning and Design Office**

<http://www.frederickcountymd.gov/livablefrederick>  
30 North Market Street  
Frederick, MD 21701  
(301) 600-1138



Division of Planning and Permitting  
<https://www.frederickcountymd.gov/planning>  
Frederick County Government  
<https://www.frederickcountymd.gov/>

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**From:** Gardner, Jan <JGardner@FrederickCountyMD.gov>  
**Sent:** Monday, September 26, 2022 11:13 PM  
**To:** Brandt, Kimberly G. <KGBrandt@FrederickCountyMD.gov>; Horn, Steve <SHorn@FrederickCountyMD.gov>  
**Cc:** Disclosures <Disclosures@FrederickCountyMD.gov>  
**Subject:** Fwd: Sugarloaf Plan comments

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**From:** William H. Jamison <[williamhjamison@outlook.com](mailto:williamhjamison@outlook.com)>

**Sent:** Monday, September 26, 2022 9:52:57 PM  
**To:** Council Members <[CouncilMembers@FrederickCountyMD.gov](mailto:CouncilMembers@FrederickCountyMD.gov)>  
**Cc:** Gardner, Jan <[JGardner@FrederickCountyMD.gov](mailto:JGardner@FrederickCountyMD.gov)>; Planning Commission  
<[PlanningCommission@FrederickCountyMD.gov](mailto:PlanningCommission@FrederickCountyMD.gov)>; [wiliamhjamison@outlook.com](mailto:wiliamhjamison@outlook.com)  
<[wiliamhjamison@outlook.com](mailto:wiliamhjamison@outlook.com)>  
**Subject:** Sugarloaf Plan comments

**[EXTERNAL EMAIL]**

Dear Council Members, County Executive and planning commissioners, Attached comments for your consideration. YT, Bill Jamison

William H. Jamison  
912 Greenfield Rd.  
Dickerson, Md 20842  
240-388-0721 cell  
301-428-8200 office

Sept. 26, 2022

My name is William Jamison and my address is 912 Greenfield Rd., Dickerson Md. I own my main residence with 10 acres at 912 Greenfield Rd. I recently purchased 134 acres that adjoins my 912 ten acre property. I also own 22 acres in the Sugarloaf Plan Overlay Zone. In addition to these AG Zone Interests are three farmette size lots that range in size from 17 acres---25 acres and are also zoned agriculture. I own a 1/6 interest in them. The tillable acreage is being farmed for corn, soybeans and wheat with best management practices. Cover crops are utilized after harvest.

The Sugarloaf Treasured Landscape Management Plan would change well in excess of 1000 AG Zoned property interests to that of RC Zoning. I consider this to be a blatant taking of one's property rights and diminishes the highest and best uses of ones right, title and interest in their real property investment. The state and county easements place values on perpetual easements and the easement programs are voluntary to the owners. NOT SO WITH YOUR DOCUMENT. Another negative consequence is that only a fraction of the Frederick County AG Zoned lands are being downzoned. This may well be considered discriminatory, especially to those who have their zoning changed. This is not fair or equitable planning. The alarm bells in the AG Community will know that they are next if you approve AG to RC Zoning without having surveys and appraisals to determine what claims are appropriate.

I did contact a Frederick County Appraiser and he told me that a change from AG to RC Zoning would most certainly create a negative adjustment in value.

Please do not allow changes to the AG zoned properties in your planned overlay.

Thank You for your continued service as Council persons.

Yours Truly, Bill Jamison

**From:** [Brandt, Kimberly G.](#)  
**To:** [Specht, Jennifer](#)  
**Subject:** FW: Sugarloaf Treasured Landscape Mgt Plan  
**Date:** Tuesday, September 27, 2022 10:20:41 AM  
**Attachments:** [Frederick.Concern.9.26.22doc.doc](#)  
[Outlook-FCG-Seal-R.png](#)  
[image001.png](#)

---

Best,  
Kim

**Kimberly Golden Brandt**

Livable Frederick Director  
[kgbrandt@frederickcountymd.gov](mailto:kgbrandt@frederickcountymd.gov)  
o: (301) 600-1144  
c: (410) 598-9026

**Livable Frederick Planning and Design Office**

<http://www.frederickcountymd.gov/livablefrederick>  
30 North Market Street  
Frederick, MD 21701  
(301) 600-1138



Division of Planning and Permitting  
<https://www.frederickcountymd.gov/planning>  
Frederick County Government  
<https://www.frederickcountymd.gov/>

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**From:** Cherney, Ragen <RCherney@FrederickCountyMD.gov>  
**Sent:** Monday, September 26, 2022 4:03 PM  
**To:** Brandt, Kimberly G. <KGBrandt@FrederickCountyMD.gov>; Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>  
**Subject:** Fw: Sugarloaf Treasured Landscape Mgt Plan

**Ragen Cherney**

*Chief of Staff/Legislative Director*

Frederick County Council

Winchester Hall

12 East Church Street

Frederick, Maryland 21701

301.600.1049



**From:** Graybeal, Frank @ Bethesda <[Frank.Graybeal@cbre.com](mailto:Frank.Graybeal@cbre.com)>

**Sent:** Monday, September 26, 2022 3:40 PM

**To:** Council Members <[CouncilMembers@FrederickCountyMD.gov](mailto:CouncilMembers@FrederickCountyMD.gov)>

**Cc:** Gardner, Jan <[JGardner@FrederickCountyMD.gov](mailto:JGardner@FrederickCountyMD.gov)>; Bollinger, Jodie <[JBollinger@FrederickCountyMD.gov](mailto:JBollinger@FrederickCountyMD.gov)>

**Subject:** Sugarloaf Treasured Landscape Mgt Plan

---

**[EXTERNAL EMAIL]**

To All Concerned:

My name is Frank Graybeal, Senior Vice President/Life Sciences for CBRE, Inc. in Maryland

The attached is provided amid concern I have regarding the restrictions and constraints that the Sugarloaf Treasured Landscape Management Plan may have on our region, in particular the I-270 Corridor.

Thank you for your leadership and attention.

