

KAPLIN STEWART MELOFF REITER & STEIN, P.C.

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Attorneys for Intervenor
Carlisle Development Partners, LLC

KYLE AND ALEXIA GERBER,	:	IN THE COURT OF COMMON PLEAS
ANDREW AND RACHAEL DYMSKI,	:	CUMBERLAND COUNTY, PENNSYLVANIA
ROBERT AND VIOLA BYERLY,	:	
JODY AND STANLEY SHIVELL, AND	:	
EARLE AND BONNIE MORTON,	:	Land Use Appeal
Appellants	:	
v.	:	Docket No 2026-06465
	:	
BOARD OF SUPERVISORS OF	:	
MIDDLESEX TOWNSHIP,	:	
Appellee	:	
and	:	
	:	
CARLISLE DEVELOPMENT	:	
PARTNERS, LLC,	:	
Intervenor	:	

PROPOSED ORDER

AND NOW, this ____ day of _____, 2026, upon consideration of the Motion to Quash Land Use Appeal filed by Intervenor Carlisle Development Partners, LLC and Appellants' response thereto (if any), it is hereby **ORDERED** that:

1. The Motion is **GRANTED**;
2. Appellants' Land Use Appeal is **DISMISSED WITH PREJUDICE**; and
3. The Prothonotary shall mark this case **DISCONTINUED**.

BY THE COURT:

, J.

KAPLIN STEWART MELOFF REITER & STEIN, P.C.

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	:	
BOARD OF SUPERVISORS OF	:	
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PARTNERS, LLC,	:	
Intervenor	:	

MOTION TO QUASH APPELLANTS' LAND USE APPEAL

Intervenor Carlisle Development Partners, LLC (“CDP”), by and through its attorneys, Kaplin Stewart Meloff Reiter & Stein, P.C., hereby submits this Motion to Quash Appellants Kyle and Alexia Gerber, Andrew and Rachael Dymski, Robert and Viola Byerly, Jody and Stanley Shivell, and Earle and Bonnie Morton’s Land Use Appeal (“**Appeal**”) and requests the Appeal be dismissed with prejudice. In support thereof, CDP avers as follows:

I. Background – Relevant Facts and Procedural History

1. On June 5, 2026, Appellants Kyle and Alexia Gerber, Andrew and Rachael Dymski, Robert and Viola Byerly, Jody and Stanley Shivell, and Earle and Bonnie Morton (“**Appellants**”) filed a single Notice of Appeal purporting to appeal from three (3) separate and

distinct decisions made by the Board of Supervisors of Middlesex Township (“**Board**”) on May 6, 2026:

- a. The Board’s decision approving CDP’s Final Major Subdivision Plan for Pennsylvania Digital 1 (PAX-1) (“**Final Subdivision Decision**”);
- b. The Board’s decision approving CDP’s Final Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 1-A (“**Final Land Development Decision Phase 1-A**”); and
- c. The Board’s decision, dated May 6, 2026, approving CDP’s Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 1-B (“**Preliminary Land Development Decision Phase 1-B**”).

2. CDP is the owner of the property located at 246, 248, 250, and 256 Country Club Road in Middlesex Township (Parcel I.D. Nos. 21-06-0015-001, 21-06-0015-015, 21-06-0015-014, and 21-06-0015-013) (“**Property**”).

3. The Property is comprised of 693.44 acres, is irregularly shaped, and located just north of Pennsylvania Interstate 81, generally bounded by the Conodoguinet Creek.

4. The Property is located in the MU-1 Mixed Use Zoning District as well as the Data Center Overlay District.

5. The Middlesex Township Zoning Ordinance permits data centers in the MU-1 Mixed Use Zoning District and Data Center Overlay District.

6. CDP plans to develop its property with permitted data center campuses, including an electrical substation and associated improvements, in planned phases (“**Development Plans**”).¹

A. Subdivision Applications

¹ This project is generally being referred to as Pennsylvania Digital 1 (PAX-1).

7. On or about August 18, 2025, CDP submitted an application for preliminary subdivision plan approval in support of its Development Plans of the Property (“**Subdivision Application**”).

8. The Subdivision Application was reviewed by Middlesex Township staff, consultants, the Cumberland County Planning Department, and the Middlesex Township Planning Commission.

9. The Cumberland County Planning Department recommended approval of the Subdivision Application.

10. The Middlesex Township Planning Commission recommended approval of the Subdivision Application at a public meeting on or about December 8, 2025.

11. The Board held a public meeting on the Subdivision Application on February 4, 2026.

12. Upon information and belief, the Appellants attended the public meetings on the Subdivision Application.²

13. The Board granted conditional approval of the Subdivision Application on January 5, 2026 (“**Preliminary Subdivision Decision**”), a copy of which is attached as **Exhibit “A”**.

14. No appeal was taken from the Preliminary Subdivision Decision.

15. CDP submitted an application seeking final subdivision plan approval of the Property in support of its Development Plans (“**Final Subdivision Application**”) on January 16, 2026.

² Middlesex Township Meeting Minutes document that Andrew Dymski and Jody Shivell made public comments at the Board meeting on this Subdivision Application.

16. The Final Subdivision Application was reviewed by Middlesex Township staff, consultants, the Cumberland County Planning Department, and the Middlesex Township Planning Commission.

17. The Cumberland County Planning Department recommended approval of the Final Subdivision Application.

18. The Middlesex Township Planning Commission recommended approval of the Final Subdivision Application on or about April 27, 2026.

