PAUL JOHN CISAR, et al. * IN THE

Plaintiffs, * CIRCUIT COURT

v. * FOR

F.O. MITCHELL & BRO, et al. * ANNE ARUNDEL COUNTY

Defendants. *

* CASE NO.: C-02-CV-22-000988

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MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT F.O. MITCHELL & BRO.'S MOTION TO DISMISS

F.O. Mitchell & Bro. ("Mitchell"), by and through its undersigned counsel, Robert S. Lynch, Esquire, David S. Lynch, Esquire, and Stark and Keenan, P.A., respectfully submit this Memorandum of Law in Support of Mitchell's Motion to Dismiss:

INTRODUCTION

Plaintiffs' Verified Complaint for Injunctive Relief and Declaratory Judgment and Private Action for Nuisance and Public Nuisance ("Complaint") improperly seeks an advisory opinion from the Circuit Court of Anne Arundel County concerning the Harford County Zoning Code, injunctive relief, and a finding of an anticipatory nuisance and nuisance *per se* regarding a proposed warehouse development in Perryman, Harford County, Maryland. Plaintiffs correctly acknowledge throughout their Complaint that the developer and contract purchaser

of the Subject Property¹, Chesapeake Real Estate Group, LLC ("Chesapeake"), has submitted, pursuant to the Harford County Development Regulations, various development plans for review and approval by the Harford County Department of Planning and Zoning ("DPZ"). These plans include a Forest Conservation Plan, Landscape Plan, Preliminary Plan, Site Plan, and Stormwater Management Concept Plan (collectively referred to herein as "Development Plans"). See Forest Conservation Plan, Landscape Plan, Preliminary Plan, Site Plan, and Stormwater Management Concept Plan, attached, respectively, as Exhibits A, B, C, D, E². Similarly, Plaintiffs correctly acknowledge that each development approval remains under review by Harford County ("the County"). Nonetheless, without basis in Maryland law or logic, Plaintiffs construct a transparent straw-man argument and utilize that fallacy to improperly seek extraordinary relief from this Court, which includes a demand that Mitchell be enjoined from "performing any actions to [the Subject Property]." See Complaint, p. 17, ¶A. For the reasons set forth below, Mitchell urges this Honorable Court to dismiss Plaintiffs' Complaint.

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Plaintiffs fail to identify with any specificity the property subject to their Complaint. Without waiving objection to the failure of Plaintiffs to specifically identify the property subject to this lawsuit and for the reasons more fully set forth *infra* at pages 3-5, Mitchell will refer to the land included in Chesapeake's proposed Perryman warehouse development as the "Subject Property."

² See also DPZ webpage which provides access to public records related to the proposed development of the Subject Property: https://hcgweb01.harfordcountymd.gov/weblink/0/fol/8098795/Row1.aspx (last visited July 14, 2022)

SUBJECT PROPERTY

Plaintiffs' Complaint fails to identify with any specificity the subject of this land use dispute. Indeed, the Complaint merely refers to the land at issue as the "Mitchell Farm," without any reference to the property's address, tax account number(s), tax map, or parcel numbers. See Complaint, ¶¶ 2, 28 ("[t]he parcels, colloquially known as the "Mitchell Farm," are located on the Perryman Peninsula and are primarily undeveloped agricultural land zoned pursuant to Harford County's Zoning Code as Light Industrial ("LI")."). Mitchell asserts that such information is necessary to sustain this action which seeks a declaratory judgment and injunctive relief concerning the zoning and processing of development approvals for a particular property located in Harford County. See Md. Rule 2-322(d) ("If a pleading to which an answer is permitted is so vague or ambiguous that a party cannot reasonably frame an answer, the party may move for a more definite statement before answering..."). Here, Plaintiffs' statement that the "Mitchell Farm is located on the Perryman Peninsula in Harford County and is primarily undeveloped agricultural land...in the middle of a residential community" does not satisfy the requirements under Maryland law that the Plaintiffs plead with specificity such that Defendants and this Court understand the alleged land use dispute. For this reason alone, this Court should dismiss Plaintiffs' Complaint.

Nonetheless, without waiving its argument that Plaintiffs' Complaint is too vague, for the sake of clarity with respect to the arguments set forth below, Mitchell will assume that the Subject Property in this lawsuit is the assemblage of six parcels consisting of approximately 708 acres, zoned LI – Light Industrial, GI – General Industrial, AG – Agricultural, R1- Urban Residential and located at Tax Map 63, Parcels 53, 62, 216, and 306. The Subject Property includes the following property addresses: 1) 1714 Perryman Road, Perryman, MD 21130; 2) Perryman Road, Perryman, Maryland 21130; 3) Fords Lane, Aberdeen, Maryland 21001; 4) 1625 Perryman Road, Aberdeen, Maryland 21001-4216; 5) Michaelsville Road, Perryman, Maryland 21130; and 6) 1607 Perryman Road, Perryman, Maryland 21130. See Exs. A-E; see also Excerpt of Preliminary Plan, attached as Exhibit F. Mitchell owns the majority of the Subject Property. *Id.* Charles A. Maslin, III owns approximately 4.64 acres of the Subject Property, located at 1607 Perryman Road. *Id.* Mr. Maslin has not been named as a party to this lawsuit.

The majority of the Subject Property has been zoned LI since 1997, when the County classified the Subject Property as LI as part of the County's 1997 comprehensive zoning. Now, twenty-five years later and before the County has approved any Development Plan for the Subject Property, Plaintiffs improperly seek to constrain Mitchell's and Chesapeake's right to develop the Subject Property in accordance with Harford County Code (2008, as amended) ("Code"), Chapter 267

("Zoning Code"), which explicitly permits the development of a warehouse and accessory retail/service use at the Subject Property.

ARGUMENT

Plaintiffs, without definition or explanation, baldly assert that Mitchell and Chesapeake seek to develop a "freight terminal" on the Subject Property despite the fact that all relevant Development Plans and other relevant documents³ for the proposed development plainly reference a proposed warehouse and commercial retail use. Plaintiffs ignore the fact that DPZ has yet to approve any development plan for the proposed warehouse and commercial retail use on the Subject Property and proceed to assert in their 94-paragraph Complaint that a "freight terminal" is not a permitted use on the Subject Property, which is primarily zoned LI. To be clear, under the Zoning Code, a warehouse and commercial retail use is expressly permitted in the LI zoning district. Zoning Code, Art. VII, "Permitted Use Charts," p. 146. A "freight terminal" and many other uses, like a recycling center, leather tannery, nightclub, or driving range are not. *Id.*, pp. 129-46. Without basis, Plaintiffs simply chose a use that is not permitted in the LI zoning district, "freight terminal," and ascribed that use to the proposed development on the Subject Property to argue that it should not be permitted on the Subject Property. Plaintiffs' Complaint is

³ These additional documents include, but are not limited to, the advertisement for the Community Input Meeting (attached as "<u>Exhibit G</u>") and the Development Advisory Committee ("DAC") Minutes (introduction attached as "<u>Exhibit H</u>").

frivolous and is brought in bad faith. Despite the frivolity of Plaintiffs' straw-man argument, this Court need not address the merits as this Complaint should be dismissed for the following myriad reasons, which are set forth in detail below: 1) improper venue; 2) lack of a justiciable controversy; 3) failure to exhaust administrative remedies; 4) failure to state a claim; and 5) failure to add necessary parties. Alternatively, if this Court does not dismiss this matter, then this case should be transferred to the Circuit Court for Harford County under Maryland Rule 2-327(c) and the principles of *forum non conveniens*.

I. The Complaint Should be Dismissed for Improper Venue.

Maryland Code (1974, 2006 Repl. Vol.), Courts and Judicial Proceedings ("CJP") Article, section 6-201 controls where a plaintiff shall file a cause of action. Where there are multiple defendants, like this case, section 6-201(b) provides:

If there is more than one defendant, and there is no single venue applicable to all defendants, under subsection (a) of this section, all may be sued in a county in which any one of them could be sued, or in the county where the cause of action arose.

Id. (emphasis supplied). In this case, Harford County is the single venue applicable to all defendants (and Plaintiffs) and is the jurisdiction where the Subject Property is located. Indeed, Mitchell owns property in Harford County and carries on regular business in Harford County. *See* Affidavit of Louis F. Friedman, attached as Exhibit I ("F.O. Mitchell & Bro. does not carry on a regular business in Anne Arundel County, Maryland, and has never done so. F.O. Mitchell & Bro. carries on a regular

business in Harford County, Maryland, and owns property there."). Likewise, Defendants Chesapeake, Frederick Ward, and Harford County, Maryland carry on regular business in Harford County. See "Affidavit of James Lighthizer," attached as Exhibit J; "Affidavit of Torrence Pierce," attached as Exhibit K; "Affidavit of Barry Glassman," attached as Exhibit L. Nonetheless, Plaintiffs selectively applied CJP, section 6-201 and relied on the fact that the principal office for Chesapeake is located in Anne Arundel County to file this action in this Circuit Court for Anne Arundel County for an issue which squarely focuses on Harford County zoning law. To be sure, there can be no question that Chesapeake carries on regular business in Harford County since Chesapeake is the developer for the proposed warehouse development at the Subject Property. Moreover, Mr. Lighthizer testified in his affidavit that Chesapeake "has developed more than...900,000 sq. ft. of property in Harford County since 2016," "is currently developing approximately...100,000 sq. ft. of property in Harford County," "is currently engaged in the development planning process of approximately...5,197,000 sq. ft. of property in Harford County," "has managed over...2,373,800 sq. ft. of property in Harford County," and Chesapeake executives "have and/or that and its sold leased approximately...4,500,000 sq. ft. of property in Harford County." Ex. J, ¶¶ 4-8. Because Harford County is the single venue applicable to all defendants, the Circuit Court for Anne Arundel County lacks jurisdiction over this action. For this reason alone, Mitchell urges this court to dismiss Plaintiffs' Complaint.

II. The Complaint for Declaratory Judgment Should be Dismissed Because there is No Justiciable Controversy Between the Parties.

In any declaratory judgment action, "it has always been clear 'that the existence of a justiciable controversy is an absolute prerequisite to the maintenance of a declaratory judgment action." Anne Arundel County v. Ebersberger, 62 Md. App. 360, 367-68 (1985) (citing Hatt v. Anderson, 297 Md. 42, 45 (1983)). CJP, section 3-409(a)(1) allows a court to grant a declaratory judgment where "an actual controversy exists between contending parties." Maryland's appellate courts have consistently held that "a controversy is justiciable when there are interested parties asserting adverse claims upon a state of facts which must have accrued wherein a legal decision is sought or demanded." 120 W. Fayette St., LLLP v. Mayor of Balt. ("Superblock II"), 413 Md. 309, 356 (2010) (citing Reves v. Prince George's County, 281 Md. 279, 288 (1977)). "To be justiciable the issue must present more than a mere difference of opinion, and there must be more than a mere prayer for declaratory relief. Indeed, the addressing of non-justiciable issues would place courts in the position of rendering purely advisory opinions, a long forbidden practice in this State." *Id.* (citing *Hatt*, 297 Md. at 46). "A declaratory relief action that requests adjudication based on facts that have yet to occur or develop lacks ripeness and should be dismissed for failure to allege a justiciable controversy."

Id. (citing *Hickory Point P'ship v. Anne Arundel County*, 316 Md. 118, 130 (1989)) (emphasis supplied).

Here, Plaintiffs have failed to allege a justiciable controversy and ask this court to render an advisory opinion based upon a wholesale misrepresentation of the use proposed at the Subject Property. Throughout their Complaint, Plaintiffs acknowledge that the County has not yet approved any Development Plans for the Subject Property. Indeed, Plaintiffs interchangeably refer to the proposed use at the Subject Property as "planned development" or "proposed development." Complaint, \P 1, 3, 5, 6, 7, 8, 49, 74. Plaintiffs more explicitly acknowledge that the Development Plans remain under review when they write that their "rights, status and legal relations are affected by Defendants' ultra vires interpretation, application, and planned contravention of a statute, municipal ordinance, administrative rule, or regulation." Id., ¶ 63 (bolded emphasis supplied). More explicitly, Plaintiffs allege, "Defendants [] have begun development of the Mitchell Farm by seeking approvals for the Freight Terminal." Id., 32. To be clear, no developer in Harford County may begin construction on any land prior to the County's approval of a series of development plans required under the County's Subdivision Regulations and Zoning Code. See generally, Code, Ch. 268 ("Subdivision Regulations") and Zoning Code. A review of the record reveals that no allegation rises to the level of an actual dispute between the parties that would merit declaratory relief. Indeed, Plaintiffs are seeking a judgment for a project that has yet to be approved.

The Court of Appeals' decision in Superblock II directly informs this Court's analysis of whether the submission of proposed development plans, which remain under review, is sufficient to establish a justiciable controversy for the purpose of a declaratory judgment action. In that case, plaintiff alleged that a proposed plan for development of the property known as the "Superblock" in Baltimore City would violate a Memorandum of Agreement ("MOA") and an Urban Renewal Plan. The Court explained that "[plaintiff] effectively alleges that the proposed plan for the 'Superblock' will violate the MOA and the Renewal Plan, but the City has not yet adopted or approved any plans." Superblock II, 413 Md. at 357. Citing Boyds Civic Ass'n v. Montgomery County Council, 309 Md. 683, 690 (1987), the Superblock II Court wrote, "[i]n a declaratory judgment proceeding, the court will not decide future rights in anticipation of an event which may never happen, but will wait until the event actually takes place[.]" *Id.* at 357. Expanding upon this point, the Court wrote, "[t]he disagreement over which declaratory relief is sought must not be nebulous or contingent but must have taken on fixed and final shape so that a court can see what legal issues it is deciding." *Id.* (citing *Hickory Point P'ship*, 316 Md. at 131) (emphasis supplied). Ultimately, the Superblock II Court held that "because none of the facts evidences the City's intent to adopt a proposal that

violates the MOA or the Renewal Plan, [plaintiff] failed to allege facts sufficiently ripe to rise to [the] level of a justiciable controversy." *Id.* at 359.

Here, like *Superblock II*, Chesapeake's proposed Development Plans are not yet approved. There are no facts whatsoever in the Complaint to suggest that the County intends to approve a use that is not permitted in the LI zoning district. The proposed Development Plans have yet to take on a fixed and final shape because they remain under review by the County. In fact, while the County could approve the Development Plans, the County also maintains the authority to deny the plans. Plaintiffs have failed to allege facts that are ripe for adjudication and have thus failed to establish a justiciable controversy. For these reasons, Mitchell respectfully urges this Court to dismiss Count I of Plaintiffs' Complaint.

III. The Complaint Should be Dismissed Because Plaintiffs Have Failed to Exhaust Administrative Remedies.

A fundamental principle in Maryland's land use jurisprudence is that administrative remedies must be exhausted before actions for declaratory judgment, mandamus, and injunctive relief may be brought. *See Md. Reclamation v. Harford Cnty.*, 382 Md. 348, 362 (2004) ("[W]hen administrative remedies exist in zoning cases, they must be exhausted before other actions, including requests for declaratory judgments, mandamus, and injunctive relief, may be brought...."). "If there is no final administrative decision in a case before an administrative agency, there is ordinarily no exhaustion of the administrative remedy." *Renaissance Centro*

Columbia, LLC v. Broida, 421 Md. 474, 485 (2011). The policy behind this rule is one of judicial restraint and efficiency – the exhaustion doctrine avoids deciding issues in the circuit court that could be resolved at the agency level, where the case would benefit from the agency's greater expertise. See Falls Road Community Ass'n, Inc. v. Balt. Cnty., 437 Md. 115, 136-137 (2014). When the local jurisdiction (the County) provides a particular administrative remedy for the grievance involved, the aggrieved party typically must exhaust those remedies before bringing the case to court. As the Court of Appeals has explained:

[W]hen a chartered county . . . has established a Board of Appeals under the Express Powers Act, the appeal to that board provided for parties 'aggrieved by a decision of a local zoning official' is at least primary, and may be exclusive. Similarly, the Maryland Uniform Declaratory Judgments Act provides that '[i]f a statute provides a special form of remedy for a specific type of case, that statutory remedy shall be followed in lieu of [a declaratory judgment].'

Falls Rd. Cmty. Ass'n, Inc. v. Baltimore Cty., 437 Md. 115, 136 (2014).

Here, the Harford County Zoning Code provides an administrative remedy relevant to Plaintiffs' claims that the proposed use at the Subject Property is a "freight terminal" disallowed in the LI zoning district. Indeed, the Subdivision Regulations provide for an appeal of development plans:

Any interested person whose property is effected by any decision of the Director of Planning, may within 30 calendar days after the filing of such decision, appeal to the Circuit Court for Harford County. Upon the hearing of such appeal, the decision of the Director of Planning shall be presumed by the Court to be proper and to best serve the public interest. The burden of proof shall be upon the appellant, or appellants, to show that the decision complained of was illegal. The said Court shall have the power to affirm, modify or reverse in part or in whole any decision appealed from and may remand any case for the entering of a proper order or for further proceedings, as the Court shall determine.

Subdivision Regulations, § 268-28(A) (emphasis supplied). To be clear, at this time there is no final administrative decision to appeal as the Development Plans for the Subject Property remain pending. See Broida, 421 Md. at 485 ("If there is no final administrative decision in a case before an administrative agency, there is ordinarily no exhaustion of the administrative remedy.") However, upon approval, the Subdivision Regulations provide that the Plaintiffs, in an administrative appeal, may raise the question presented in their Complaint - whether the proposed use at the Subject Property is illegal? Plaintiffs have ignored the plain language of the Zoning Code, the Subdivision Regulations, and Maryland's well-established law requiring Plaintiffs to exhaust their administrative remedies prior to seeking a declaratory judgment or injunctive relief. Plaintiffs do not have standing to bring this action because they have failed to exhaust their administrative remedies. Mitchell respectfully urges this Court to dismiss Plaintiffs' counts for declaratory judgment and injunctive relief.

IV. The Complaint's Counts for Private and Public Nuisance Should be Dismissed Because Plaintiffs Failed to State a Claim upon Which Relief Can be Granted.

Maryland Rule 2-322 permits a party to file a motion to dismiss for failure to state a claim upon which relief can be granted. In considering a motion to dismiss for failure to state a claim under this rule, "a [trial] court must assume the truth of all well-pleaded material facts and all inferences that can be drawn from them." Tavalkoli-Nouri v. State, 139 Md. App. 716, 725 (2001) (quoting Rossaki v. NUS Corp., 116 Md. App. 11, 19 (1997)). Dismissal for failure to state a claim is proper only if the alleged "well pled" facts and permissible inferences, so viewed, would, if proven, nonetheless fail to afford relief to the plaintiff. Ricketts v. Ricketts, 393 Md. 479 (2006). But, for purposes of a motion to dismiss, the facts comprising a cause of action must be pled with sufficient specificity; bald assertions and conclusory statements by the pleader will not suffice. Bobo v. State, 346 Md. 706 (1997). In this case, dismissal is proper because the Complaint fails to allege facts sufficient to state a cause of action for private or public nuisance against Mitchell, or any Defendant.

Indeed, Plaintiffs have inappropriately pleaded an anticipatory nuisance. In *Leatherbury v. Gaylord Fuel Corp.*, 276 Md. 367, 377 (1975), the Court of Appeals explained that "[o]rdinarily, an injunction will not be granted to restrain future activity unless it is the type of activity which constitutes a nuisance per se." *Id.*

(citing *King v. Hamill*, 97 Md 103, 111 (1903)). "To constitute a nuisance per se, the activity sought to be enjoined must be a nuisance 'at all times and under any circumstances regardless of location or surroundings." *Id.* (citing *Adams v. Commr's of Trappe*, 204 Md. 165, 170 (1954)). "Where an individual proposes to engage in what is otherwise a lawful venture, the presumption is that he will conduct his activities in a proper manner. Thus, a court will not act, in anticipation of a threatened nuisance, to enjoin a legitimate activity unless the circumstances plainly show that the activity will be conducted as a nuisance." *Id.* (citations omitted).

In *Leatherbury*, similar to the Plaintiffs in this case, landowners filed an action seeking an anticipatory injunction to restrain the proposed operation of a limestone quarry on nearby property on the ground that the quarry will constitute a nuisance. Unlike this case, where no development approvals have been issued, the owners of the proposed quarry in *Leatherbury* had obtained the necessary permits to operate their proposed quarry. Like this case, the neighboring landowners in *Leatherbury* brought their action prior to the operation of the quarry. Even where permits had been issued, the *Leatherbury* Court affirmed the lower court's denial of the neighbor's nuisance claim on the basis that it was premature. *See id.* at 379.

Here, the only conduct allegedly taken by Mitchell and Chesapeake in furtherance of their proposed warehouse development on the Subject Property is to engage in the well-established statutory development process in Harford County,

which includes conducting a community input meeting, engaging in the Development Advisory Committee process, and submission of Development Plans to the County for review. The only conduct allegedly taken by the County in furtherance of the proposed warehouse development is its administrative acceptance and ongoing review of Chesapeake's Development Plans. On its face, none of these actions can possibly be found to "cause substantial and unreasonable injury and interference" with Plaintiffs use and enjoyment of their property. See Complaint, ¶ 73. Likewise, submitting Development Plans for review by the County (and the County's review of those plans) cannot possibly constitute an "invasion to [Plaintiffs'] interest in their private use and enjoyment of their land" or an "unreasonable" and "unlawful development" which "has and will continue to cause a diminution" in Plaintiffs' property values. *Id.*, ¶¶ 71-75. No Development Plans have been approved, nor has any construction been initiated at the Subject Property in accordance with the proposed Development Plans. The Complaint fails to state a claim for private or public nuisance. Mitchell and Chesapeake are simply engaging in the lawful venture of seeking development approvals for a proposed warehouse development on the Subject Property. Plaintiffs' bald assertions and conclusory statements do not suffice to state a claim for private or public nuisance upon which relief can be granted.

Moreover, Plaintiffs' actions for private and public nuisance are premised on their incorrect assertion that the proposed use is not a warehouse development, which is a principal permitted use in the LI zoning district. Zoning Code, Art. VII, "Permitted Use Charts," p. 146. This question, as set forth in Argument, section III, *supra*, must be raised pursuant to the multiple administrative remedies available to the Plaintiffs. Plaintiffs have not exhausted their administrative remedies. A warehouse development is a principal permitted use in the LI zoning district and it cannot be considered a nuisance per se under the law.

The injunctive relief sought by Plaintiffs in conjunction with their nuisance claim underscores the absurdity of this Complaint. For example, Plaintiffs ask this Court to enjoin Defendants from "performing any actions to the [Subject Property]." Complaint, p. 17, ¶B. No local, Maryland, or Federal law allows this court to impose such a restriction on Mitchell's private property rights to utilize their property in accordance with the County's zoning law. Likewise, there is no basis anywhere in the law that would allow this court to enjoin Harford County from processing applications for development plan approvals. The County, a Charter County, has the authority to enact and enforce its Zoning Code and Subdivision Regulations. *See* Md. Code (2012), Land Use Article, § 4-101 ("It is the policy of the State that: (1) the orderly development and use of land and structures requires comprehensive regulation through the implementation of planning and zoning controls; and (2)

planning and zoning controls shall be implemented by local government"); see also Harford County Charter, § 405 ("The Director of Planning shall be charged with the responsibility and duty of planning for the physical development and growth of the County, including the...administration, and enforcement of a zoning map and of zoning rules and regulations which shall constitute a zoning code. All plans and maps and all rules and regulations relating to planning and zoning shall be approved by legislative act of the Council prior to their taking effect as law.").

Plaintiffs' Complaint for anticipatory private and public nuisance is premature and Plaintiffs fail to state a claim upon which relief can be granted.

Mitchell urges this Court to dismiss Plaintiffs' Complaint.

V. The Complaint's Count for Preliminary and Permanent Injunctive Relief Should be Dismissed for Failure to State a Claim.

An injunction is a form of equitable relief that a court may award after a plaintiff has proven liability on an underlying cause of action. See Fare Deals Ltd. v. World Choice Travel.Com, Inc., 180 F. Supp. 2d 678, 682 n.1 (D. Md. 2001) ("[A] request for injunctive relief does not constitute an independent cause of action; rather, the injunction is merely the remedy sought for the legal wrongs alleged[.]"). Here, the underlying cause of action is a declaratory judgment and private and public nuisance. For all of the reasons set forth in Argument, §§ II-IV supra this Court should dismiss each of those counts. Accordingly, Plaintiffs' count for Preliminary and Permanent Injunctive Relief should also be dismissed.

VI. The Complaint Should be Dismissed Because Plaintiffs Have Failed to Name as a Party a Person Who is Legally Required to be a Party.

Under Maryland law, legally required parties in a declaratory judgment action include all persons who have or claim any legal interest that may be affected by the declaration. CJP, § 3-405(a)(1) ("If declaratory relief is sought, a person who has or claims any interest which would be affected by the declaration, shall be made a party."). Moreover, a court may not rule on a declaratory judgment claim if the ruling will prejudice the legal rights of persons who are not parties. *Id.*, § 3-405(a)(2) ("Except in a class action, the declaration may not prejudice the rights of any person not a party to the proceeding.").

Here, assuming that Plaintiffs' nonspecific reference to the "Mitchell Farm" refers to the Subject Property, Plaintiffs have completely ignored the fact that Mr. Maslin owns a portion of the Subject Property. His land, located at 1607 Perryman Road, Perryman, Maryland 21130, is included in each of the development plan applications for the Subject Property submitted to the County. *See* Exs. A-F. His legal interests are directly implicated by this lawsuit. *See Bender v. Secretary, Md. Dept. of Personnel*, 290 Md. 345, 350 (1981) ("Any person who, as a result of a declaration, may gain or be deprived of a legal right or other benefit has an interest that might be affected by the outcome of the action and is, therefore, a necessary party."). Plaintiffs' failure to name Mr. Maslin as a party to their declaratory

judgment action is fatal to their action and requires this Court to dismiss the Complaint.

VII. In the Alternative, this Case Should be Transferred to the Circuit Court for Harford County under Maryland Rule 2-327(c) and Based on the Doctrine of *Forum Non Conveniens*.

Mitchell hereby adopts by reference herein Argument, section E of the County's Motion to Dismiss.

CONCLUSION

For all of these reasons, Mitchell respectfully urges this court to dismiss, with prejudice, Plaintiffs' Complaint.