Regards,

Frank C. Graybeal | Senior Vice President  
**CBRE | Life Sciences/Brokerage**  
4747 Bethesda Ave., Ste. 600 | Bethesda, MD 20814  
T 301 215 4114 | C 410 707 6033  
[frank.graybeal@cbre.com](mailto:frank.graybeal@cbre.com) | [www.cbre.com](http://www.cbre.com)

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Follow CBRE: [Facebook](#) | [@cbre](#) | [Google+](#)

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Frank C. Graybeal  
Senior Vice President/Life Sciences

CBRE, Inc.  
4747 Bethesda Ave.  
6th Floor  
Bethesda, MD 20814  
T 301 215 4114  
C 410 707 6033  
[frank.graybeal@cbre.com](mailto:frank.graybeal@cbre.com)  
[www.cbre.com](http://www.cbre.com)

September 26, 2022

Via Email:

[councilmembers@frederickcountymd.gov](mailto:councilmembers@frederickcountymd.gov)

[jgardner@frederickcountymd.gov](mailto:jgardner@frederickcountymd.gov)- Jan Gardner, Frederick County Executive

[jbollinger@frederickcountymd.gov](mailto:jbollinger@frederickcountymd.gov)- Jodie Bollinger , Acting Director Econ.Dev. Frdrck

Frederick County Council  
12 East Church Street  
Frederick County, MD 21701

RE: Comments on the Sugarloaf Treasured Landscape Management Plan

To All Concerned:

I am a Senior Vice President at CBRE, Inc. the world's largest commercial real estate services provider ([www.cbre.com](http://www.cbre.com)). For the last 35+ years I have been privileged to be the firm's platform leader of its Life Sciences Practice Group in Maryland specializing in the support of its Pharmaceutical and Bio Technology industries. I have been very active in the participation & development of a thriving bio pharma presence in the I-270 corridor, having been involved in a number of significant transactions that have led to many world-class life sciences companies deciding to do business in Frederick County and Montgomery County.

The I-270 corridor is one of the most important technology corridors in the country, rivaling the Boston/Cambridge in Massachusetts, Raleigh/Durham's ResearchTriangle in North Carolina, as well as the Bay Area & San Diego markets in Southern California. Technology and life sciences companies are attracted to areas where there is a thriving bio pharma and technology ecosystem already under development, and where there is clear support by the local jurisdictions to facilitate the growth of their industries. The I-270 corridor is uniquely positioned given the existing concentration of advanced life sciences companies already active in the region, the number of federal institutions involved in supporting and regulating the sector, including NIH, NIST, the National Cancer Institute, and FDA, to name a few. Frederick County has done an excellent job recently of facilitating the growth of these sectors, and the community will benefit for decades from having these advanced companies in the County.

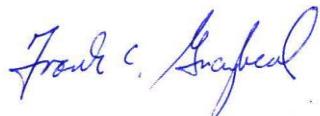
I am very concerned about the direction Frederick appears to be headed with the Sugarloaf Treasured Landscape Management Plan. The plan appears to restrict economic development along the entire west side of I-270, from Montgomery County to the City of Frederick. This is

contrary to what was understood to be envisioned in the Livable Frederick Master Plan, which recognizes I-270 as a primary growth corridor for the County and the State of Maryland.

The County should look to maximize the opportunity to benefit from all the things that make the I-270 corridor so attractive for these organizations to thrive. What potentially would amount to shutting down half of the corridor would waste or significantly eliminate a significant resource for Frederick County and the State of Maryland; a resource and opportunity that sets it apart from the forementioned competitive areas.

Frederick County has relatively few opportunities to concentrate economic growth in areas where adequate infrastructure already exists. The I-270 corridor is one such area and preserving the full potential of the corridor & region is vital to the future economic growth for Frederick County, not to mention the region. I urge you to amend the current draft Sugarloaf Plan to preserve the ability for the I-270 corridor to be developed as was envisioned in the Livable Frederick Master Plan.

Sincerely,  
**CBRE, INC.**

A handwritten signature in blue ink that reads "Frank C. Graybeal".

Frank C. Graybeal  
Senior Vice President/Life Sciences

**From:** [Brandt, Kimberly G.](#)  
**To:** [Specht, Jennifer](#)  
**Subject:** FW: Notification of County Council Public Hearing for Rezoning Sugarloaf Rural Heritage Overlay Zoning District  
**Date:** Tuesday, September 27, 2022 12:55:45 PM  
**Attachments:** [Notice of Sugarloaf Overlay.pdf](#), [FCLF Response, Sugarloaf Rural Heritage Overlay Zoning District.pdf](#)

---

**From:** Anthony Moscato <[advocacy@fredericklandmarks.org](mailto:advocacy@fredericklandmarks.org)>  
**Sent:** Monday, September 26, 2022 6:36 PM  
**To:** Council Members <[CouncilMembers@FrederickCountyMD.gov](mailto:CouncilMembers@FrederickCountyMD.gov)>; Cherney, Ragen <[RCherney@FrederickCountyMD.gov](mailto:RCherney@FrederickCountyMD.gov)>; Horn, Steve <[SHorn@FrederickCountyMD.gov](mailto:SHorn@FrederickCountyMD.gov)>; Barlet, Lori <[LBarlet@FrederickCountyMD.gov](mailto:LBarlet@FrederickCountyMD.gov)>  
**Subject:** Notification of County Council Public Hearing for Rezoning Sugarloaf Rural Heritage Overlay Zoning District

**[EXTERNAL EMAIL]**

Good Evening, Honorable Frederick County Council

As the property owner of the Zion Church and Cemetery in Urbana, the Frederick County Landmarks Foundation received the Notice to Adjoining Property Owners (dated September 1, 2022) regarding the hearing for Rezoning Sugarloaf Rural Heritage Overlay Zoning District, Draft Sugarloaf Treasured Landscape Management Plan (see attachment). We appreciate the notification and the opportunity to address the underlying matter. Accordingly, please find attached our letter of support for the application of the overlay. We kindly request our letter to be included in the record of proceeding as concerning the underlying matter.

We truly appreciate your consideration and welcome any questions.

Sincerest thanks,  
Anthony S. Moscato, Jr.,  
Chair, Advocacy Committee  
Frederick County Landmarks Foundation



## FREDERICK COUNTY GOVERNMENT

### DIVISION OF PLANNING & PERMITTING

Jan H. Gardner  
County Executive

Steven C. Horn, Division Director

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#### NOTICE TO ADJOINING PROPERTY OWNERS

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September 1, 2022

**Notification of County Council Public Hearing for Rezoning  
Sugarloaf Rural Heritage Overlay Zoning District  
Draft Sugarloaf Treasured Landscape Management Plan**

Date/Time: Tuesday, September 27, 2022 at 5:30 P.M.  
Location: Winchester Hall, First Floor Hearing Room, 12 East Church Street, Frederick, Maryland 21701 - Comments also accepted by telephone at 855-925-2801, meeting code 8365

The **Frederick County Council** will conduct a public hearing on **Tuesday, September 27, 2022 at 5:30 p.m.** for the draft Sugarloaf Treasured Landscape Management Plan and the land use designation and zoning changes proposed therein, to include application of a new Sugarloaf Rural Heritage Overlay Zoning District ("Overlay District") to a portion of the planning area. Public comment will be limited to three (3) minutes per speaker. Recognized organizations will be limited to five (5) minutes.

You are receiving this notification because your property has been identified as *adjoining* the area where the proposed Overlay District would be applied. Please note that the proposed Overlay District is not being applied to your property.