19. The Board held a public meeting on the Final Subdivision Application on May 6, 2026.

20. The Board granted approval of the Final Subdivision Application on May 6, 2026. A copy of the Final Subdivision Decision is attached as **Exhibit “B”**.

B. Phase 1-A Land Development Applications

21. CDP separately submitted an application seeking preliminary land development approval of the first phase of its Development Plans for the Property (“**Phase 1-A**”) on or about August 18, 2025 (“**Preliminary Application for Phase 1-A**”).

22. The Preliminary Application for Phase 1-A was reviewed by the Middlesex Township staff, consultants, the Cumberland County Planning Department, and the Middlesex Township Planning Commission.

23. The Cumberland County Planning Department recommended approval of the Preliminary Application for Phase 1-A.

24. The Middlesex Township Planning Commission thereafter recommended approval of the Preliminary Application for Phase 1-A at a public meeting on or about February 22, 2026.

25. The Board also held a public meeting on the Preliminary Application for Phase 1-A on March 4, 2026.

26. Upon information and belief, the Appellants attended the public meetings on the Preliminary Application for Phase 1-A.³

27. The Board granted conditional approval of the Preliminary Application for Phase 1-A on March 4, 2026 (“**Preliminary Land Development Decision Phase 1-A**”), a copy of which is attached as **Exhibit “C”**.

28. No appeal was taken from the Preliminary Land Development Decision Phase 1-A.

29. CDP submitted an application seeking final land development approval of Phase 1-A on or about February 13, 2026 (“**Final Application for Phase 1-A**”).

30. The Final Subdivision Application was reviewed by Middlesex Township staff, consultants, the Cumberland County Planning Department, and the Middlesex Township Planning Commission.

31. The Cumberland County Planning Department recommended approval of the Final Application for Phase 1-A.

32. The Middlesex Township Planning Commission recommended approval of the Final Application for Phase 1-A at a public meeting on or about April 27, 2026.

33. The Board held a public meeting on the Final Application for Phase 1-A on May 6, 2026.

34. The Board granted approval of the Final Application for Phase 1-A on May 6, 2026. A copy of the Final Land Development Decision Phase 1-A is attached as **Exhibit “D”**.

C. Phase 1-B Land Development Applications

³ Middlesex Township Meeting Minutes document that Andrew Dymski and Jody Shivell made public comments at the Planning Commission meeting on the Preliminary Application for Phase 1-A.

35. CDP submitted an application seeking preliminary land development approval of the second phase of its Development Plans for the Property (“**Phase 1-B**”) on or about November 21, 2025 (“**Preliminary Application for Phase 1-B**”).

36. This Preliminary Application for Phase 1-B went through a separate and distinct review process with the Middlesex Township staff, consultants, the Cumberland County Planning Department, and the Middlesex Township Planning Commission.

37. The Cumberland County Planning Department also recommended approval of the Preliminary Application for Phase 1-B.

38. The Middlesex Township Planning Commission recommended approval of the Preliminary Application for Phase 1-B at a public meeting on or about April 27, 2026.

39. The Board held a public meeting on the Preliminary Application for Phase 1-B on May 6, 2026.

40. The Board granted conditional approval of the Preliminary Application for Phase 1-B on May 6, 2026, a copy of which is attached as **Exhibit “E”**.

II. Bases Necessitating the Quashing of Appellants’ Notice of Appeal

A. Separate Notices of Appeal are Required with Concise Grounds for Each Appeal

41. Section 1002-A of the Pennsylvania Municipalities Planning Code (“**MPC**”) provides that all appeals from land use decisions must be filed within 30 days of entry of the decision. 53 P.S. § 11002-A.

42. Section 1003-A of the MPC further directs that the land use appeal notice must “concisely sets forth the grounds on which the appellant relies.” 53 P.S. § 11002-A(a).

43. “It is well settled that the failure to include the grounds for appeal in the land use appeal notice warrants dismissal of the appeal.” *Gall v. Zoning Hearing Bd. of Upper Milford*

Twp., 723 A.2d 758 (Pa. Cmwlth. 1999) (citing, *Kreitz v. Zoning Board of Adjustment of City of Easton*, 4 Pa. Cmwlth. 602, 287 A.2d 884 (1972)). As the Court in *Gall*, explained, “the grounds for appeal requirement of Section 1003-A(a) plays a necessary role in winnowing the scope of a land use appeal.” 723 A.2d at 760 (internal citations omitted).

44. For clarity, Pennsylvania law further requires that separate Notices of Appeal be filed from each docket or separate land use decision. *See* Pa.R.A.P. 902.

45. Appeals taken by way of a single notice from multiple decisions or orders are to be quashed absent unique circumstances (such as the consolidation of matters in the proceedings being appealed from). *See e.g. Twp. of Cranberry v. Spencer*, 249 A.3d 9 (Pa. Cmwlth. 2021) (quashing appeals from five of six cases where separate notices were not filed for each while allowing one appeal to continue under the unique circumstances that the appeal identified that it was related to one specific docket); (*Commonwealth v. Casey*, 218 A.3d 429 (Pa. Super. Ct. 2019) (holding failure to file separate appeals for each docket fatal).

46. Appellants’ Notice of Appeal here purports to appeal from three (3) entirely different land use decisions, involving distinctly different facts, plans, and legal issues: (1) a final subdivision plan, (2) a final land development plan, and (3) a preliminary land development plan.

