

129 North Washington Street
P.O. Box 1209
Easton, Maryland 21601
410.822.1122 *phone*
410.822.3635 *fax*
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WILLARD C. PARKER, II
RICHARD L. COUNTS, III
LEIGH ROBERTS MELTON
SARAH M. SCHOENFELDER

April 17, 2008

The Commissioners of the
Town of St. Michaels
P.O. Box 206
St. Michaels, Maryland 21663

Re: APPLICATION OF WINDWARD INVESTMENTS, LLC FOR
GROWTH ALLOCATION

Dear Commissioners:

This office represents Windward Investments, LLC ("Windward"), owner of sixteen (16) lots of record in the "Willey's Terrace" subdivision which was created in 1913 (the "Property"). The Property has frontage on the easterly and westerly sides of Chesapeake Avenue as shown on the 1913 Plat of "Willey's Terrace". The Property contains a total of 100,886 square feet, more or less, not including the bed of Chesapeake Avenue and is located in the Chesapeake Critical Area. The Property has a current Critical Area land use classification of Limited Development Area ("LDA").

The Property is adjacent to property classified as Intensely Developed Area ("IDA") to the north and east and to the west by property classified as Limited Development Area ("LDA").

Windward proposes to reconfigure the sixteen (16) lots of record owned by it so as to meet current lot area requirements of the Town's Zoning Ordinance which will result in a reduction in the number of lots from sixteen (16) to nine (9). Eight (8) lots will be located on the easterly side of Chesapeake Avenue and one (1) lot will have access to the westerly side of Chesapeake Avenue, a forty (40) foot wide public street which is partially improved by road surface and sub-base. Additionally, the project conforms to the 2008 St. Michaels Draft Comprehensive Plan objective 10.1.2 by maintaining the single residence appearance in the Residential Zone (RD) and is within the Priority Funding Area (PFA).

The Commissioners of the
Town of St. Michaels
April 17, 2008
Page Two

In order to successfully create the proposed subdivision, Chesapeake Bay Critical Area Growth Allocation is needed in order to change the Property's Critical Area zoning designation from Limited Development Area ("LDA") to Intensely Developed Area ("IDA").

Therefore, on behalf of Windward, and in accordance with the Town of St. Michaels Zoning Ordinance, I hereby request that 130,154 square feet, more or less, of Growth Allocation (floating zone) District ("GA") of Intensely Developed Area ("IDA") be applied to the Property.

In furtherance of this application for Growth Allocation, please find the following items which are attached to and made a part of this request:

1. Concept subdivision plan;
2. Signed Town Administrative Fee Schedule;
3. Letter from Talbot County Department of Public Works dated April 17, 2008 regarding sewer availability;
4. Critical Area environmental assessment; and
5. Title Deeds for Property

I understand that the first step in the process of applying for the GA floating zone and utilizing Growth Allocation is to forward the concept subdivision plan and other applicable documents to the Town Planning Commission for a "determination of consistency and additional recommendations concerning approval" and I, therefore, request that you refer the same to the Planning Commission for consideration at the earliest convenient date.

Windward has previously paid the required \$20,000.00 growth allocation application fee, and, therefore, no further application fee should be required.

Should you need any additional information, please do not hesitate to contact me.

Very truly yours,


Willard C. Parker, II

cc: H. Michael Hickson, Town Attorney (w/enclosures)
Cheril S. Thomas, Town Manager (w/enclosures)
Debbie Renshaw, Zoning Inspector (w/enclosures)
Mr. Dana J. Sindermann

THE COMMISSIONERS OF ST. MICHAELS

ADMINISTRATIVE FEES AS OF MAY 23, 2007

(Attachment "A" of Resolution 2007-08)

Page 1 of 5

NOTE: FOR ALL APPLICATIONS DESIGNATED BY AN ASTERISK*, FEES SHOWN ARE DEPOSITS AGAINST EXPENSES ONLY. NOTE EXPLANATION OF FEES AT END OF THIS DOCUMENT. APPLICANT MUST SIGN AGREEMENT TO FEE SCHEDULE PRIOR TO PROCESSING OF APPLICATION