The proposed Overlay District contains design standards for non-residential development, a list of prohibited uses, new requirements for timber harvesting permit applications, and a limit on building footprint for non-residential structures. Structures used only for agricultural activities, as defined in 1-19-11.100 of the County Code, are exempt from this size limitation.

The July 2022 Recommended Sugarloaf Treasured Landscape Management Plan, which includes a map of the proposed Overlay District on Page 65 and the Overlay District text on Pages A-21 through A-25, is available for review at: [www.FrederickCountyMD.gov/SugarloafAreaPlan](http://www.FrederickCountyMD.gov/SugarloafAreaPlan) Questions may be directed to Mr. Tim Goodfellow, Project Planner, at 301-600-2508 or [TGoodfellow@FrederickCountyMD.gov](mailto:TGoodfellow@FrederickCountyMD.gov)

Individuals requiring special accommodations are requested to contact the Planning Department at 301-600-1138 (**TTY: Use Maryland Relay**) to make the necessary arrangements no later than five (5) working days prior to the public hearing.

Frederick County, Maryland does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, disability, familial status, gender identity, sexual orientation, or source of income.

Steven C. Horn  
Director, Division of Planning and Permitting



## Frederick County Landmarks Foundation

*Saving the Past for Frederick County's Future*

1110 Rosemont Avenue  
Frederick, Maryland 21701

Phone: 301-663-3885

Email: [advocacy@fredericklandmarks.org](mailto:advocacy@fredericklandmarks.org)

Website: [Fredericklandmarks.org](http://Fredericklandmarks.org)

Frederick County Council  
Winchester Hall  
12 East Church Street  
Frederick, MD 21701

September 26, 2022

Dear Honorable County Council:

The Frederick County Landmarks Foundation (FCLF) supports the application of the Sugarloaf Rural Heritage Overlay Zoning District (the Overlay) in furtherance of the vision and goals articulated in the *Sugarloaf Treasured Landscape Management Plan* (the Sugarloaf Management Plan). The Sugarloaf Mountain and surrounding area are significant to Frederick County's local, rural history as well as the histories of the State of Maryland and the United States of America. Accordingly, the preservation of these historic resources is essential to the Frederick community's cultural heritage and identity.

As recently as September 2018, the Sugarloaf Mountain Historic District was listed in the [Maryland Inventory of Historic Properties](#) (MIHP).<sup>1</sup> Based on the information contained in the MIHP survey, the Maryland Historical Trust determined the Sugarloaf Mountain Historic District would be eligible for listing on the National Register of Historic Places under all four criteria of eligibility. Please consider the importance of such a determination for two reasons; first, the U.S. Department of the Interior, National Park Service states, "The National Register of Historic Places is the official list of the Nation's historic places **worthy of preservation.**" (emphasis added);<sup>2</sup> and second, it is rare for an eligibility determination to be made under more than one criterion.

The MIHP survey also notes various reasons for the historical significance of the Sugarloaf Mountain and surrounding area, inclusive of the historic viewshed:

The Sugarloaf Mountain Historic District preserves a wide range of cultural traditions and historic landscapes with large farms surrounding the mountain providing sweeping vistas in all directions . . . One of the major visual features of the cultural landscape throughout the Sugarloaf Historic District are the large bank barns . . . The Sugarloaf area is best regarded as an environmental district, a cultural landscape, rich in landmarks and historical associations. Remarkable for its continuity over nearly 300 years (plus thousands of years of earlier Indian history), its many and diverse landmarks of architectural and engineering significance, its beautiful scenic and cultural landscapes, it should be recognized as an achievement of historic preservation . . . This hinderland [sic] provides [] a vivid impression of how the area looked 200 years ago.

---

<sup>1</sup> Maryland Historical Trust Inventory No. F-7-120; M-12-44

<sup>2</sup> <https://www.nps.gov/subjects/nationalregister/index.htm>



## Frederick County Landmarks Foundation

*Saving the Past for Frederick County's Future*

1110 Rosemont Avenue  
Frederick, Maryland 21701

Phone: 301-663-3885

Email: [advocacy@fredericklandmarks.org](mailto:advocacy@fredericklandmarks.org)

Website: [Fredericklandmarks.org](http://Fredericklandmarks.org)

In addition, the MIHP survey highlights the historical significance of Sugarloaf Mountain and surrounding area as experienced by individuals from within the Sugarloaf Mountain Historic District:

The view of Sugarloaf Mountain today from within the district presents the characteristics and perceptual qualities of the traditional Piedmont cultural landscape. The rolling topography of open and wooded area, cultivated fields and rivers and streams preserve elements of the natural setting of the region. The cultural networks and patterns of spatial organizations of man-made [sic] features, including roads, railroads, canals, farmsteads and cultivated fields reflect the history of the district. There are few modern intrusions.

Moreover, the application of the Overlay would be consistent with Gordon Strong's original intentions for the Sugarloaf Mountain and surrounding area as discussed in the MIHP survey:

Foremost to the conservation initiatives of this region was the work of Gordon Strong in creating his own private philanthropic institution, Stronghold, Inc. . . . This interest never waned and upon it was built the unique commitment to acquire and develop the entire mountain, first as a gentleman's country estate, and later as a public environmental trust.

In Gordon Strong's lifetime can be seen a transition from the gentleman's country house ideal to a more contemporary dedication to the conservation ethic. Tracing this biographical evolution will do much to explain why Strong, after assembling the 3,000 acres of Sugarloaf Mountain, chose to hand it over to a non-profit trust to maintain forever for public education and enjoyment.

FCLF wholeheartedly supports the Frederick County Government's efforts to preserve the County's rapidly diminishing rural historic resources. The Overlay is necessary to assist the Frederick community with the preservation of Sugarloaf Mountain and surrounding area as important cultural resources and is a positive step for ensuring the display of the County's rural heritage and historic significance. Accordingly, FCLF supports the Overlay in furtherance of the vision and goals of the Sugarloaf Management Plan.

Sincerely,

Anthony S. Moscato, Jr.  
Chair, Advocacy Committee  
On behalf of Frederick County Landmarks Foundation

**From:** [Michele Rosenfeld](#)  
**To:** [Council Members](#)  
**Cc:** [E25677@PublicInput.com](mailto:E25677@PublicInput.com); [Steve Black](#)  
**Subject:** Sugarloaf Treasured Landscape Management Plan - Sugarloaf Alliance, Inc. public comments  
**Date:** Monday, September 26, 2022 4:26:05 PM  
**Attachments:** [Outlook-vdtehvda.jpg](#)  
[2022.09.26 council letter.signed.pdf](#)  
[Exhibit 1.pdf](#)  
[Exhibit 2.pdf](#)  
[Exhibit 3.pdf](#)

---

**[EXTERNAL EMAIL]**

Council President Keegan-Ayer:

Please accept the attached supplemental letter and exhibits, sent on behalf of my client Sugarloaf Alliance, Inc., into the record of the Council's deliberations on the Sugarloaf Area Plan for consideration.