47. Each of these matters trigger divergent facts, plans, and legal issues.

48. These matters were never consolidated and each application (for final subdivision approval, final land development approval, and preliminary land development approval, respectively) followed separate procedural paths and timelines.

49. Appellants’ Notice of Appeal confuses the procedural history and facts of these separate applications.

50. Appellants' Notice of Appeal also fails to concisely explain the issues being raised in connection with each appeal.

51. None of the stated Grounds for Appeal even reference which decision is being complained about.

52. Instead, the muddled nature of this Notice of Appeal only serves to confuse.

53. For example, in the Grounds for Appeal, Appellants specifically reference purported concerns about CDP's compliance with a Zoning Ordinance requirement related to water feasibility for the proposed use. These are not grounds for appealing from a subdivision or land development approval.⁴ Zoning is separate and distinct from the subdivision and land development approval process; Appellants are not purporting to appeal from the issuance of a zoning permit herein, and the Zoning Hearing Board of Middlesex Township would have exclusive jurisdiction over the appeal of the issuance of a zoning permit. 53 P.S. § 10909.1(a)(3).

54. This lack of clarity reflects why separate notices are necessary.

55. Appellants failed to follow the proper procedure by filing a single notice from multiple decisions that fails to concisely set forth the grounds Appellants rely upon in each appeal, and this defective Notice of Appeal must be quashed.

B. CDP is Entitled to Final Plan Approval in Accordance with the Terms of its Vested Preliminary Plan Approvals

56. The MPC directs that "when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved application as hereinafter provided." 53 P.S. § 10508(4)(i).

57. CDP obtained preliminary plan approval of its Preliminary Subdivision Application

⁴ An applicant is entitled to approval of a land development plan when it meets all specific, objective criteria contained in the subdivision and land development ordinance. *See e.g. CACO Three, Inc. v. Bd. of Sup'rs of Huntington Twp.*, 845 A.2d 991 (Pa. Cmwlth. 2004). Zoning is a separate matter.

in February of 2026 and its Preliminary Application for Phase 1-A in March of 2026. *See* Exhibits A and C.

58. No one timely appealed from the Board's Decisions granting these two approvals.

59. As such, CDP is entitled to final land development approval in accordance with the terms of those approvals.

60. Appellants do not assert any claims suggesting that the Final Subdivision Application failed to comply with the approval of the Preliminary Subdivision Application.

61. Appellants do not assert any claims suggesting that the Final Application for Phase 1-A failed to comply with the approval of the Preliminary Application for Phase 1-A.

62. As such, Appellants have set forth no grounds to appeal the Final Subdivision Decision or the Final Land Development Decision Phase 1-A, and this appeal must be quashed.

C. Appellants' Notice of Appeal Improperly Refers to and Claims Spot Zoning has Occurred in the Township

63. Pennsylvania law does not permit landowners to raise substantive validity challenges directly in the Court of Common Pleas.

64. Instead, section 916.1 of the MPC directs that:

A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land . . . shall submit the challenge either:

(1) to the zoning hearing board under section 909.1(a); or

(2) to the governing body under section 909.1(b)(4), together with a request for a curative amendment under section 609.1.

53 P.S. § 10916.1

65. Appellants set forth that they have filed a substantive validity challenge with the Middlesex Township Zoning Hearing Board asserting spot zoning. *See* Appellant's Notice of

Appeal ¶¶54-55.

66. Appellants' Notice of Appeal was not filed to challenge a Decision of the Zoning Hearing Board in connection with this substantive validity challenge.

67. Pennsylvania Law does not provide Appellants with any rights to raise a substantive validity challenge in the Court of Common Pleas.

68. Appellants may not lawfully make an end run around the administrative processes required in connection with a substantive validity challenge by improperly attempting to tether identical allegations to a land use appeal.

69. Courts are obligated to presume that an ordinance was validly enacted, and the public are expected to rely upon and follow duly enacted ordinances. *See e.g. Burd v. Borough of Brentwood Zoning Hearing Bd.*, 298 A.3d 431 (Pa. Cmwlth. 2023) (“[z]oning ordinances are presumed to be valid”); *Wilson v. Plumstead Twp. Zoning Hearing Bd.*, 894 A.2d 845 (Pa. Cmwlth. 2006), *aff'd*, 936 A.2d 1061 (Pa. 2007); *Mucy v. Fallowfield Twp. Zoning Hearing Bd. of Washington Cnty.*, 609 A.2d 591 (Pa. Cmwlth. 1992) (confirming landowners are duty bound to check and follow their local zoning ordinance); *Petrosky v. Zoning Hearing Bd. of Upper Chichester Twp., Delaware Cnty.*, 402 A.2d 1385 (Pa. 1979) (outlining factors protecting landowners with secured permits where good faith reliance is demonstrated).

70. CDP has relied upon and complied with Middlesex Township's duly enacted laws.

71. Appellants' hollow assertions are being prejudicially raised in an improper forum and must be disregarded.

72. Further, and notably, Appellants are not even challenging the validity of the subdivision and land development ordinance CDP was obligated to comply with when it prepared its Final Subdivision Application, its Final Application for Phase 1-A, and its Preliminary

Application for Phase 1-B.

73. As such, these wholly improper allegations regarding the validity of the Middlesex Township Zoning Ordinance are irrelevant and do not form any valid basis for challenging the Board's Final Subdivision Decision, Final Land Development Decision Phase 1-A, or Preliminary Land Development Decision Phase 1-B.

