

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Ida F. Surguy, legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone; for the following reasons:

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for SAND AND GRAVEL QUARRY

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Stonchill's, Inc.
Contract purchaser
Address: Box 236
Aberdeen, Maryland 21001

Ida F. Surguy
Legal owner
Address: Rt. 16, Box 220
Baltimore, Maryland 21202

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of March, 1972, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of April, 1972, at 1:00 o'clock

Walter A. Reiter, Jr.
Zoning Commissioner of Baltimore County

(over)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. S. Eric DiNenno, Zoning Commissioner Date: April 14, 1972
FROM: George E. Govevells, Director of Planning
SUBJECT: Petition #72-244-X, North side of Ebenezer Road 2100 feet east of Bird River Beach Road.
Petition for Special Exception for a Sand and Gravel Quarry.
Mrs. Ida F. Surguy - Petitioner
15th District
HEARING: Monday, April 17, 1972 (1:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comments to make:

Section 403 of the Zoning Regulations requires that applications for special exceptions for controlled excavations be accompanied by plans which not only show proposed use of land and grading during excavations but grading plans after excavation is completed. As of yet, we have not received these plans and cannot make comment on the appropriateness of the final grading plan after this project has been completed, quarried out. The petitioner's site plan itself affirms that residential use of the land is the appropriate long term use for the property. Yet, the plan proposes to simply leave a hole in the ground not at all related to future use of the entire property. Final grading plans are a critical factor in determining whether or not this proposed excavation is a good use and the restrictions which might be recommended here. Additionally no information on what processing operations the petitioner intends to carry on this site i.e. washing plants, truck storage, etc., is shown.

As pointed out in the Zoning Advisory Committee comments, the road network serving this property is not adequate to the task of providing access to this property for any volumes of large heavy trucks. There are no road improvements in either the County's 5-Year Capital Program or the State Highway Administration's 5-Year Program, although the State Highway Administration is investigating the feasibility of constructing an overpass on Ebenezer Road at the Penn Central Main Line in the vicinity of this project.

Some of the property may be included by the State within the officially-designated wetlands area. Specific comments and approval may then be required from the Department of Natural Resources.

Until such time as we receive the complete set of proposed grading and operations plans for this project we must oppose this petition relative to the requirements of Section 502.1 of the Zoning Regulations. We do believe that the hearing should be continued until such time as the additional plans are submitted and reviewed.

RE: PETITION FOR SPECIAL EXCEPTION :
for a Sand and Gravel Quarry :
N/S Ebenezer Road 2100' :
E. of Bird River Road :
15th District :
Ida F. Surguy, Petitioner :
Stonchill's, Inc., :
Contract Purchaser :
BALTIMORE COUNTY :
No. 72-244-X

ORDER OF DISMISSAL

Petition of Ida F. Surguy and Stonchill's, Inc., Contract Purchaser, for a special exception for a Sand and Gravel Quarry on property located on the north side of Ebenezer Road, 2100 feet east of Bird River Road, in the Fifteenth Election District of Baltimore County.

WHEREAS, in open hearing before the Board of Appeals on April 10, 1973 and prior to the taking of any testimony, the attorney for the petitioner-appellant dismissed the appeal taken on behalf of the petitioner in the above entitled matter.

It is hereby ORDERED this 13th day of April, 1973, that said appeal be and the same is dismissed.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slowik
John A. Slowik, Chairman

W. Giles Parker
W. Giles Parker

Walter A. Reiter, Jr.
Walter A. Reiter, Jr.

RE: PETITION FOR SPECIAL :
EXCEPTION :
N/S of Ebenezer Road, :
2100' E of Bird River Road - :
15th District :
Ida F. Surguy - Petitioner :
No. 72-244-X (Item No. 127) :
BALTIMORE COUNTY

The Petitioner requests a Special Exception for a Sand and Gravel Quarry in a R.D.P. Zone. Said property is located on the north side of Ebenezer Road, twenty-one hundred (2100) feet east of Bird River Road, in the Fifteenth District of Baltimore County, containing 129.14 acres of land, more or less.

Testimony on behalf of the Petitioner indicated that the subject property is to be quarried for sand and gravel. Said quarrying would take place for a period of fifteen (15) years, at the end of such time, said property would be developed into a subdivision with that portion of the property established for a quarry being maintained as a lake. It was indicated that quarrying would be of a wet process, wherein a lake would be mined continuously until it reached an approximate depth of seventy-five (75) feet.

Dr. Jonathan Edwards, a qualified geologist testifying on behalf of the Petitioner, indicated that many lands could have been mined for sand and gravel, but have been subdivided and developed residentially. He also indicated that there is approximately five thousand (5,000) acres of land remaining in this area for such mining. It was further indicated that there was a need for a sand and gravel operation in Baltimore County as other operations are depleting. The subject property is part of the said remaining land that could be used for the mining of sand and gravel.

