



## The Commissioners of St. Michaels

Settled 1670-1680

300 Mill Street

Incorporated 1804

P. O. Box 206

St. Michaels, MD 21663

Telephone 410.745.9535

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August 13, 2008

### IN THE MATTER OF:

TND DEVELOPMENT, INC. AND MILES POINT PROPERTY LLC –  
REQUEST TO AMEND APPROVED GROWTH ALLOCATION  
DECISION FOR THE CONCEPT PLAN KNOWN AS THE MILES  
POINT III-150' PLAN

### APPLICANT:

TND DEVELOPMENT, INC. AND MILES POINT PROPERTY LLC

### APPLICATION:

Amendment to the award of growth allocation made by the Commissioners of St. Michaels, March 22, 2006 to Miles Point Property, LLC. The application for amendment was requested for two separate categories of conditions in the growth allocation decision:

- (1) Conditions 23 – 32, which deal with storm water management; and
- (2) Condition 61, which requires a public street connection from the proposed project to Yacht Club Road.

On June 4, 2008, the Commissioners of St. Michaels agreed to hear the application on the first category (stormwater management conditions) but denied Applicant's request to consider an amendment to the second category (Yacht Club Road condition). **This Scheduling Order addresses the public hearing process for the Applicant's request to amend growth allocation conditions 23 – 32, which deal with storm water management.**

### SCHEDULING ORDER

**THE COMMISSIONERS OF ST. MICHAELS** hereby establish the following schedule and guidelines for the public hearing to be conducted by The Commissioners of St Michaels (the "Commissioners") in this matter:

1. The public hearing is scheduled for 4:00 p.m. on Wednesday, September 3, 2008 at the St. Michaels Free Library, 106 S. Fremont Street, St. Michaels.

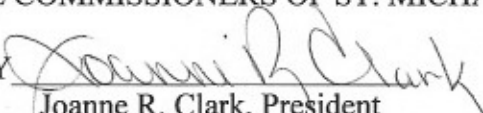
2. The public hearing will be conducted in accordance with Town Resolution 2006-24 and the "Rules for the Conduct of Quasi-Judicial Public Hearings before the Commissioners of St. Michaels" established thereunder.
3. All those who desire to obtain "Intervener" status under Town Resolution 2006-24 shall make a request in writing to the Town Clerk-Manager on or before the close of business (4:30 p.m.) on Thursday, August 21, 2008. Those persons who file for Intervener status, and are granted such status by the Commissioners, shall be permitted to produce witnesses and cross-examine witnesses at the hearing.
4. Interveners are requested to file advance testimony, list of witnesses and any supporting documents in connection with this matter by 12:00 noon on Friday, August 29, 2008. The Applicant shall be provided a copy of all documents filed in advance by prospective Interveners.
5. Parties filing documents (testimony, witness list, reports, etc.) in advance of the hearing and/or during the hearing shall provide ten (10) paper copies and 1 electronic copy of each.
6. Interveners are encouraged to coordinate and consolidate their testimony to avoid repetition.
7. The Applicant shall be allotted one (1) hour for its presentation and testimony before the Commissioners. The Applicant is expected to present information and argument to support its request to amend certain growth allocation conditions. Any person granted Intervener status shall have the right to cross-examine witnesses presented by the Applicant.
8. Interveners, in the aggregate, shall be allotted one (1) hour for their presentation and testimony before the Commissioners.
9. During public discussion, all persons who desire to speak regarding this matter shall be allowed three (3) minutes for their comments. If one needs longer than three minutes to make their comments, they may submit their testimony in writing.
10. After public discussion, there will be an opportunity for Applicant and Intervener rebuttal and then summations.
11. Upon hearing summations, the Commissioners shall make a determination as to whether to keep the hearing record open for a period of time, and if it decides to keep the record open, the Commissioners shall establish a date for closing the record.

THIS SCHEDULING ORDER IS HEREBY ADOPTED by majority vote of the Commissioners of St. Michaels on this 13 day of August, 2008.

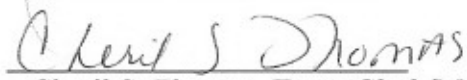
THE COMMISSIONERS OF ST. MICHAELS

Date : August 13, 2008

BY

  
Joanne R. Clark, President

ATTEST:

  
Cheryl S. Thomas, Town Clerk/Manager