D. The 30-Day Appeal Period Has Elapsed

74. As set forth above, Section 1002-A of the MPC provides that all appeals from land use decisions must be filed within 30 days of entry of the decision. 53 P.S. § 11002-A.

75. The Board rendered their written decisions on the Final Subdivision Application, Final Application for Phase 1-A, and Preliminary Application for Phase 1-B more than thirty (30) days ago. *See* Exhibits B, D, and E.

76. As such, Appellants' time to appeal has lapsed.

77. An appellant is not permitted to supplement a defective notice of appeal after the time for filing a notice of appeal has expired. *See e.g. Gall, supra* ("Allowing land use appellants the right to raise new issues after expiration of the appeal period would not only afford them a substantial advantage not currently provided by the Code but would also expand litigation in an area already heavily burdened."); *see also Haviland v. Whitemarsh Twp. Zoning Hearing Bd.*, 615 C.D. 2018, 2019 WL 2400067 (Pa. Cmwlth. May 6, 2019) (upholding the lower court's decision to quash a land use appeal because the notice filed before the time to appeal had run failed to set forth sufficient grounds for appeal).

78. Nor may an appellant file a new Notice of Appeal after the statutory period has expired.

79. Appellant's Notice of Land Use Appeal does not comply with the MPC and

applicable Pennsylvania law.

80. Appellant's Appeal must be dismissed with prejudice as the 30-day appeal period from the date of the Decision has expired.

81. No judge has ruled upon any other issue in this or a related matter.

WHEREFORE, Intervenor Carlisle Development Partners, LLC respectfully requests this Honorable Court grant this Motion and dismiss Appellants' Appeal with prejudice.

Respectfully submitted,

**KAPLIN STEWART MELOFF REITER &
STEIN, P.C.**



Dated: June 24, 2026

By: _____

Gregg I. Adelman, Esquire
Julie Bernstein, Esquire
Attorneys for Intervenor
Carlisle Development Partners, LLC

KAPLIN STEWART MELOFF REITER & STEIN, P.C.

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Julie Bernstein, Esquire
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ANDREW AND RACHAEL DYMSKI,	:	CUMBERLAND COUNTY, PENNSYLVANIA
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BOARD OF SUPERVISORS OF	:	
MIDDLESEX TOWNSHIP,	:	
Appellee	:	
and	:	
	:	
CARLISLE DEVELOPMENT	:	
PARTNERS, LLC,	:	
Intervenor	:	

CERTIFICATE OF SERVICE

I, Gregg I. Adelman, Esquire, do hereby certify that on the date stated below, I caused true and correct copies of the foregoing Motion to Quash to be served via first class mail & e-mail to the addressees stated below, at the addresses stated below:

Nathan C. Wolf, Esquire
Wolf & Wolf
10 West High Street
Carlisle, PA 17013-2922
nwolf@wolfandwolf.net

Charles M. Suhr
Stevens & Lee
17 N. 2nd Street, 16th Floor
Harrisburg, PA 17101
charles.suhr@stevenslee.com

**KAPLIN STEWART MELOFF REITER &
STEIN, P.C.**



Dated: June 24, 2026

By:

Gregg I. Adelman, Esquire
Attorneys for Intervenor,
Carlisle Development Partners, LLC

EXHIBIT “A”

(1/5/26 Preliminary Subdivision Decision)

MIDDLESEX TOWNSHIP

350 N. MIDDLESEX ROAD, SUITE 1, CARLISLE, PA 17013

Phone Number 717-249-4409 or 844-256-7024 - Fax Number 249-8564

Board of Supervisors: Donald S. Geistwhite Jr., Philip A. Neiderer, William H. Goodhart

Date: January 5, 2026

To: Applicant for Plan Approval:
Petri Ottavainen, by email for
Carlisle Development Partners, LLC
1660 International Drive, Suite 500
McLean, VA 22102

Re: Notification of Conditional Plan Approval of
Preliminary Subdivision Plan for Pennsylvania Digital 1 (PAX-1) Data Center
Plan prepared by Livic Civil
Plan dates: 08/18/2025; last revised 11/12/2025
Township File No. 25-16

Dear Applicant,

I write to you on behalf of the Board of Supervisors of Middlesex Township in my capacity as Township Zoning Officer. This letter will notify you that, at their meeting on January 5, 2026, the Board of Supervisors of Middlesex Township approved waivers of the following section of the Middlesex Township Subdivision and Land Development Ordinance No. 8-2017 (SLDO) for the Preliminary Subdivision Plan for Pennsylvania Digital 1 (PAX-1) Data Center, subject to providing written request and justification for each waiver and listing the waiver on the cover sheet of the plan set.

1. SALDO § 501.A.2. Plan scale not smaller than 1"=100'. Modification to allow Sheets SD101 through SD203 to be at 1"=50' scale due to project size, to allow comprehensive review and legibility.

This letter will further notify you that, at their meeting on January 5, 2026, the Board of Supervisors of Middlesex Township approved the Preliminary Subdivision Plan for Pennsylvania Digital 1 (PAX-1) Data Center, subject to the following conditions:

1. That the applicant satisfies all comments and conditions of the Township Engineer, Bud Grove, P.E. in written review of J. Michael Hess, PE of Herbert, Rowland & Grubic, Inc. dated 12/04/2025 in a manner acceptable to the Township Engineer, subject to his final review.