Respectfully submitted,

/s/ Robert S. Lynch, Esquire AIS# 8212010279

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 15th day of July, 2022, that a copy of the foregoing Memorandum of Law in Support of Defendant F.O. Mitchell & Bro.'s Motion to Dismiss was served via MDEC on:

Rignal W. Baldwin V, Esquire Baldwin | Seraina, LLC 111 South Calvert Street, Suite 1805 Baltimore, Maryland 21202 rbaldwinv@baldwin-seraina.com Attorneys for Plaintiffs

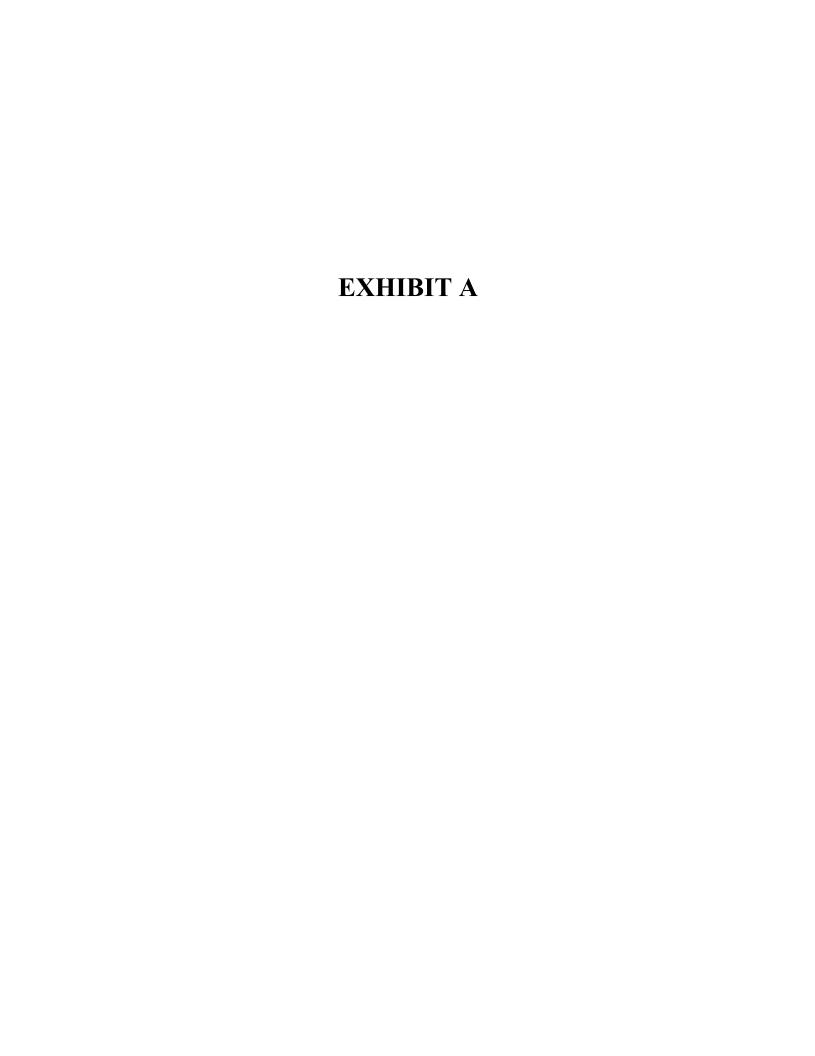
David M. Wyand, Esquire Rosenberg Martin Greenberg, LLP 25 South Charles Street, Suite 2115 Baltimore, Maryland 21201 dwyand@rosenbergmartin.com Attorneys for Defendant Harford County, Maryland

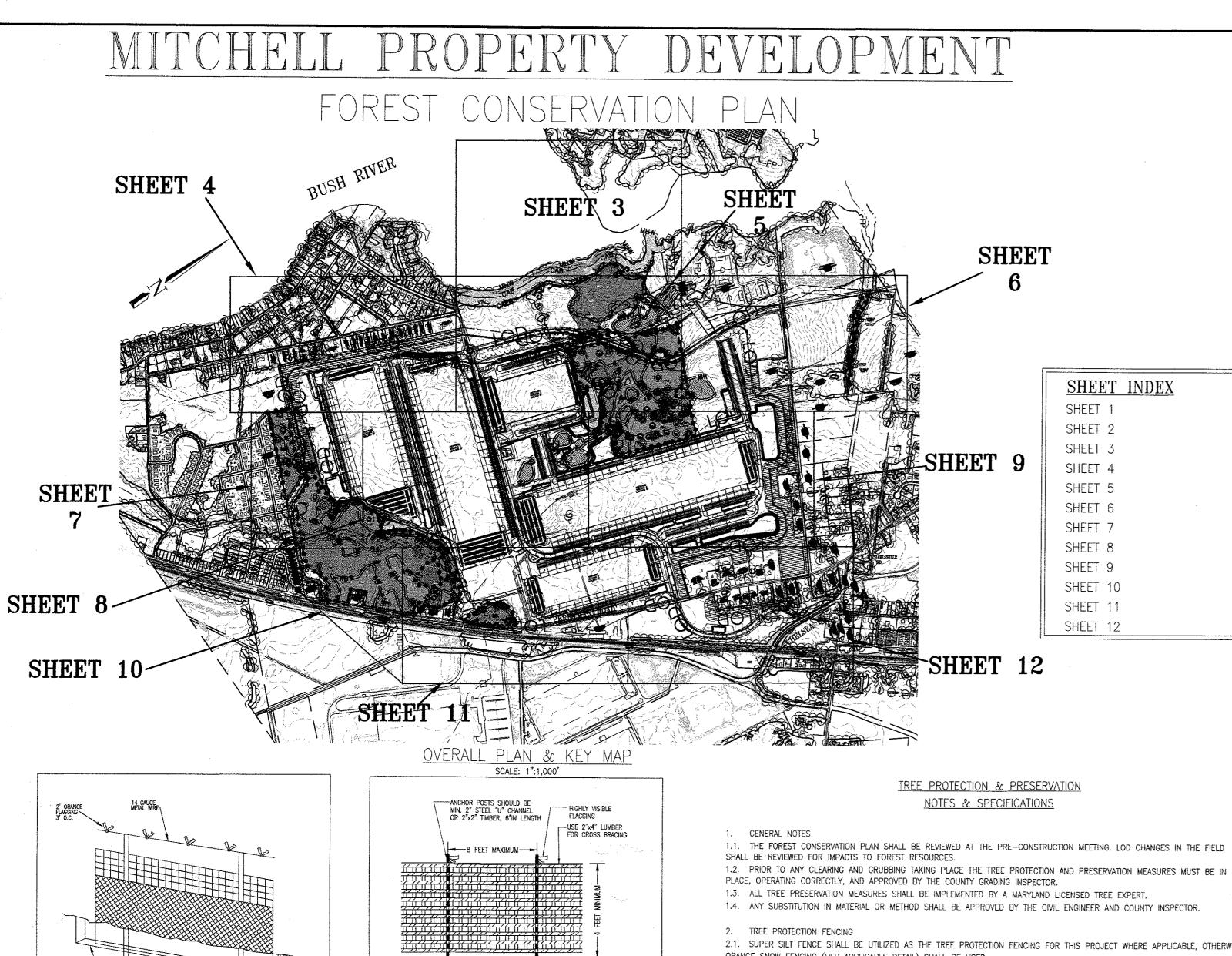
and via Regular Mail to:

Joseph F. Snee, Jr., Esquire Snee, Lutch, Helmlinger & Spielberger, P.A. 112 S. Main Street Bel Air, Maryland 21014 jsnee@slhslaw.com Attorneys for Defendant Chesapeake Real Estate Group, LLC

Frederick Ward Associates, Inc. c/o Torrence Pierce 845 Flintlock Drive Bel Air, Maryland 21015 Defendant Frederick Ward Associates, Inc.

<u>/s/</u>
David S. Lynch, Esquire
AIS# 08121708228





INSTALLED TO A DEPTH OF

NO LESS THAN 1/3 OF THE TOTAL WEIGHT OF THE POST.

I. FOREST PROTECTION DEVICE ONLY.

2. RETENTION AREA WILL BE SET AS PART OF THE REVIEW PROCESS,

1. BOUNDARIES OF RETENTION AREA SHOULD BE STAKED AND FLAGGED PRIOR TO

NUMBER OF PROPERTY OF THE PROPERTY OF

F2: TREE PROTECTION

SNOW FENCE DETAIL

N.T.S.

FOREST CONSERVATION SIGN REQUIREMENTS

SIGN TYPE -

RETENTION,

REFORESTATION?

RETENTION

RETENTION

RETENTION

RETENTION

RETENTION

RETENTION

RETENTION

RETENTION

SIGNING

LENGTH

(FT)

3,136

10,298

1,923

7,374

2.518

824

1.308

1,429

INSTALLING DEVICES.

4. AVOID ROOT DAMAGE WHEN PLACING ANCHOR POSTS.

5. DEVICE SHOULD BE PROPERLY MAINTAINED DURING CONSTRUCTION

1. DEVICE SHOULD BE PROPERLY MAINTAINED DURING CONSTRUCTION

- 1.1. THE FOREST CONSERVATION PLAN SHALL BE REVIEWED AT THE PRE-CONSTRUCTION MEETING. LOD CHANGES IN THE FIELD
- 1.4. ANY SUBSTITUTION IN MATERIAL OR METHOD SHALL BE APPROVED BY THE CIVIL ENGINEER AND COUNTY INSPECTOR.
- 2.1. SUPER SILT FENCE SHALL BE UTILIZED AS THE TREE PROTECTION FENCING FOR THIS PROJECT WHERE APPLICABLE, OTHERWISE ORANGE SNOW FENCING (PER APPLICABLE DETAIL) SHALL BE USED. 2.1.1. SEE DETAILS FOR FURTHER INFORMATION
- 2.2. DAMAGED TREE PROTECTION FENCING SHALL BE REPAIRED OR REPLACED AS NEEDED IMMEDIATELY BEFORE ANY WORK
- 2.3. THE FENCING SHALL BE PLACED IN THE ROOT PRUNE DITCH ONCE ROOT PRUNING HAS BEEN COMPLETED. 2.4. FENCING SHALL REMAIN IN PLACE UNTIL FINAL LANDSCAPING AND CLEAN UP HAS BEEN COMPLETED AND UPON APPROVAL OF
- ROOT PRUNING 3.1. THE EXACT LOCATION OF THE ROOT PRUNING TRENCH WILL BE FINALIZED AT THE PRE-CONSTRUCTION MEETING AND FLAGGED IN THE FIELD AT THAT TIME.
- 3.2. TRACK MOUNTED SAWS, VIBRATORY PLOW, OR CHAIN TRENCHER ARE ALL ACCEPTABLE EQUIPMENT TO BE USED FOR ROOT PRUNING. FOR LARGE ROOTS (>1.5") AIR EXCAVATION AND PRUNING BY HAND MAY BE REQUIRED IN ORDER TO OBTAIN A CLEAN CUT. 3.3. ROOT PRUNING TRENCH SHALL BE FILLED WITH NATIVE SOIL, COMPOST, OR A MIXTURE OF BOTH AT THE END OF EACH WORK DAY WHEN ROOT PRUNING IS OCCURRING.
- 3.4. WHERE SUPER SILT FENCE IS TO BE USED THE FENCE SHALL BE INSTALLED IN THE ROOT PRUNING TRENCH IF POSSIBLE.
- 4. FERTILIZATION
 - 4.1. ALL FERTILIZATION SHALL TAKE PLACE AS SPECIFIED ON THE FOREST CONSERVATION PLAN.
 - 4.2. EXACT AREAS TO BE FERTILIZED SHALL BE VERIFIED AT THE PRE-CONSTRUCTION MEETING BY THE COUNTY INSPECTOR AND 4.3. ALL FERTILIZATION SHALL FOLLOW THE METHODS SPECIFIED BY ANSI A-300(PART 2, TREE, SHRUB, AND OTHER WOODY PLANT MAINTENANCE- STANDARD PRACTICES (FERTILIZATION), 2004.
 - 5. TREE CONDITIONS DURING CONSTRUCTION
 - 5.1. IF AT ANY TIME DURING CONSTRUCTION IT IS NOTED THAT TREES ARE IN A STATE OF STRESS OR DECLINE THE PROJECT ARBORIST AND COUNTY INSPECTOR SHALL BE CONTACTED. ADDITIONAL TREE PRESERVATION MEASURES MAY BE REQUIRED AT THAT 5.2. ANY UNAUTHORIZED ENTRANCE INTO THE FOREST CONSERVATION AREA DURING CONSTRUCTION MAY REQUIRE ADDITIONAL TREE
 - 6. MULCHING IN TREE PRESERVATION AREAS

PRESERVATION MEASURES TO MITIGATE POSSIBLE DAMAGES.

- 6.1. PROCESSED WOOD CHIPS OR MULCH FROM OFFSITE MAY BE USED IN THE TREE PRESERVATION AREAS. SEE SPECIFICATIONS FOR 1. PRIOR ANY WORK COMMENCING ON-SITE A PRECONSTRUCTION MEETING WITH THE COUNTY FURTHER INFORMATION.
- 7. SUPPLEMENTARY WATERING
- 7.1. SPECIMEN/SIGNIFICANT TREES THAT ARE SPECIFIED FOR SUPPLEMENTARY WATERING ON THE TREE LIST SHALL BE MONITORED DURING THE GROWING SEASON BY A LICENSED TREE EXPERT. 7.2. WATERING WILL BE REQUIRED AT THE DISCRECTION OF THE MONITORING PARTY PER THEIR SPECIFICATIONS.
- TREE PROTECTION SIGNAGE

SPACING

SIGNS

31

103

19

74

13

14

(FT - O/C)

100

100

100

100

100

100

100

100

9.1. TREE PROTECTION SIGNAGE IS NOT PROPOSED AS PART OF THIS PROJECT.

AREA.	NTIRELY WITHI			
² CLEARING INC ACCESS ROAL	CLUDES FUTUR D CONSTRUCT	RE CLEARING ION.	FOR THE	PERRYMAN

REFORESTATION FOR CLEARING BELOW THRESHOLD | 0.00

REFORESTATION FOR CLEARING ABOVE THRESHOLD | 3.09

100-YEAR FLOODPLAIN AREA IS NOT ITEMIZED IN DEDUCTION,

CLEARING SUMMARY

AREAS NOT CLEARED, BUT NOT COUNTED AS RETAINED 0.68 AC.

'AREAS THAT POST-DEVELOPMENT ARE UNDER THE 10,000

SUMMARY FOREST CONSERVATION CALCULATIONS

(ALL AREAS ARE IN ACREAGE)

CLEARING FOR MITCHELL FARM DEVELOPMENT

TOTAL AREA OF CLEARING FOR CALCULATIONS

CLEARING FOR FUTURE PERRYMAN ACCESS ROAD

SQ. FT. AND/OR 35' WIDE MINIMUM REQUIREMENT.

DEDUCTION - (CBCA, BGE ROW, FORS. ESMT.) 1

LAND USE CATEGORY: INDUSTRIAL & COMMERCIAL

EXISTING FOREST IN NET TRACT AREA

AFFORESTATION THRESHOLD (15%)

CONSERVATION THRESHOLD (15%)

TOTAL FOREST TO BE CLEARED2

TOTAL FOREST TO BE RETAINED

CREDIT FOR RETENTION ABOVE THRESHOLD

REQUIRED AFFORESTATION

TOTAL PLANTING REQUIRED

BREAK EVEN POINT

AREA DESIGNATION

AREA DESIGNATION

TOTAL TRACT AREA

NET TRACT AREA

FOREST CONSERVATION MEASURES CONSTRUCTION TIMETABLE

- INSPECTOR SHOULD BE ARRANGED. 2.PRIOR TO THE CLEARING AND GRUBBING OF THE SITE THE LOD SHALL BE MARKED AND
- SEDIMENT AND EROSION CONTROLS AND TREE PROTECTION MEASURES, MAINLY TREE PROTECTION FENCING, SHALL BE INSTALLED. 3.ONCE THE SEDIMENT AND EROSION CONTROL MEASURES ARE INSTALLED THEY SHALL BE INSPECTED PRIOR TO CLEARING AND GRUBBING COMMENCING.
- 4.ONCE CLEARING AND GRUBBING AND SITE GRADING COMMENCES THE TREE PROTECTION MEASURES SHALL BE INSPECTED ON A WEEKLY BASIS TO ENSURE THEIR INTEGRITY AND PROTECTION OF THE EXISTING FOREST TO BE RETAINED.
- 5.AT THE COMPLETION OF CONSTRUCTION ALL TEMPORARY TREE PROTECTIONS MEASURES SHALL BE REMOVED WITH THE SEDIMENT AND EROSION CONTROLS.
- 6. THE CONSERVATION SIGNAGE SHALL BE INSTALLED PER THE FOREST CONSERVATION PLANS.

REVIEW AREA

VICINITY MAP SCALE: 1":4,000"

630.2021 6-15-27 8-19.22

NATURAL RESOURCE AREA TABULATION AREA DESIGNATION AREA GROSS SITE AREA 711.72 100-YR FLOODPLAIN 0.00 AC. CHESAPEAKE BAY CRITICAL AREA 77.09 AC EX. BGE ROW (OUTSIDE CBCA) 14.09 AC EX. AFFORESTATION EASEMENT (OUTSIDE CBCA) 5.87 AC. NET TRACT AREA 614.67 AC TOTAL FORESTED AREA (IN NET TRACT) 116.06 AC TOTAL NATURAL RESOURCE DISTRICT AREA 118.67 AC

FOREST CONSERVATION AREA SUMMARY STAND ID AREA 6.15 AC. 51.06 AC. 3.39 AC. 36.76 AC. 0.41 AC. 0.67 AC. 0.90 AC. TOTAL

FOREST CONSERVATION PLAN GENERAL NOTES

3. PROPOSED USE: INDUSTRIAL/COMMERCIAL

2. EXISTING LAND USE: UNDEVELOPED

BUSINESS, AG, & R1

ADJACENT TO THE SITE.

THE SPECIMEN TREES.

ON MAY 11, 2022.

CONSULTING, LLC. FOR FURTHER DETAILS.

AREA

7.44 AC.

4.25 AC.

12.37 AC.

711.72

97.04

614.68

92.20

92.20

0.00

96.97

12.37

103.69

11.49

0.00

116.06

COVER & NOTES

SPECIMEN TREE TABLE

FOREST CONSERVATION PLAN

1. TOTAL SITE AREA: 711.72 AC. OR 31,002,558 SQ. FT.

SHOWN HEREON IS FROM HARFORD COUNTY GIS INFORMATION.

6. THE SITE IS LOCATED INSIDE THE PRIORITY FUNDING AREA.

ENDANGERED SPECIES WITHIN THE BOUNDARY OF THE SITE.

24025C0277E, 24025C0278E, & 24025C0279E (EFF. 4/19/2016).

4. SITE ZONING: LI - LIGHT INDUSTRIAL, GI - GENERAL INDUSTRIAL, B1 - NEIGHBORHOOD

7. NO RARE, THREATENED, OR ENDANGERED SPECIES WERE OBSERVED DURING THE FIELD

5. THE BOUNDARY SURVEY DATA SHOWN HEREON IS BASED ON A SURVEY COMPLETED BY FRED WARD & ASSOCIATES, INC. DATED SEPTEMBER 14, 2016. THE TOPOGRAPHICAL INFORMATION

INVESTIGATIONS. THE MARYLAND DEPARTMENT OF NATURAL RESOURCES (DNR) RESPONDED TO A REQUEST FOR RECORDS OF RARE, THREATENED, AND ENDANGERED SPECIES ON SEPTEMBER 13, 2021 STATING THAT THERE ARE NO RECORDS OF RARE, THREATENED, OR

8. THE SITE LIES PARTIALLY WITHIN ZONE AE (SPECIAL FLOOD HAZARD AREAS INNUNDATED BY THE 100-YEAR FLOOD), ZONE X (AREAS OF 500-YEAR FLOOD) AND ZONE X UNSHADED (AREA OF MINIMAL FLOOD HAZARD) PER FEMA FLOOD INSURANCE RATE MAPS 24025C0276E.

9. THE SITE LIES PARTIALLY WITHIN THE PERRYMAN HISTORIC DISTRIC (MIHP NO. HA-1722). THREE INDIVIDUAL PROPERTIES LISTED WITHIN THE MARYLAND INVENTORY OF HISTORIC

HA-1666), 1632 PERRYMAN RD (MIHP NO. HA-1665), AND 1630 PERRYMAN RD (MIHP NO. HA-1664). NO OTHER KNOWN HISTORICAL OR ARCHEOLOGICAL SITES ARE KNOWN WITHIN OR

EDITION, 1997 (MD DNR), DOES EXIST WITHIN THE STUDY AREA. THE FIELD SURVEYED LIMITS

PLACES LIE ADJACENT TO THE SITE AS FOLLOWS: 1636 PERRYMAN RD (MIHP NO.

10. FOREST, AS DEFINED BY THE STATE FOREST CONSERVATION TECHNICAL MANUAL, THIRD

11. ONE HUNDRED FIFTEEN (115) SPECIMEN TREES ARE LOCATED WITHIN THE BOUNDARY OF THE SITE. THE LOCATION OF THE SPECIMEN TREES ARE SHOWN HEREON. THE SPECIMEN

TREES HAVE BEEN FLAGGED (RED FLAGGING) AND TAGGED (ANODIZED BLUE TAGS) IN THE

FIELD. PLEASE REFER TO THE SPECIMEN TREE TABLE HEREON FOR FURTHER DETAILS ON

12. THE FOREST STAND DELINEATION (FSD) FIELD WORK WAS CONDUCTED BY KEVIN C. HAINES

OF HOLLY OAK CONSULTING, LLC ON SEVERAL DAYS IN JULY, AUGUST, OCTOBER, AND NOVEMBER OF 2021. THE FSD WAS APPROVED BY HARFORD COUNTY PLANNING AND ZONING

13. A FULL WETLAND DELINEATION WAS CONDUCTED IN ACCORDANCE WITH THE 1987 CORPS OF

ENGINEERS' WETLANDS DELINEATION MANUAL AND THE REGIONAL SUPPLEMENT TO THE

REGION. PLEASE REFER TO THE WETLAND DELINEATION COMPLETED BY HOLLY OAK

CORPS OF ENGINEERS' WETLAND DELINEATION MANUAL: ATLANTIC AND GULF COASTAL PLAIN

OF THE FOREST CANOPY, AS DELINEATED IN THE FIELD, ARE SHOWN HEREON.

103.69	AC.		
	MAPPED SOIL TYPES	7.407 tm - 4.5	
MAP UNIT SYMBOL		HYDRIC (%)	K-FACTO (WHOLE SO
BeB	BELTSVILLE SILT LOAM, 2-5% SLOPES	5	0.37
ChB2	CHILLUM-NESHAMINY SILT LOAMS, 2-5% SLOPES, MOD. ERODED	0	0.32
CkB2	CHILLUM-NESHAMINY SILT LOAMS, 5-10% SLOPES, MOD. ERODED	0	0.49
DcA	DELANCO SILT LOAM, 0-3% SLOPES	0	0.37
DcB	DELANCO SILT LOAM, 3-8% SLOPES	0	0.37
En	ELKTON SILT LOAM	95	0.43
EsA	ELSINBORO LOAM, 0 TO 2% SLOPES	0	0.49
EsB2	ELSINBORO LOAM, 2-5% SLOPES, MODERATELY ERODED	0	0.49
EsC2	ELSINBORO LOAM, 5-10% SLOPES, MODERATELY ERODED	0	0.49
EvC	EVESBORO LOAMY SAND, 5-15% SLOPES	0	0.05
FgaA	FALLSINGTON LOAMS, 0-2% SLOPES, NORTHERN COASTAL PLAIN	85	_
HcA	HATBORO-CODORUS COMPLEX, 0-3% SLOPES, FREQ. FLOODED	60	0.49
JpB	JOPPA GRAVELLY SANDY LOAM, 2-5% SLOPES	0	0.10
JpC	JOPPA GRAVELLY SANDY LOAM, 5-10% SLOPES	0	0.10
КрА	KEYPORT SILT LOAM, 0-2% SLOPES	5	0.49
КрВ	KEYPORT SILT LOAM, 2-5% SLOPES	5	0.49
Lr	LEONARDTOWN SILT LOAM	85	0.37
MkA	MATAPEAKE SILT LOAM, 0-2% SLOPES	0	0.49
MkB	MATAPEAKE SILT LOAM, 2-5% SLOPES	0	0.49
MlaA	MATTAPEX SILT LOAM, 0-2% SLOPES, NORTHERN COASTAL PLAIN	5	0.49
MlaB	MATTAPEX SILT LOAM, 2-5% SLOPES, NORTHERN COASTAL PLAIN	5	0.49
Ot	OTHELLO SILT LOAMS, 0-2% SLOPES, NORTHERN COASTAL PLAIN	95	0.43
RuD	RUSSETT FINE SANDY LOAM, 5-15% SLOPES	0	0.32
RuE	RUSSETT FINE SANDY LOAM, 15-30% SLOPES	0	0.32
Sa	SAND AND GRAVEL PITS	0	_
ShaB	SASSAFRAS SANDY LOAM, 2-5% SLOPES, N. COASTAL PLAIN	4	0.20
ShaC	SASSAFRAS SANDY LOAM, 5-10% SLOPES, N. COASTAL PLAIN	4	0.20
SIB2	SASSAFRAS LOAM, 2-5% SLOPES	4	0.32
SIC2	SASSAFRAS LOAM, 5-10% SLOPES, MODERATELY ERODED	0	0.32
SsD	SASSAFRAS AND JOPPA SOILS, 10-15% SLOPES	0	0.32
SsE	SASSAFRAS AND JOPPA SOILS, 15-30% SLOPES	0	0.32
Sw	SWAMP	100	0.05
Tm	TIDAL MARSH	100	-
W	WATER	0	_
WoaB	WOODSTOWN LOAM, 2-5% SLOPES, NORTHERN COASTAL PLAIN	- Transfer you man agreement as a second sec	9.37 ₅₀₀

GRAPHIC SCALE 1000 (IN FEET) 1 inch = 1,000 ft.

10 1 2 2025 PLAN # FCP630-2021 QUALIFIED PROFESSIONAL CERTIFICATION FOREST CONSERVATION PLAN CERTIFIED BY: SIGNED: 100 C 900 DATE 6/13/2022 KEVIN C. HAINES HOLLY OAK CONSULTING, LLC 303 SYCAMORE RD SEVERNA PARK, MD 21146 PHONE: (443) 906-3419 KHAINE@HOLLYOAKCONSULTING.COM

SCALE: AS SHOWN DATE: 5/31/2022 DRAWN BY: KCH DESIGNED BY: -CHECKED BY: -JOB NO. 21-40

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MAP: MAP: MAP:

1 OF 12

RETENTION AREA MACHINERY, DUMPING, MA STORAGE AND SITE DISTUR PROHISITEDI VIOLATORS SUBJECT TO FIN SPECIFIED BY STATE AND LOCAL LAWS. AREA METAL T-POST (1.33 LB/FT) NAME EXISTING GRADE---y - 24" MIN. DEPTH TO INSURE STABILITY

ROOT PRUNE TRENCH 6" MAX WIDTI 18" MIN. DEPTH OR AS DETERMINED AT PRECONSTRUCTION MEETING

FOREST CONSERVATION SPECIFICATIONS & NOTES.