Regards,

Michele Rosenfeld  
The Law Office of Michele Rosenfeld LLC  
1 Research Court, Suite 450  
Rockville MD 20850  
[michele@marylandpropertylaw.com](mailto:michele@marylandpropertylaw.com)  
301-204-0913





September 26, 2022

M.C. Keegan-Ayer, President  
Frederick County Council  
Winchester Hall  
12 E Church Street  
Frederick MD 21701

RE: Sugarloaf Treasured Landscape Management Plan ("Plan")

Dear Council President Keegan-Ayer and Council Members:

Please accept this written testimony into the record of the above-referenced Plan proceedings for your consideration, filed on behalf of my client The Sugarloaf Alliance. You have received, under separate cover, a detailed letter from my client dated September 25, 2022 outlining in great detail the chronology and proceedings related to Amazon's interest in locating one or more data complex(s) on the West side of I-270, within the Planning Commission's original recommended Plan boundary ("Original Plan Boundary").

There is pending a proposal to modify the Original Plan Boundary, and associated Overlay, in a way that could allow Amazon Web Services to build one or more data center complex(s) on the West side of I-270 ("Dacey Amendment"). For the reasons explained in my client's letter, it seems patently obvious that this effort stems directly from lobbying by Natelli (who owns the land at issue)<sup>1</sup> and behind-the-scenes lobbying by Amazon (who wants to build data centers),<sup>2</sup> efforts to persuade the Council to change zoning laws and to override the Planning Commission's Plan recommendations in a manner that would undermine long term protection of Sugarloaf Mountain, its environs, and all of the economic and aesthetic benefits it provides for the County.

Notably, the Council held two closed sessions during which the Amazon/Natelli proposal and land holdings were discussed, *i.e.*, August 16 and 24, 2021. A citizen challenged these closed sessions as violating Maryland's Open Meetings Act, and Maryland's Open Meetings Compliance Board concluded "the Council violated the Act by failing to adequately document and provide the public any meaningful information about the topics discussed." 15 Official Opinions of the Compliance Board 156, 158 (2021) (Exhibit 3 p. 158).

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<sup>1</sup> These lobbying efforts are detailed in a letter dated August 8, 2022, previously entered into the record of these proceedings. Exhibit 1.

<sup>2</sup> These lobbying efforts are detailed in a Sugarloaf Alliance letter dated September 25, 2022. Exhibit 2.

The Council's defense included, in part, its claim that "no action (vote) was taken at the closed session." *Id.* (Exhibit 3 p. 158). The Compliance Board clearly stated that as a matter of law:

[A] public body need not take action at a closed session for it to exceed the scope of the claimed exceptions. The Court of Appeals has made clear that "every step of the process, including the final decision itself, constitutes the consideration or transaction of public business." *City of New Carrollton v. Rogers*, 287 Md. 56, 72 (1980). Thus, deliberations must occur in the open, regardless of whether the public body ultimately takes action, unless the deliberations stay within one of the Act's exceptions.

*Id.* In *New Carrollton v. Rogers*, Maryland's highest court explained the reasoning behind this principle:

One purpose of the government in the sunshine law was to prevent at nonpublic meetings the crystallization of secret decisions to a point just short of ceremonial acceptance. Rarely could there be any purpose to a nonpublic premeeting conference except to conduct some part of the decisional process behind closed doors. The statute should be construed so as to frustrate all evasive devices.

*City of New Carrollton v. Rogers*, 287 Md. 56, 72-73, citing *Town of Palm Beach v. Gradison*, 296 So.2d 473, 477 (1974).

Ironically, the Compliance Board was unable to ascertain precisely the scope of the Council's discussions and deliberation during the August closed sessions because the Council's minutes did not include any summary of what was discussed -- even in its own *sealed* records of the meeting -- as noted with frustration by the Compliance Board following its review of those records in an attempt to determine whether the Council complied with the Open Meetings Act during the course of the August closed session meetings.

What Maryland's highest court has also made clear is that the Open Meetings Act "does apply to a public body when it is meeting to consider . . . a special exception, variance, conditional use, zoning classification, the enforcement of any zoning law or regulation, or any other zoning matter." *Wesley Chapel v. Baltimore*, 347 Md. 125 (1997)(emphasis in original). The Plan does not stand independent of zoning actions. Land use recommendations; zoning classifications; possible new zoning laws (e.g., the proposed Critical Digital Infrastructure Floating Zone); and the process governing development proposals all have planning, zoning and regulatory implications for future development applications. Under Maryland law even preliminary discussions of these topics must occur in open session. All of the direct and circumstantial evidence that we have obtained to date shows that a broad spectrum of zoning matters were the subject of closed session discussions.

**Should the Council adopt the Dacey Amendment, this decision would constitute a final action resulting from closed session deliberations undertaken in violation of Maryland's Open Meetings Act.** At a minimum, the Council's failure to adopt properly promulgated minutes of the August 2021 closed sessions constitutes a willful, unremedied and ongoing violation of the Open Meetings Act.

**Should the Council approve the Dacey Amendment, it would be subject to legal challenge by anybody with standing (a sizeable group of potential challengers).** This would open County representatives and other parties who participated in closed session meetings to discovery in connection with Open Meetings Act compliance (e.g., depositions and production of documents). While certain legislative privilege doctrines limit discovery in connection with legislative actions, this privilege does not extend to matters related to violations of the Open Meetings Act, or to County representatives beyond the legislative branch (e.g., members of the Executive branch). The serious nature of these violations is underscored by the fact if a violation is established, Maryland law expressly authorizes a court to declare the Plan void.

**We urge the Council to REJECT the Dacey Amendment and APPROVE the Plan boundaries as recommended by the Planning Commission and avoid entirely any question as to the validity of the County's process and of the Plan itself.**

Sincerely,

*Michele McDaniel Rosenfeld*

Michele McDaniel Rosenfeld

Enclosures:

Exhibit 1: August 8, 2022 letter

Exhibit 2: September 25, 2022 letter

Exhibit 3: 15 Official Opinions of the Compliance Board 156 (2021)

**LAWRENCE J. HOGAN, JR.**  
*Governor*

**BOYD K. RUTHERFORD**  
*Lt. Governor*



**LYNN MARSHALL, ESQ.**  
**CHAIR**

**JACOB ALTSCHULER, ESQ.**  
**VACANT**

**STATE OF MARYLAND**  
**OPEN MEETINGS COMPLIANCE BOARD**

**15 *Official Opinions of the Compliance Board* 156 (2021)**

**November 29, 2021**

**Frederick County Council**

The Complainant alleges that the Frederick County Council (“Council”) violated the Open Meetings Act (“Act”) before, during, and after the closed sessions that it held on August 16 and 24, 2021. The Council states that it complied with the Act’s disclosure requirements “in such a way as to not compromise the confidentiality of the discussion.” While we appreciate the need to keep the details of closed sessions confidential, we nonetheless find that the Council violated the Act by failing to adequately document and provide the public any meaningful information about the topics discussed.