2. That the applicant satisfies all comments of the Cumberland County Planning Department, in written report dated 09/09/2025 for Plan Number P25-726, subject to final review by the Township Zoning Officer.
3. That the applicant provides at least one signed copy of the Preliminary Subdivision Plan for Pennsylvania Digital 1 (PAX-1) Data Center, for township records.

The above referenced waiver and conditions of plan approval were agreed upon by your representative, Justin Ross of Livic Civil, at the meeting on January 5, 2026, and must be verified in writing upon receipt of this notification of conditional plan approval.

Sincerely,

A handwritten signature in blue ink that reads "Mark D. Carpenter". The signature is written in a cursive, flowing style.

Mark D. Carpenter
Middlesex Township Zoning Officer

cc: Board of Supervisors
Township Solicitor
Township Engineer
Nick Long, Livic Civil, by email
Justin Ross, Livic Civil, by email

EXHIBIT “B”

(5/6/26 Final Subdivision Decision)

MIDDLESEX TOWNSHIP

350 N. MIDDLESEX ROAD, SUITE 1, CARLISLE, PA 17013

Phone Number 717-249-4409 or 844-256-7024 - Fax Number 249-8564

Board of Supervisors: Donald S. Geistwhite Jr., Philip A. Neiderer, William H. Goodhart

Date: May 6, 2026

To: Applicant for Plan Approval:
Petri Ottavainen, by email for
Carlisle Development Partners, LLC
1660 International Drive, Suite 500
McLean, VA 22102

Re: Notification of Conditional Plan Approval of
Final Major Subdivision Plan for Pennsylvania Digital 1 (PAX-1)
Plan prepared by Livic Civil
Plan dates: 11/21/2025; last revised 02/10/2026
Township File No. 26-2

Dear Applicant,

I write to you on behalf of the Board of Supervisors of Middlesex Township in my capacity as Township Zoning Officer.

This letter will notify you that, at their meeting on May 6, 2026, regarding sewage facilities planning for the Final Major Subdivision Plan for Pennsylvania Digital 1 (PAX-1), the Board of Supervisors of Middlesex Township accepted this plan as a non-building lot subdivision and concurred with use of the PA DEP form request for Planning Waiver & Non-Building Declaration, subject to favorable review and approval by PA DEP.

This letter will further notify you that, at their meeting on May 6, 2026, the Board of Supervisors of Middlesex Township approved waiver of the following section of the Middlesex Township Subdivision and Land Development Ordinance No. 8-2017 (SLDO) for the Final Major Subdivision Plan for Pennsylvania Digital 1 (PAX-1), subject to providing written request and justification for the waiver and listing the waiver on the cover sheet of the plan set.

1. SALDO § 501.A.2. Plan scale not smaller than 1"=100'. Modification to allow Sheets SD101 through SD203 to be at 1"=50' scale due to project size, to allow comprehensive review and legibility.

This letter will further notify you that, at their meeting on May 6, 2026, the Board of Supervisors of Middlesex Township approved the Final Major Subdivision Plan for Pennsylvania Digital 1 (PAX-1), subject to the following conditions:

1. That the applicant satisfies all comments and conditions of the Township Engineer, Bud Grove, P.E. in written review of J. Michael Hess, PE of Herbert, Rowland & Grubic, Inc. dated 02/06/2026 (copy enclosed) in a manner acceptable to the Township Engineer, subject to his final review.
2. That the applicant satisfies all comments of the Cumberland County Planning Department, in written report dated 03/16/2026 for Plan Number P26-147 (copy enclosed), subject to final review by the Township Zoning Officer.
3. That, when plans are released by Middlesex Township for recording at the Cumberland County Office of the Recorder of Deeds, the applicant records all plan sheets of the plan set; and provide both a digital PDF file and at least one paper copy of the plan as recorded and the Recorder of Deeds Certification Page for township records.

The above referenced waiver and conditions of plan approval were agreed upon by your representative, Charles M. Courtney, Esquire, at the meeting on May 6, 2026, and must be verified in writing upon receipt of this notification of conditional plan approval.

Sincerely,



Mark D. Carpenter
Middlesex Township Zoning Officer

cc: Board of Supervisors
Township Solicitor
Township Engineer
Nick Long, Livic Civil, by email
Justin Ross, Livic Civil, by email
Charles M. Courtney, Esquire, by email

EXHIBIT “C”

**(3/4/26 Preliminary Land Development
Decision Phase 1-A)**

MIDDLESEX TOWNSHIP

350 N. MIDDLESEX ROAD, SUITE 1, CARLISLE, PA 17013

Phone Number 717-249-4409 or 844-256-7024 - Fax Number 249-8564

Board of Supervisors: Donald S. Geistwhite Jr., Philip A. Neiderer, William H. Goodhart

Date: March 4, 2026

To: Applicant for Plan Approval:
Petri Ottavainen, by email for
Carlisle Development Partners, LLC
1660 International Drive, Suite 500
McLean, VA 22102

Re: Notification of Conditional Plan Approval of
Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 1-A
Plan prepared by: Livic Civil
Plan dates: 08/18/2025; last revised 02/06/2026
Township File No. 25-17

Dear Applicant,

I write to you on behalf of the Board of Supervisors of Middlesex Township in my capacity as Township Zoning Officer.