OF A CERTIFIED ARBORIST & MARYLAND L.T.E..

PRECONSTRUCTION MEETING.

. RETENTION AREAS SHALL BE CONFIRMED IN THE FIELD AT THE

RETENTION AREA BOUNDARIES SHALL BE STAKED AND FLAGGED

N THE FIELD PRIOR TO TRENCHING. 3. THE TRENCH SHALL BE CUT BY A METHOD SPECIFIED IN THE

4. ALL PRUNING MUST BE EXECUTED AS SHOWN ON THE PLANS

OR AS AUTHORIZED BY THE CITY INSPECTOR.

6. THE TRENCH SHALL NOT REMAIN OPEN FOR LONGER THAN 48

HOURS AND SHALL BE BACKFILLED WITH NATIVE SOIL AND MULCH

. ROOT PRUNING SHALL BE CONDUCTED UNDER THE SUPERVISION

F1: TREE PROTECTION/SILT FENCE &

ROOT PRUNING DETAIL

N.T.S.

NOTES:

1. ATTACHMENT OF SIGN TO TREES PROHIBITED. SIGNS SHOULD BE PROPERLY MAINTAINES . AVOID INJURY TO ROOTS WHEN PLACING POSTS FOR THE SIGNS. SIGNS SHOULD BE PLACED AT OR NEAR APPROXIMATE EDGE OF CRITICAL ROOT ZONE WHEN EVER POSSIBLE, AT OR NEAR TREE PROTECTION FENCE. SIGNS SHOULD BE PLACED AS TO BE VISIBLE TO ALL CONSTRUCTION PERSONAL AND FROM ALL DIRECTIONS. 6. AT A MINIMUM, THE INFORMATION INDICATED FOR EACH TYPE OF SIGN ABOVE SHALL BE SHOWN FOR EACH AREA BEING PROTECTED. 7. SEE PAGE J9 IN STATE F.C.A. MANUAL FOR OTHER SIGN INFORMATION.

F4: SIGNAGE INSTALLATION

NACIDAN FOO INVANIANY SOAT		Project			erty	Temp/Wx: Sunny, 90s	
Tree #	Tag #	Common Name	Date Scientific		.6.21 DBH@r	Condition	Location: Perryman, MD
1 ree #	104		<u> </u>			<u> </u>	Notes
2	104	pin oak	Quercus pa		32.0	Poor	Major dieback and large dead branches. In decline.
<u> </u>	Edition Review Programme Accounts	silver maple	Acer saccha	O 3644 (1.5 to 1.5 to 1	36.0	Fair	Tri stem, some dieback (10%), vines.
	106	willow oak	Quercus p	The transfer of the transfer of the second second	32.0	Poor	
4	107	silver maple	Acer saccha	Bernsteller in der Stelle State (1900) in der Stelle Stelle Stelle Stelle	36.2	Poor	Split tree, only half stem meets 30". In major decline. Hazard
5	108	red maple	Acer rub	A CANADA A MARIA BANCA A MARIA	32.1	Fair	Tree has major decay and broken stem. In decline.
6	109	red maple	Acer rub		31.6	Fair	Some dieback, water sprouts
1	110	sweet gum	Liquidambar s	and the state of t	30.2	Fair	Broken branches with some dieback
8	111	tulip poplar	Liriodendron		30.2	Poor	Deformity on lower trunk, water sprouts, some dieback
9	112	tulip poplar	Liriodendron	RESPONDED THE PROPERTY OF THE	30.4	Fair	Cathole, major decay. Leaning.
10	113	willow oak	Quercus p		38.5	Good	In decline and leaning. Heavy vines.
11	114	willow oak	Quercus p	ALCONOMINATES DE COMPAGNAMENTOS	41.4	Good	
12	115	white oak	white o		32.2	Fair	Tri stem
13	116	willow oak	Quercus p	CHECK OF THE VIEW OF THE STATE OF THE	30.4	Good	
14	117	white oak	Quercus	And the court of Abraham and the court of the	37.9	Good	
15	118	white oak	Quercus	2008 No. 5 (200 ASS ASS ASS ASS ASS ASS ASS ASS ASS A	34.6	Good	
16	119	tulip poplar	Liriodendron		32.0	Good	
17	120	red maple	Acer rub	rum	34.0	Fair	Some decay
18	121	tulip poplar	Liriodendron i	tulipifera	30.0	Poor	Try stem with decay
19	122	black oak	Quercus ve	lutina	34.0	Fair	20% dieback
20	123	willow oak	Quercus p	hellos	33.5	Good	
21	124	scarlet oak	Quercus co	ccinea	31.0	Good	
22	125	pin oak	Quercus pa	Last Contract Contract	30.3	Good	
23	126	white oak	Quercus (30.3	Good	
24	127	willow oak	Quercus p		31.3	Good	
25	128	white oak	Quercus (34.3	Good	
26	129		Liquidambar s	Graffa (E. N. Graffa (C. S.) by de wie de y		สรรณ์ เป็นสาราช สามาร์ (คือ Addition) เป็น	
KONTON DA-BANDANIAN PROPERTIES AND STORE S		sweet gum			30.6	Fair .	Abnormal trunk some decay
27	130	willow oak	Quercus pl	ALAMBATAT DIVINI	35.0	Good	
28	131	tulip poplar	Liriodendron		37.3	Poor	Codominant and hollow based on sounding
29	132	white oak	Quercus (57.0	Poor	Lean and major decay. Some dieback.
30	133	sweet gum	Liquidambar s	tyraciflua	31.0	Poor	Codominant with included bark and hollow stem.
31	134	tulip poplar	Liriodendron i	tulipifera	48.0	Fair	Triple stem
32	135	black oak	Quercus ve	lutina	42.2	Poor	Codominant with extensive decay
33	136	sweet gum	Liquidambar s	tyraciflua	30.1	Good	
34	137	tulip poplar	Liriodendron i	ulipifera	32.8	Good	
35	138	tulip poplar	Liriodendron i	ulipifera	31.0	Good	
36	139	pin oak	Quercus pa		33.2	Fair	Considera ble-dieback
37	140	pin oak	Quercus pa		41.5	Fair	Some dieback
38	141	willow oak	Quercus pl	\$ NO. 10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	47.3	Good	
39	142	white oak	Quercus d		32.3	Good	
40	143	white oak	Quercus i	Start State and St. Co. Committee and America	31.2	Good	
				0.000	33.7	Good	
41	144	sweet gum	Liquidambar s	Water State Committee Comm		PRINCIPLE TORRESTOR	
42	145	tulip poplar	Liriodendron 1		41.0	Fair	Codominant with some decay
43	146	white oak	Quercus e		31.4	Fair	Codominant
44	147	sweet gum	Liquidambar s		30.7	Good	
45	148	willow oak	Quercus pl		31.7	Good	
46	149	sweetgum	Liquidambar s	***	30.0	Good	
47	150	tulip poplar	Liriodendron 1	ulipifera	33.1	Fair	Codominant
48	151	black oak	Quercus ve	lutina	30.2	Good	
49	152	willow oak	Quercus pl	hellos	31.1	Fair	Dieback and tot present
50	153	tulip poplar	Liriodendron 1	ulipifera	32.0	Good	
51	154	nr oak	FALSI	E	39.0	Fair	Unbalanced crown, watersprouts
52	155	scarlet oak	Quercus coo	cinea	36.2	Fair	Unbalanced crown and watersprouts
53	156	willow oak	Quercus pl	2 to part sorty through the V	31.0	Fair	Some dieback and uneven canopy
54	157	willow oak	Quercus pl	2004-7-01-8-0-8-9-7-0	31.3	Fair	Sec 156
			Quercus vei				
55 #4	158	black oak		Cold Add Early on	31.0	Good	Treat_i
56	159	white oak	Quercus a	ENVIS-825-0-804-12	33.7	Fair	Dieback
57 22	160	black oak	Quercus vei	Managaro e corvo co.	33.0	Good	
The second secon	161	tulip poplar	Liriodendron 1	uupifera	32.7	Good	
58				1		'	
58 59 60	162 163	tulip poplar tulip poplar	Liriodendron t Liriodendron t	14.5.0 Teachers	31.2 31.1	Good Good	

NOTE: ALL SPECIMEN TREES TO BE RETAINED. SPECIMEN TREE REM	<u>IOVAL</u>
ASSOCIATED WITH THE PERRYMAN ACCESS ROAD WILL BE HANDLED	AT
TIME OF PERMIT AND CONSTRUCTION FOR THE ROAD.	

Specimen Tree Inventory Sheet Cont'd Project N		Project Mitche	tchell Property		Temp/Wx: Sunny, 90s		
Specin	ien Tree Inv	entory Sheet Cont	''/	7.6.21		Location: Perryman, MD	
Tree #	Tag #	Common Name	Scientific Name	DBH(ii	Condition	Notes	
61	164	willow oak	Quercus phellos	31.6	Good		
62	165	tulip poplar	Liriodendron tulipifera	31.1	Good		
63	166	tulip poplar	Liriodendron tulipifera	135.6	Fair	Codominant	
64	167	black oak	Quercus velutina	32.4	Poor	60%dead	
65	168	tulip poplar	Liriodendron tulipifera	33.9	Poor	Codominant with major decay	
66	169	tulip poplar	Liriodendron tulipifera	33.6	Fair	Codominant	
67	170	willow oak	Quercus phellos	36.7	Good		
68	171	tulip poplar	Liriodendron tulipifera	42.5	Good		
69	172	tulip poplar	Liriodendron tulipifera	52.8	Fair	Codominant	
70	173	black oak	Quercus velutina	37.2	Fair	Some dieback	
71	174	sweet gum	Liquidambar styraciflua	31.9	Good	Some weback	
72	175	tulip poplar	Liriodendron tulipifera	34.0	Fair		
73	176	black oak	Quercus velutina			Codominant	
74	177		Liriodendron tulipifera	30.9	Good		
75	178	tulip poplar		32.7	Good		
76	PARKET STATE OF THE STATE OF TH	tulip poplar	Liriodendron tulipifera	32.7	Good		
70 77	179 180	southern red oak	Quercus falcata	32.4	Poor	Heavy dieback	
78		tulip poplar	Liriodendron tulipifera	31.6	Good		
79	181	tulip poplar	Liriodendron tulipifera	35.6	Poor	Major decay	
residente de la companya de la comp	182	tulip poplar	Liriodendron tulipifera	32.3	Good		
80	183	tulip poplar	Liriodendron tulipifera	31.7	Good		
81	184	tulip poplar	Liriodendron tulipifera	34.4	Good		
82	185	willow oak	Quercus phellos	31.8	Good		
83	186	black oak	Quercus velutina	31.7	Good		
84	187	tulip poplar	Liriodendron tulipifera	38.0	Good		
85	188	tulip poplar	Liriodendron tulipifera	31.3	Good		
86	189	tulip popla r	Liriodendron tulipifera	30.6	Good		
87	190	sweet gum	Liquidambar styraciflua	32.5	Good		
88	191	tulip poplar	Liriodendron tulipifera	33.7	Good		
89	192	willow oak	Quercus phellos	30.0	Good		
90	193	tulip poplar	Liriodendron tulipifera	35.3	Good		
91	194	white oak	Quercus alba	35.0	Fair	Considerable dieback and dead branches	
92	195	tulip poplar	Liriodendron tulipifera	32.0	Good		
93	196	willow oak	Quercus phellos	34.5	Good		
94	197	sweet gum	Liquidambar styraciflua	30.2	Fair		
95	198	tulip poplar	Liriodendron tulipifera	31.3	Good		
96	199	willow oak	Quercus phellos	34.0	Good		
97	200	tulip poplar	Liriodendron tulipifera	41.0	Fair	Codominant	
98	201	tulip poplar	Liriodendron tulipifera	30.3	Good		
99	202	tulip poplar	Liriodendron tulipifera	33.0	Good		
100	203	tulip poplar	Liriodendron tulipifera	32.1	Good		
101	204	tulip poplar	Liriodendron tulipifera	30.0	Good		
102	205	willow oak	Quercus phellos	32.2	Good		
103	206	black oak	Quercus velutina	34.2	Good		
104	207	tulip poplar	Liriodendron tulipifera	33.7	Good		
105	208	tulip poplar	Liriodendron tulipifera	33.7	Good		
106	209	scarlet oak	Quercus coccinea	33.0	Fair		
107	210	tulip poplar	Liriodendron tulipifera	37.3	Good		
108	211	black oak	Quercus velutina	32.5	Good		
109	212	southern red oak	Quercus falcata	30.0	Fair		
110	213	tulip poplar	Liriodendron tulipifera	33.0	Good		
111	214	tulip poplar	Liriodendron tulipifera	30.3	Good		
112	215	tulip poplar	Liriodendron tulipifera		OMBASAVETVE ET VESTET		
113	217		Liquidambar styraciflua	30.0	Good		
113	218	sweet gum	New York and the Control of the Cont	37.0	Dead		
115	218	sweet gum black oak	Liquidambar styraciflua	37.9	Poor	Major cavity	
	, /IU	niacii nali	Ouercus velutina	34.2	Poor	Extensive dieback	

34.2 **Poor**

Extensive dieback

219

black oak

Quercus velutina

PLAN # FCP630-2021

QUALIFIED PROFESSIONAL CERTIFICATION
FOREST CONSERVATION PLAN CERTIFIED BY:

SIGNED: DATE:6/(3/30/3)

KEVIN C. HAINES
HOLLY OAK CONSULTING, LLC
303 SYCAMORE RD
SEVERNA PARK, MD 21146
PHONE: (443) 906-3419
KHAINE@HOLLYOAKCONSULTING.COM

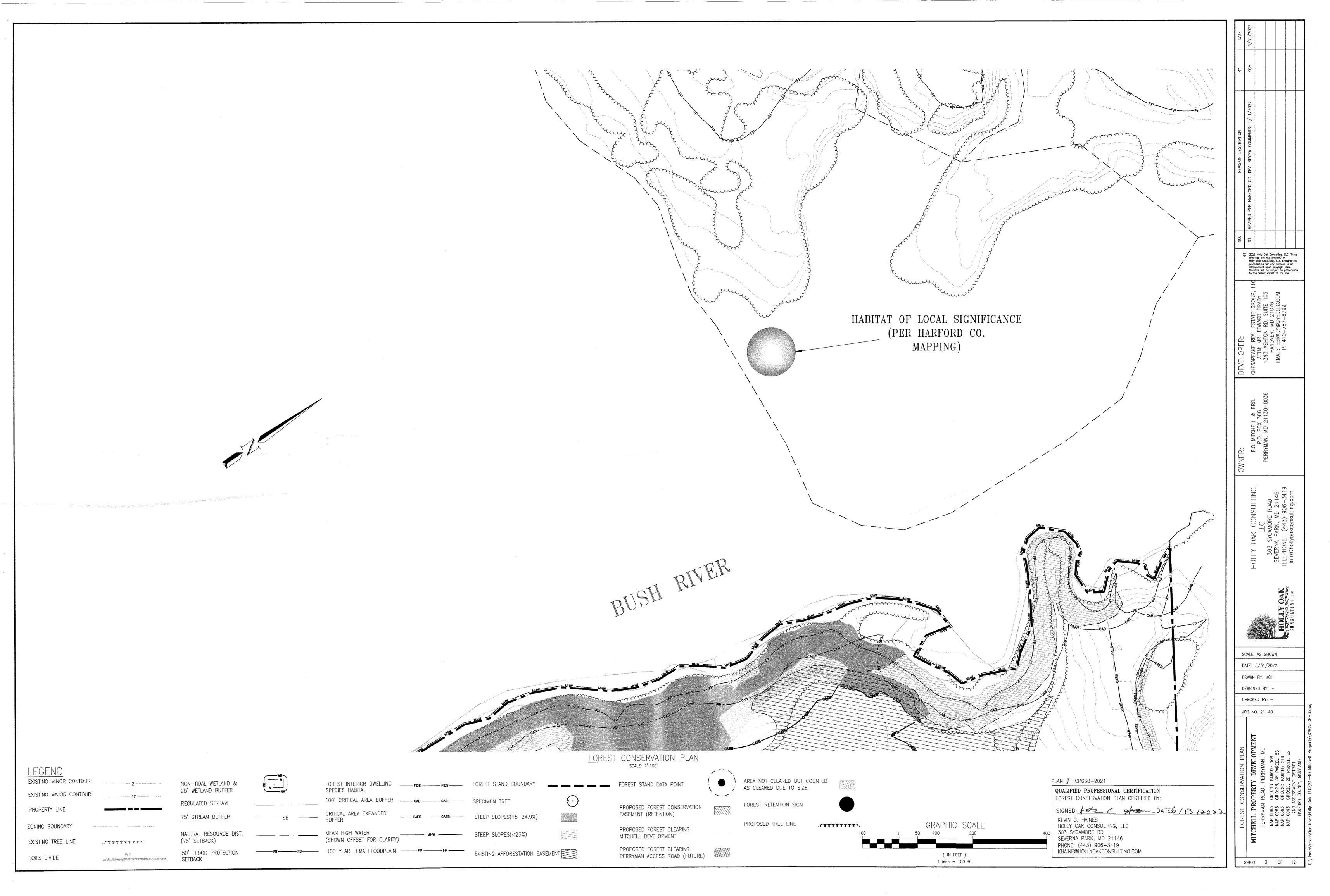
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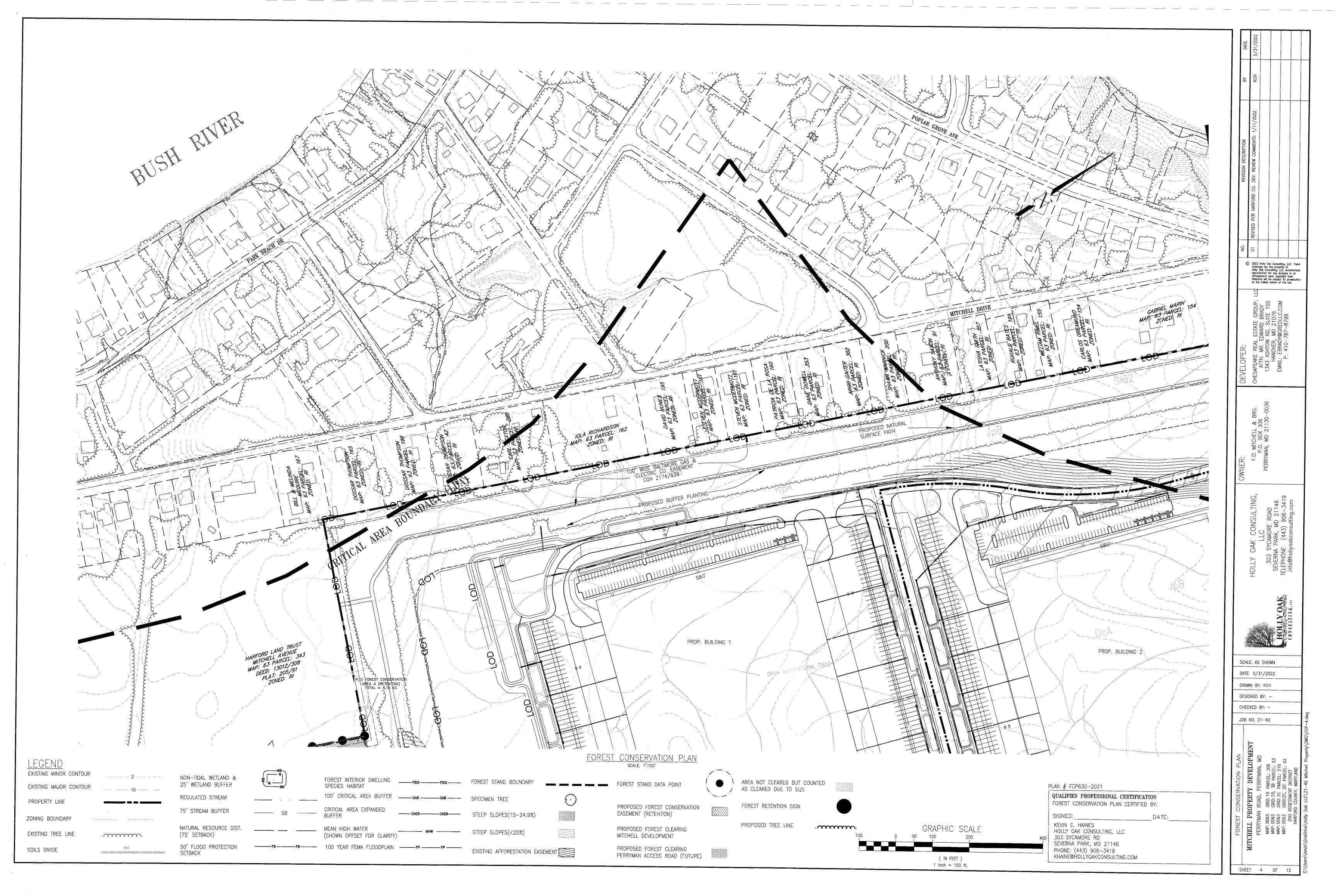
DATE: 5/31/2022

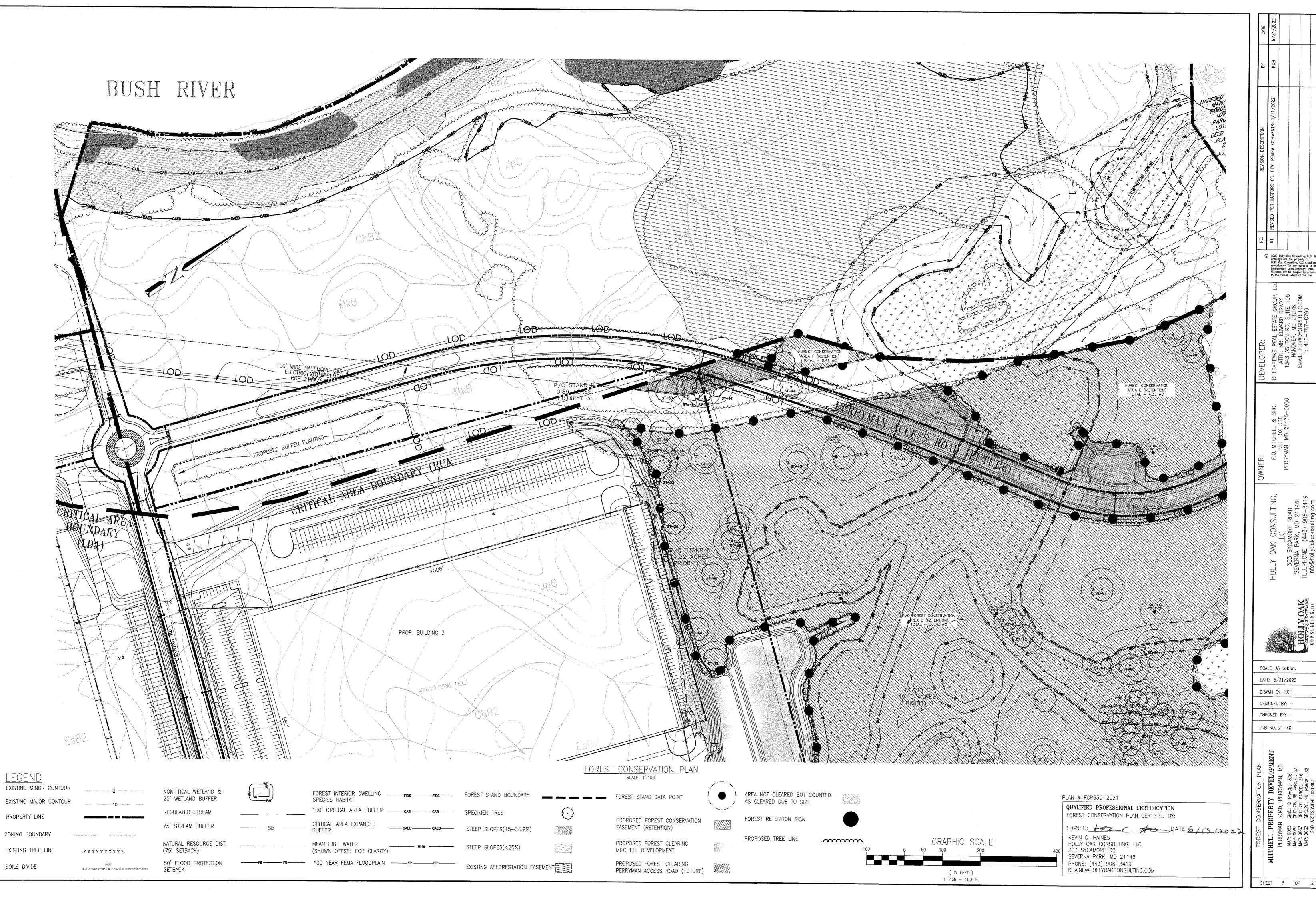
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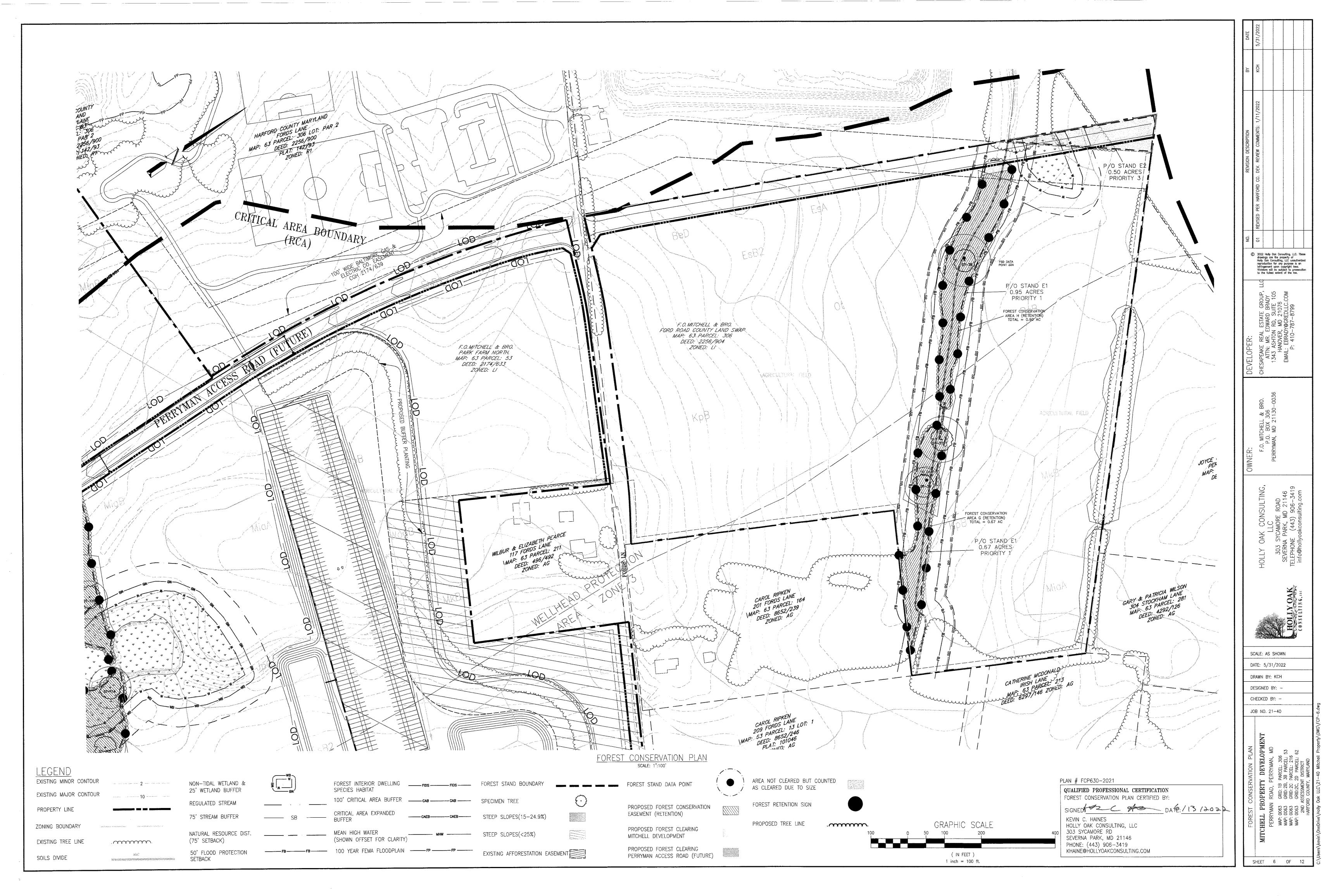
SHEET 2 OF 12