The subject property is located on Ebenezer Road, which is a narrow, two-way, twenty (20) foot wide road, with several culverts over streams that are approximately nineteen (19) to twenty (20) feet wide. There was extensive testimony pertaining to the traffic on Ebenezer Road. There is

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MD. 21204

December 29, 1971

DESCRIPTION TO ACCOMPANY ZONING PETITION
SPECIAL EXCEPTION FOR QUARRYING OPERATIONS
IN AN EXISTING R.D.P. ZONE

Beginning for the same at a point in the center of Ebenezer Road approximately 2100 feet east of Bird River Beach Road, thence running and binding along the center of Ebenezer Road the four following courses and distances, viz: (1) North 79°04'24" West 86.48 feet, (2) North 86°12'40" West 151.33 feet, (3) South 86°06'24" West 363.20 feet, and (4) South 79°06'40" West 858.20 feet, thence leaving said road North 26°58'30" West 157.50 feet, South 63°01'30" West 148.00 feet, South 76°31'30" West 152.50 feet, and South 76°31'30" West 322.60 feet, thence running and binding with Bird River Beach Road the five following courses and distances, viz: (1) North 25°58'30" West 1428.17 feet, (2) North 63°46'30" East 30.50 feet, (3) North 17°58'30" West 69.00 feet, (4) North 26°43'30" West 350.00 feet, and (5) North 23°58'30" West 159.00 feet, thence leaving said road North 27°58'30" West 200.00 feet, North 11°58'30" West 40.00 feet, North 3°31'30" East 100.00 feet, North 8°46'30" East 100.00 feet, North 22°16'30" East 50.00 feet, North 33°16'30" East 84.00 feet, North 16°46'30"

also a great amount of operations and other qualified traffic would not have been that it is present. The in their opinion of granted. Some re because it would felt that it should to the health, safe. The of this Special Ex Petitioner, that th of this area. Pub did state that ther owner, Mr. Willi water table may b With the evidence pres sioner, the prero Regulations have Tra because it is very the size of vehicl As Mr. William Hach quarrying operati Petitioner admit

DESCRIPTION TO ACCOMPANY
SPECIAL EXCEPTION FOR QUARRYING OPERATIONS
IN AN EXISTING R.D.P. ZONE

East 90.00 feet, No
West 16.00 feet, No
East 1401.00 feet,
place of beginning.
Containing 129

DATE: November 6, 1972
BY: Ida F. Surguy

JOHN W. HARDWICKE
SUITE 710
THE W. H. GRACE & CO. BUILDING
BALTIMORE & CHARLES STREETS
BALTIMORE, MARYLAND 21201

TELEPHONE
(410) 685-1717

December 1, 1972

S. Eric Di Nenna
Zoning Commissioner
Baltimore County, Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
N/S of Ebenezer Road,
2100' S of Bird River Road - 15th District
Ida F. Surguy - Petitioner
No. 72-244-X (Item No. 127)

Mr. Commissioner:

Please note that Ida F. Surguy, Petitioner and Stancill's, Inc., contract purchaser from Petitioner, in the above captioned case, do hereby take an appeal from the findings contained in your Order dated November 6, 1972. The grounds for this Appeal are that the decision did not take into account the expert testimony presented by Petitioner and did not take into account the willingness of Petitioner to accept as conditions of its request certain restrictions with respect to the usage of roads and with respect to one well which might have been adversely affected by mining operations.

I am enclosing herewith check of Stancill's, Inc. in the amount of \$70.00 which is required for the filing of this Appeal.

Very truly yours,

Enclosure

GEORGE WILLIAM STEPHENS JR.
AND ASSOCIATES, INC.
ENGINEERS

303 ALLEGHENY AVENUE
P.O. Box 6828
TOWSON, MD 21204
VALLEY 8-8100

EQUITABLE BLDG.
BAL. AVE. MD 21204
870-1800
888-3800

GEORGE WILLIAM STEPHENS JR., P.E.
JAMES D. LAMBERT, JR., P.E.
JOHN H. JESSOP, JR., P.E.

CHARLES E. FICK, P.E.
LEE B. JOHNSON, JR.
WILLIAM R. SUDECK, P.E.
FRANCIS W. TULLY, JR., P.E.
DOR JENCKA, J. ALL
NORMAN G. BAKER

July 10, 1972

Mr. S. Eric Di Nenna,
Zoning Commissioner
Office of Planning & Zoning
Baltimore Co. Office Building
Towson, Maryland 21204

Re: Surguy Property (Stancill)
Windlass Freeway

Dear Mr. Di Nenna:

Enclosed herewith is a letter and copy of plat from the State Highway Administration, Development Engineering Section showing a tentative alignment of proposed Windlass Freeway and its effect to subject property.