<p>BUILDING, GRADING, SIGN AND DEMOLITION PERMITS</p> <p>Cost of work \$0-\$49,999</p> <hr/> <p>Cost of work \$50,000 and up</p>	<p>\$35.00 Zoning Certificate Fee PLUS costs of inspections Note: Expenses incurred in excess of the fee collected must be paid prior to the issuance of an occupancy permit</p> <hr/> <p>\$8.00 per \$1,000 – all inclusive</p>
<p>RESIDENTIAL SPRINKLER INSPECTION FEE SCHEDULE</p> <p>New Construction</p> <p>Not over 2500 sq. ft. \$ 85.00</p> <p>2501 sq. ft. to 3500 sq. ft. \$100.00</p> <p>Over 3501 sq. ft. \$100.00 + \$5.00 per 100 sq. ft.</p> <p>Additions</p> <p>Not over 1,000 sq. ft. \$ 60.00</p> <p>Over 1000 sq. ft. \$ 85.00</p>	
<p>CRITICAL AREA MITIGATION</p> <p>TREE PLANTING</p> <p>STORMWATER MANAGEMENT 10% RULE FOR RESIDENTIAL</p> <p>PHOSPHOROUS STORMWATER MANAGEMENT 10% RULE</p>	<p>\$ 150.00 SQ. FT.</p> <p>\$ 2.50 SQ. FT.</p> <p>\$30,000.00/ LB</p>

THE COMMISSIONERS OF ST. MICHAEL'S

ADMINISTRATIVE FEES AS OF MAY 23, 2007

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Page 2 of 5

BOARD OF APPEALS:	NOTE: each action appealed, or each action requested constitutes a separate application even if all actions involve the same property or applicant
Special Exception	\$400 plus \$200 deposit toward the cost of a Stenographer and transcript. If no appeal to the decision is filed, deposit will be returned in full.
Variance	\$400 plus \$200 deposit toward the cost of a Stenographer and transcript. If no appeal to the decision is filed, deposit will be returned in full.
Allegation of Error*	\$600.00 plus cost of Stenographer, transcript and all Town expenses in excess of the fee - see pages 4 and 5 Application fee only is refunded if allegation is upheld by the Board of Appeals
PLANNING COMMISSION	
Subdivision (Minor)* 4 lots or less	\$200 per lot, plus all Town expenses in excess of the fee - see pages 4 and 5
Subdivision (Major)*	\$300 per lot/\$5,000 minimum Plus all Town expenses in excess of the fee - see pages 4 and 5
Line Revision*	\$100 plus all Town expenses in excess of the fee - see pages 4 and 5.
Site Plan Review- Simplified	\$150
Site Plan Review- Major*	\$300 plus all Town expenses in excess of the fee - see pages 4 and 5
TOWN COMMISSIONERS:	
Annexation*	\$10,000 plus all Town expenses in excess of the fee - see pages 4 and 5 Supplemental deposit required.
Zoning Actions for Major Developments (10 or more acres, or a proposed development with 5 or more structures or 5 or more commercial or residential units). Including, but not limited to Growth Allocation*, TND or other overlay zoning	\$10,000 plus all Town expenses in excess of the fee - see pages 4 and 5 Supplemental deposit required.

THE COMMISSIONERS OF ST. MICHAEL'S

ADMINISTRATIVE FEES AS OF MAY 23, 2007

(Attachment "A" of Resolution 2007-08)

Page 3 of 5

<p>Request for legislation* - non-zoning or otherwise not requiring a public hearing</p>	<p>\$1,000 plus all Town expenses in excess of the fee - see pages 4 and 5. Introduction of legislation will not be held unless reimbursement of costs is current.</p>
<p>Request for legislation* - zoning or other legislation requiring public hearings</p>	<p>\$2,000 plus all Town expenses in excess of the fee - see pages 4 and 5 Public Hearing will not be held until reimbursement of costs is current.</p>
<p>Piecemeal rezoning*</p>	<p>\$5,000 plus all Town expenses in excess of the fee - see pages 4 and 5 Public Hearing will not be held until reimbursement of costs is current.</p>
<p>HISTORIC DISTRICT COMMISSION:</p>	
<p>Minor Impacts: 1. Accessory structures less than 300 square feet 2. Modifications to existing accessory structures 3. Modifications to primary structures that result in no change to the total square footage of the structure 4. Appurtenances 5. Signs 6. Fences 7. HVAC equipment</p> <p>Applications in the "Minor Impact" category requiring a variance are considered to be "Moderate Impact"</p>	<p>\$50</p>
<p>Moderate Impacts: 1. Accessory structures greater than 300 square feet 2. Additions resulting in less than a 25% increase in the square footage of a structure.</p>	<p>\$ 150</p>
<p>Major Impacts*: 1. Additions resulting in an increase of 25% or greater of the square footage of the structure 2. All new primary structures</p>	<p>\$ 250* plus all Town expenses in excess of the fee - see pages 4 and 5</p>

THE COMMISSIONERS OF ST. MICHAELS

ADMINISTRATIVE FEES AS OF MAY 23, 2007

(Attachment "A" of Resolution 2007-08)