*1. Alleged violations before the closed sessions*

The Act provides that, before a public body meets in closed session, the presiding officer must, in addition to conducting a recorded vote on the decision to enter closed session, “make a written statement of the reason for closing the meeting, including a citation of the authority under [§ 3-305], and a listing of the topics to be discussed.” § 3-305(d).<sup>1</sup> Although the Council clearly held a recorded vote in open session, as shown in both the minutes and a recording of the meeting, the Complainant alleges that the presiding officer did not read or make public the written statement prior to closing the Council’s meetings on August 16 and 24. The Council responds that the Act does not require the presiding officer to read the written statement aloud and that the written statement was included in the meeting agenda, which staff made available to the public one week prior to the meeting.

The Council is correct that the Act neither requires the presiding officer to read the written statement aloud nor to “affirmatively display” it. 15 *OMCB Opinions* 37, 41 (2021). Although we recommend reading the written statement aloud as a “good practice,” 12 *OMCB Opinions* 13, 14 (2018), because it informs both the members of the public body and the public of the reason for closing a meeting, we find no violation here in that regard.

<sup>1</sup> Unless otherwise noted, statutory references are to the General Provisions Article of the Maryland Annotated Code.

However, the Complainant also alleges that the written statement itself failed to provide the reason for closing the meeting and did not disclose the topics to be discussed, as is required by § 3-305(d). As we have explained, “[a] pre-prepared statement or agenda satisfies § 3-305(d) when (1) it contains the required information, and (2) the public body adopted it as the public body’s closing statement at the time of closing.” 11 *OMCB Opinions* 22, 23 (2017). Although the Council relies upon the agenda in its response, we see no indication in either the minutes or the recording of the two meetings that the Council adopted the agenda as its closing statement.

As to the required information, the agendas for the August 16 and 24 meetings indicate that the Council went into closed session, pursuant to § 3-305(b)(4) (the business location exception) and (b)(7) (the legal advice exception), to discuss the following topics: “[t]o consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State and [t]o consult with counsel to obtain legal advice.” That statement provides the requisite citation of authority, but the language supposedly describing the topics merely repeats the statutory language of the exceptions. “Although we have recognized that it is not up to us to assess the level of detail a public body can provide that nonetheless preserves the confidentiality permitted by the Act, saying nothing beyond the statutory language deprives the public of information to which it is entitled.” 12 *OMCB Opinions* 93, 96 (2018) (internal citations and quotation marks omitted). Indeed, in applying the business location exception, we have observed that at least some details may already be public and, “even when the identity of the proposal or property must be secret, the public body can usually add some additional detail beyond the very broad words of the statutory exception.” 12 *OMCB Opinions* 62, 63 (2018). As to the Council’s reason for closing the meeting, the agendas are silent on that matter, even though “[t]he topic to be discussed and the reason for closing the session are separate items that should be addressed separately.” 15 *OMCB Opinions* 99, 101 (2021).

We thus find that the Council violated § 3-305(d), both by failing to adopt the agenda as its closing statement at the time of closing and by failing to include the topics to be discussed or the reason the Council decided to discuss those topics in private. Because “the decision to close a meeting is discretionary, and the mere identification of the topic to be discussed will not always convey why the public body has elected to discuss it behind closed doors,” we have encouraged “the use of a form which calls on the presiding officer to enter (and thus consider) the reason for closing as well as the statutory basis and topics to be discussed.” 8 *OMCB Opinions* 95, 96 n.2 (2012). The model closing statement on the Attorney General’s website is one such form, and we recommend it to the Council for consideration.<sup>2</sup>

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<sup>2</sup> See <https://www.marylandattorneygeneral.gov/Pages/OpenGov/Openmeetings/default.aspx> (last visited Nov. 5, 2021).

2. *Alleged violations during the closed sessions*<sup>3</sup>

The Complainant alleges that the Council exceeded the scope of the claimed exceptions during its closed sessions on August 16 and 24. As discussed above, on both dates, the Council relied upon § 3-305(b)(4) (the business location exception) and (b)(7) (the legal advice exception) to enter closed session. The Council states in its response that the minutes “reflect that no action (vote) was taken at the closed session.” To be clear, a public body need not take action at a closed session for it to exceed the scope of the claimed exceptions. The Court of Appeals has made clear that “every step of the process, including the final decision itself, constitutes the consideration or transaction of public business.” *City of New Carrollton v. Rogers*, 287 Md. 56, 72 (1980). Thus, deliberations must occur in the open, regardless of whether the public body ultimately takes action, unless the deliberations stay within one of the Act’s exceptions.

Per our request, the Council submitted its sealed minutes for the closed sessions on August 16 and 24. We keep those sealed minutes confidential, and we refer to their contents only in broad terms and as needed to fulfill our function of providing meaningful guidance. § 3-206(b)(3). Unfortunately, the Council’s sealed minutes give us no useful information about the discussion that occurred; instead, they merely restate the statutory language of the exceptions again. “As for any meeting governed by the Act, minutes for a closed meeting must be kept . . . [and] also must convey meaningful information.” 7 *OMCB Opinions* 245, 248 (2011). At a minimum, then, closed-session minutes should reflect each item that the public body considered, the action taken on each item, and each recorded vote. § 3-306(c)(1). In failing to provide any information about the items considered in closed session, the Council again asserts the need for confidentiality, even though closed-session minutes are not open to public inspection. § 3-306(c)(3). Indeed, that is why the Act separately requires public bodies to include a summary of the closed session in their open-session minutes. § 3-306(c)(2). Where, as here, closed-session minutes give no meaningful information about the discussion, we are left in the dark. As a result, we are unable to determine whether the discussion exceeded the scope of the claimed exceptions but find instead that the Council violated § 3-306(c) by failing to keep adequate closed-session minutes.

3. *Alleged violations after the closed sessions*

As noted above, the Act requires a public body’s minutes after a closed session to include a summary of the closed session that contains four elements: (i) a statement of the time, place, and purpose of the closed session; (ii) a record of the vote of each member as

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<sup>3</sup> Although the Complainant alleged that the Council failed to include a member trained in the Act at its closed sessions on August 16 and 24, as is required by § 3-213, that allegation was withdrawn when the Council provided training certificates for several members who were present.

to closing the session; (iii) a citation of the authority under § 3-305 for closing the session; and (iv) a listing of the topics of discussion, persons present, and each action taken during the session. § 3-306(c)(2). The Complainant alleges that the Council did not disclose in the minutes for its meetings on August 16 and 24 what topics were discussed in closed session or the actions taken. The Council responds that “[t]here is no statutory requirement to include a detailed account of the discussion on any topic, only the topic discussed.”