As stated in the enclosed letter, Windlass Freeway is included in the 20-year needs study and the timing of its proposed construction and even location is very tentative.

I hope that this is the information that you so desired prior to rendering a decision on subject case.

If I can be of any further assistance, please do not hesitate to contact me.

Very truly yours,

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

William R. Sudeck, P.E.

WRS/rhc
Enc
cc: John W. Hardwicke, Esq.



STATE HIGHWAY ADMINISTRATION

300 WEST PRESTON STREET
BALTIMORE, MD 21201

ESTABLISHED FEBRUARY 2, 1907 BY ACT OF MARYLAND, NO. 100

June 30, 1972

Mr. William R. Sudeck
George William Stephens & Assoc.
303 Allegany Avenue
P.O. Box 303
Towson, Maryland 21204

Re: Baltimore County
Windlass Freeway
Surguy Property

Dear Mr. Sudeck:

This office and our Bureau of Locations & Surveys has reviewed the location of the Surguy Property and find that it is effective by our preliminary Windlass Freeway alignment schemes. This affect is shown in brown on the attached plan.

This project is not currently funded in this Administration's 5 Year Construction Program (1973-1977), but it is included in the Twenty Year Needs Study.

It must be emphasized that the information contained herein is tentative subject to change without prior notice to you.

We trust that this information is sufficient for your present needs.

Very truly yours,

Charles Lee, Chief
Development Engineering Section

by: J. Kestling
Asst. Development Engineer

RECEIVED

JUL 8 1972

GEO. W. STEPHENS, JR.
ASSOCIATES, INC.

cc: Mr. Hopkins

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

March 14, 1972

John W. Hardwicke, Esq.,
710 W. R. Grace & Co. Bldg.,
10 East Baltimore Street
Baltimore, Maryland 21202

Re: Type of Hearings Special for quarrying
Location N/S Ebenezer Road, 2100' W.
of Bird River Beach Road
Petitioner: Ida F. Surguy
Committee Meeting of Feb. 2, 1972
15th District
Item 127

Dear Sirs:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is located on the north of Ebenezer Road and the east side of Bird River Beach Road. It comprises a total of 129 acres and is relatively flat. There is an existing woods that surround a large portion of this property; however, approximately half of that area will be the subject of the quarrying operation. There is some residential development along both Bird River Beach Road and Ebenezer Road. The prime use of the area surrounding the site is farming. There are no curb and gutters existing along Bird River Beach Road or Ebenezer Road at this location.

BUREAU OF ENGINEERING:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Ebenezer Road, an existing public road, is proposed to be improved in the future as a 50-foot closed-type roadway cross section on a 70-foot right-of-way.

John W. Hardwicke, Esq.,
Re: Ida F. Surguy
Page 2
Item 127

March 14, 1972

Bird River Beach Road, an existing public road, is proposed to be improved in the future as a 40-foot closed-type roadway cross section on a 60-foot right of way. Highway improvements, including highway right of way and widening and any necessary reversible easements for slopes will be required in connection with any grading or building permit applications.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be designed in accordance with Baltimore County Standards.

The Petitioner's proposed use for this acreage will subject to existing roads, culverts and bridges in the vicinity to heavy loads, perhaps beyond their present capacity.

Sediment Control:

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the striping of top soil.

Drainage studies and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

Storm Drainage:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Drainage and utility easements, flood plains and drainage reservations are required through this property.

Water and Sanitary Sewers:

Public water supply and sanitary sewerage are not available to serve this property.

John W. Hardwicke, Esq.,
Re: Ida F. Surguy
Page 3
Item 127

PROJECT PLANNING DIVISION:

The Office of Planning has reviewed the subject site plan and offers the following comments:

1. We would like to see a plan for developing this property "Residentially at the completion of quarrying operation", as is stated on the plan. This has to be a problem with a seventy-five foot lot as shown on the plan.
2. We concur with the Bureau of Engineering and the Department of Traffic Engineering that the roads leading to the site may not be adequate to handle the equipment necessary for the proposed operation.

HEALTH DEPARTMENT:

Complete soil evaluation must be completed and potable water supply must be provided prior to approval or issuance of any permit.

Air Pollution Comments: The building or buildings on this site may be subject to registration and compliance with the Maryland State Health Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltimore County Department of Health.

Department of Water Resources Comments: If lubrication work and oil changes are performed at this location, revised plans must be submitted showing method providing for the elimination of waste oil in accordance with the Department of Water Resources requirements.

BOARD OF EDUCATION:

Would only result in a loss of potential students if used for quarrying purposes.

DEPT. OF TRAFFIC ENGINEERING:

Bird River Beach Road and Ebenezer Road are not of sufficient width for large trucks. Bird River Beach Road and Ebenezer Road should be checked for paving thickness prior to granting this special exception.