Page 4 of 5

BED AND BREAKFAST INN	
Initial review and permit	\$250
Yearly renewal	\$100
VACATION RENTAL	
Initial review and permit	\$250
Yearly renewal	\$100
EQUIVALENT PARKING FEE	
	\$3,000.00 per space
COPIES & MANUALS	
Comprehensive Plan (inc. draft plans)	\$30
Zoning Ordinance (Inc. Critical Area Plan)	\$30
Single page copies (letter or legal, black & white)	\$.25
Single page copies (over-sized black & white)	\$.50 or actual cost of copying, whichever is greater
Single page copies (letter or legal, color)	\$1.00
Single page copies (oversized, color)	\$1.50 or actual cost of copying, whichever is greater

* The following conditions apply to all applications noted in the above schedule by an asterisk. No such application shall be considered complete until the applicant agrees in writing to the terms set forth below:

1. The applicant shall pay the reasonable costs incurred by the Town from third parties who invoice the Town for their services rendered in relation to processing the application. All fees and out-of-pocket costs of such third parties shall be at their rates otherwise charged to the Town. Third party costs could include, but not be limited to, legal fees, consulting fees, court reporting, publishing and posting of public notices, printing and reproduction, etc.

2. The applicant shall reimburse the Town for the reasonable time spent by Town employees relating to the consideration, analysis and/or evaluation of the issues relating to, and/or the processing of the application on behalf of the Town. Town employees will log their time spent on the application, and reimbursement to the Town for this time will be at the rate of \$35 per hour.

THE COMMISSIONERS OF ST. MICHAEL'S

ADMINISTRATIVE FEES AS OF MAY 23, 2007

(Attachment "A" of Resolution 2007-08)

Page 5 of 5

3. Upon final disposition of the application, including any administrative or judicial appeals or withdrawal of the application, and after first satisfying all third party costs and employee time reimbursements for which the applicant is liable under these requirements, the Town shall refund to the applicant the remaining balance of the monies deposited with the Town over and above the initial application fee.

4. The Town will bill its third party costs and employee time directly to the applicant periodically, but not less often than monthly. At any time during the processing of the application that the applicant is more than 30 days in arrears, all action on the application will cease until such time as this condition is corrected.

5. In the case of applications for Zoning Actions for Major Developments (10 or more acres, or a proposed development with 5 or more structures or 5 or more commercial or residential units), including, but not limited to Growth Allocation, TND or other overlay zoning or annexation, the applicant will immediately deposit with the Town an additional initial amount sufficient to pay One Hundred Percent (100%) of the total processing costs as estimated by the Town, but no less than an amount equal to the listed fee (the "Fund"), which shall be drawn on by the Town to pay for the Town's third party costs and employee time as it is incurred (whether paid or accrued at the time the services are rendered). The Town will periodically, but not less often than monthly, provide the applicant an accounting of the costs and expenses incurred by the Town and charged to the Fund. If at any time, the Fund balance falls below Two Thousand Dollars (\$2,000), the Town will notify the applicant and applicant shall immediately replenish the Fund to an amount that is the greater of the listed fee or an estimate by the Town of the cost to complete the process. If the Fund balance remains unreplenished to the required amount for 5 business days after notification, all processing of the application will stop until such time as this condition is corrected.

6. If the application is approved, no final action shall be taken on the approval, nor any permits of any kind issued, if there is an outstanding account for expenses associated with that application. If the application is disapproved, no new application of any kind noted by an asterisk for processing may be filed by the applicant until all outstanding accounts with the applicant are paid in full.

I have read, understand and agree to the terms as listed above regarding my application

Number _____ for _____
(Project Description)

DANA SINDERMANN
Print Name

Dana Sindermann
Signature

4/16/08
Date

Print Name

Signature

Date

Property Owner if owner is
not the applicant

Signature of Property Owner

Date



TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS

28712 GLEBE ROAD, SUITE 3
EASTON, MARYLAND 21601

PHONE: 410-770-8170

FAX: 410-770-8176
TTY: 410-822-8735

April 17, 2008

The Commissioners of the Town of St. Michaels
Town Office
P.O. Box 206
St. Michaels, Maryland 21663

Re: Sewer Allocation for Windward Investments, LLC

Dear Commissioners:

On April 16, 2008, I received the written request from Windward Investments, LLC for sewer allocation for nine (9) lots that would be create from sixteen (16) lots of record. The Lots 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 in Block B and Lots 12 and 13 in Block C of the Willey's Terrace subdivision in the Town of St. Michaels located on Tax Map 200 are classified within the Talbot County Comprehensive Water and Sewerage Plan as W-1/S-1, immediate priority status for water and sewer service.

The combining of the sixteen (16) lots to create nine (9) lots of record to be used for single family dwellings shall have immediate priority for sewer service. These lots will be served from the available capacity within the Region II Wastewater Treatment Plant. This grant of allocation will be deducted from the future flows allocated to the Town, but will not impact the annual allocation for new lots assigned to the Town of St. Michaels.