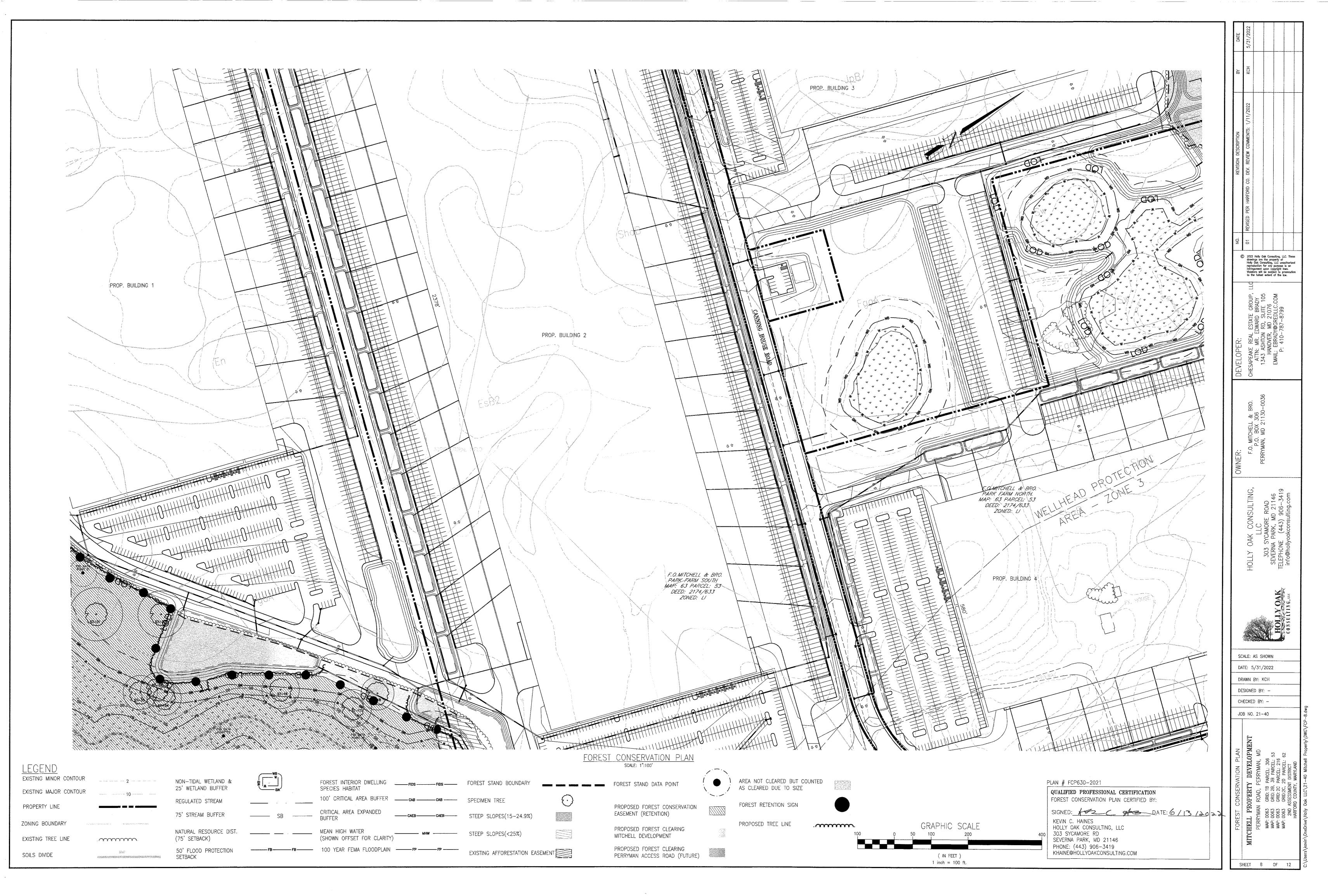


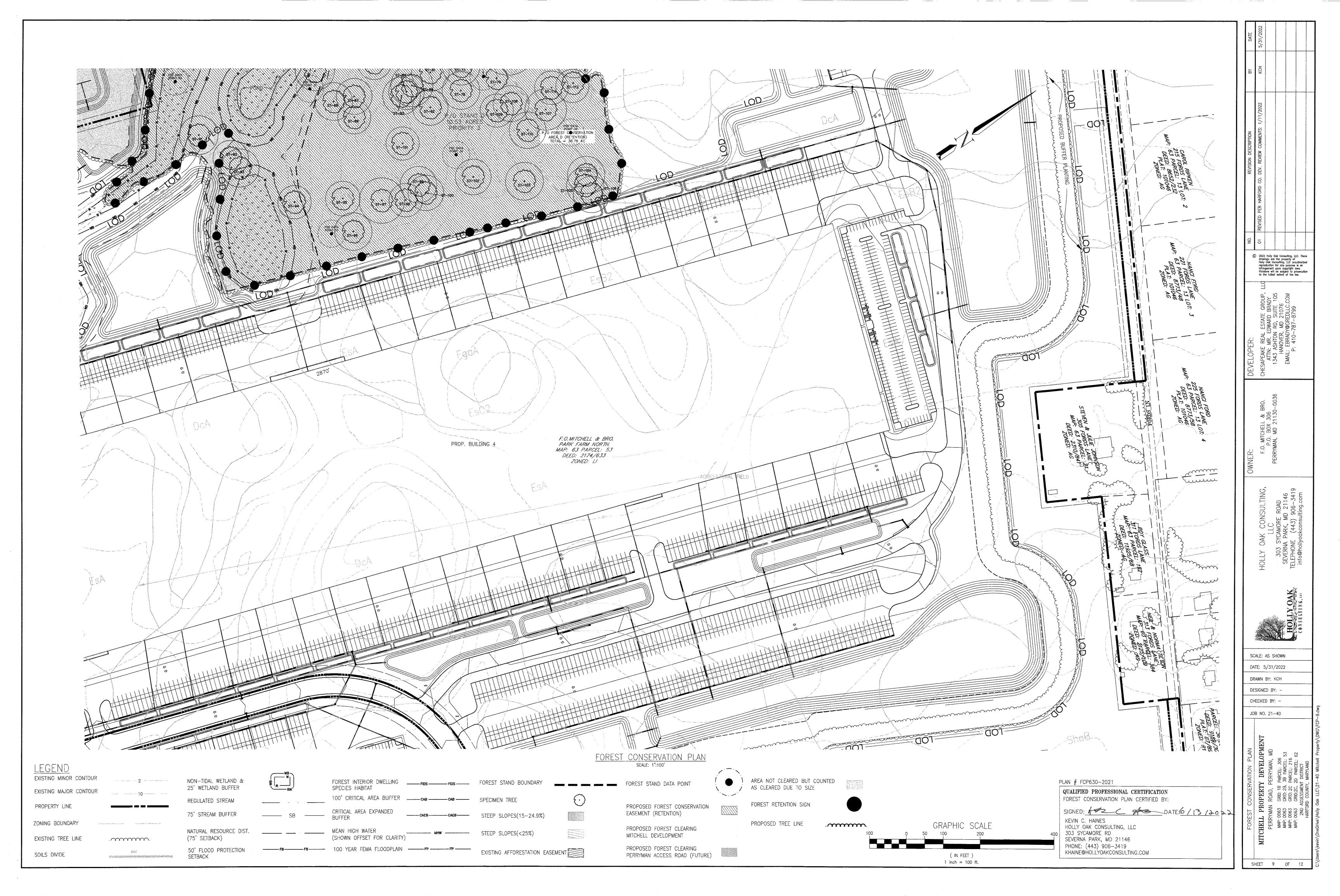
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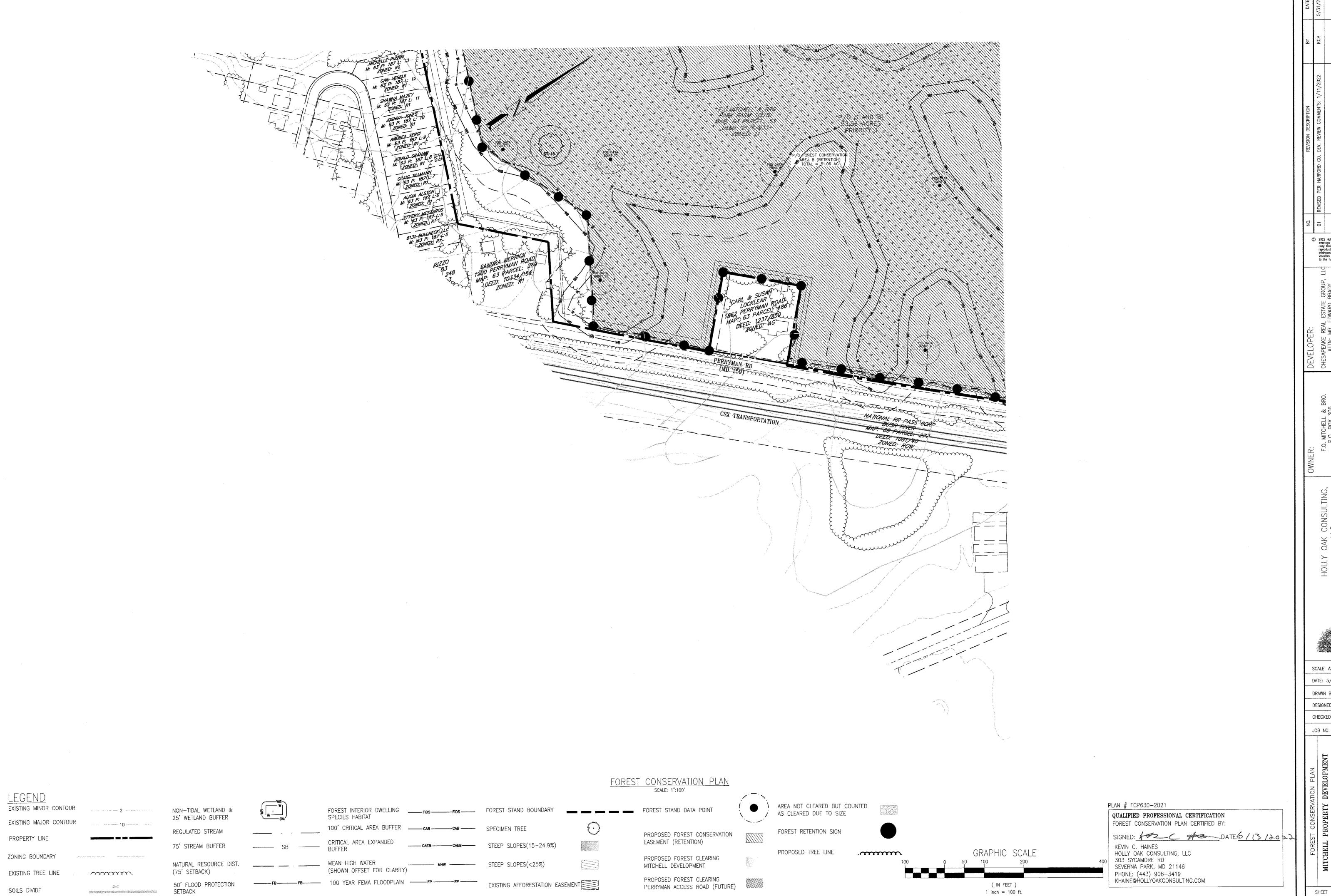




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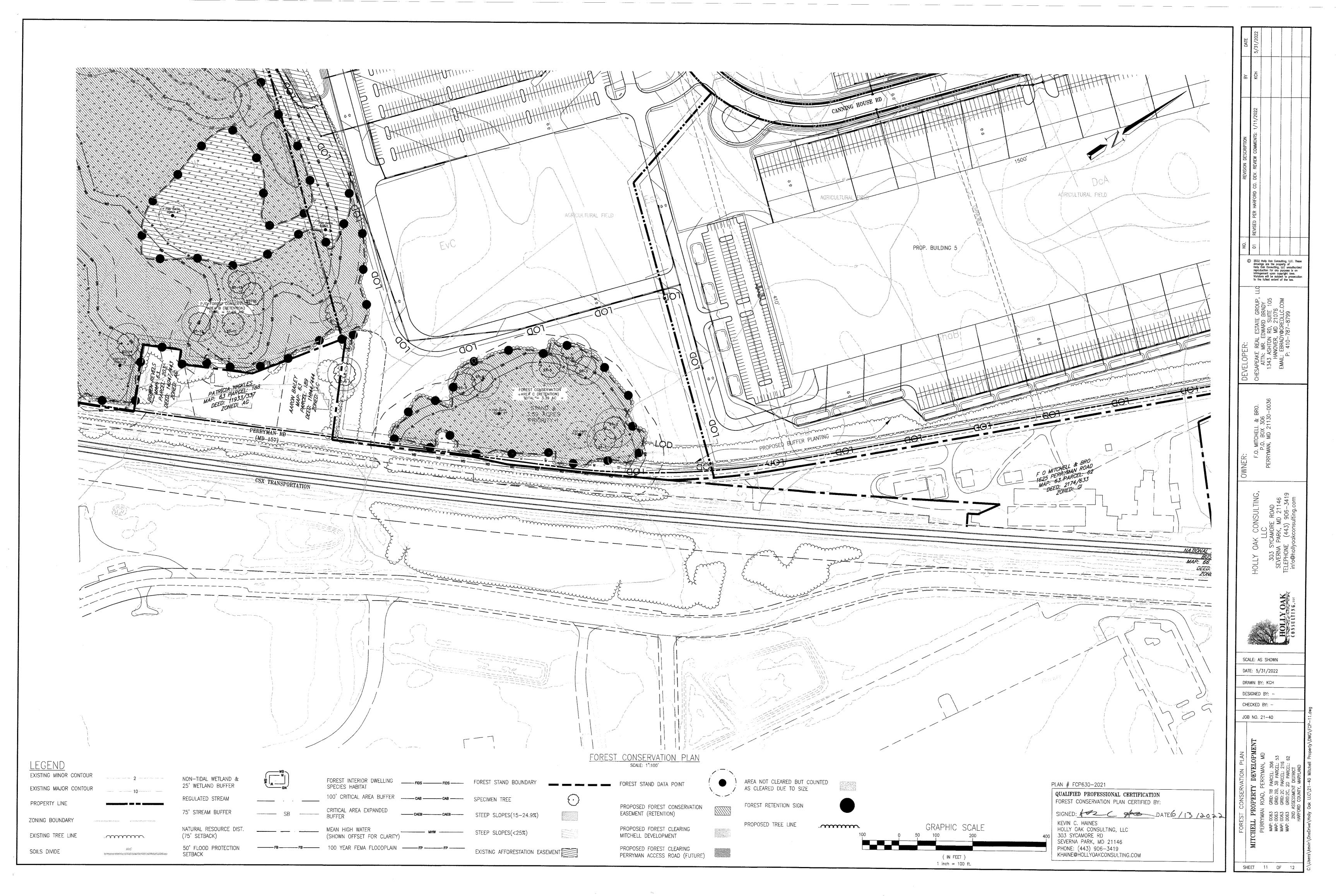