This letter will notify you that, at their meeting on March 4, 2026, the Board of Supervisors of Middlesex Township approved relief from the following sections of the Middlesex Township Subdivision and Land Development Ordinance No. 8-2017 (SALDO), and the Middlesex Township Stormwater Management Ordinance No. 6-2011 (SWMO), for the Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 1-A, subject to providing written request and justification for each relief sought and listing the relief sought on the cover sheet of the plan set.

1. SALDO § 501.A.2. Modification of requirement for plan scale not smaller than one inch to one hundred feet (1"=100').
2. SALDO § 501.A.6. Modification of requirement for location map scale not smaller than one inch to one thousand feet (1"=1000').
3. SALDO § 501.C.19.303.J.12., 303.K.12. Deferral until final plan of requirements for metes and bounds descriptions of easements.
4. SALDO § 703.A.10. Deferral of requirement for curbing and sidewalk along Country Club Road, with required note on plan.

5. SALDO § 703.I.4. Waiver of requirement for depressed curb at driveway openings along PA Data Drive.
6. SALDO § 703.M.2. Waiver of requirements for grading of street right-of-way areas which are not part of the paved cartway or shoulder along Country Club Road and PA Data Drive.
7. [SLDO 707.] – Deferral of requirement for installation of sidewalks and pedestrian paths along both sides of PA Data Drive, with required note on plan.
8. [SALDO § 703.C.1. & Table 703.1] Modification of requirement for minimum street cartway and shoulder width for Country Club Road, which is classified as a Collector Road, to allow alternate street cartway and shoulder width.
9. [SALDO § 703.H.2.] Modification of requirement for minimum horizontal curve centerline radius along existing portion of Country Club Road.
10. [SALDO § 718.D.3.A., 718.D.4.A., 718.D.4.B., 718.D.4.C., 718.D.4.D.] Modification of requirements for minimum plan scale of not more than one inch to one hundred feet (1"=100') for required maps of physical resources within the Environmental Impact Assessment Report.
11. [SWMO 303.J.3.] – Modification of requirement for stormwater detention basin side slopes to not be steeper than four (4) units horizontal to one (1) unit vertical and for stormwater detention basin bottom slopes not to be less than two percent (2%).
12. [SWMO 303.K.9.] – Modification of requirement for stormwater drainage swales at a minimum grade of two percent (2%).
13. [SWMO 303.H.17., SWMO 303.H.18.] – Modification of requirement for all stormwater infiltration practices to infiltrate the stored volume within forty-eight (48) hours.
14. [SWMO 303.B.2.] – Modification of requirement for infiltration of surface water runoff at its source as the primary mechanism for stormwater management.

This letter will further notify you that, at their meeting on March 4, 2026, the Board of Supervisors of Middlesex Township approved the Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 1-A, subject to the following conditions:

1. That the applicant satisfies all comments and conditions of the Township Engineer, Bud Grove, P.E. in written review of J. Michael Hess, PE of Herbert, Rowland & Grubic, Inc. dated 03/02/2026 (copy enclosed), in a manner acceptable to the Township Engineer, subject to his final review.

2. That the applicant satisfies all comments of the Cumberland County Planning Department, in written report dated 09/09/2025 for Plan Number P25-727(copy enclosed), subject to final review by the Township Zoning Officer.
3. That the applicant provide at least two signed copies and a digital copy of the Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 1-A, for township records.
4. That per Section 710.E.2.b. of the Subdivision and Land Development Ordinance No. 8-2017, as amended, the applicant pays to Middlesex Township the required fee in lieu of dedication of park and recreation areas for the subdivision of \$1,000 per disturbed acre of development area, prior to the final plans being signed by the Township and released for recording.
5. That the applicant enters into a developer's agreement with Middlesex Township regarding required public improvements and posts financial security for required public improvements, as-built plans and engineering inspection fees for this plan with the Township in an amount acceptable to the Township Engineer and form acceptable to the Township Solicitor, prior to the final plans being signed by the Township and released for recording.

The above referenced waiver and conditions of plan approval were agreed upon by your representative, Justin Ross of Livic Civil, at the meeting on March 4, 2026, and must be verified in writing upon receipt of this notification of conditional plan approval.

Sincerely,

A handwritten signature in blue ink that reads "Mark D. Carpenter". The signature is written in a cursive, flowing style.

Mark D. Carpenter
Middlesex Township Zoning Officer

cc: Board of Supervisors
Township Solicitor
Township Engineer
Nick Long, Livic Civil, by email
Justin Ross, Livic Civil, by email
Mike Hess, HRG

EXHIBIT “D”

**(5/6/26 Final Land Development Decision
Phase 1-A)**

MIDDLESEX TOWNSHIP

350 N. MIDDLESEX ROAD, SUITE 1, CARLISLE, PA 17013

Phone Number 717-249-4409 or 844-256-7024 - Fax Number 249-8564

Board of Supervisors: Donald S. Geistwhite Jr., Philip A. Neiderer, William H. Goodhart

Date: May 6, 2026

To: Applicant for Plan Approval:
Petri Ottavainen, by email for
Carlisle Development Partners, LLC
1660 International Drive, Suite 500
McLean, VA 22102

Re: Notification of Conditional Plan Approval of
Final Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 1-A
Plan prepared by: Livic Civil
Plan dates: 11/21/2025; last revised 03/04/2026
Township File No. 26-5

Dear Applicant,

I write to you on behalf of the Board of Supervisors of Middlesex Township in my capacity as Township Zoning Officer.