To be sure, the minutes prepared by the Council after its closed sessions on August 16 and 24 include most of the required elements. The minutes provide the time, place, and purpose of the sessions, record the vote to close the meeting, cite to legal authority, list the persons present, and indicate that no actions were taken. But the minutes prepared after the closed sessions ultimately suffer from the same deficiency as the written statement prepared before the closed sessions—the listing of topics merely repeats the statutory language of the exceptions.

Merely parroting the words of the particular exception on a closing statement does not satisfy [the Act]; instead, the presiding officer completing the form must provide meaningful information that apprises the public of the reason for closing the meeting without compromising the confidentiality of the session. *That same standard applies to the summary of the open session that is to be provided in the minutes of the subsequent open session.*

7 *OMCB Opinions* 250, 257 (2011) (emphasis added) (internal citations omitted). Again, we are not in a position to assess the level of detail the Council could have provided in its disclosures, but the language of the statutory exception is generally not a replacement for the listing of the topics of discussion. As such, we find that the Council violated § 3-306(c)(2). We encourage the Council to approach each closed session on a case-by-case basis and provide in its disclosures “enough detail to establish the applicability of the exception claimed and as much detail as it can without compromising truly confidential information.” 8 *OMCB Opinions* 35, 37 (2012).

## **Conclusion**

We conclude that the Council violated §§ 3-305(d) and 3-306(c) by failing to provide any meaningful information about the topics discussed in closed session in its written closing statement or the closed-session summary, and by failing to maintain adequate closed-session minutes. This opinion is subject to the acknowledgment requirement set forth in § 3-211.

**Open Meetings Compliance Board**

*Lynn Marshall, Esq.*

*Jacob Altshuler, Esq.*

**From:** [Cynthia Simon](#)  
**To:** [Council Members](#)  
**Subject:** Please Vote to Approve the Sugarloaf Plan Without Exceptions  
**Date:** Monday, September 26, 2022 5:35:15 PM

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[EXTERNAL EMAIL]

Dear Council members,

I urge you to approve the Sugarloaf Plan as recommended by the Planning Commission, without granting proposed exemptions, or carve-outs for development.

The area is a unique space for farming, natural habitat and rural heritage. I live in Montgomery County and spend much time hiking on Sugarloaf and cycling in the area. It's a very special part of why I love this area. I'm so proud of the farming community and the contributions they make.

Our country's greatest treasures are its natural resources. You are stewards of an irreplaceable asset for generations to come. Please support the existing plan to maintain the area.

Sincerely,

Cynthia Simon  
10201 Grosvenor Place, Unit 417  
Rockville, Md 20852

**From:** [bcpoteat@gmail.com](mailto:bcpoteat@gmail.com)  
**To:** [Council Members](#)  
**Subject:** Sugarloaf Treasured Landscape Management Plan  
**Date:** Monday, September 26, 2022 6:20:38 PM  
**Attachments:** [9-26-22 BPoteat CC comments.docx](#)

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**[EXTERNAL EMAIL]**

September 26, 2022

To: **Frederick County Councilmembers**

From: Blanca Poteat, Sugarloaf Mountain Road

Subject: **Final Exam Questions – Sugarloaf Treasured Landscape Management Plan**

**The following ten questions will help you to review the major topics of study during the past two years and to choose your final answers.**

**1.** County government and its elected and appointed officials are the public's representatives and are responsible for balancing the current and future interests and needs of individual residents and others with those of the total County community.

True or False

**2.** The Sugarloaf Plan and its Rural Heritage Overlay Zoning District should encompass the entire County area west of I270 from the Monocacy River to the Montgomery County line, as recommended by the Planning Commission. This area is a primary gateway – past, present and future – to the Sugarloaf region, to the Mountain itself, the Monocacy National Battlefield Park, and to the surrounding farms and communities.

There is only one answer – Yes. Discuss reasons for this answer.

**3.** There are many kinds of opportunities. Choose one.

The Sugarloaf Plan is:

a) An opportunity to set an important precedent to preserve and protect, for present and future residents and visitors, the unique and irreplaceable natural resources – woodlands, waterways, air quality, a mountain – in an area less than five percent of the County, valued not for their development potential but for their essential benefits to the total community.

b) An opportunity to sacrifice a unique and irreplaceable natural area for industrial and other dense “built” developments for the profit and benefit of non-resident individuals and corporations who view the area merely as an “availability zone.”

**4.** Frederick County has an opportunity to protect and preserve the County's small but important southwest quadrant and avoid repeating the misguided efforts of the neighboring county that at one time sought to trash the Sugarloaf area with a landfill, wastewater treatment plant, trash incinerator, sludge composting site, and major power plant expansion, facilities deemed objectionable by its suburban residents.

True or False

**5.** The public's representatives are not obligated to approve incompatible land uses or to compensate property owners who have invested or intend to invest in agriculture and conservation zoned properties with the goal of monetizing/capitalizing/cashing out without regard to the short- and long-term effects on the surrounding environment and communities. And, the public's representatives are legally obligated to discuss in public all land use and other public business.

Discuss

**6.** On the evidence of recent Sugarloaf Plan amendments and exceptions proposed by the County Council to placate various large non-resident property owners and Plan opponents, the County's land use processes are in danger of reverting to the feudal system (look this up to refresh your understanding).

Noting this trend, County residents in the vicinity of these and other possible development projects should likewise be eligible for exemptions from County land use planning and zoning regulations, should be enabled to establish private feudal estates and to further undermine the County's effectiveness in protecting the current and future common good.

True or False

**7.** Economic development in the 21<sup>st</sup> century, in the context of internet-enabled remote employment and climate change mitigation/adaptation, is no longer about focusing on attracting and retaining large high tech industries that employ many on-site workers, and to lease or build millions of square feet of office, research and development, and manufacturing spaces along commuting corridors.

Economic development in the 21<sup>st</sup> century in Frederick County is no longer about 1960s "wedges and corridors" oriented to employment in the Washington DC area. In the past forty-plus years, despite State, County and developer efforts and incentives, high tech employer interest in the I270 corridor and the Urbana area has withered. The Frederick Triangle is appropriately evolving as the County's core 21<sup>st</sup> century business and job focus.