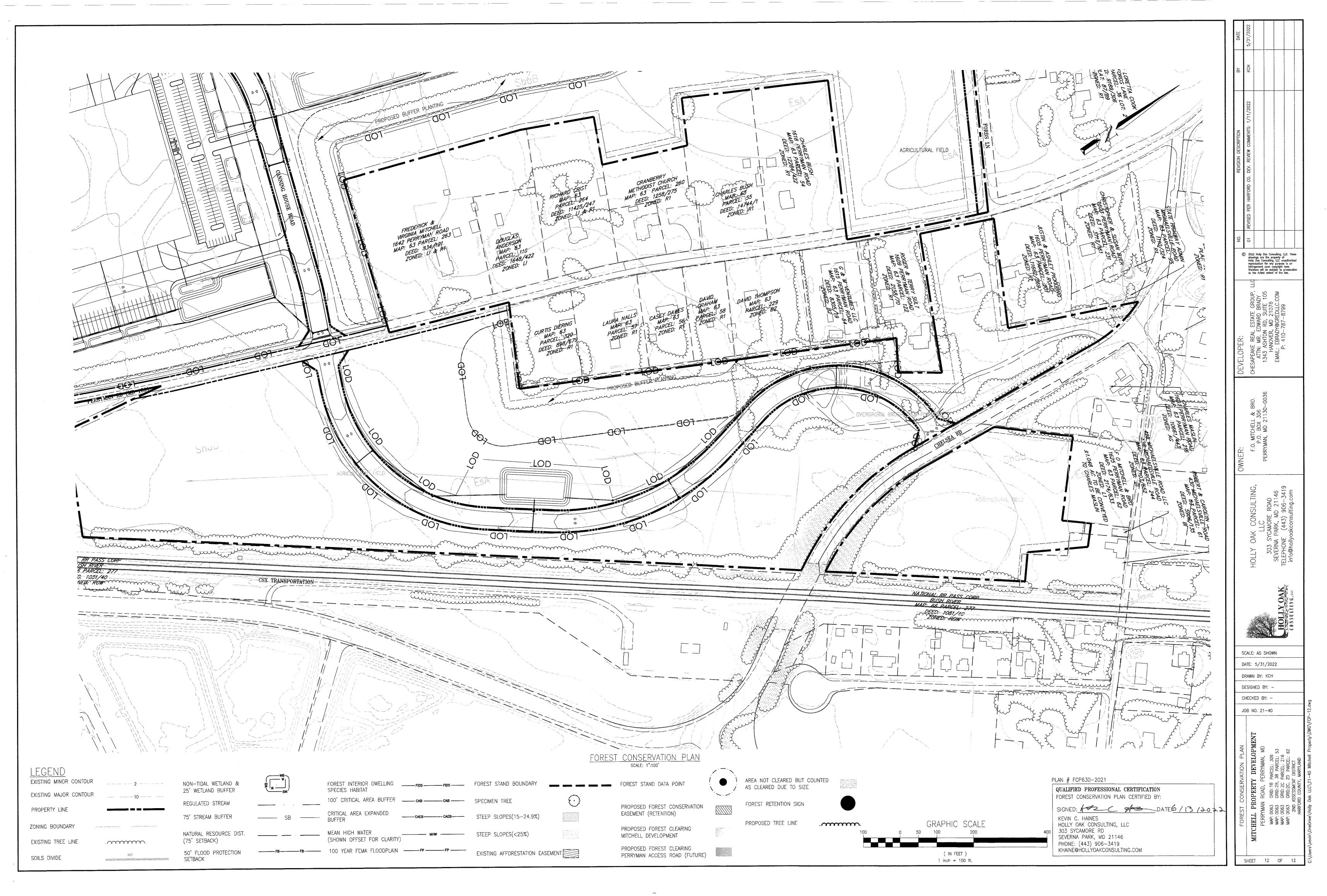


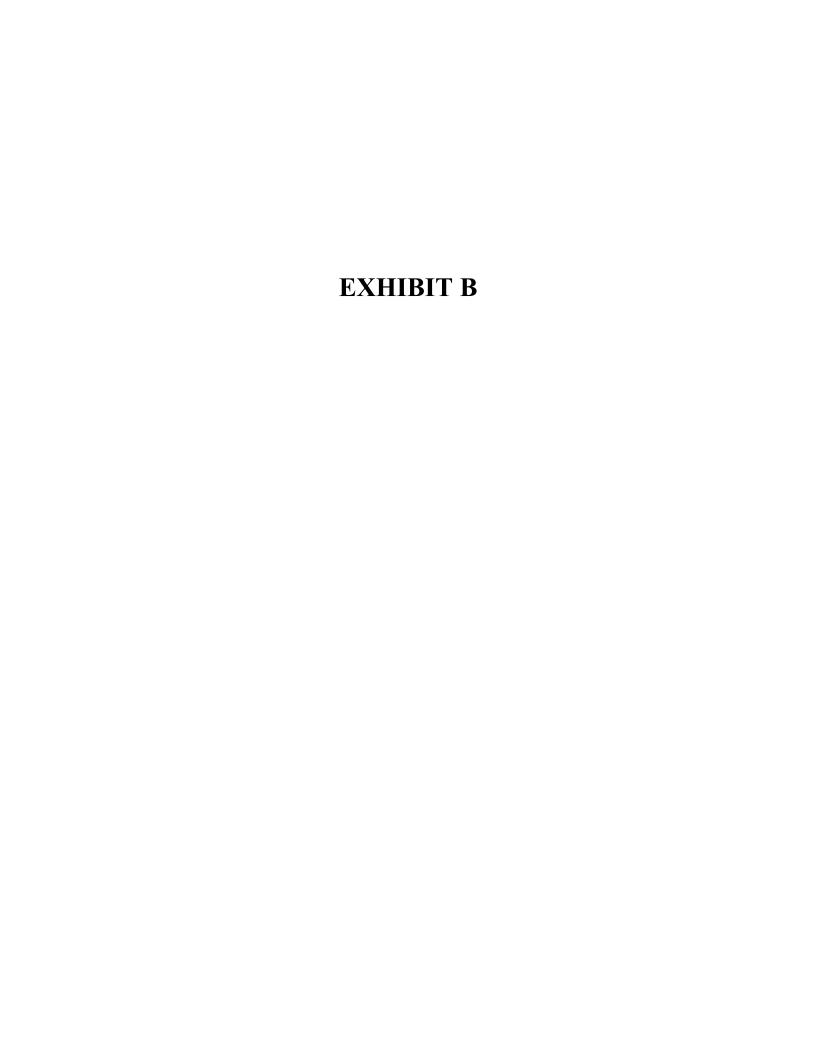
SOILS DIVIDE

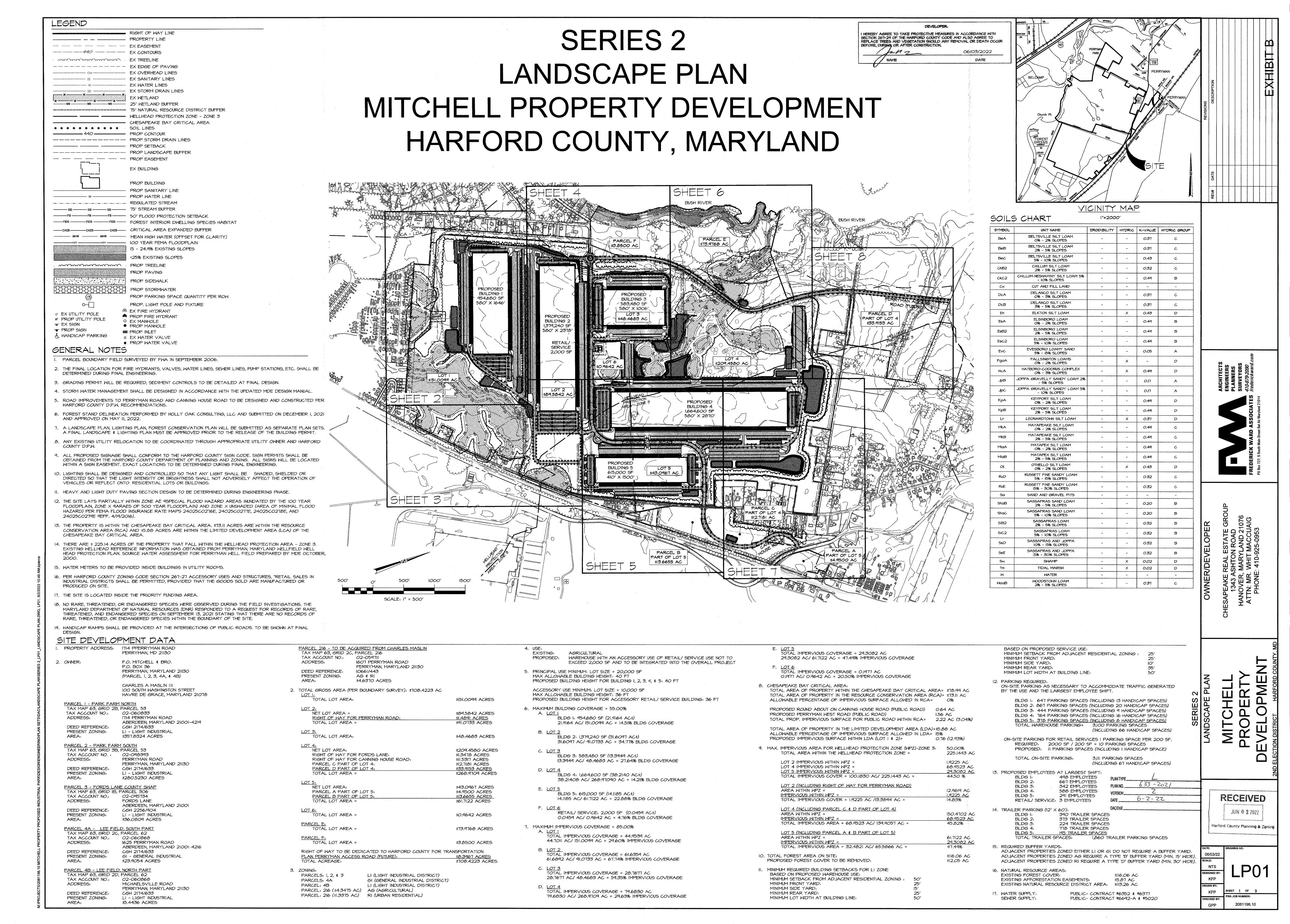
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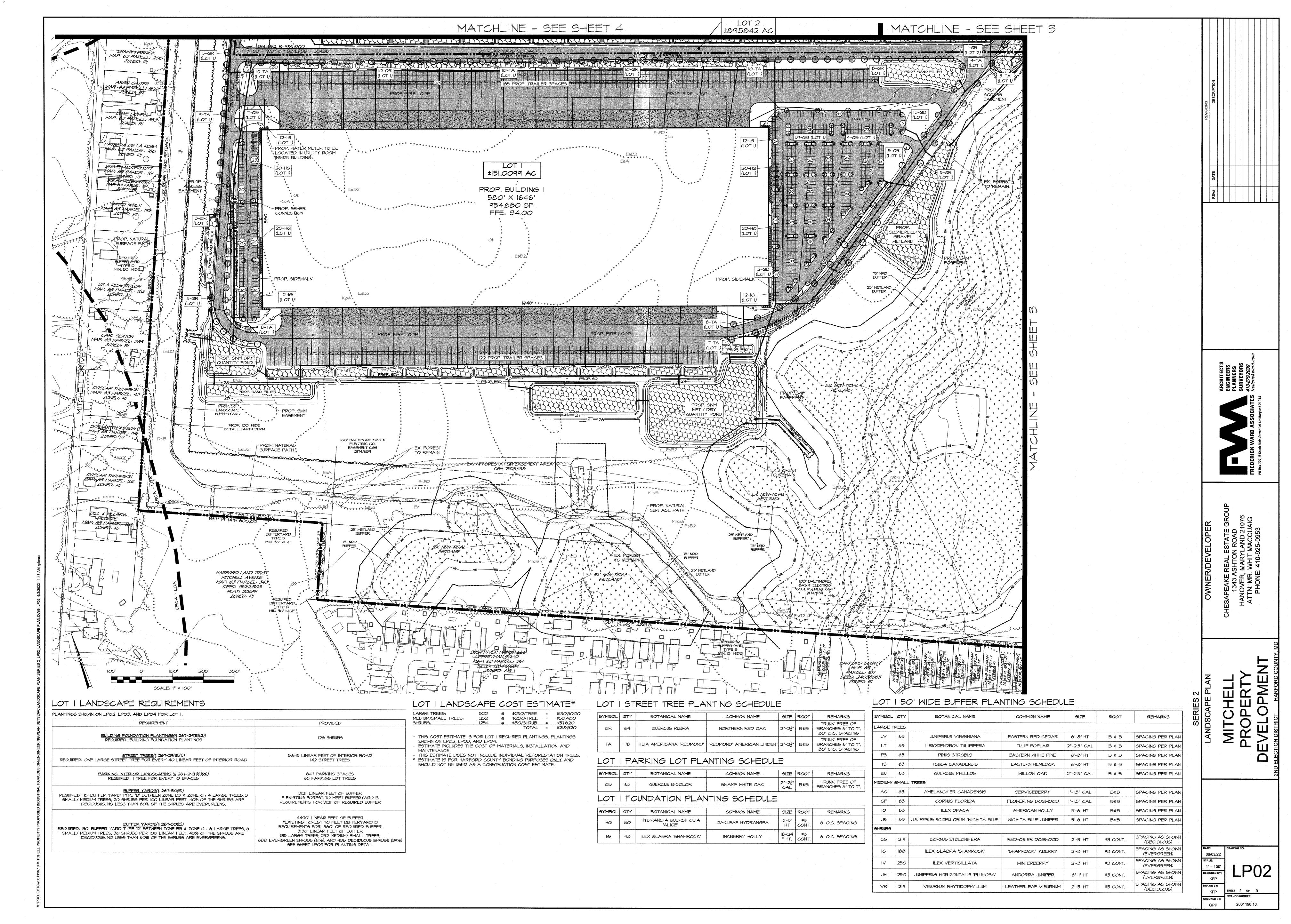
SHEET 10 OF 12

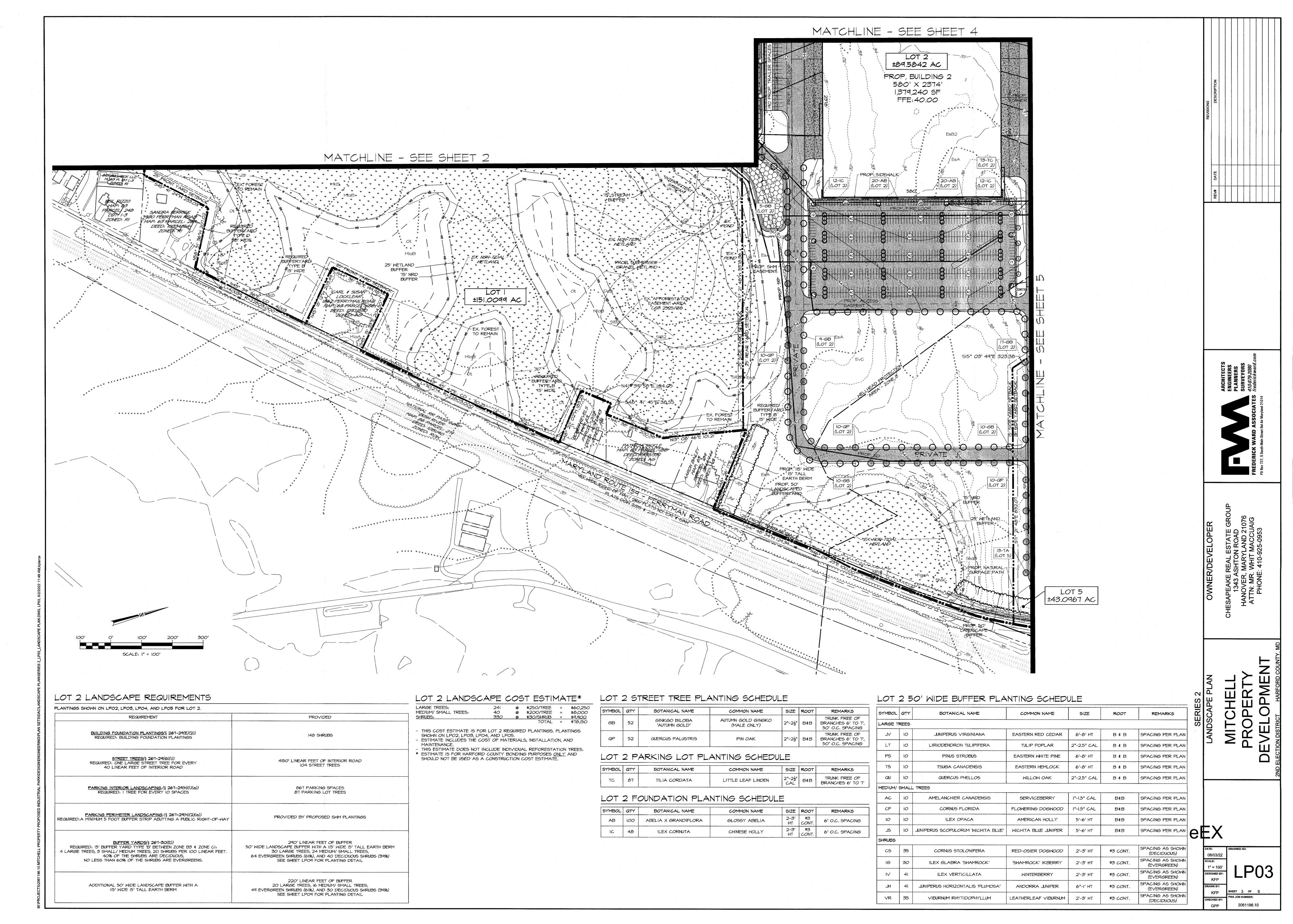


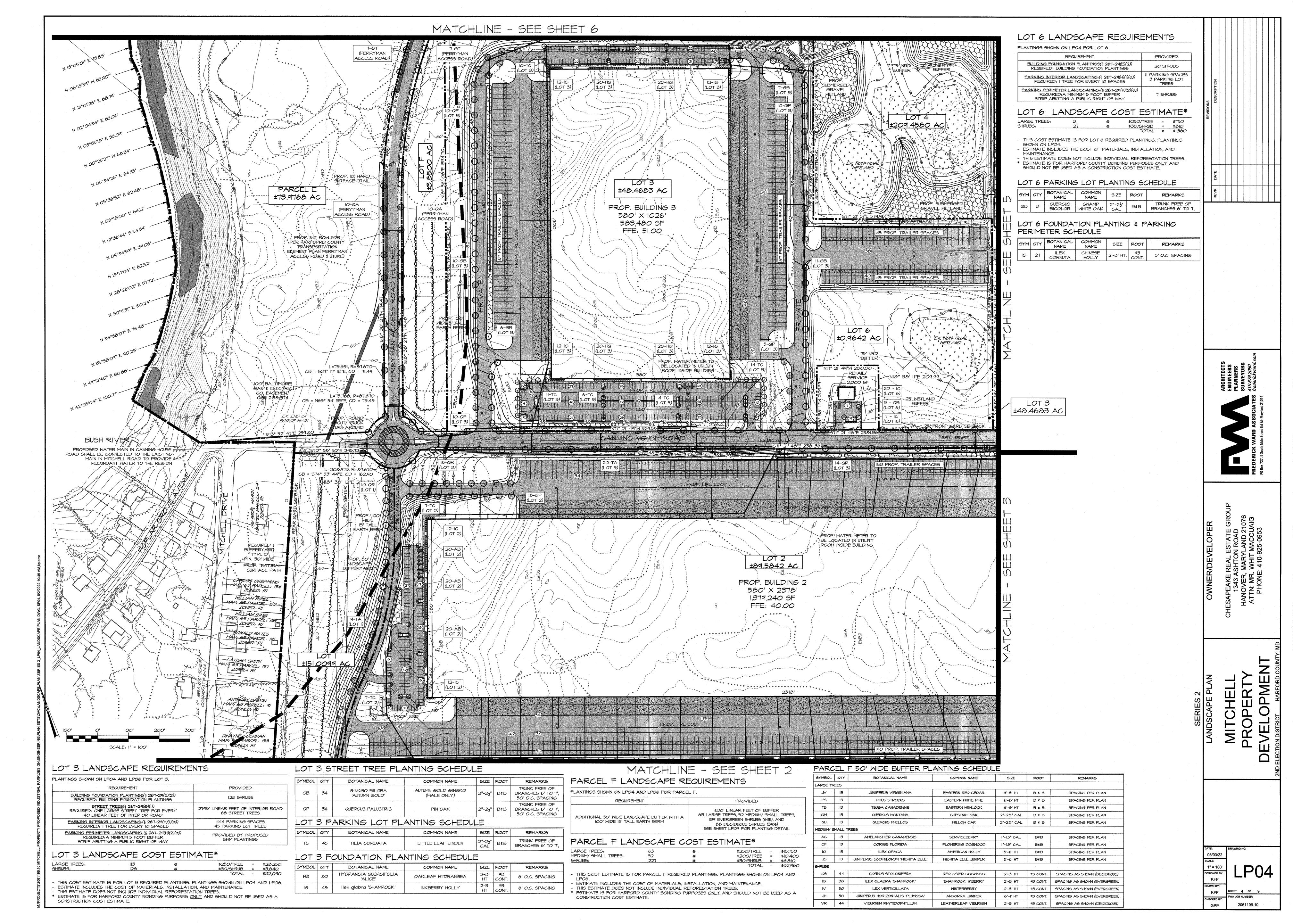


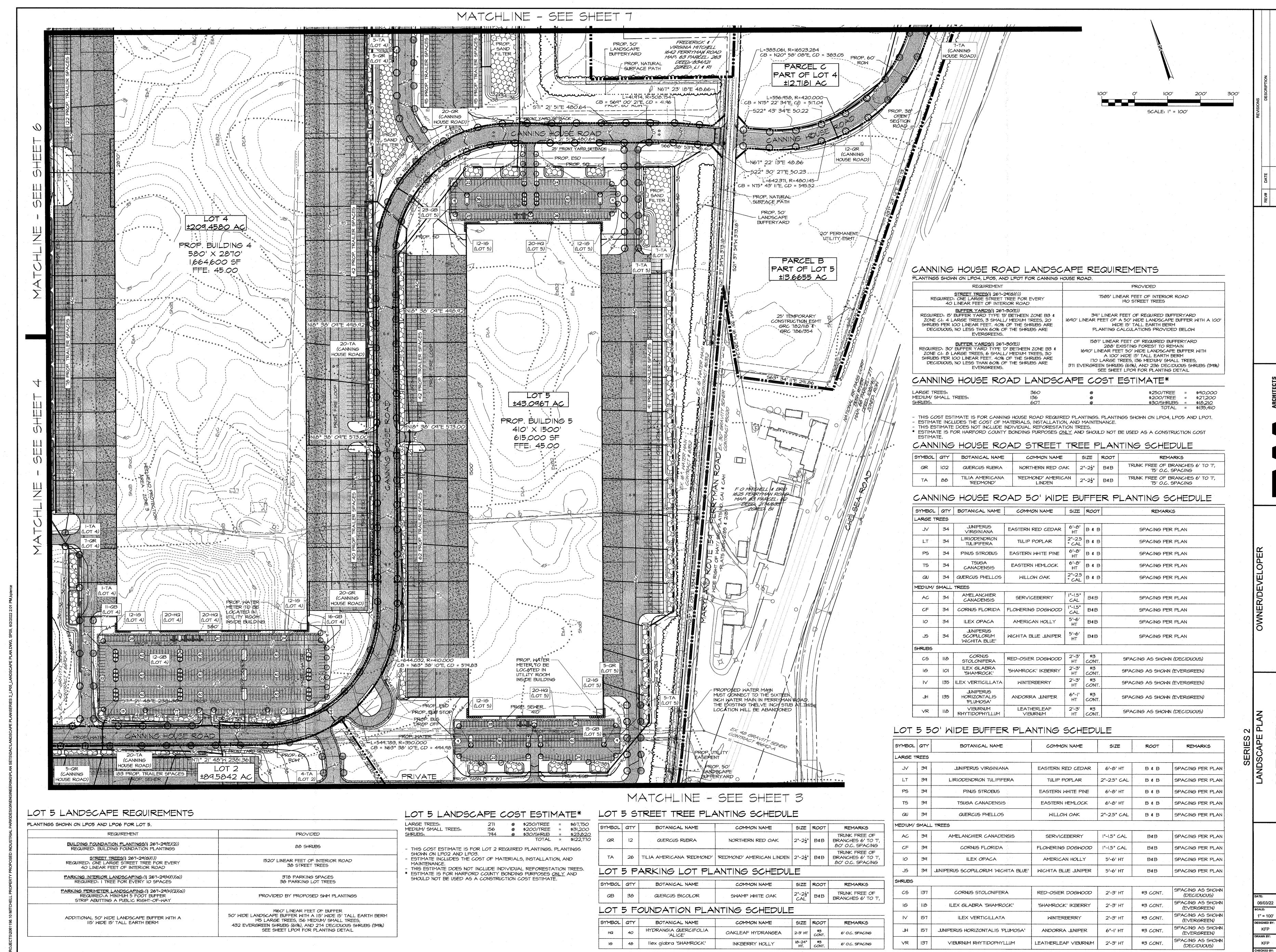










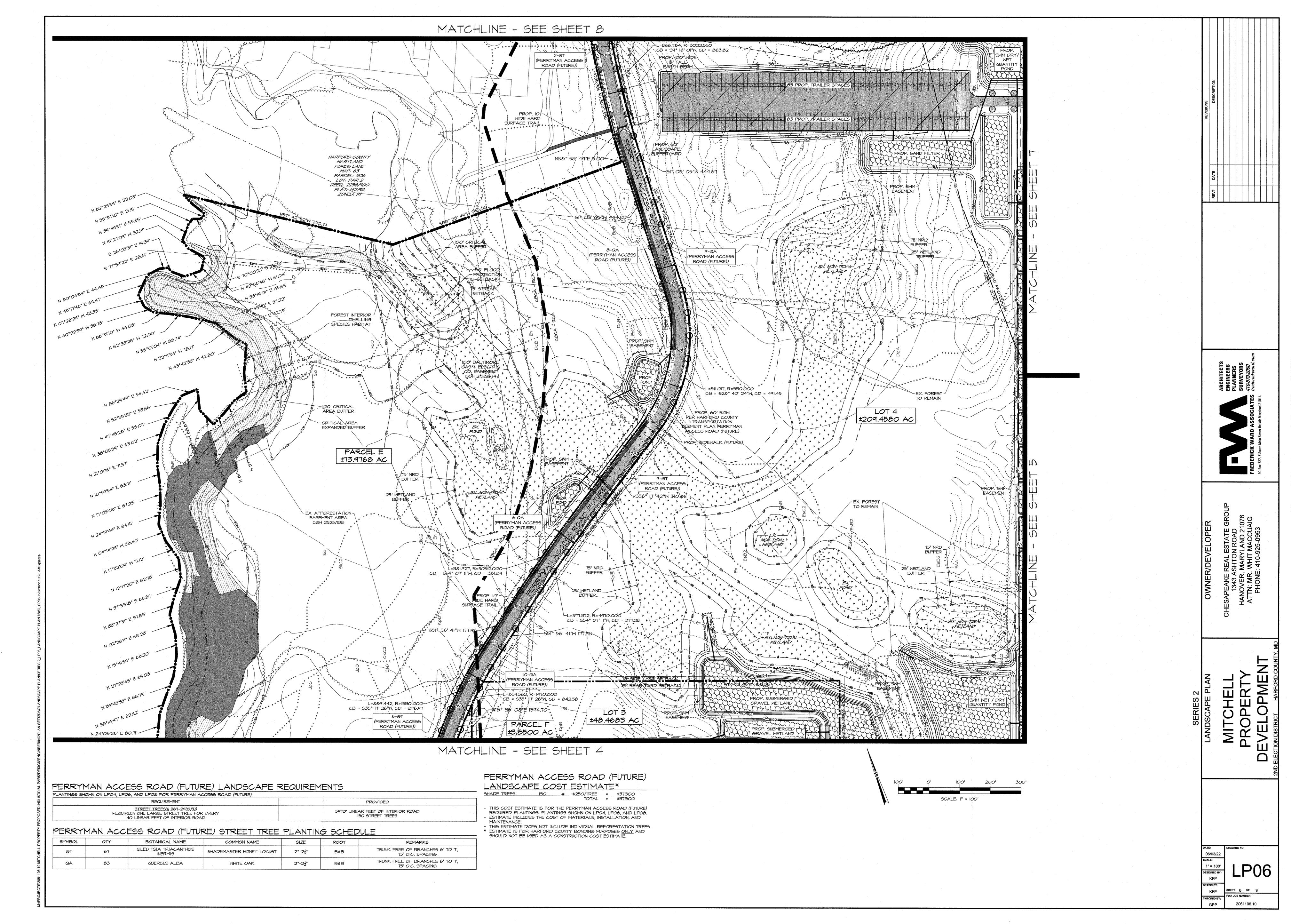


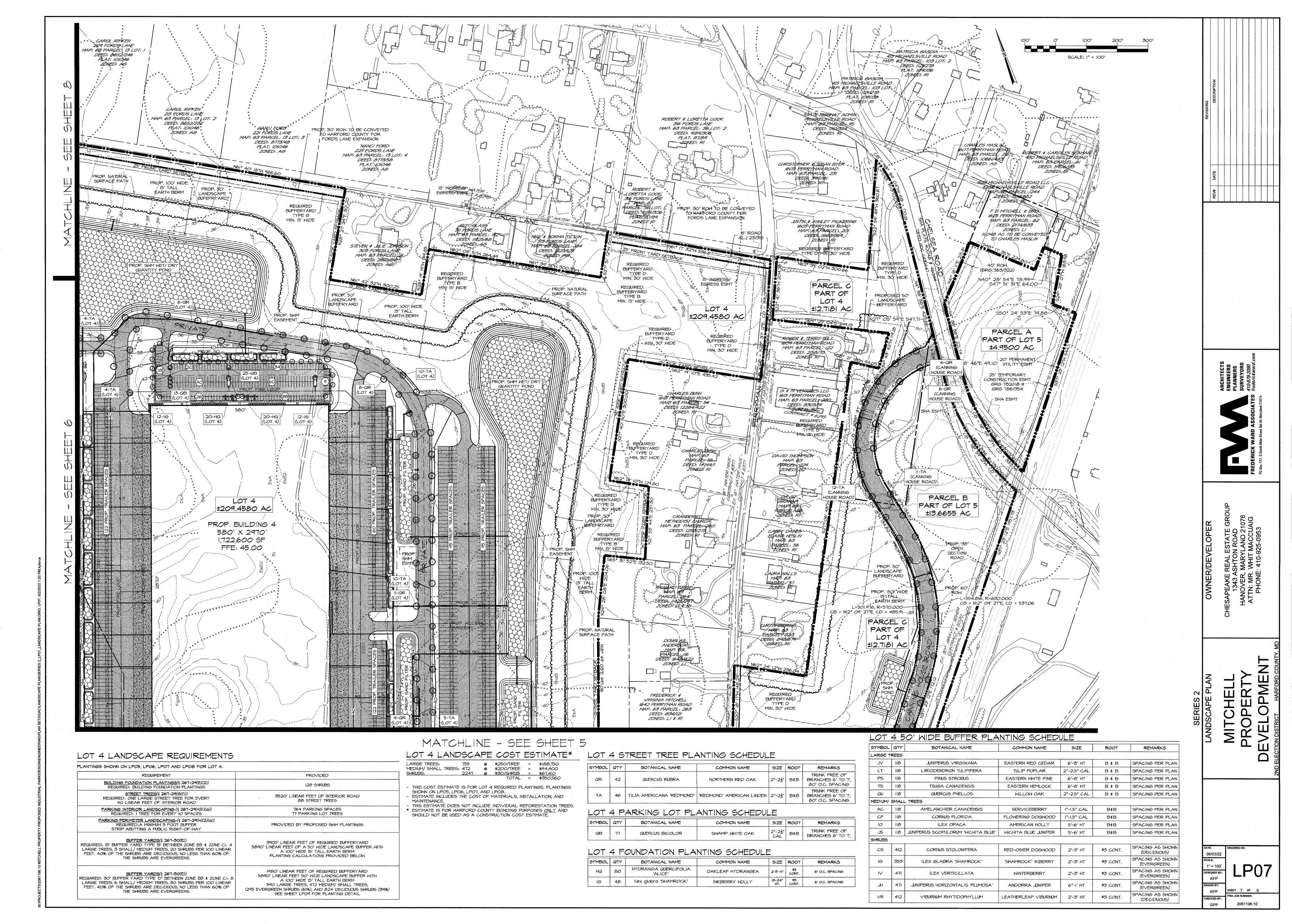
06/03/22 1" = 100' KFP DRAWN BY: HEET 5 OF 9 KFP

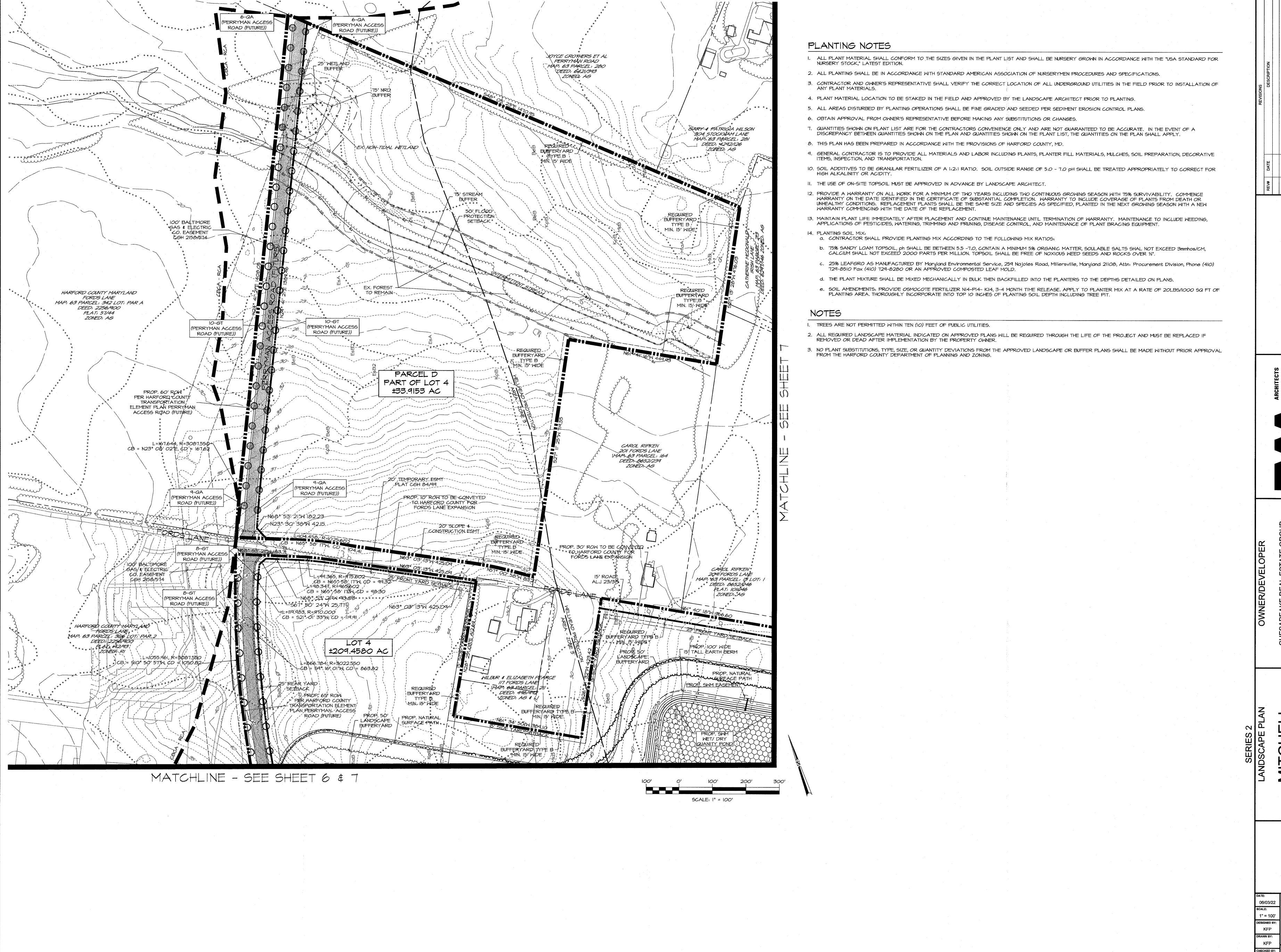
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GPP