John W. Hardwicke, Esq.,
Re: Ida F. Surguy
Page 4
Item 127

ZONING ADMINISTRATION DIVISION:

This office is forwarding copies of the development plan to both U.S. Bureau of Mines and the Department of Natural Resources for the State of Maryland, and the petitioner will be advised as to the comments of these two agencies when they are received by this office. We are also concerned, as pointed out by the Dept. of Traffic Engineering and State Highway Administration and Bureau of Engineering, regarding the apparent inadequacy of the roads in this area to handle large truck traffic that would be generated from this use. We agree with the Planning Department that a proposed residential development plan should be submitted as indicated on the plan. We also request the revised plans prior to the hearing should indicate the existing elevations of the land at this point, both existing and proposed when the excavations are completed. This office would also like to advise the petitioner that there are several areas of this property that are being used for dumping purposes. He should endeavor to have these areas cleaned of all junk and debris and continue to police the area to avoid this problem in the future. This is a violation of the Zoning Regulations of Baltimore County.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Oliver L. Myers, Chairman

JJD:JD
Enc.

COMMISSIONER
MAURICE BEBEL
CHAIRMAN
J. HENRY SCHLAPP
N. LAMAR GREEN
ROBERT J. MILLON
DON A. EMMERSON



HERBERT W. BACHS
DIRECTOR

STATE OF MARYLAND
DEPARTMENT OF WATER RESOURCES

STATE OFFICE BUILDING
ANNEAPOLIS, MARYLAND 21401

March 22, 1972

Baltimore County Office of Planning
& Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Attention: Mr. John J. Dillon, Jr.

Gentlemen:

The following comments are provided on the request for special exceptions described in your letter of March 10, 1972 on the following two zoning cases:

Item 127 - Subguy property at Bird River Beach Road and Ebenezer Road

Item 136 - H. T. Campbell Co. Texas Md. Quarry

This Department has no objection to the proposed quarrying at these two sites but wishes to advise both these owners that permits from this Department will be required if water is to be taken from these ponds or if any wash water or waste water is planned to be discharged into any stream. As you are aware grading and sediment control plans are likely required for these quarrying operations and these are reviewed and approved by the Baltimore Soil Conservation District. No permit from this Department is required for the quarrying operation itself as long as no stream is changed in cross-section and any pondage of water is entirely below the existing ground surface and not confined by embankments above existing ground level.

For any further information on approvals by this Department, the owners of items 127 and 136 should consult Mr. Brunori and Mr. Chicca, respectively, the Watershed Managers of our Department for these areas.

Very truly yours,

Robert J. Norton, Jr.
Robert S. Norton, Jr.
Chief, Surface Water Management

RSN:INC:jh



United States Department of the Interior
BUREAU OF MINES
400 FORBES AVENUE
PITTSBURGH, PENNSYLVANIA 15213

March 21, 1972

Mr. John J. Dillon, Jr.
Zoning Technician II
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Dillon:

This is in answer to your letter of March 10, 1972, concerning two petitions by mining companies for exceptions to zoning regulations in your county.

As we discussed on the telephone, according to Public Law 89-577 the Bureau of Mines Metal and Nonmetal Mine Health and Safety activity only has a regulatory function. This limits our activities to enforcement of the standards promulgated by the advisory committee. These standards apply only to health and safety conditions directly involved in mining operations.

We are able to give you our impressions of the companies involved in these petitions as they were gained by field inspection personnel in the course of enforcing the standards.

Item No. 136 refers to an application by Harry T. Campbell Sons' Company at the Texas, Maryland quarry located in the eighth election district. We have inspected an underground mining operation and a stone quarry operation, each in conjunction with stone processing and associated facilities. We currently carry this company as the Texas Maryland Quarry and Plant, Harry T. Campbell Sons' Company, Division of the Flintkote Company, Texas, Baltimore County, Maryland. We have found this company to be responsible and willing to cooperate with our inspections done in accordance with Public Law 89-577. It would seem the company could be relied upon to discharge their responsibilities according to their request for this special exception.

You indicated on the telephone that item No. 127 referred to Stan-
-ill Corporation, Aberdeen, Harford County, Maryland. We do not
have any record of conducting inspections on this company's prop-
erty; therefore, we are not in a position to comment on our
impression of their activities.

If we can be of further assistance, please let us know.