Sincerely,

Ray Clarke, PE
County Engineer

cc. R. Andrew Hollis, County Manager
Region II Sewer Allocation File

26.00
 26.00
 2,234.00
 5,590.00
 2,234.00
 10,168.00
 23,166.00
 Recd 10/11
 MS 7493
 Sep 06 08:40 am
 BULK 1 102

Eastern Shore Title Company
 114 North West Street, P. O. Box 857
 Easton, Maryland 21601
 Phone: 410-820-4426 Fax: 410-820-4429
 Website: www.easternshoretitle.com
 e-mail: info@easternshoretitle.com

This Deed, Made this 6th day of September, 2006, by EDWARD V. LOCKWOOD, Grantor, and WINDWARD INVESTMENT, LLC, a Maryland limited liability company, Grantee.

Witnesseth:

THAT FOR AND IN CONSIDERATION of the sum of FIVE HUNDRED NINETY THOUSAND DOLLARS (\$590,000.00) and other good, valuable and sufficient consideration, in hand paid, the receipt of which is hereby acknowledged, the said EDWARD V. LOCKWOOD does hereby grant and convey unto the said WINDWARD INVESTMENT, LLC, a Maryland limited liability company, its successors and assigns, forever, in fee simple, all the hereinafter described property:

ALL those sixteen (16) lots of ground in or near the Town of St. Michaels in St. Michaels District, Talbot County, Maryland and described as follows, that is to say:

FIRST: ALL those fourteen (14) lots in "WILLEY'S TERRACE" and addition to said Town of St. Michaels, designated as Lots No. 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 in Block B on a certain map entitled: "MAP OF WILLEY'S TERRACE MADE FOR DIXIE REALTY CO., SOUTH BOSTON, VA", made by J. Watson Thompson, Cambridge, Maryland, and recorded among the Land Records of Talbot County, Maryland in Liber No. 166, folio 370, which said lots are more particularly described in a certain Deed from the Dixie Realty Company to Edwin P. Sparks dated December 24, 1913 and recorded among the Land Records of Talbot County, Maryland in Liber No. 167, folio 518.

SECOND: ALL those two (2) lots of ground fronting on Church Neck Road, numbered 29 and 30 in Block B, and so designated on the Plat above referred to, which are more particularly described in a certain Deed from the Dixie Realty Company to Kate H. Sparks and recorded among the Land Records of Talbot County, Maryland in Liber No. 244, folio 338.

BEING the same property conveyed unto Edward V. Lockwood from Edward V. Lockwood, Personal Representative of the Marjorie Lebowitz Estate, by Deed dated January 22, 2004 and recorded among the Land Records of Talbot County, Maryland in Liber No. 1219, folio 817.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said WINDWARD INVESTMENT, LLC, a Maryland limited liability company, its successors and assigns, forever, in fee simple.

And the said Grantor does hereby covenant that he has not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed; that he will warrant specially the property hereby conveyed; and that he will execute such other and further assurances of the same, as may be requisite.

As Witness the hand and seal of the Grantor, the day and year first above written.

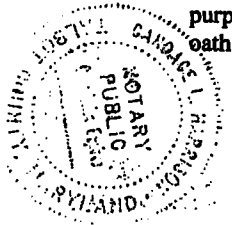
WITNESS:

Candace L. Hami

Edward V. Lockwood (SEAL)
EDWARD V. LOCKWOOD

State of Maryland
County of Talbot, to wit:

I Hereby Certify that on this 6th day of September, 2006, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared EDWARD V. LOCKWOOD known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained; and further acknowledged said instrument to be his act, giving oath under penalties of perjury that the consideration recited is correct.



IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Candace L. Hami
Notary Public

My Commission Expires: 10-1-09

This document was prepared under the supervision of an attorney admitted to practice before the Court of Appeals of Maryland, or by one of the parties named in the within instrument.

Willard C. Parker, II, Esquire

AFTER RECORDING MAIL TO:
Eastern Shore Title Company
Telephone: 410-820-4426
P. O. Box 857
Easton, MD 21601
File No. E-12523CLH

THIS IS TO CERTIFY THAT THE PROPERTY DESCRIBED
HEREIN HAS BEEN TRANSFERRED ON THE ASSESSMENT
RECORDS OF TALBOT COUNTY.

DAVID H. EWING
SUPERVISOR OF ASSESSMENTS

R. ANDREW HOLLIS, FIN. OFFICER
9/7/06 *aw*

CERTIFICATION IS MADE THAT ALL TAXES
DUE ON THE PROPERTY INDICATED IN
THIS DEED HAVE BEEN PAID
FINANCE OFFICER OF TALBOT COUNTY

R. ANDREW HOLLIS, FIN. OFFICER *aw*
DATE 9/7/06 *aw*