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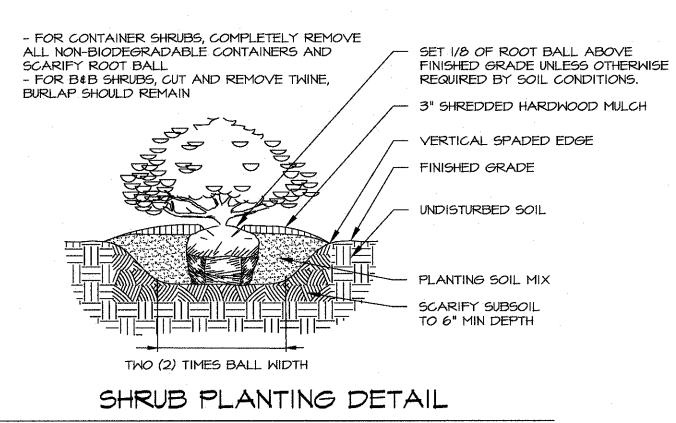


ARC ENC PL/ SUI frea

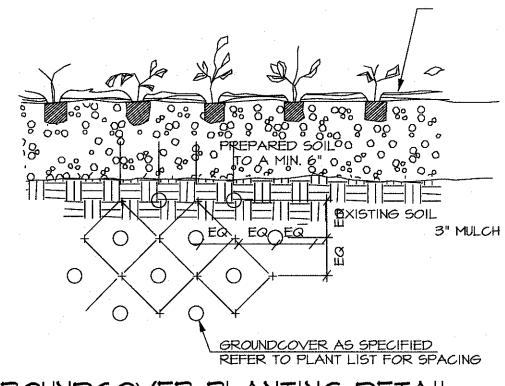
CHEL

DECIDUOUS TREE PLANTING DETAIL

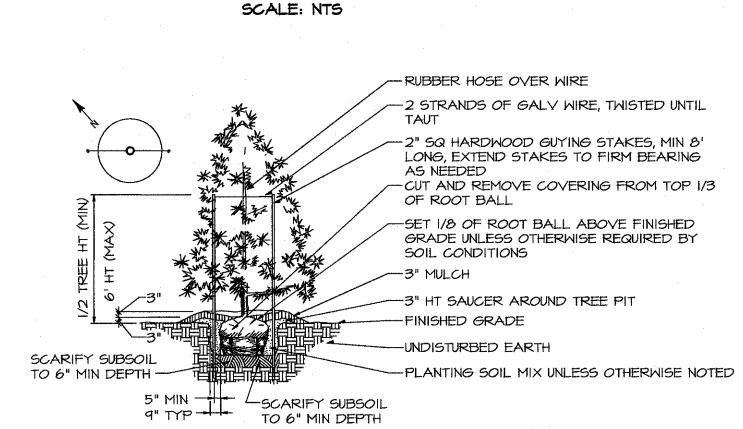
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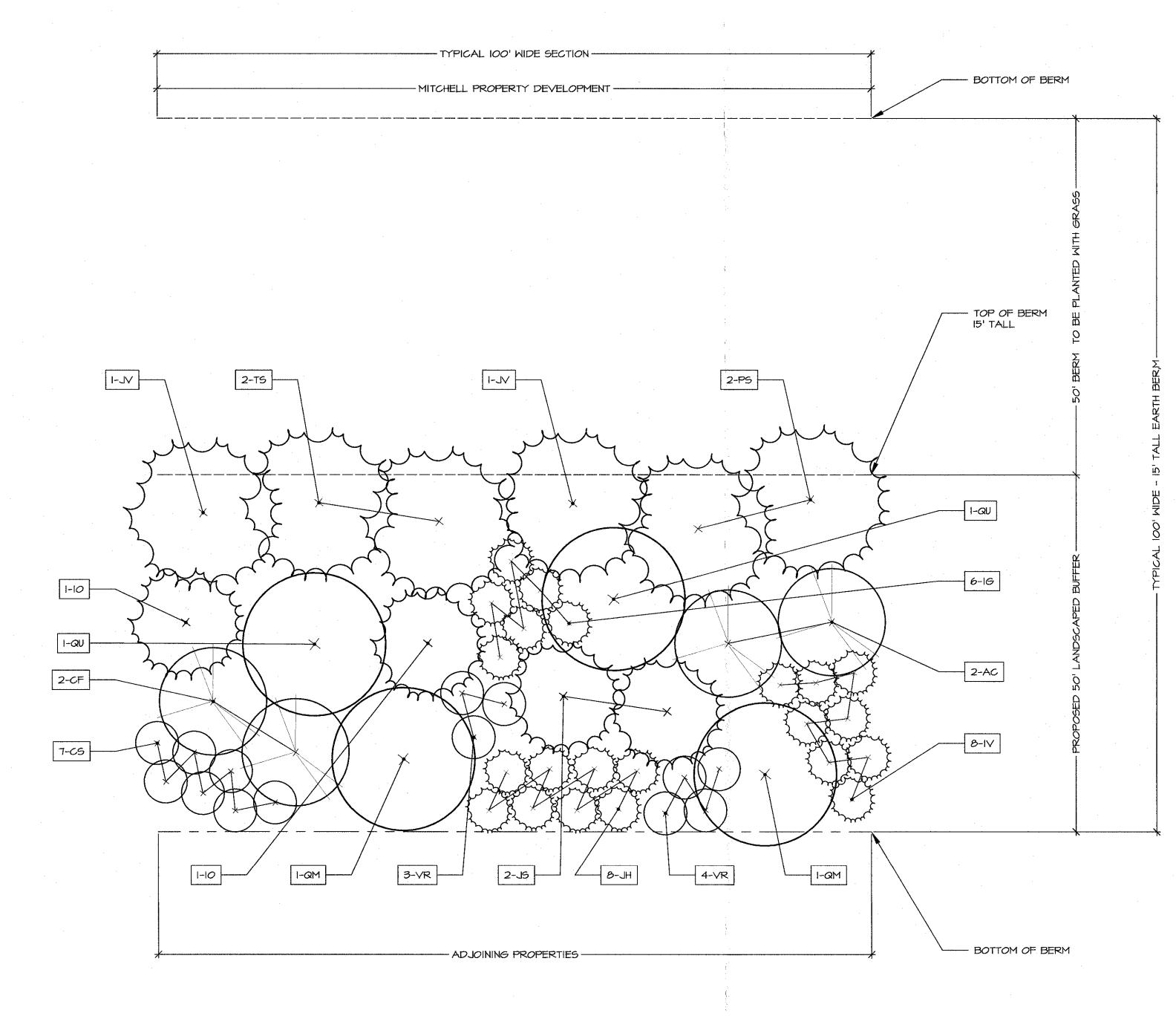
SCALE: NTS



GROUNDCOVER PLANTING DETAIL



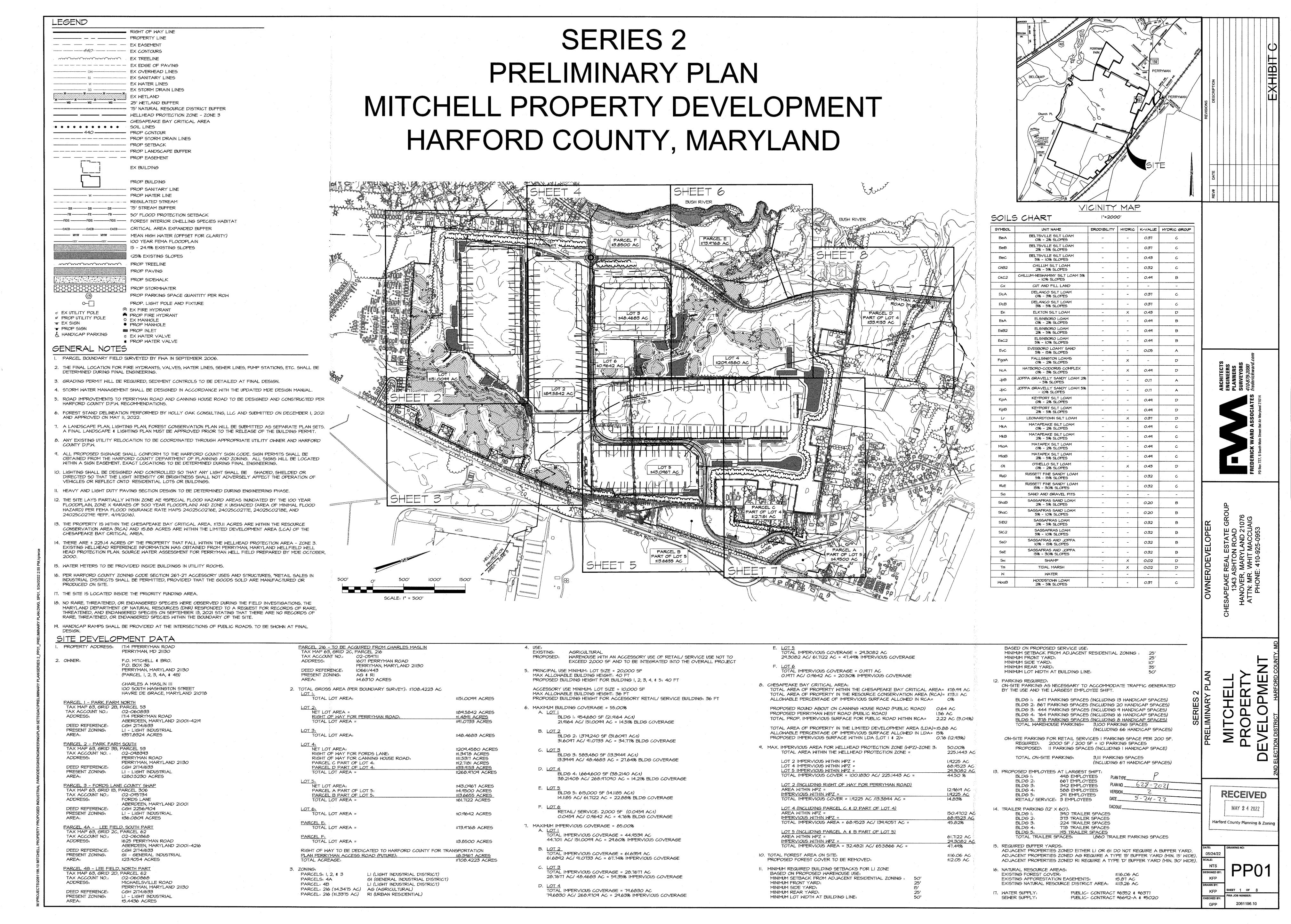
EVERGREEN TREE PLANTING DETAIL SCALE: NTS

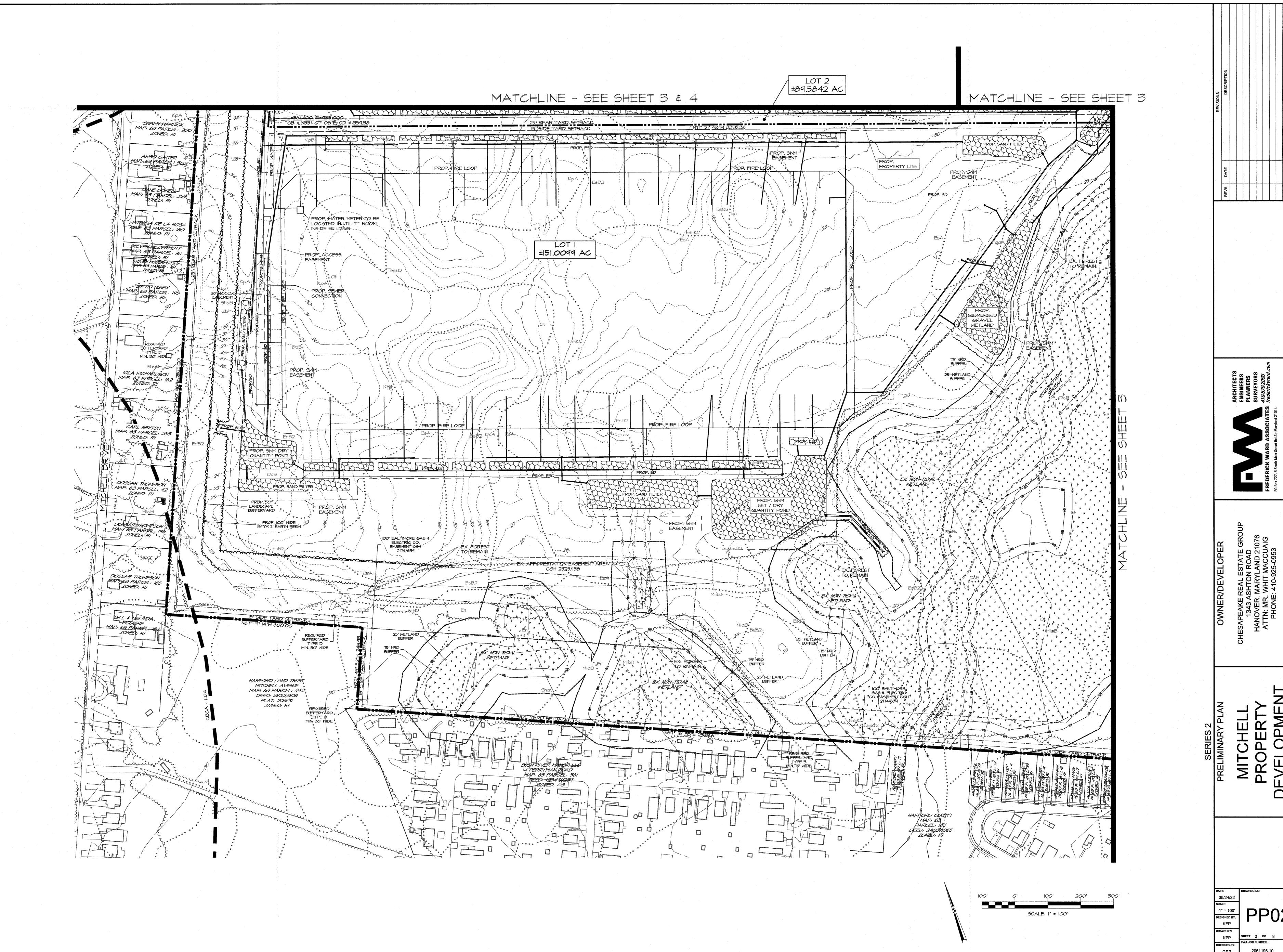


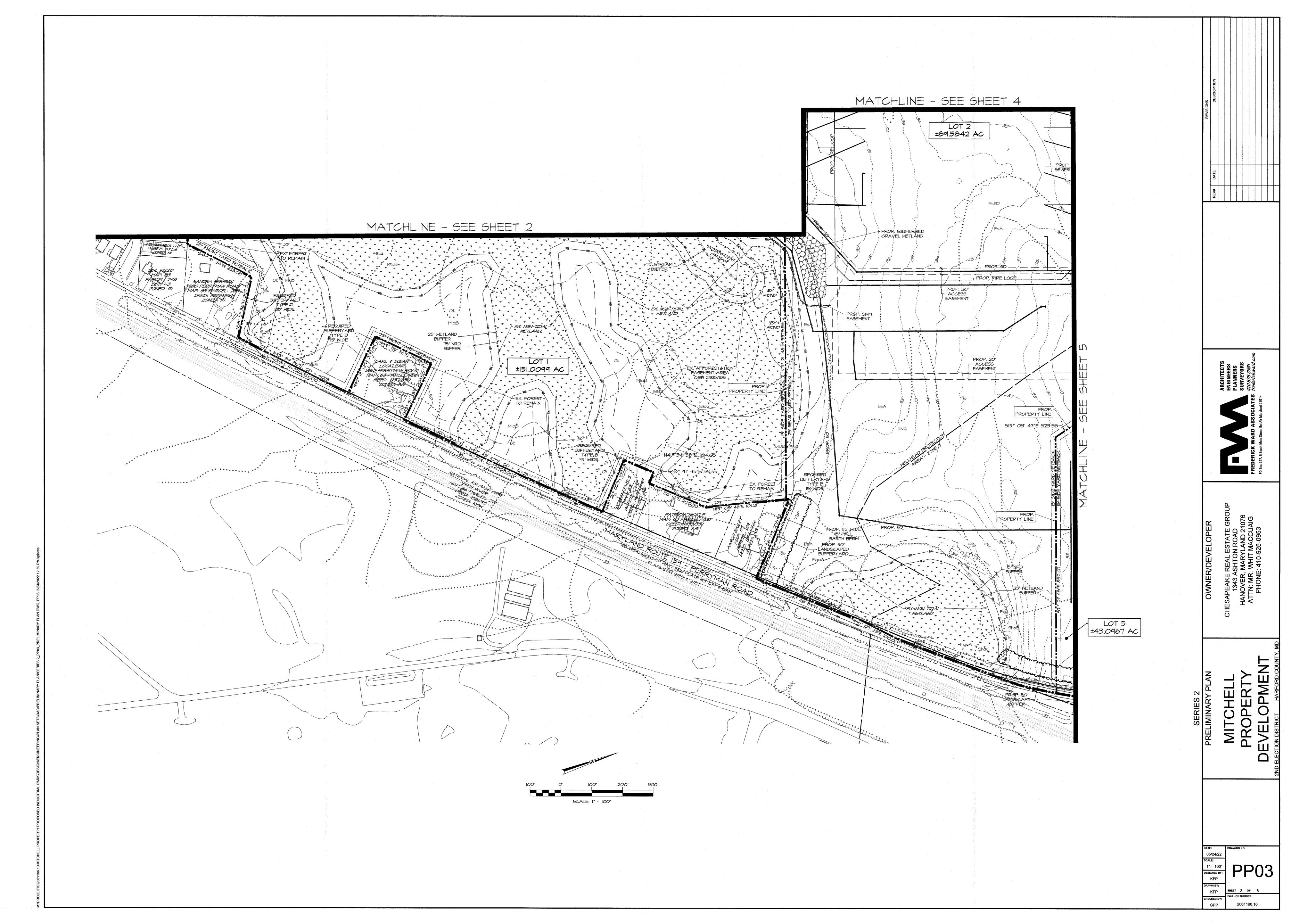
TYPICAL 50' WIDE LANDSCAPED BUFFER PLANTING SCHEDULE

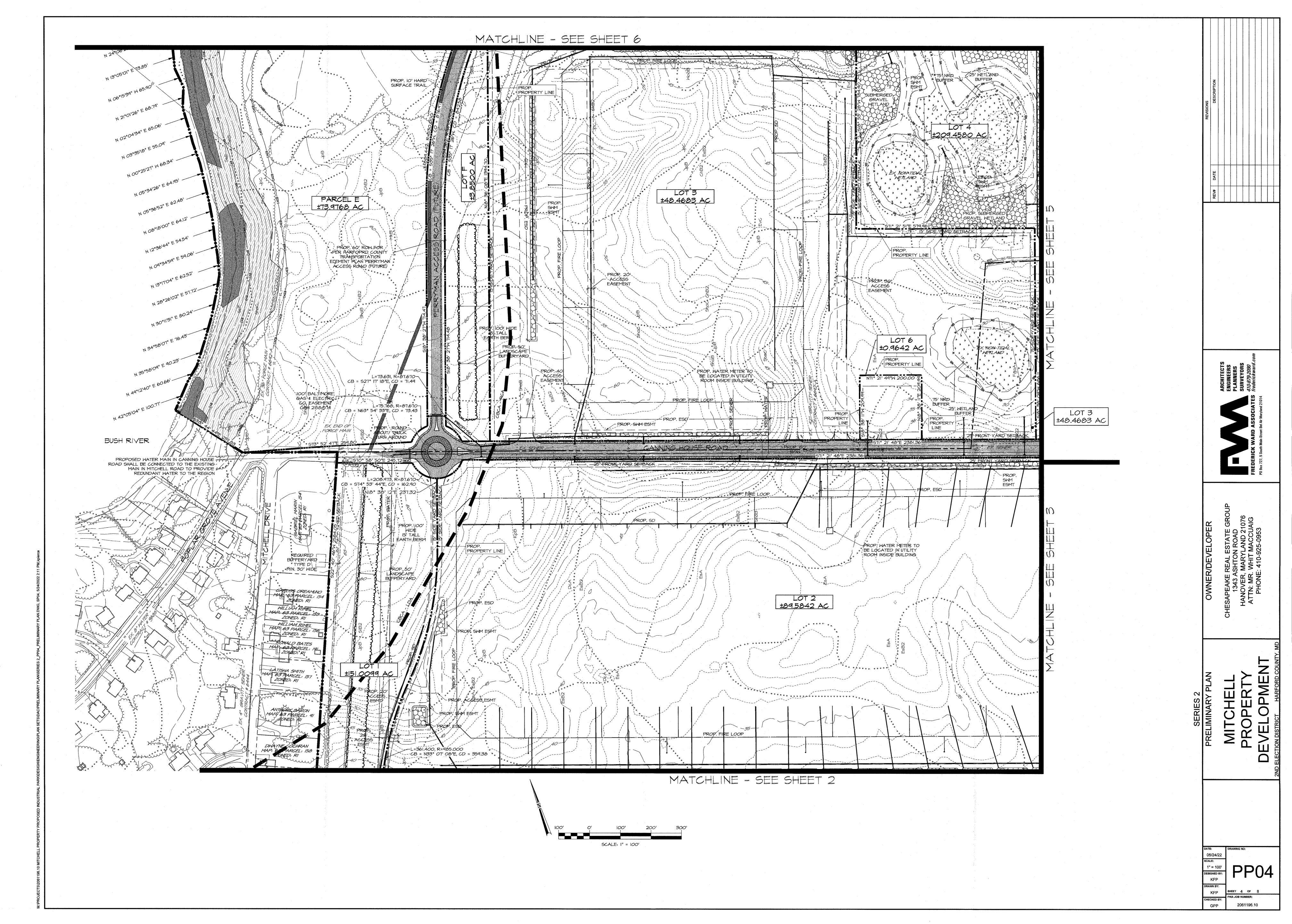
SYMBOL	aty	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
ARGE TREES	5					
77	2	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	6'-8' HT	B & B	SPACING PER PLAN
P5	2	PINUS STROBUS	EASTERN WHITE PINE	6'-8' HT	B∉B	SPACING PER PLAN
TS	2	TSUGA CANADENSIS	EASTERN HEMLOCK	6'-8' HT	B # B	SPACING PER PLAN
QM	2	QUERCUS MONTANA	CHESTNUT OAK	CHESTNUT OAK 2"-2.5" CAL		SPACING PER PLAN
QU	2	QUERCUS PHELLOS	WILLOW OAK	2"-2.5" CAL	B∉B	SPACING PER PLAN
EDIUM/ SMAL	L TREES			·		
AC	2	AMELANCHIER CANADENSIS	SERVICEBERRY	1"-1.5" CAL	B∉B	SPACING PER PLAN
CF	2	CORNUS FLORIDA	FLOWERING DOGWOOD	1"-1.5" CAL	B∉B	SPACING PER PLAN
10	2	ILEX OPACA	AMERICAN HOLLY	5'-6' HT	B∉B	SPACING PER PLAN
J5	2	JUNIPERUS SCOPULORUM 'WICHITA BLUE'	MICHITA BLUE JUNIPER	5'-6' HT	B¢B	SPACING PER PLAN
RUBS						
CS .	7	CORNUS STOLONIFERA	RED-OSIER DOGWOOD	2'-3' HT	#3 CONT.	SPACING AS SHOWN (DECIDUOUS)
16	6	ILEX GLABRA 'SHAMROCK'	'SHAMROCK' IKBERRY	2'-3' HT	#3 CONT.	SPACING AS SHOWN (EVERGREEN)
IV	8	ILEX VERTICILLATA	WINTERBERRY	2'-3' HT	#3 CONT.	SPACING AS SHOWN (EVERGREEN)
H	8	JUNIPERUS HORIZONTALIS 'PLUMOSA'	ANDORRA JUNIPER	6"-I' HT	#3 CONT.	SPACING AS SHOWN (EVERGREEN)
VR.	7	VIBURNUM RHYTIDOPHYLLUM	LEATHERLEAF VIBURNUM	2'-3' HT	#3 CONT.	SPACING AS SHOWN (DECIDUOUS)