Sincerely yours,

Arthur H. Yarberry
Arthur H. Yarberry
Subdistrict Manager
Metal and Nonmetal Mine
Health and Safety
Eastern District



COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
H. B. STAAB
DIRECTOR

INDUSTRIAL DEVELOPMENT COMMISSION
BALTIMORE COUNTY, MARYLAND

April 7, 1972

To: Mr. S. Eric DiNanna, Zoning Commissioner

From: H. B. Staab - Industrial Development Commission

Re: Petition No. 72-244-X
North side Ebenezer Road at Bird River Beach Road
15th District
Special exception for sand and gravel quarry

This office has reviewed the subject site and offers the following comments:

The need for sand and gravel in the construction industry in the area is constantly increasing. Where deposits of such materials exist as a natural resource, excavation should be permitted if it is in the best interest of the people.

We believe such a condition exists at this location and the request for a special exception should be given favorable consideration.

H.B. Staab
H. B. STAAB
Director



STATE HIGHWAY ADMINISTRATION
300 WEST PRESTON STREET
BALTIMORE, MD 21201

May 17, 1972

Mr. S. Eric DiNanna
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

Re: ITEM 127, Revised Plan
Property Owner: Ida F. Surgey
Location: N/S Ebenezer Road,
2100' W. of Bird River
Beach Road
Proposed Zoning: R.S.P.
Proposed Zoning: Special
Exception for quarrying
15th District
Windless Freeway

Dear Mr. DiNanna:

It is noted that the subject revised plan, dated April 11, 1972, indicates a section of the property to be divided into many individual lots.

Our review of this plan revealed that the property will be seriously affected by the proposed Windless Freeway. Upon submission of additional copies of the plan the aforementioned effects will be indicated thereon and transmitted to you and to the petitioner.

Very truly yours,

Charles Lee, Chief
Development Engineering Section
John C. Myers
Asst. Development Engineer

CLJ:EMH



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. S. Eric DiNanna
ATTN: Oliver L. Myers
FROM: William H. Dwyer, P.E.
SUBJECT: Item 127 (1971-1972)
Property Owner: Ida F. Surgey
N/S Ebenezer Road, 2100' W. of Bird River Beach Road
Present Zoning: R.S.P.
Proposed Zoning: Special Exception for quarrying
District 15th
No. Acres: 129.14

The following comments are furnished in regard to the plan submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways

Ebenezer Road, an existing public road, is proposed to be improved in the future as a 50-foot closed-type roadway cross-section on a 70-foot right-of-way.

Bird River Beach Road, an existing public road, is proposed to be improved in the future as a 40-foot closed-type roadway cross-section on a 60-foot right-of-way. Highway improvements, including highway right-of-way and widening and any necessary reversible easements for slopes will be required in connection with any grading or building permit applications.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be designed in accordance with Baltimore County Standards.

The Petitioner's proposed use for this acreage will subject the existing roads, culverts and bridges in the vicinity to heavy loads, perhaps beyond their present capacity.

Sediment Control

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Drainage studies and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

Storm Drains

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

Item 127 (1971-1972)
Property Owner: Ida F. Surgey
Page 2
February 16, 1972

Storm Drains (Cont'd)

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the construction of surface waters. Construction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Drainage and utility easements, flood plains and drainage reservations are required through this property.

Water and Sanitary Sewers

Public water supply and sanitary sewerage are not available to serve this property.

William H. Dwyer
WILLIAM H. DWYER, P.E.
Chief, Bureau of Engineering

END:SAW:PMH

NE 7 K & L Fry Sheets
NW-SW Topo
83 Tax Map

cc: John J. Trenner

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric DiNanna
Zoning Commissioner
TO: Richard B. Williams
FROM: Project Planning Division
SUBJECT: Zoning Advisory Agenda Item #17
Date: February 23, 1972

February 8, 1972
Ida F. Surgey
N/S Ebenezer Road, 2100' W. of
Bird River Beach Road

The Office of Planning has reviewed the subject site plan and offers the following comments:

1. We would like to see a plan for developing this property "residentially at the completion of the quarrying operation" as is stated on the plan. This has to be a problem with a seventy-five foot hole as shown on the plan.
2. We concur with the Bureau of Engineering and the Department of Traffic Engineering that the roads leading to the site may not be adequate to handle the equipment necessary for the proposed operation.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver Myers
FROM: Hoyt V. Konner
SUBJECT: Item 127 - Zoning Advisory Committee Meeting, February 8, 1972
Date: February 9, 1972

127. Property Owner: Ida F. Surgey
Location: N/S Ebenezer Rd., 2100' W. of Bird River Beach Road
Present Zoning: R.S.P.
Proposed Zoning: Special Exception for quarrying
District: 15
No. Acres: 129.14

Complete soil evaluation must be completed and potable water supply must be provided prior to approval or issuance of any permit.

Air Pollution Comments: The building or buildings on this site may be subject to registration and compliance with the Maryland State Health Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltimore County Department of Health.

Department of Water Resources Comments: Lubrication work and oil changes are performed at this location. Revised plans must be submitted showing method providing for the elimination of waste oil in accordance with the Department of Water Resources requirements.