This letter will notify you that, at their meeting on May 6, 2026, the Board of Supervisors of Middlesex Township approved relief from the following sections of the Middlesex Township Subdivision and Land Development Ordinance No. 8-2017 (SALDO), and the Middlesex Township Stormwater Management Ordinance No. 6-2011 (SWMO), for the Final Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 1-A, subject to providing written request and justification for each relief sought and listing the relief sought on the cover sheet of the plan set.

1. SALDO § 501.A.2. Modification of requirement for plan scale not smaller than one inch to one hundred feet (1"=100').
2. SALDO § 501.A.6. Modification of requirement for location map scale not smaller than one inch to one thousand feet (1"=1000').
3. SALDO § 703.A.10. Waiver of requirements for curbing and sidewalk along Country Club Road abutting the development property, with required note on plan. This waiver does not include requirements for roadway drainage facilities including road pavement base drains along abutting portions of Country Club Road.
4. SALDO § 703.I.4. Waiver of requirement for depressed curb at driveway entrance openings along PA Data Drive.

5. SALDO § 703.M., § 703.M.2. Waiver of requirements for grading of street right-of-way areas to a point 2 foot beyond the right-of-way line, which are not part of the paved cartway or shoulder along PA Data Drive.
6. SALDO § 703.M.2. Modification of requirements for grading of street right-of-way areas which are not part of the paved cartway or shoulder along Country Club Road.
7. [SLDO § 707.] – Deferral of requirement for installation of sidewalks and pedestrian paths along both sides of PA Data Drive, with required note on plan.
8. [SALDO § 703.C.1. & Table 703.1] Modification of requirement for minimum street cartway and shoulder width for Country Club Road, which is classified as a Collector Road, to allow alternate street cartway and shoulder width.
9. [SALDO § 703.H.2.] Modification of requirement for minimum street horizontal curve centerline radius along existing portion of Country Club Road.
10. [SALDO § 718.D.3.A., § 718.D.4.A., § 718.D.4.B., § 718.D.4.C., § 718.D.4.D.] Modification of requirements for minimum plan scale of not more than one inch to one hundred feet (1"=100') for required maps of physical resources within the Environmental Impact Assessment Report.
11. [SALDO § 718.D.3.B.] Deferral of requirements for submission of plans and elevations depicting the proposed size, square footage, height, number of rooms of buildings and/or other structures.
12. [SWMO § 303.J.3.] – Modification of requirement for stormwater detention basin side slopes to not be steeper than four (4) units horizontal to one (1) unit vertical and for stormwater detention basin bottom slopes not to be less than two percent (2%).
13. [SWMO § 303.K.9.] – Modification of requirement for stormwater drainage swales at a minimum grade of two percent (2%).
14. [SWMO § 303.H.17.] – Modification of requirement for all stormwater infiltration practices to infiltrate the stored volume within forty-eight (48) hours.
15. [SWMO § 303.B.2.] – Modification of requirement for infiltration of surface water runoff at its source as the primary mechanism for stormwater management.

This letter will further notify you that, at their meeting on May 6, 2026, the Board of Supervisors of Middlesex Township approved the Final Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 1-A, subject to the following conditions:

1. That the applicant satisfies all comments and conditions of the Township Engineer, Bud Grove, P.E. in written review of J. Michael Hess, PE of Herbert, Rowland & Grubic, Inc. dated 03/27/2026 (copy enclosed) in a manner acceptable to the Township Engineer, subject to his final review.
2. That the applicant satisfies all comments of the Cumberland County Planning Department, in written report dated 03/13/2025 for Plan Number P26-107 (copy enclosed), subject to final review by the Township Zoning Officer.
3. That per Section 710.E.2.b. of the Subdivision and Land Development Ordinance No. 8-2017, as amended, the applicant pays to Middlesex Township the required fee in lieu of dedication of park and recreation areas for the subdivision of \$1,000 per disturbed acre of development area, prior to the final plans being signed by the Township and released for recording.
4. That the applicant enters into a developer's agreement with Middlesex Township regarding required public improvements and posts financial security for required public improvements, as-built plans and engineering inspection fees for this plan with the Township in an amount acceptable to the Township Engineer and form acceptable to the Township Solicitor, prior to the final plans being signed by the Township and released for recording.
5. That, when plans are released by Middlesex Township for recording at the Cumberland County Office of the Recorder of Deeds, the applicant records all plan sheets of the plan set; and provide both a digital PDF file and at least one paper copy of the plan as recorded and the Recorder of Deeds Certification Page for township records.

The above referenced waivers and conditions of plan approval were agreed upon by your representative, Charles M. Courtney, Esquire, at the meeting on May 6, 2026, and must be verified in writing upon receipt of this notification of conditional plan approval.

Sincerely,



Mark D. Carpenter
Middlesex Township Zoning Officer

cc: Board of Supervisors
Township Solicitor
Township Engineer
Nick Long, Livic Civil, by email
Justin Ross, Livic Civil, by email
Mike Hess, HRG
Charles M. Courtney, Esquire, by email

EXHIBIT “E”

**(5/6/26 Preliminary Land
Development Decision for Phase 1-B)**

MIDDLESEX TOWNSHIP

350 N. MIDDLESEX ROAD, SUITE 1, CARLISLE, PA 17013

Phone Number 717-249-4409 or 844-256-7024 - Fax Number 249-8564

Board of Supervisors: Donald S. Geistwhite Jr., Philip A. Neiderer, William H. Goodhart

Date: May 6, 2026

To: Applicant for Plan Approval:
Petri Ottavainen, by email for
Carlisle Development Partners, LLC
1660 International Drive, Suite 500
McLean, VA 22102

Re: Notification of Conditional Plan Approval of
Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 1-B
Plan prepared by: Livic Civil
Plan dates: 11/21/2025; last revised 04/14/2026
Township File No. 25-25

Dear Applicant,

I write to you on behalf of the Board of Supervisors of Middlesex Township in my capacity as Township Zoning Officer.