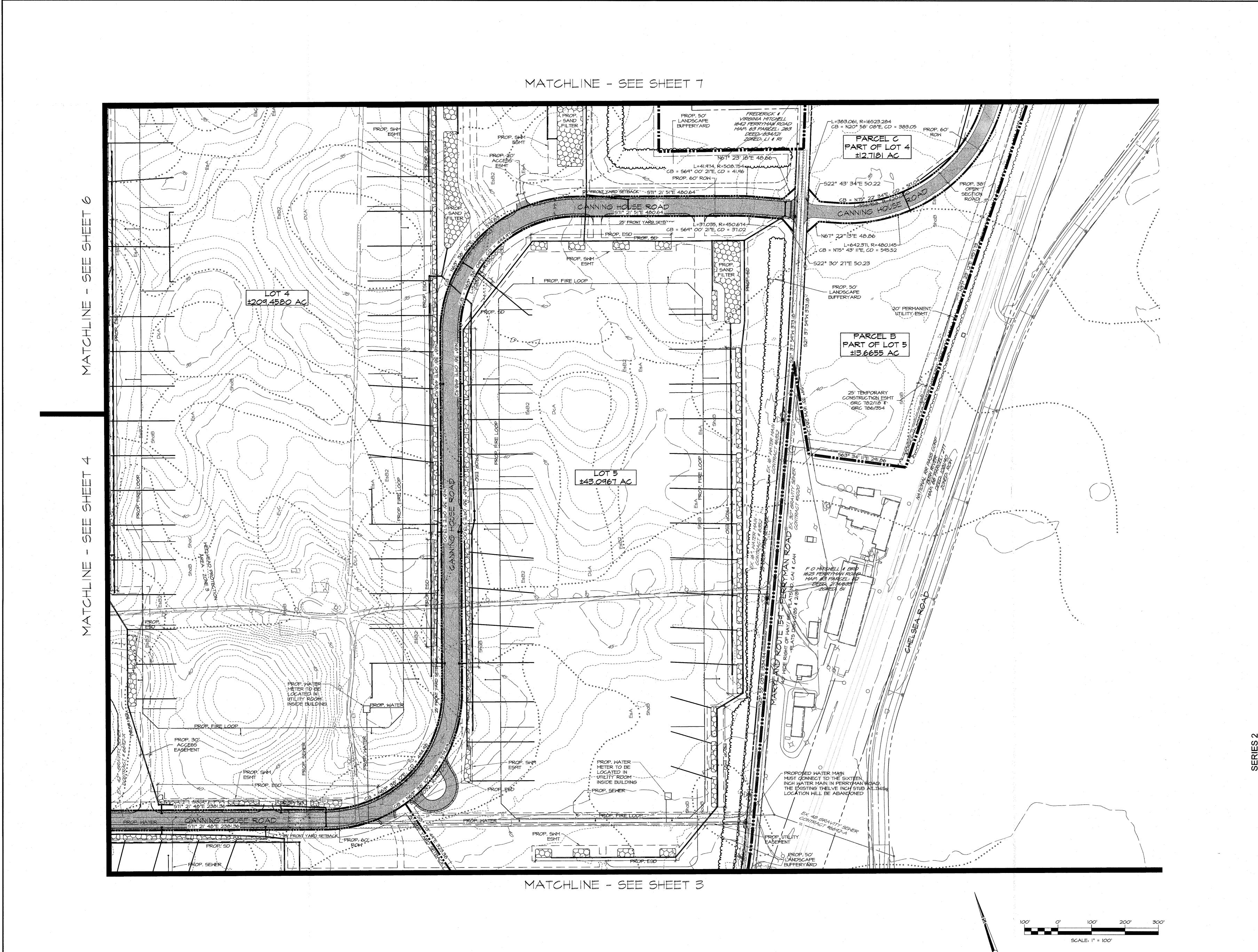
EXHIBIT C







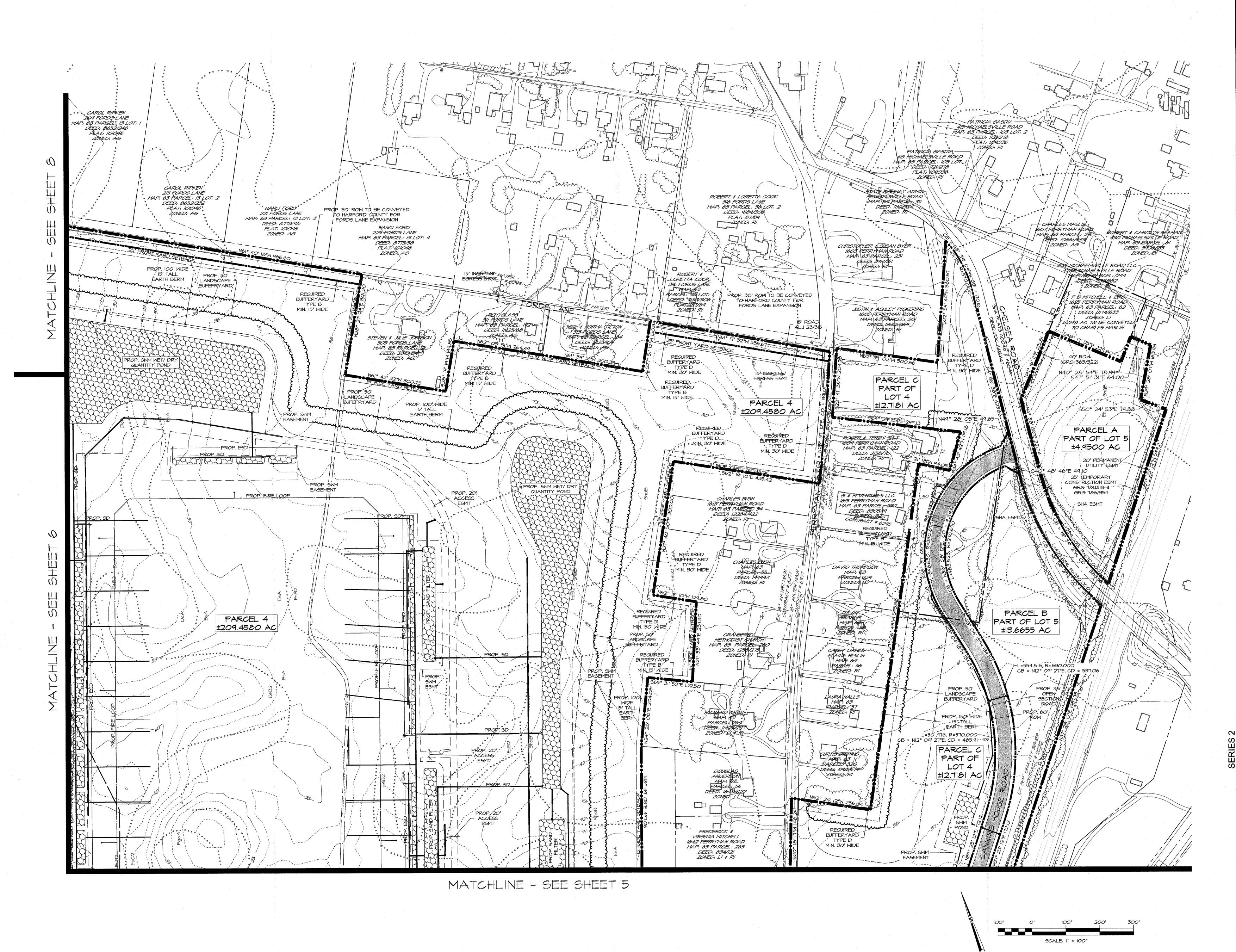




ARC ENG PLA SUF 410-

ARC ENG PLA SUF 410-

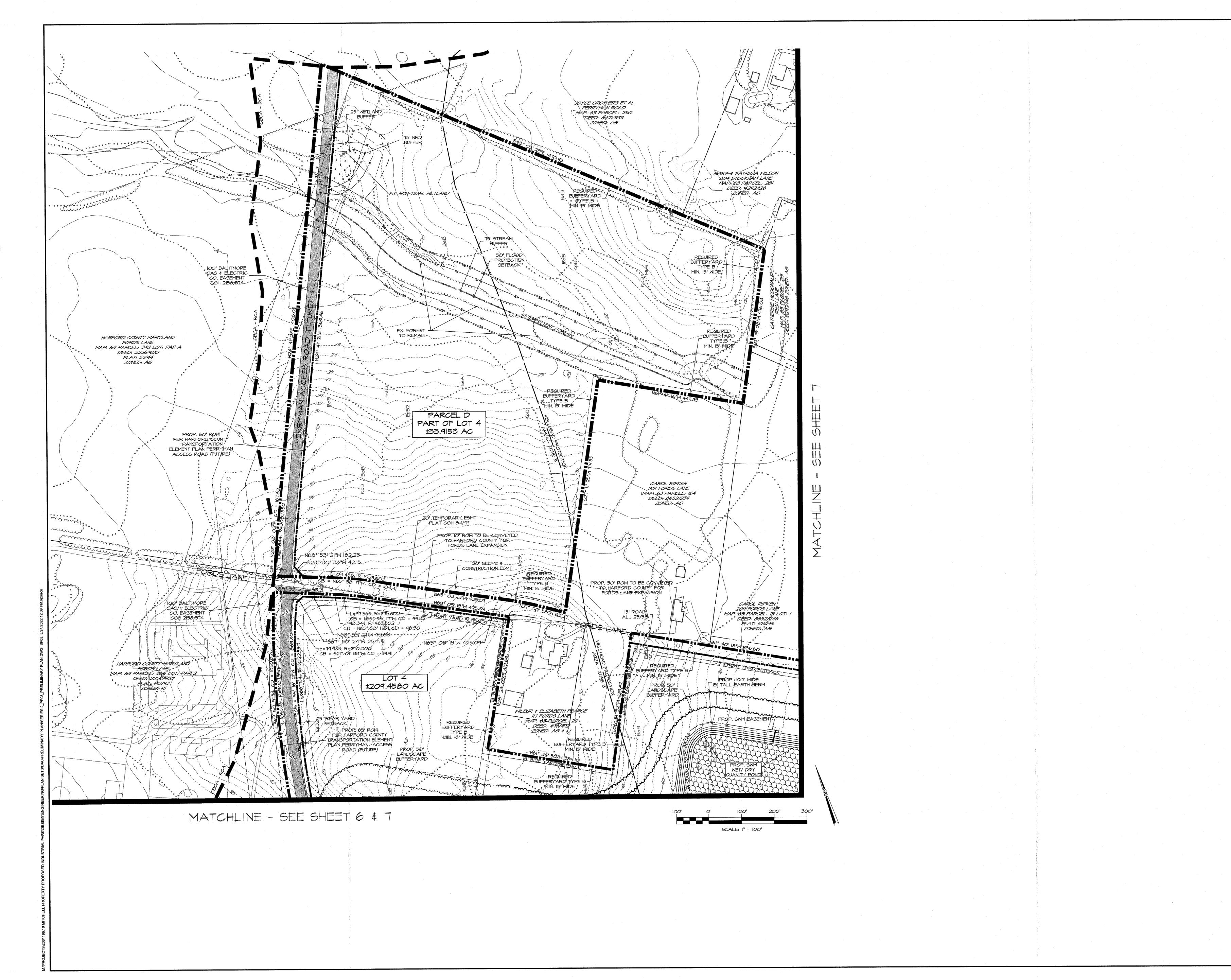
KFP SHEET 6 OF 8
CHECKED BY:



ARC ENG PLA SUF 410-

KFP

2061196.10



FREDERICK WARD ASSOCIATES

A10.879.2090

FREDERICK WARD ASSOCIATES

frederickward.c

APEAKE REAL ESTATE GROUP 1343 ASHTON ROAD ANOVER, MARYLAND 21076 ATTN: MR. WHIT MACCUAIG

MITCHELL PROPERTY EVELOPMENT

MITC PROF DEVELO

DRAWING NO:

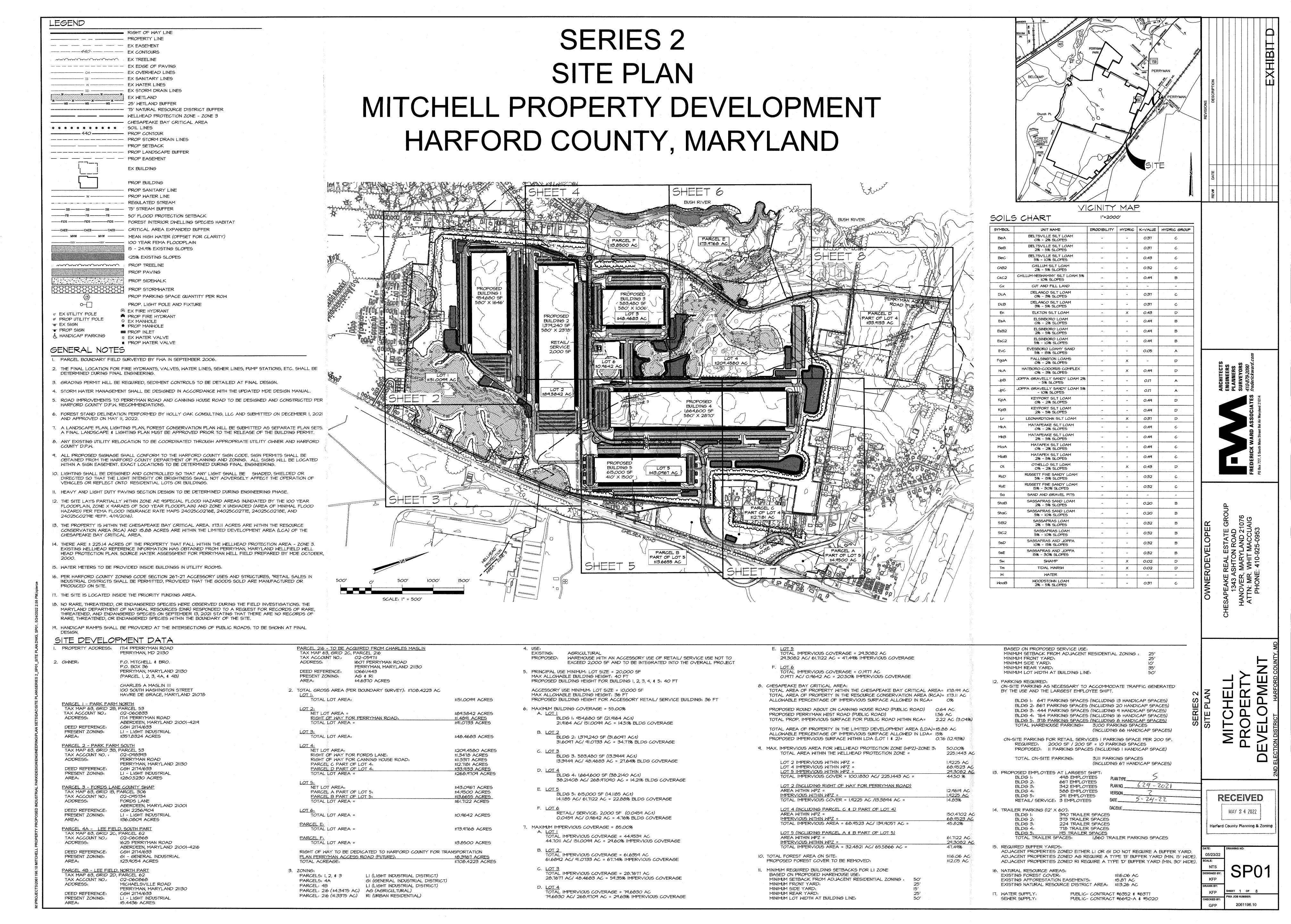
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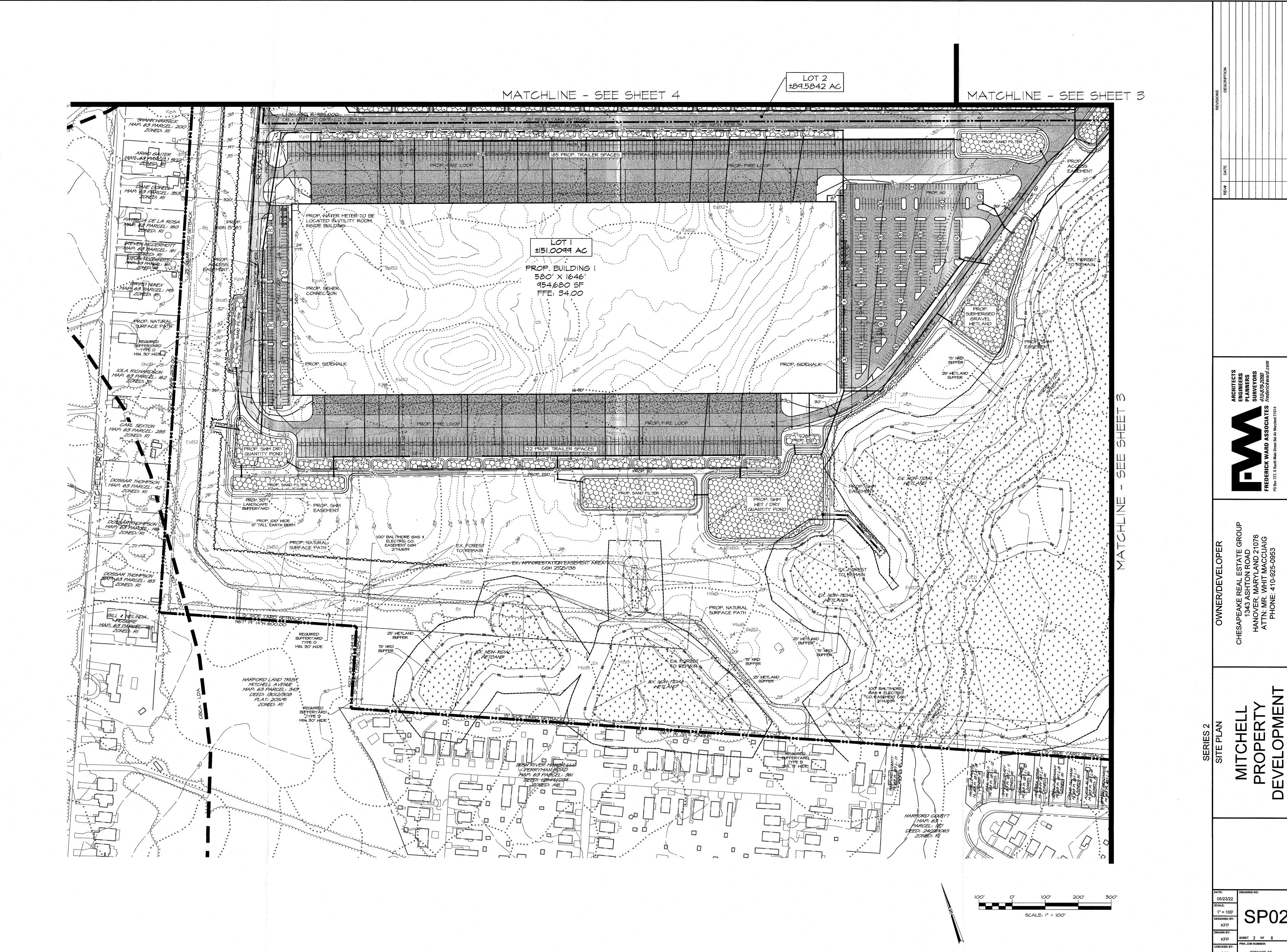
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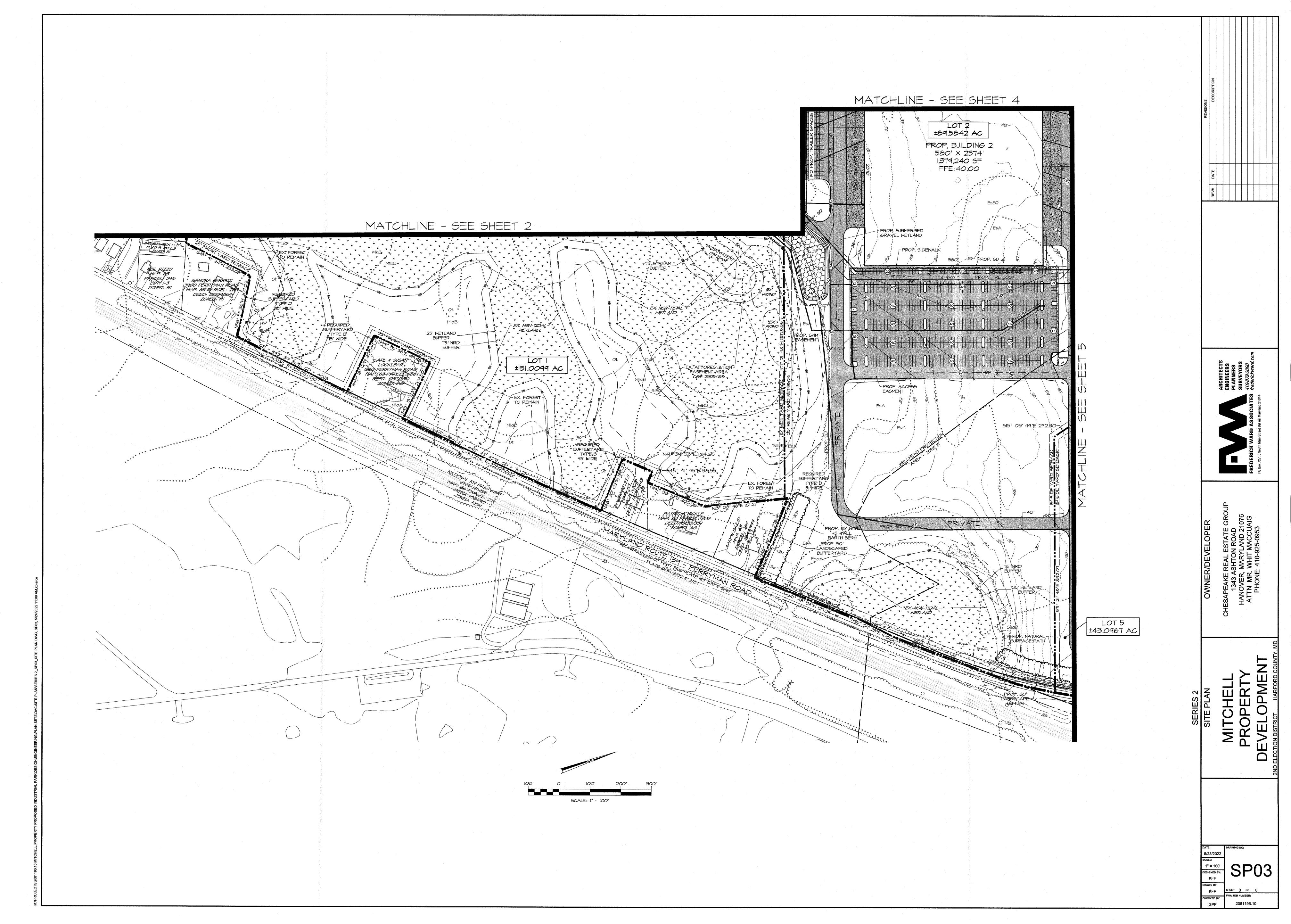
SHEET 8 OF 8

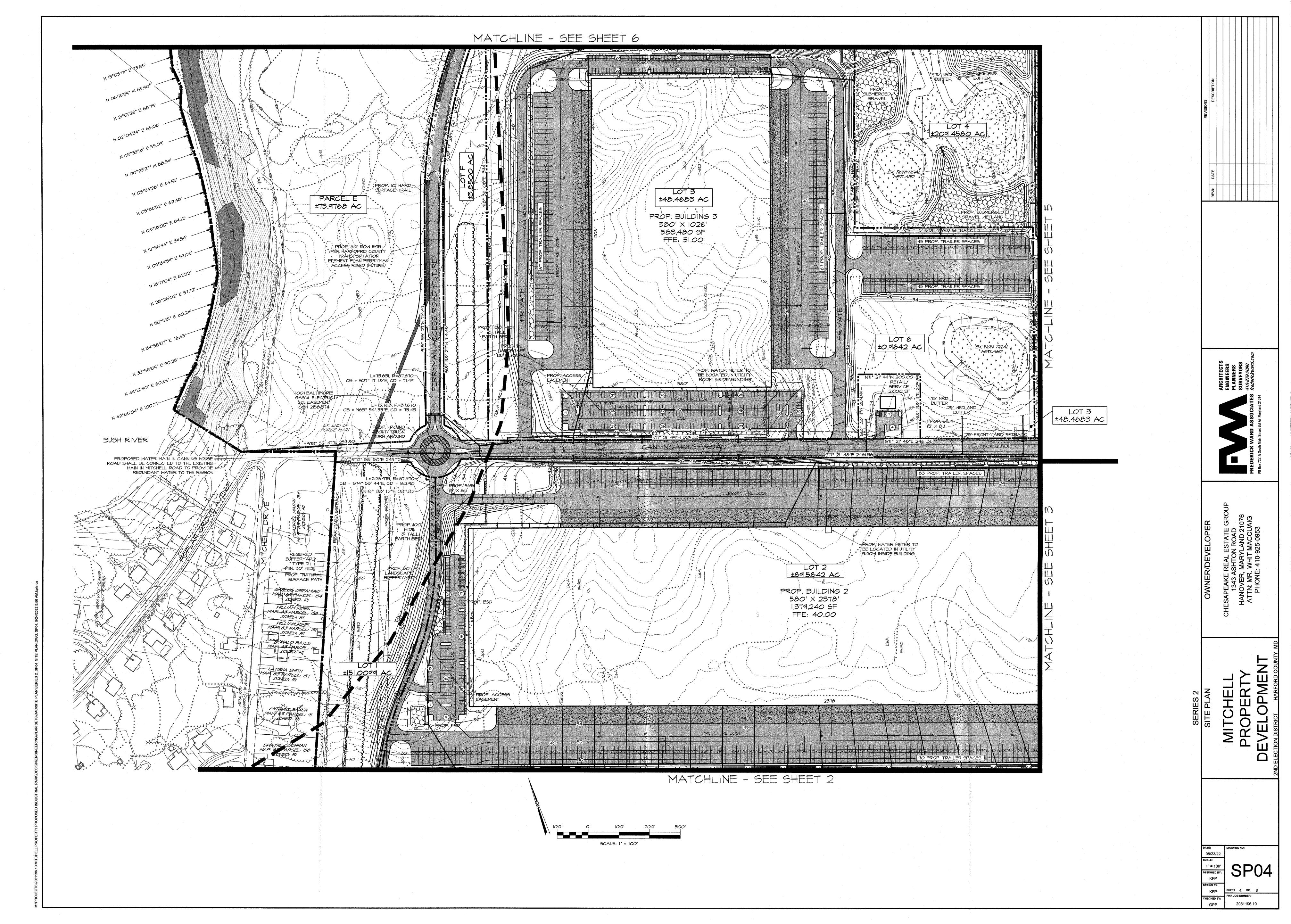
FWA JOB NUMBER:

EXHIBIT D









U5/23/22

SCALE:

1" = 100'

DESIGNED BY:

KFP

DRAWN BY:

KFP

ARI ENI PLJ SU 770

SCALE:

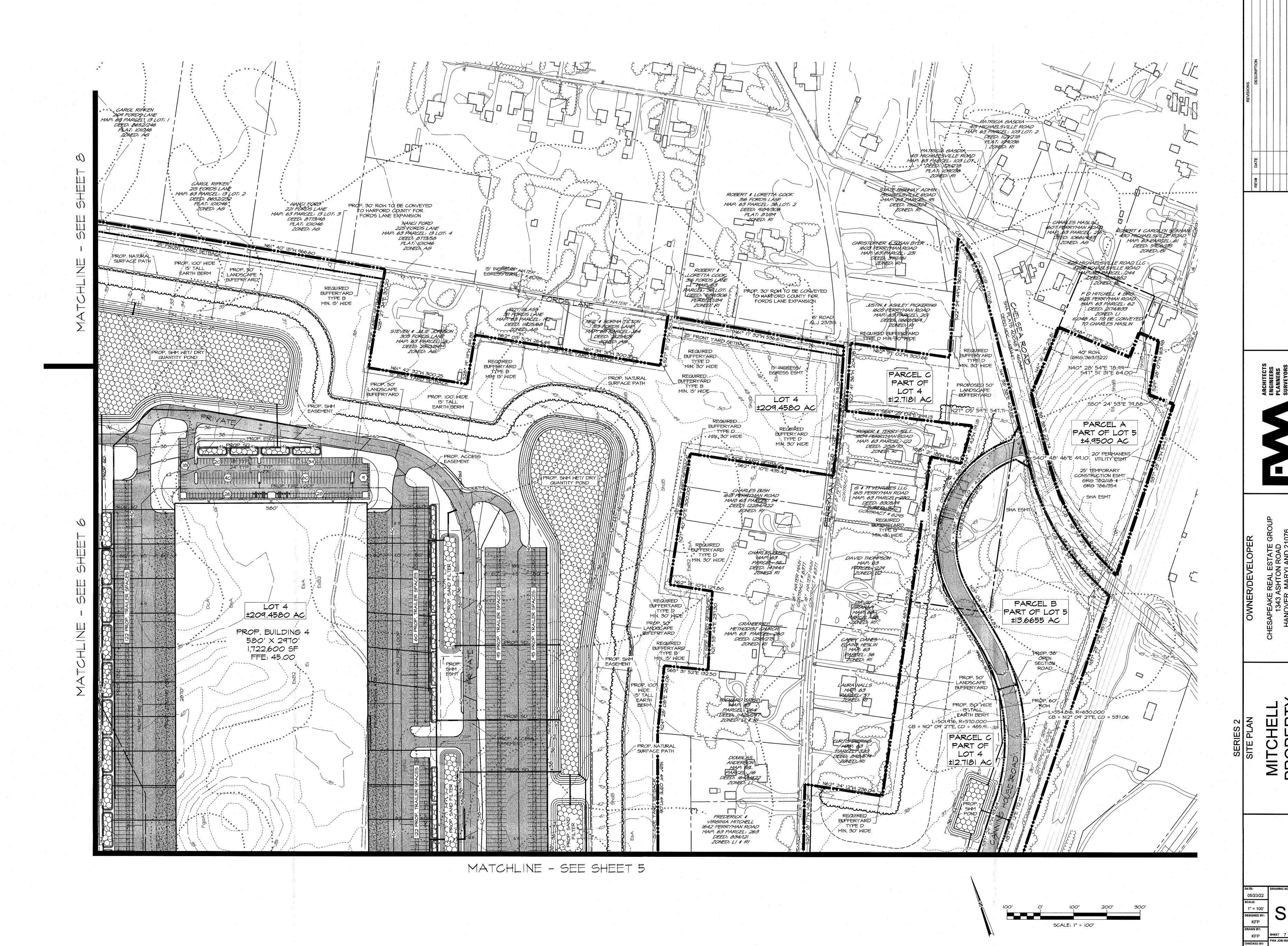
1" = 100'

DESIGNED BY:

KFP

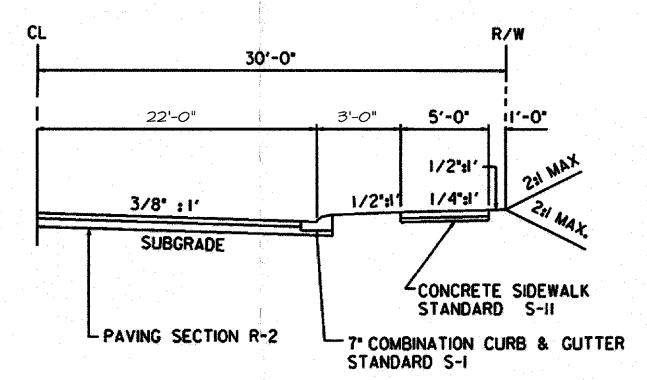
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2061196.10



AR EN PL SU 410

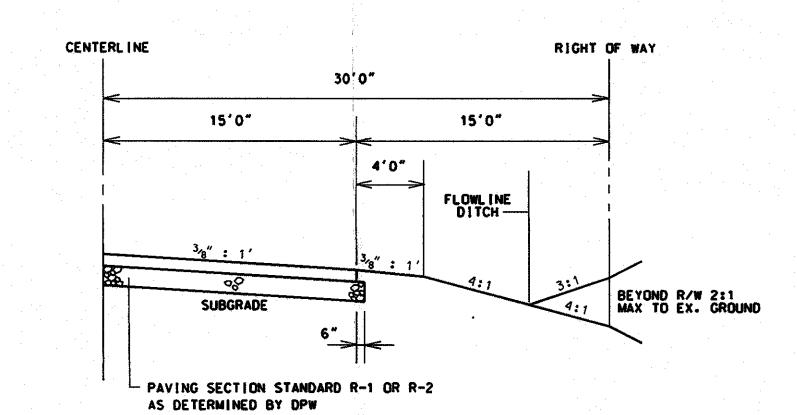




NOTE: UNSURFACED AREAS WITHIN THE RIGHT-OF-WAY SHALL RECEIVE A MINIMUM SURFACE TREATMENT OF 2" TOPSOIL, SEED AND MULCH.