Hoyt V. Konner
Sanitarian II

Petitioner: Ida F. Surgey
Location: N/E Corner Rd., 2100' W of Bird River Beach Rd
District: 15
Present Zoning: ROP
Proposed Zoning: S.C. For Quarrying
No. of Acres: 12.914

Comments: Would only result in a loss of potential students
if used for quarrying purposes.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF TRAFFIC ENGINEERING
JEFFERSON BUILDING
TOWSON, MARYLAND 21204
INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNema
Attn: Oliver L. Myers
Date: February 17, 1972
FROM: Michael S. Flanigan
SUBJECT: Item 127 - ZAC - February 8, 1972
Property Owner: Ida F. Surgy
Ebenezer Road W. of Bird River Beach Road
Special Exception for quarrying

Bird River Beach Road and Ebenezer Road are not of sufficient width
for large trucks. Bird River Beach Road and Ebenezer Road should be
checked for paving thickness prior to granting this special exception.

Michael S. Flanigan
Traffic Engineer Associate

MSF:nr

ORIGINAL
OFFICE OF
THE TIMES
NEWSPAPERS
RANDALLSTOWN, MD. 21133 April 3 - 1972

THIS IS TO CERTIFY that the annexed advertisement of
S. Eric DiNema, Zoning Commissioner of Baltimore Co.
was inserted in the following

☐ Catonsville Times ☐ Towson Times
☐ Dundalk Times ☐ Annapolis Times
☒ Essex Times ☐ Community Times

weekly newspaper published in Baltimore County, Maryland, once a
week for one week before the 3rd day
of APRIL, 1972, that it to say, the same was inserted in
the issue of March 30, 1972.

STROMBERG PUBLICATIONS, INC.

By Rock Morgan

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 30, 1972
THIS IS TO CERTIFY that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., once in each
week, one time before the 17th
day of April, 1972, the newspaper publication
appearing on the 30th day of March,
1972.

THE JEFFERSONIAN
S. L. Smith, Jr.
Manager
Cost of Advertisement, \$ 4.00

2 Signs
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland #72-244-1
District: 15
Date of Posting: Mar 30-72
Posted for: Shirley Mandy Jan 17 1972 O. L. R. P.
Petitioner: Ida F. Surgy
Location of property: N/E of Ebenezer Rd. 2100' East of Bird
River Beach Rd.
Location of Sign: On N/E of Ebenezer Rd. 1 Post on East
Side Bird River Beach Rd.
Remarks:
Posted by: Frank H. Shaw Date of return: April 6-72

PETITION MAPPING PROGRESS SHEET									
FUNCTION	Well Map		Original		Duplicate		Tracing		200 Sheet
	date	by	date	by	date	by	date	by	date
Descriptions checked and outline plotted on map									
Petition number added to outline									
Denied									
Granted by ZC, BA, CC, CA									
Reviewed by: <u>DFM</u>	Revised Plans:				Change in outline or description Yes				
Previous case:	Map # <u>AC-605B?</u>				No				

John W. Hardwick, Esq.
170 N. Howard St. 2nd Fl.
Baltimore, Maryland 21201
BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Your Petition has been received and accepted for filing
this 7th day of March, 1972
Petitioner: Ida F. Surgy
Petitioner's Attorney: John W. Hardwick
Reviewed by: Michael S. Flanigan
Chairman of
Advisory Committee

2 Signs
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland #72-244-1
District: 15
Date of Posting: 12-21-72
Posted for: Ida F. Surgy
Petitioner: Ida F. Surgy
Location of property: N/E of Ebenezer Rd. 2100' East of Bird River
Beach Rd.
Location of Sign: On N/E of Ebenezer Rd. 1 Post on East
Side Bird River Beach Rd.
Remarks:
Posted by: Frank H. Shaw Date of return: 12/2-72

BALTIMORE COUNTY, MARYLAND No. 5849
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE February 14, 1972 ACCOUNT 01-642
AMOUNT \$78.00
DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER
John W. Hardwick, Esquire
Cost of Appeal on Case No. 72-244-1
N/E of Ebenezer Road, 2100' E of Bird River Road
15th District 5000 MC
Ida F. Surgy - Petitioner 7000 MC

BALTIMORE COUNTY, MARYLAND No. 5058
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE March 1, 1972 ACCOUNT 01-642
AMOUNT \$100.00
DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER
John W. Hardwick, Esquire
Posting of Appeal on Case No. 72-244-1
N/E of Ebenezer Road, 2100' E of Bird River Road
15th District 1000 MC
Ida F. Surgy - Petitioner 1000 MC

BALTIMORE COUNTY, MARYLAND No. 5024
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE Sept. 25, 1972 ACCOUNT 01-642
AMOUNT \$58.75
DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER
Stonerville Inc.
P.O. Box 236
Aberdeen, Md. 21001
Advertising cost of property No. Ida F. Surgy
72-244-1 58.75 MC