This letter will notify you that, at their meeting on May 6, 2026, the Board of Supervisors of Middlesex Township approved relief from the following sections of the Middlesex Township Subdivision and Land Development Ordinance No. 8-2017 (SALDO), and the Middlesex Township Stormwater Management Ordinance No. 6-2011 (SWMO), for the Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 1-B, subject to providing written request and justification for each relief sought and listing the relief sought on the cover sheet of the plan set.

1. SALDO § 501.A.2. Modification of requirement for plan scale not smaller than one inch to one hundred feet (1"=100').
2. SALDO § 501.A.6. Modification of requirement for location map scale not smaller than one inch to one thousand feet (1"=1000').
3. SALDO § 501.C.19., § 303.J.12., § 303.K.12. Deferral until final plan of requirements for metes and bounds descriptions of easements.
4. SALDO § 703.A.10. Waiver of requirements for curbing and sidewalk along Country Club Road and PA Data Drive abutting the development property, with required note on plan.

This waiver does not include requirements for roadway drainage facilities including road pavement base drains along abutting portions of Country Club Road and PA Data Drive.

5. SALDO § 703.I.4. Waiver of requirement for depressed curb at driveway entrance openings along PA Data Drive.
6. [SLDO § 707.] – Waiver of requirements for installation of sidewalks and pedestrian paths along both sides of new interior streets, with required note on plan.
7. [SALDO § 718.D.3.A., § 718.D.4.A., § 718.D.4.B., § 718.D.4.C., § 718.D.4.D.] Modification of requirements for minimum plan scale of not more than one inch to one hundred feet (1"=100') for required maps of physical resources within the Environmental Impact Assessment Report.
8. [SWMO § 302.A.13.] – Deferral until final plan of requirements to provide construction details for stormwater inlets.
9. [SWMO § 303.H.12.] – Deferral until final plan of requirements for to provide Geotechnical Engineer certification of stormwater management Managed Released Concept (MRC) design.
10. [SWMO § 303.J.3.] – Modification of requirement for stormwater detention basin side slopes to not be steeper than four (4) units horizontal to one (1) unit vertical and for stormwater detention basin bottom slopes not to be less than two percent (2%).
11. [SWMO § 303.H.17.] – Modification of requirement for all stormwater infiltration practices to infiltrate the stored volume within forty-eight (48) hours.
12. [SWMO § 303.B.2.] – Modification of requirement for infiltration of surface water runoff at its source as the primary mechanism for stormwater management.
13. [SWMO § 719.B.2., § 719.B.3.] – Deferral until final plan of requirements to provide final landscaping plan.

This letter will further notify you that, at their meeting on May 6, 2026, the Board of Supervisors of Middlesex Township approved the Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 1-B, subject to the following conditions:

1. That the applicant satisfies all comments and conditions of the Township Engineer, Bud Grove, P.E. in written review letter #3 of J. Michael Hess, PE of Herbert, Rowland & Grubic, Inc. dated 04/09/2026 and 04/10/2026 (copies enclosed) in a manner acceptable to the Township Engineer, subject to his final review.

2. That the applicant satisfies all comments and conditions of the Township Engineer, Bud Grove, P.E. in written sound study review letter #1 of J. Michael Hess, PE of Herbert, Rowland & Grubic, Inc. dated 04/23/2026 (copy enclosed) in a manner acceptable to the Township Engineer, subject to his final review.
3. That the applicant satisfies all comments of the Cumberland County Planning Department, in written report dated 01/02/2025 for Plan Number P25-1134 (copy enclosed), subject to final review by the Township Zoning Officer.
4. That a restrictive covenant be added to the plan by note stating that no water wells will be drilled on the property and that all existing water wells on the property will be properly abandoned and sealed in accordance with PA DEP regulations.
5. That per Section 710.E.2.b. of the Subdivision and Land Development Ordinance No. 8-2017, as amended, the applicant pays to Middlesex Township the required fee in lieu of dedication of park and recreation areas for the subdivision of \$1,000 per disturbed acre of development area, prior to the final plans being signed by the Township and released for recording.
6. That the applicant enters into a developer's agreement with Middlesex Township regarding required public improvements and posts financial security for required public improvements, as-built plans and engineering inspection fees for this plan with the Township in an amount acceptable to the Township Engineer and form acceptable to the Township Solicitor, prior to the final plans being signed by the Township and released for recording.

The above referenced waivers and conditions of plan approval were agreed upon by your representative, Charles M. Courtney, Esquire at the meeting on May 6, 2026, and must be verified in writing upon receipt of this notification of conditional plan approval.

Sincerely,



Mark D. Carpenter
Middlesex Township Zoning Officer

cc: Board of Supervisors
Township Solicitor
Township Engineer
Nick Long, Livic Civil, by email
Justin Ross, Livic Civil, by email
Mike Hess, HRG
Charles M. Courtney, Esquire, by email