CANNING HOUSE ROAD CLOSED SECTION

NOT TO SCALE

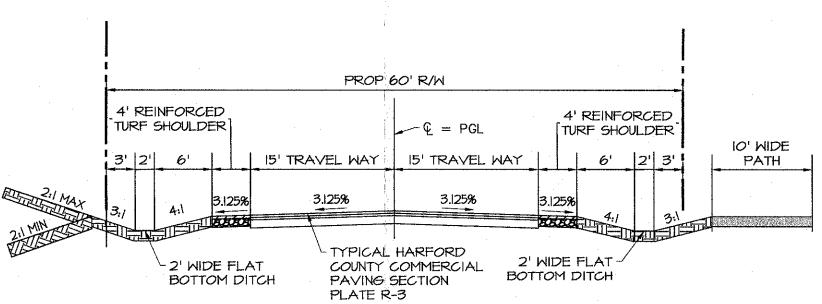


NOTES:

1. PAVING SECTIONS FOR ARTERIAL ROADS
SHALL BE DESIGNED.
2. UNSURFACED AREAS WITHIN THE RIGHT-OF-WAY
SHALL RECEIVE A MINIMUM SURFACE TREATMENT
OF 2" TOPSOIL. SEED AND MULCH.

CANNING HOUSE ROAD OPEN SECTION

NOT TO SCALE



PERRYMAN ACCESS ROAD (FUTURE) SECTION

NOT TO SCALE

CHESAPEAKE RE
1343 ASH
HANOVER, MA
ATTN: MR. W

MITCHELL PROPERTY EVELOPMEN

DRAWING NO:

DATE: 05/23/22

SCALE: 1" = 100'

DESIGNED BY: KFP

DRAWN BY: KFP

CHECKED BY: DRAWING NO: 05/23/22

SPOSSIBLE NO. 100: 05/23/22

SP

EXHIBIT E

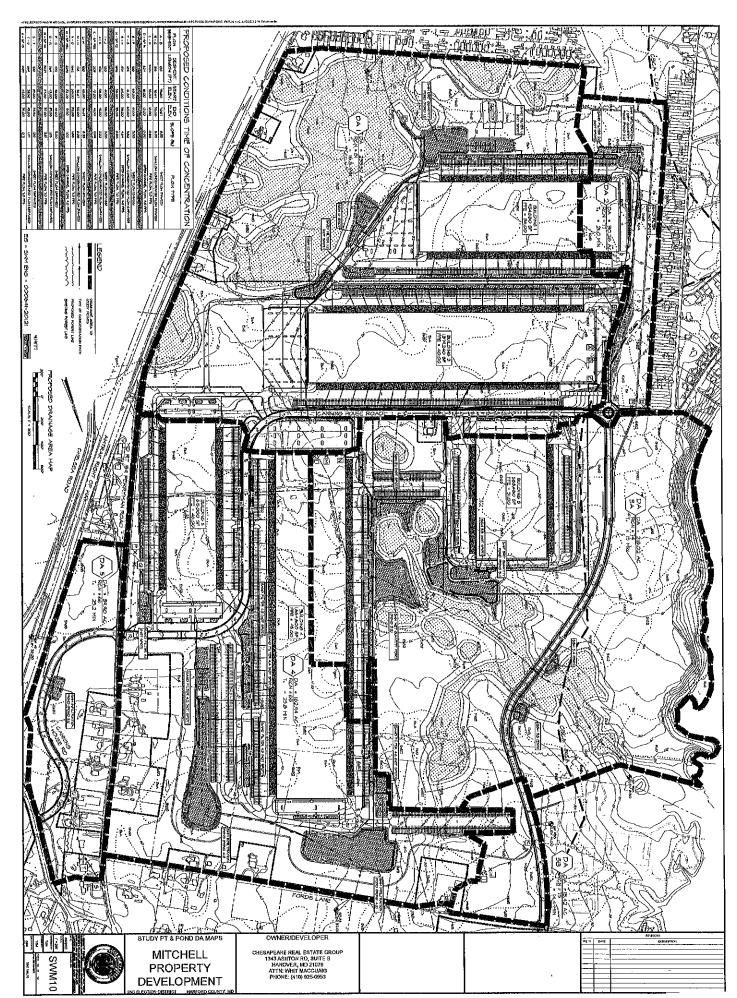


EXHIBIT F

SITE DEVELO	PMENT DATA			<u> </u>	
I. PROPERTY ADDRESS:	TIM PPERRYMAN ROAD PERRYMAN, MD 21180			PARCEL, 216 - TO BE ACCURED FROM CHARLES MASILIN TAX MAP 63, GRID 2C, PARCEL 216 TAX ACCOUNT NO.1 02-054711	·
2. OWNER:	F.O. MITCHELL 1 BRO. P.O. BOX 86			ADDRESS: 1601 PERRYMAN ROAD PERRYMAN, MARYLAND 21180	•
<u>.</u>	PERRYMAN, MARYLAND 21130			DEED REFERENCE: 10661/443	•
	(PARCEL 1, 2, 8, 4A, 1 4B)	•		PRESENT ZONNOL AG L RI AREA 1. 14,6370 ACRES	
	CHARLES A MASLIN III			E structure of the Stru	•
*9	IOO SOUTH MASHINGTON STREET HAYRE DE GRACE, MARYLAND 21078	•	2.	TOTAL OROSS AREA (PER BOUNDARY SURVEY), \$108,4228 AC	
and total box and total at the last				TOTAL LOT AREA	#151,0097 ACRES
PARCEL L = PARK FAR TAX MAP 65, GRID 29				Lower	·
TAX ACCOUNT NO.	02-060889	•		NET LOT AREA *	±845842 ACRES
ADDRESS:	17/4 PERRYMAN ROAD	1		RIGHT OF WAY FOR PERRYMAN ROAD.	11.489 ACRUS
DEED REFERENCE	ABERDEEN, MARYLAND 21001-4214 GGN 2114/699	•		TOTAL LOT AREA #	191.0799 ACRES
PERSON ZONNO	LI - LIGHT INDUSTRIAL			LOTE	
AREA	1351,0524 ACRES	•		TOTAL LOT AREA	118.4685 ACRES
PARCEL 2 - PARK FAR	IA ŞOUTH	•		LOY.4	
TAX MAP 60, GRID BU				MET LOT AREA.	\$209,4580 ACRES
TAX ACCOUNT NO. 1 ADDRESS,	CAOS PERSON CAOS CAOS CAOS CAOS CAOS CAOS CAOS CAOS			RIGHT OF WAY FOR FORDS LANE! RIGHT OF WAY FOR CANNING HOUSE ROAD!	±1.5418 ACRES ±11.5517 ACRES
ACADIMETER)	PERRYMAN, MARYLAND 20180			PARCEL'S PART OF LOT 4:	1127181 ACRES
DEED REFERENCE.	Cen 2114/683			PARCEL D PART OF LOT 4	195.955 ACRES
PRESENT ZONING: AREA:	LI - LISHT INDUSTRIAL 1280.5230 ACRES		•	TOTAL LOT AREA =	\$268,9109 ACRES
				LOY 5.	
PARCEL 9 - FORDS LA TAX MAP 63, GRID IB.	NE COUNTY SWAP			NET LOT AREA	#48.0961 ACRES #4.9500 ACRES
TAX ACCOUNT HOW	02-095784			PARCEL A PART OF LOT 5: PARCEL B PART OF LOT 5:	13.655 ACRES
ADDRESS:	FORDS LANE			PARCHI P PART OF LOT 51 TOTAL LOT AREA =	±61.7122 ACRES
	ABERDEEN, MARYLAND 2100				
Deed reference. Present zoning.	CGH 2256/404 LI - LIGHT INDUSTRIAL			LOIG	indian armee
AREA:	136,0809 AGRES			TOTAL LOT AREA *	10,4642 ACRES
		•		EVECET ET	
PARCEL 144 - LIE EIG				TOTAL LOT AREA *	NIBATOB AGREG
TAX MAP 68, ORID 20 TAX ACCOUNT NO.	02-06086B			PARCEL FI	
ADDRESS:	1625 PERRYMAN ROAD			TOTAL LOT AREA >	13.6500 ACRES
	ABERDEEN MARYLAND 21001-4216				
DEED REPERENCE: PRESENT ZONNO:	ogh 2014/698 61 - General Industrial			RIGHT OF WAY TO BE DEDIGATED TO HARFORD COUNTY FOR TRA	
AREA:	125,9054 ACRES			FLAN FERRYMAN ACCESS ROAD (FUNRE). TOTAL ACREAGE:	10.3961 ACRES \$100.4229 ACRES
PARCEL 40 - LEE PIELL	2. NORTHEPART		В.	ZONINO	•
TAX MAP 65, 6RID 20	PARCEL 62			PARCELS: 1, 2, 4 9 LI (LIGHT INDUSTRIAL DISTRICT)	
TAX ACCOUNT NO.: ADDRESS:	02-060868 MIGRAELSVILLE ROAD			PARCELS 4A OI (GENERAL INDUSTRIAL DISTRICT)	
WINKERS	PERRYAN, MARYLAND 2030			PARCEL 4B LI (LIGHT INDUSTRIAL DISTRICT)	
DEED REPERENCE:	CGH 2814/633			PARCEL 216 (MB475 AC) AG (AGRICULTURAL)	•
PRESENT ZONNO.	LI - LIGHT INDUSTRIAL			PARCEL 216 (+L3315 AC) RI (URBAN RESIDENTIAL)	
AREA:	15.4436 ACRES	-			

EXHIBIT G

THE FOLLOWING NOTICE IS PLACED TO PROVIDE AN OPPORTUNITY FOR THE DEVELOPER TO PROVIDE INFORMATION TO THE COMMUNITY REGARDING THE PROPOSED SITE PLAN AND TO ALLOW CITIZENS TO ASK QUESTIONS AND TO MAKE COMMENTS AND SUGGESTIONS:

NOTICE OF COMMUNITY INPUT MEETING

Mitchell Property Development

A proposed preliminary and site plan for the development of five warehouse buildings totaling 5,200,000 ±sf with associated parking spaces and an accessory retail/service use of ±2,000 sf, to be subdivided into separate lots, along with associated infrastructure located off of Perryman Road in Perryman, Maryland.

THE MITCHELL PROPERTY DEVELOPMENT WILL BE THE SUBJECT OF A COMMUNITY INPUT MEETING AT:

Richlin Catering & Event Center

1700 Van Bibber Road Edgewood, MD 21040

ON: **December 1, 2021 from 6:30 PM to 8:00 PM**

For more information contact Gerry Powell, PE at Frederick Ward Associates, Inc. at (410) 838-7900 or gpowell@fredward.com or visit the Harford County Department of Planning & Zoning on the 2nd floor of 220 South Main Street, Bel Air, Maryland 21014. http://www.harfordcountymd.gov/

If you require disability related accommodations, please contact Frederick Ward Associates, Inc. at (410) 838-7900 at least five (5) business days before the date of the meeting.

AGF 11-2620 November 5, 12

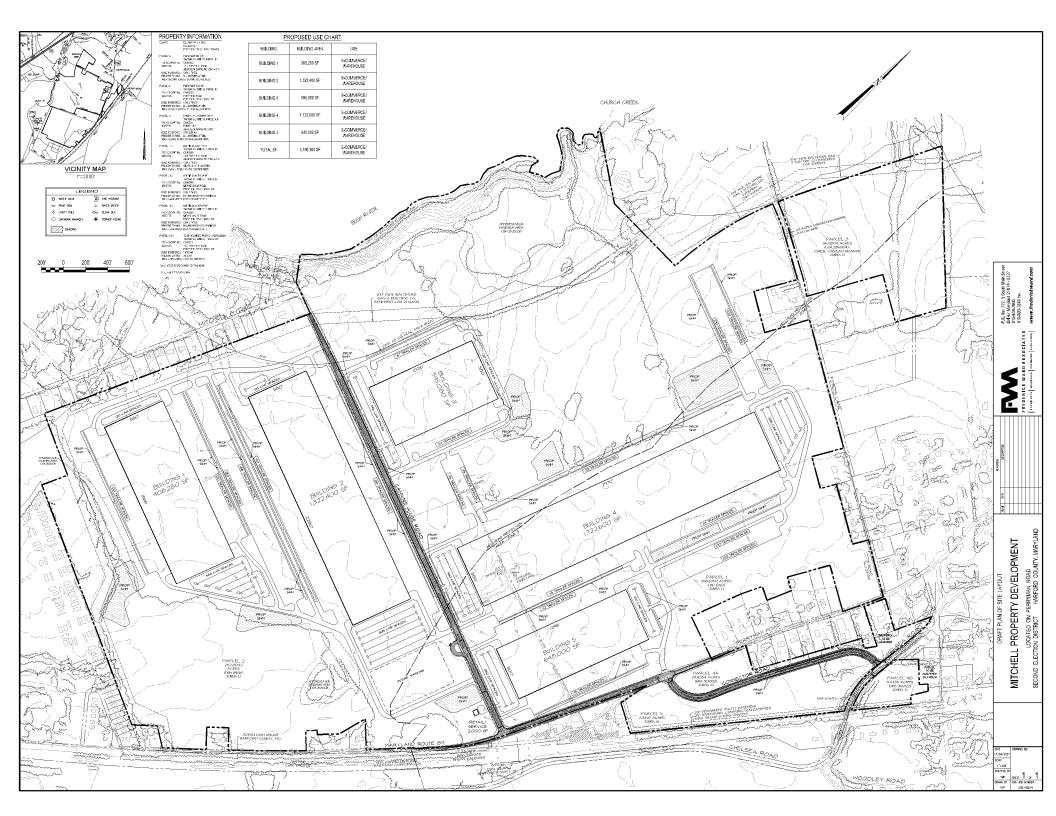


EXHIBIT H

DEVELOPMENT ADVISORY COMMITTEE MINUTES

The Development Advisory Committee (DAC) met on January 19, 2022, at 9:00 a.m. in the County Council Chambers, 212 South Bond Street, Bel Air, Maryland. The meeting was chaired by Moe Davenport, Department of Planning and Zoning.

The following members were in attendance:

Moe DavenportChairman, DACGlen HebelDPW EngineeringRobert AndersonDPW EngineeringBill SnyderVolunteer Fire & EMSPaul MagnessParks and RecreationDaryl IvinsWater and Sewer

Sr. Deputy Niles Harford County Sheriff's Office Eric Vacek Planner, Development Review

Crysta Draayer Planner, Development Review

Jenni Daniels Planner, Development Review Kaliel Barmer Planner, Development Review

Jennifer Freeman Planning and Zoning

Also in attendance:

Chip Riley

Erika Phelps

Leigh Maddox

Donna Baker Sandy Leonard Ralph Geisel Robin Ishak **Deb Bowers** Shawn Warnick Justin Pickering Ruth Maciejeski Casey Dawes Genene La Cour Lori Maslin Greg La Cour Harry Webster Kevin Dolan Ken Shannon Rich Greene Anthony Saxon Glenn Dudderar Sarahia Benn Harry Pappas Tracey Besante Tracey Kelley Justus Eapen Bill McGuire Robert Lockman Katrina McDonald Greg Pessagno Theresa Anderson E Messner Chuck Mezan Jacqueline Walker Matthew Laraway Janet McCormack Elaina Heslin Paul Russell Melinda McGuire **Britney Russell** Lauren Anderson Mary Martin Lisa Thomas Ron Stuchinski Delaney Mezan Sandy Jacob Shellev Mezan Ron Walker Lisa Massa

Eva Shannon

Mitch Ensor

Jo Lucas

Development Advisory Committee Minutes January 19, 2022 Page 2 of 64

Kathleen Fallace Sherry Riley Dawn Haag Rebecca Slentz Jo Anne Gunther Richard Tracey Christina Eldreth Dominique Gillis Glenn Gillis Ruth Kohl

Kaareen Harrison Susan Byers Eliz Pearce WB Pearce

Eleanora Dudderar Roland Asp Alicia Taylor Kristin Kirkwood

Loretta Cook Hunter Haag Stacy Stone Jeff Haag Tom Slentz
Holly McComas
Nathan Osborne
Ellen Cianelli
Ann Asem
Robert Lynch
Whit MacCuaig
John Freudenthal
Sheryl Davis
Shawn Krout
Gerry Powell
Coningsby Burdon

Tracey Geisel
Dagmar Sachs
Daniel Salter
Paul Fallace
Brendan Patton
Jerry and Judy Clark
Marsh Bassick

Brian Miller

Moe Davenport, of the Department of Planning and Zoning, welcomed everyone to the meeting. Mr. Davenport explained that a brief presentation will be given by the consultant for each project. The DAC members will give their comments on the project. The meeting will then be opened up for anyone in attendance that may have questions or comments. There is an attendance sheet on the back table. If a correct email address is given, a copy of the minutes will be e-mailed to you. The minutes are recorded and will also be published to the Department of Planning and Zoning's website.

Mitchell Property Development- Preliminary

Located on the north and south sides of Canning House Road and Fords Lane, east and west sides of Perryman Road. Tax Map 63; Parcels 53, 62, 216, 306. Second Election District. Council District F. Planner Crysta.

Plan No. P628-2021 Create six lots /708.4223 acres / LI

Received 12/22/2021 F.O. Mitchell & Bro/Charles Maslin/Chesapeake Real Estate

Group/FWA

Mitchell Property Development - Site

Located on the north and south sides of Canning House Road and Fords Lane, east and west sides of Perryman Road. Tax Map 63; Parcels 53, 62, 216, 306. Second Election District. Council District F. Planner Crysta.

Plan No. S629-2021 Develop one 908,280 sf warehouse building, one 1,322,400 sf

warehouse building, one 595,080 sf warehouse building, one 1,722,600 sf warehouse building, one 648,000 sf warehouse building, and one 2,000 sf

retail service building / 708.4223 acres / LI

Received 12/22/2021 F.O. Mitchell & Bro/Charles Maslin/Chesapeake Real Estate

Group/FWA

Verbatim Transcript

Gerry Powell - Fredrick Ward Associates

The subject property is over 700 acres and mostly zoned Light Industrial. A small portion is zoned General Industrial fronting Chelsea Road. And there are some AG parcels, some residential parcels also, and a business parcel. A portion of the property, about 10%, is in the Chesapeake Bay Critical Area, Designations Limited Development Area, and Resource Conservation Area. And about 31% in the Water Source Protection District of the Perryman Well Field. We are proposing 5 warehouses totaling 5.2 million square feet. And another 2,000 square feet of commercial retail use integrated into the overall project. Presently the primary access to the property is from Perryman and Canning House Road. We are proposing a new primary access via connection road from Chelsea Road to Perryman. The development will be served by public Water and Sewer.

Bill Snyder - Volunteer Fire & EMS

- All five (5) warehouses and the one (1) Retail/Service building will require Knox Key Boxes. Please contact Bill Snyder at wrsnyder@HarfordCountyPublicSafety.org to order box and identify box installation locations.
- Building #1 & Building #2 shall have their addresses and business names clearly marked to identify their locations from both entrance points from Canning House Rd.
- Any trail system on the property shall-be constructed to allow a pick-up truck sized vehicle to access.

^{**}The above bulleted statements are the only comments on this project directly related to the plans presented**

EXHIBIT I

PAUL JOHN CISAR, et al.,

Plaintiffs,

* CIRCUIT COURT

V. * FOR

F.O. MITCHELL & BRO., et al.,

Defendants.

* Case No. C-02-CV-22-000988

AFFIDAVIT OF LOUIS F. FRIEDMAN

1. I, Louis F. Friedman, am over the age of 18 and am competent to testify.

2. I am the Trustee of Trusts under the Last Will and Testament of Parker Mitchell, Jr. dated April 14, 1985, that collectively own a fifty percent partnership interest in F. O. Mitchell & Bro., and I have personal knowledge of its activities.

3. F. O. Mitchell & Bro. does not carry on a regular business in Anne Arundel County, Maryland, and has never done so.

4. F. O. Mitchell & Bro. carries on a regular business in Harford County, Maryland, and owns property there. Its principal office is in Harford County.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

July 12, 2022 Louis F. Friedman

EXHIBIT J

2:7/14/22 4:20311.doc 309346

PAUL JOHN CISAR, et al.,

Plaintiffs,

CIRCUIT COURT

v.

FOR

F.O. MITCHELL & BRO., et al.,

COUNTY

ANNE ARUNDEL

IN THE

Defendants. 000988

Case No. C-02-CV-22-

AFFIDAVIT OF JAMES LIGHTHIZER

- 1. I, James Lighthizer, am over the age of 18 and am competent to testify.
- 2. I am a member of Chesapeake Real Estate Group, LLC and have personal knowledge of its activities.
- 3. Chesapeake Real Estate Group, LLC carries on a regular business in Harford County, Maryland, and owns property there.
- 4. Chesapeake Real Estate Group, LLC has developed more than nine hundred thousand square feet (900,000 sq. ft.) of property in Harford County since 2016.
- 5. Chesapeake Real Estate Group, LLC is currently developing approximately one hundred thousand square feet (100,000 sq. ft.) of property in Harford County.
- 6. Chesapeake Real Estate Group, LLC is currently engaged in the development planning process of approximately five million one hundred ninety-seven thousand square feet (5,197,000 sq. ft.) of property in Harford County.
- 7. Chesapeake Real Estate Group, LLC has managed over two million three hundred seventy-three thousand eight hundred square feet (2,373,800 sq. ft.) of property in Harford County since 2016.
- 8. Chesapeake Real Estate Group, LLC and its executives have sold and/or leased approximately four million five hundred thousand square feet (4,500,000 sq. ft.) of property in Harford County.

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I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Date

James Lighthizer

EXHIBIT K

PAUL JOHN CISAR, et al.,	*	IN THE
Plaintiffs,	*	CIRCUIT COURT
v.	*	FOR
F.O. MITCHELL & BRO., et al.,	*	ANNE ARUNDEL COUNTY
Defendants.	*	Case No. C-02-CV-22-000988

AFFIDAVIT OF TORRENCE PIERCE

- 1. I, Torrence Pierce, am over the age of 18 and am competent to testify.
- 2. I am an officer in Frederick Ward Associates, Inc. and have personal knowledge of its activities.
- 3. Frederick Ward Associates, Inc. carries on a regular business in Harford County, Maryland. Its principal office is in Harford County.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Date

Torrence Pierce

EXHIBIT L

PAUL JOHN CISAI	R, et al.
Plaintiffs	

* IN THE

* CIRCUIT COURT

v.

* FOR

F.O. MITCHELL & BRO., et al.,

* ANNE ARUNDEL COUNTY

Defendants.

* Case No. C-02-CV-22-000988

AFFIDAVIT OF BARRY GLASSMAN

- 1. I, Barry Glassman, am over the age of 18 and am competent to testify.
- 2. I am the County Executive of Harford County and have personal knowledge of Harford County's activities.
- 3. Harford County is a political subdivision of the State of Maryland and, by definition, does not carry on a regular business in Anne Arundel County, Maryland.
- 4. Harford County conducts regular business only in Harford County, Maryland. Its principal office is in Harford County.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Date

Barry Glassman