



FRIENDS of FREDERICK COUNTY

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Coalition of Citizens, Environmental Groups Launch Court Challenge To Protect Farmland

Frederick MD 2/14 Friends of Frederick County, the Audubon Society of Central Maryland, and thirteen other plaintiffs filed a complaint in Frederick County Circuit Court today to protect 400 acres of farmland from the crosshairs of unwanted sprawl. The complaint challenges the Town of New Market's Municipal Growth Element and their plans to annex the three properties which are currently zoned by the County for agricultural use: the Smith/Cline, Delaplaine, and Ganley properties. The Town would rezone these properties for commercial and industrial use, and close to 1000 residences. The Municipal Growth Element also plans for a bypass road to run along the border of an Audubon Society bird sanctuary.

The suit alleges the failure of town leaders to meet legal requirements by failing to analyze and plan for the costs of services and infrastructure, such as roads, schools, emergency services, and water and sewer service. In addition, a municipality must analyze the effects of growth on environmentally sensitive areas, such as wetlands and conservation areas. Such steps are a legal mandate that protects taxpayers and communities from paying for future costs of residential and commercial sprawl, such as crowded public schools, overstressed emergency services and infrastructure, and polluted drinking water sources and waterways.

“Filing this lawsuit comes after nearly a decade of citizens’ publicly vocal dissatisfaction with New Market’s growth and development plans. We need a plan that works for local citizens and residents and where the costs are transparent, that fosters integrated neighborhoods with an economically thriving downtown; a plan that will survive the test of time” said Janice Wiles, executive director for Friends of Frederick County.

Plaintiffs in this case include taxpayers, residents, and landowners who would be impacted by the development. The Fred Archibald Audubon Sanctuary would be affected by the bypass road and by development on the nearby Delaplaine and Smith/Cline properties, harming the ability of the Audubon Society to fulfill its mission of providing safe habitat for birds.

The complaint requests the Circuit Court to:

- a. Declare the Town’s Municipal Growth Element invalid;
- b. Declare rezonings and annexations unlawful and invalid prior to the Town adopting a valid Municipal Growth Element; and

- c. Enjoin the Town from rezoning or annexing until it has adopted a valid Municipal Growth Element.

Wiles also unveiled a new initiative by Friends of Frederick County to develop a community driven process for growth and development of New Market, in response to citizen concerns. The *New Market Tomorrow* initiative will be comprised of workshops, public events and surveys that will culminate in a comprehensive vision for the town New Market. The plan would take into account guiding principles of economic, social and environmental sustainability, and genuine progress indicators and will be available to the town council and mayor as a basis for a municipal growth element that will truly meet the citizen's and the town's growth objectives and needs. As the initiative develops updates will be available at <http://www.friendsoffrederickcounty.org/category/by-region/new-market/>

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Announcement of this lawsuit comes just one day before the attorneys for Friends of Frederick County will give oral argument on motions for summary judgment on their [complaint filed together with numerous residents last June 2010 challenging the validity of the Crum and Thatcher annexations](#). People who are concerned that the absence of information required by state law may result in the overcrowding of public facilities, thousands more vehicles travelling on the already dangerous highway 15 and higher costs to taxpayers may wish to attend. The hearing will be at the Frederick County Courthouse, courtroom # 4, **at 9 a.m. on February 16, 2011.**

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