True or False

**8.** With at least 1500 acres of developable land still available on the east side of I270 in the Urbana Growth Area, proposing and approving dense development in the Sugarloaf Plan area on the west side of I270 is unjustified. Contrary to some assumptions, the Livable Frederick Master Plan (a thematic, not a legally binding document), approved by the current County Council, only suggests future I270 Urbana interchange development pending Washington DC-oriented, I270 corridor mass transit.

Discuss

**9.** The ongoing challenge for public sector planners and public officials is to resist compromising their land use planning role and their community's long term best interests, as well as losing their official prerogatives, by succumbing to the intense pressures and improbable revenues promoted by non-resident corporate interests and developers. Further, transparency in the conduct of all public business is not subject to negotiation or compromise.

True or False

**10.** People in Frederick County and in the Sugarloaf Mountain region stand on the shoulders, not of giants, but of other ordinary people, rich and poor, of all colors, backgrounds, education and nations. At stake in today's Sugarloaf Plan discussions is not nostalgia for an imagined noble past or the false promise of a developed future but this land preservation legacy, this Sugarloaf Treasured Landscape.

Discuss

**Bonus** question for extra credit (you know who you are)

Some Plan opponents claim that the Sugarloaf Plan and its Rural Heritage Overlay Zoning District represent government overreach. In fact, zoning and other land use restrictions have been overlaid on all County properties since the County government, at the behest of the State of Maryland, initiated zoning in 1959, to responsibly protect and guide growth, development, agriculture and conservation for overall public benefit and future sustainability.

Discuss

Hint: See Question 1: The local government and its elected and appointed officials are the public's representatives and are responsible for balancing the current and future interests and needs of individual residents and others with those of the total community.

Sent from [Mail](#) for Windows

September 26, 2022

To: **Frederick County Councilmembers**  
From: Blanca Poteat, Sugarloaf Mountain Road  
Subject: **Final Exam Questions – Sugarloaf Treasured Landscape Management Plan**

**The following ten questions will help you to review the major topics of study during the past two years and to choose your final answers.**

**1.** County government and its elected and appointed officials are the public's representatives and are responsible for balancing the current and future interests and needs of individual residents and others with those of the total County community.

True or False

**2.** The Sugarloaf Plan and its Rural Heritage Overlay Zoning District should encompass the entire County area west of I270 from the Monocacy River to the Montgomery County line, as recommended by the Planning Commission. This area is a primary gateway – past, present and future – to the Sugarloaf region, to the Mountain itself, the Monocacy National Battlefield Park, and to the surrounding farms and communities.

There is only one answer – Yes. Discuss reasons for this answer.

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b) An opportunity to sacrifice a unique and irreplaceable natural area for industrial and other dense “built” developments for the profit and benefit of non-resident individuals and corporations who view the area merely as an “availability zone.”

**4.** Frederick County has an opportunity to protect and preserve the County's small but important southwest quadrant and avoid repeating the misguided efforts of the neighboring county that at one time sought to trash the Sugarloaf area with a landfill, wastewater treatment plant, trash incinerator, sludge composting site, and major power plant expansion, facilities deemed objectionable by its suburban residents.

True or False

**5.** The public's representatives are not obligated to approve incompatible land uses or to compensate property owners who have invested or intend to invest in agriculture and conservation zoned properties with the goal of monetizing/capitalizing/cashing out without regard to the short- and long-term effects on the surrounding environment and communities. And, the public's representatives are legally obligated to discuss in public all land use and other public business.

Discuss

**6.** On the evidence of recent Sugarloaf Plan amendments and exceptions proposed by the County Council to placate various large non-resident property owners and Plan opponents, the County's land use processes are in danger of reverting to the feudal system (look this up to refresh your understanding).

Noting this trend, County residents in the vicinity of these and other possible development projects should likewise be eligible for exemptions from County land use planning and zoning regulations, should be enabled to establish private feudal estates and to further undermine the County's effectiveness in protecting the current and future common good.

True or False

7. Economic development in the 21<sup>st</sup> century, in the context of internet-enabled remote employment and climate change mitigation/adaptation, is no longer about focusing on attracting and retaining large high tech industries that employ many on-site workers, and to lease or build millions of square feet of office, research and development, and manufacturing spaces along commuting corridors. Economic development in the 21<sup>st</sup> century in Frederick County is no longer about 1960s "wedges and corridors" oriented to employment in the Washington DC area. In the past forty-plus years, despite State, County and developer efforts and incentives, high tech employer interest in the I270 corridor and the Urbana area has withered. The Frederick Triangle is appropriately evolving as the County's core 21<sup>st</sup> century business and job focus.

True or False

8. With at least 1500 acres of developable land still available on the east side of I270 in the Urbana Growth Area, proposing and approving dense development in the Sugarloaf Plan area on the west side of I270 is unjustified. Contrary to some assumptions, the Livable Frederick Master Plan (a thematic, not a legally binding document), approved by the current County Council, only suggests future I270 Urbana interchange development pending Washington DC-oriented, I270 corridor mass transit.

Discuss

9. The ongoing challenge for public sector planners and public officials is to resist compromising their land use planning role and their community's long term best interests, as well as losing their official prerogatives, by succumbing to the intense pressures and improbable revenues promoted by non-resident corporate interests and developers. Further, transparency in the conduct of all public business is not subject to negotiation or compromise.

True or False

10. People in Frederick County and in the Sugarloaf Mountain region stand on the shoulders, not of giants, but of other ordinary people, rich and poor, of all colors, backgrounds, education and nations. At stake in today's Sugarloaf Plan discussions is not nostalgia for an imagined noble past or the false promise of a developed future but this land preservation legacy, this Sugarloaf Treasured Landscape.

Discuss

**Bonus** question for extra credit (you know who you are)

Some Plan opponents claim that the Sugarloaf Plan and its Rural Heritage Overlay Zoning District represent government overreach. In fact, zoning and other land use restrictions have been overlaid on all County properties since the County government, at the behest of the State of Maryland, initiated zoning in 1959, to responsibly protect and guide growth, development, agriculture and conservation for overall public benefit and future sustainability.

Discuss

Hint: See Question 1: The local government and its elected and appointed officials are the public's representatives and are responsible for balancing the current and future interests and needs of individual residents and others with those of the total community.

**From:** [Carrie Laurencot](#)  
**To:** [Council Members](#)  
**Subject:** Support forSugarloaf Mt Management plan  
**Date:** Monday, September 26, 2022 7:12:21 PM

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[EXTERNAL EMAIL]

Good evening,

I am writing to you to express my support for the Sugarloaf Mt. Management plan that has been thoroughly investigated, proposed and supported by Fredrick County officials and numerous local stakeholders including several civic associations such as Sugarloaf Alliance, Sugarloaf Citizens Association and Montgomery Countryside Alliance and many local residents of Fredrick and Montgomery Counties.