BALTIMORE COUNTY, MARYLAND No. 2106
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE March 27, 1972 ACCOUNT 01-642
AMOUNT \$28.00
DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER
Stonerville Inc.
Box 236
Aberdeen, Md. 21001
Petition for Special Exception for Mrs. Ida Surgy
72-244-1 28.00 MC

72-244-1

Zoning Commissioners of Baltimore County
County Office Building
Towson, Maryland 21204

Dear Sir:

I have executed an application for a special exception covering my property in Baltimore County on Ebenezer Road in order to permit my purchaser, Stancill's, Inc., to extract sand and gravel from this property. This property has been on the market for approximately two years and contains, I understand, a vast reservoir of excellent concrete sand. It would be a great pity if my property could not be used for this most obvious purpose since I would lose the possibility of consummating this sale because of doubts as to this commercial activity. On at least one occasion some years ago I permitted others to extract sand from this property, and I understand that there are fairly large scale mining activities being conducted on the lands of others in the vicinity.

In summary, it seems to me that the best use of my land would permit the removal of this large deposit of sand and I hope that my representatives in the County government will cooperate with my prospective purchaser.

Very truly yours,

Ida F. Surguy
Ida F. Surguy

JOHN W. HARDWICKE
Suite 710
The W. R. Grace and Co. Building
Baltimore & Charles Streets
Baltimore, Maryland 21201

Mrs. Patricia Porter
Route 16 Box 268
Baltimore, Maryland 21220

Dear Mrs. Porter:

It is the purpose of this letter to advise you that my client Stancill's, Inc., has authorized me to give you their guarantee that any mining of the Surguy property will be conducted in conformity with the covenants and contractual commitments attached to our letter of April 13, 1972.

This agreement with respect to mining will stand regardless of the outcome of our hearing on April 17, 1972 and any appeal which may be taken, however, in no event will they sell the property or any part of the property for residential purposes having a greater density than one residence per acre and this agreement will be binding upon them in the same manner as the other covenants.

Very truly yours,

John W. Hardwick
John W. Hardwick

JWH:pm

cc: Stancill's, Inc.

JOHN W. HARDWICKE
Suite 710
The W. R. Grace & Co. Building
Baltimore & Charles Streets
Baltimore, Maryland 21201

Telephone
(301) 590-1717

Attorney

April 13, 1972

Mrs. Patricia Porter
Route 16, Box 268
Baltimore, Maryland 21220

Dear Mrs. Porter:

You have advised me that the Bird River Beach Social Club, Inc. has decided to take no position with respect to the pending application of Stancill's, Inc. for a special exception to the zoning laws of Baltimore County which will permit that company to extract sand and gravel from land which they propose to purchase from Mrs. Ida F. Surguy. You have indicated that there are at least twenty three property owners, many of whom are members of your club, and possibly more, who are willing to assist Stancill's actively in its zoning request, but in exchange for such assistance these property owners will require covenants and a contract similar to that set forth in my letter to the Club dated March 13, 1972.

Consequently, we have revised the covenants and contract, and are enclosing with this letter a copy of the revisions. You are advised that Stancill's, Inc. will subordinate the land to be purchased to the covenants enclosed herewith insofar as the property of these individuals is concerned and will make a contract in the form attached hereto. You and we have agreed, however, that even though the Petition is acted favorably upon at the hearing before the commissioner on April 17, 1972, we will not be bound by the covenants or the contract in the event an appeal is taken, nor will we be bound if the commissioner acts unfavorably.

Very truly yours,
John W. Hardwick
John W. Hardwick

JWH:bis
Enclosure

Following is a list of restrictive covenants which Stancill's, Inc. is willing to create in favor of property owners to be designated, which will permit the owner of any designated property to bring an appropriate action: a law demanding the specific performance of such covenants.

1. The land to be purchased will never be subdivided into lots containing less than two acres, said lots to be occupied by no more than one dwelling unit per lot.

2. Screening, consisting of a dirt berm no less than six feet in height, topped with trees and/or shrubbery will be provided along Bird River Beach Road in the area of excavation and/or sand washing plant operations. It is expected that such screening will protect neighboring property owners from any unsightly activities.

3. The purchaser will covenant to maintain effective dust control devices so that neighboring property will not be subject to airborne particulate matter. These devices will utilize the most up-to-date practical, economic, equipment and methods available which are effective for the purposes of dust control.

4. The purchaser will covenant to direct its customers to enter and leave the premises by way of Ebenezer Road and will cause appropriate signs to be constructed on the property directing all sand and gravel traffic to use this means of ingress and egress.