Also, I oppose carve outs to this plan as proposed by Stronghold, Inc. and Livable Frederick Coalition of which both have clear conflict of interests due to their apparent financial interests which would benefit their organizations and not support the residents nor the environment.

It is now the 21st century where care for preserving clean water, and a viable environment to combat global warming is of paramount importance. We don't want more traffic, more pollution, threats to our clean water and destruction of the environment.

Frederick county is a forward thinking county and I hope they choose to protect the interests of the residents and environment over continued over development and private business interests.

Thank you for considering my comments.

Best Regards,  
Carrie Laurencot  
Sent from my iPhone

**From:** [David Reeves](#)  
**To:** [Council Members](#)  
**Subject:** Sugarloaf Treasured Landscape Management Plan - Hold the Line and Oppose Developer Carve-Out Boundary Changes West of I-270  
**Date:** Monday, September 26, 2022 8:10:52 PM

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**[EXTERNAL EMAIL]**

For over twenty-five years I have lived in Southern Frederick County. Twenty-four of those years have been on Sugarloaf Mountain Road, just off Thurston Road, where my children were born and raised. My family has deep ties to Sugarloaf Mountain, a local and regional treasure. People come from throughout DC, Maryland, and Virginia to enjoy the unique and beautiful agricultural and forested landscape for relaxation, outdoor recreation, and spiritual renewal of their souls.

Frederick County has a long-standing tradition of allowing development to the east side of I-270. The west side of I-270 has been wisely and purposefully preserved for many years for its unique agricultural and forested lands, much like the Agricultural Reserve in Montgomery County, which has received national recognition and wide acclaim for saving farms and preventing suburban, commercial, and industrial sprawl and unfettered, out of control development.

Frederick County has the opportunity to maintain this tradition and hold the line on out of control development, by approving the Sugarloaf Mountain Treasured Landscape Management Plan with its original boundaries as proposed by the Planning Commission.

Now a few greedy developers such as Tom Natelli, who have already made huge fortunes off of immense sprawling development in Urbana, want to develop unique and treasured farmlands west of I-270. In back room secret meetings Amazon Web Services representatives and a few developers such as Tom Natelli have attempted to persuade Frederick County officials to revise the original Sugarloaf Plan to carve out over 3,000 acres for special zoning to allow a massive Amazon Web Services Data Center industrial development within the boundaries of the original Sugarloaf Treasured Landscape Management Plan.

The Dacey Amendment proposed to the Sugarloaf Plan would allow totally unacceptable zoning changes to this precious area to accommodate massive industrial and commercial development such as the Amazon Web Services Data Center facility. It would destroy the treasured Sugarloaf landscape, with its unique and precious agricultural, environmental, wildlife, and outdoor recreation values, and its family farms, forever. Once we stop holding the line on out of control sprawl and development, there is no going back. Those family farms which are such an important part of the history and character of Frederick County will be gone and the quality of life in Southern Frederick County will have been forever destroyed. We citizens of Frederick County cannot allow that to happen. As your constituents we ask that you members of the Frederick County Council do not allow that to happen.

Please hold the line on the Sugarloaf Treasured Landscape Management Plan, reject the Dacey Amendment and any other amendments which would carve out acreage from the originally proposed plan boundary to serve greedy special development interests. Please preserve family farms and keep Frederick County a beautiful and livable place for all of us who live here and for the

enjoyment and the quality of life of our children and grandchildren in the future.

Thank you,

Dave and Jill Reeves  
9265 Starlight Mews N  
Frederick, MD 21704

**From:** [Rhonda Kritsings](#)  
**To:** [Council Members](#)  
**Subject:** Sugarloaf  
**Date:** Monday, September 26, 2022 10:53:56 PM

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[EXTERNAL EMAIL]

Frederick County Council:

Please be advised, Voters don't vote for candidates that make n support bad policies. Stop changing our land and rights. Leave peoples land up to them. It's a waste of tax dollars entertaining deals for developers. People aren't as fooled as you think. Voters see thru your plans to the AGENDA at hand!!! Keep Frederick heritage!

Sent from my iPhone

**From:** [Mary Bernardo](#)  
**To:** [Council Members](#)  
**Subject:** Sugarloaf Management Plan  
**Date:** Monday, September 26, 2022 11:12:00 PM

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**[EXTERNAL EMAIL]**

Please support the Sugarloaf Management Plan as is, with no cut outs or exclusions! We must preserve this valuable land, not

only for it's natural beauty, but to insure that we hold onto our very necessary farmland, which we are losing at an alarming rate,

and recreational areas that are enjoyed by so many.

This acreage must not slip out of our hands, as once it's gone, it's irretrievable and the environmental changes will affect our

water resources, wildlife habitat, climate, and quality of life in a most detrimental way. Sugarloaf Mountain is a unique treasure

to this area. It draws visitors from all over the Maryland, DC and Virginia area and is a valuable educational tool that students

from all of these area schools can use to learn first hand about the many aspects of nature. Let's not have them have to travel

through traffic jams, crowded neighborhoods, and commercial sprawl in order to have this important education. There are

more appropriate sights for that sort of development.

I beg of you to hold the boundary line at I-270 and fully support the preservation overlay for the sake of our children and their

children. They deserve to have access to this minimally undisturbed area as we, our parents and our forefathers have had.

Let's keep land use in the proper areas for all our sakes and keep the economic issues out of the picture and opt for holding

onto the irreplaceable gems we have inherited!!

Respectfully,

Mary M. Bernardo

## **Specht, Jennifer**

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**From:** Davin Faris <fariswheel727@gmail.com>  
**Sent:** Monday, September 26, 2022 6:01 PM  
**To:** Council Members  
**Subject:** Protect the Sugarloaf Treasured Landscape

### **[EXTERNAL EMAIL]**

Dear Council members,

Ahead of tomorrow's public hearing, I'm writing to urge you to pass the Sugarloaf Treasured Landscape Management Plan in its current form, preserving the I-270 boundary.

As a highschool student and a lover of Frederick's beautiful outdoor spaces, it's deeply important to me that our government prioritize conservation and sustain the landscape dear to so many of us. By altering the boundary for development, as some have suggested, the sanctity of the entire protected region is fundamentally endangered.

It is imperative that we listen to the experts who drafted the management plan, rather than the short-term and profit-based interests of developers.

Please vote to hold the line at I-270.

Sincerely,

Davin Faris  
(301) 785-6661

**From:** [The Wilsons](#)  
**To:** [Council Members](#)  
**Subject:** Support for Sugarloaf plan  
**Date:** Monday, September 26, 2022 9:28:25 PM

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**[EXTERNAL EMAIL]**

We would like to add our voices to the chorus of organizations and citizens asking you to support the full Sugarloaf plan as prepared by the planning commission.

Jeff and Marguerite Wilson  
New Market