5. The purchaser will covenant to clean all spillage of sand and gravel from any vehicles leaving the site within two hours after notification of such spillage.

6. The purchaser will covenant not to undertake any blasting, or use of explosives or air hammers on the property in connection with the mining or processing of sand and gravel.

7. Stancill's guarantees that there will be no siltation of the Bird River or any of its tributaries from the property to be purchased.

8. These covenants will be binding on all heirs, assigns, personal representatives and all future owners of the property.

In addition to the foregoing covenants Stancill's, Inc. will enter into a contract, running in favor of the property owners who are assisting Stancill's with respect to the zoning application.

1. The property owners will designate a committee of three persons who would represent them in their dealings with Stancill's, Inc. All actions taken to enforce the contract would be by a majority vote of the three persons named. Action taken by the committee would be on behalf of the various property owners and would be class suit. In the event the committee obtains a judgment against Stancill's, Inc. Stancill's, Inc. would pay costs and reasonable legal fees. No action will lie on the contract portion of the agreement except through the committee. No legal fees would be paid except in the court of original jurisdiction.

2. The operators of the mining activities on the property will at all times maintain a close liaison with the participants in the contract. Any plans for the development of the property will be discussed with these people and they will be given the opportunity to object to or modify any activity which they find objectionable. For the time being Jerry Stancill, whose home phone is 734-7787, and Jerry Stancill, whose home phone is 734-6969 will be responsible for this function and are available at any time.

3. Stancill's, Inc. will obtain a performance bond which will guarantee the performance of their obligations both to the County and the participants under this agreement and under any other measure required by law. The amount of this bond to be negotiated between Stancill's, Inc. and the participants of this contract. The amount of bond will not exceed \$30,000 unless Baltimore County requires a greater amount.

4. Stancill's, Inc. expects as consideration for the obligations to which it is committed in this letter that the participants in this contract will, in good faith, render assistance with respect to its zoning request.

5. We have referred above to discussions of plans for the development of this property with participants in the contract. It is understood that

Stancill's, Inc. intends to develop this property ultimately as a high class residential property with a large lake, stocked with fish, all appropriately landscaped and forested. All of these plans and developments will be discussed with the participants in this agreement from time to time.

6. During the pendency of the mining operations a concerted effort will be made to maintain the wooded portion of the property in its present state. All effort will be made to guard against unnecessary demolition of the woods except in those areas absolutely necessary for mining operations, plant operations and ingress and egress roads to the aforementioned operations and except for removal of timber for commercial purposes no smaller than twelve inches in diameter.

7. In the event that it should be determined that the mining operations have an adverse effect on the wells of the residents of the area, Stancill's, Inc. will make every effort necessary to correct the situation.

8. Operations will not commence prior to 7:00 a.m. except as an earlier time may be negotiated from time to time. In the event that this should prove to be unsatisfactory during unusual circumstances, such negotiated times to be of a limited duration, also to be agreed to.

9. During the pendency of the mining operations and throughout the life of any commercial activity on the property any of the land not being actually used will be available for the aforementioned property owners, and their guests for social and public purposes. It is our intention that the unused land shall be used for shotgun hunting, hiking, trail bikes, etc., provided the users will hold Stancill's, Inc. harmless from any and all claims by any person or party whether because of the condition of the land because of mining activities thereon or for any reason, it being agreed that the land will be used by such persons entirely at their own risk and during daylight hours only. No vehicles having four wheels will be driven upon the land and any motor driven vehicles will be properly muffled. All use of the land will be subject to proper regulations by the authorities of Baltimore County.

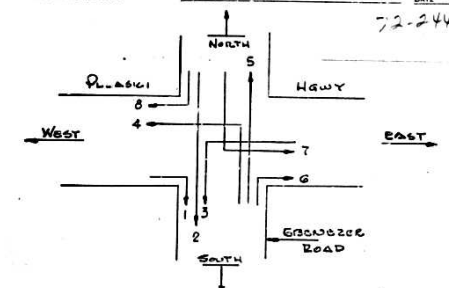
10. The foregoing contract is to be binding upon all heirs, assigns, personal representatives and future owners of the property.

11. The contract is not binding on Stancill's, Inc. after the completion of mining and will not be binding upon purchasers of lots from Stancill's, Inc. who propose to use such lots for residential purposes.

All parties have agreed that in the event the zoning commissioner rejects the Petition for zoning as a result of the hearing to commence on April 17, 1972, or in the event the petition is granted and an appeal is taken from the decision, Stancill's, Inc. will not be bound to enter into the aforesaid covenants or to make the aforesaid contract provided, however, Stancill's will give the aforesaid persons acting through their committee the first right of refusal on the sale of the entire property or in the sale of any acreage in parcels greater than twenty acres during the first year following the purchase of said property.

EWELL, BOWHARDT & ASSOCIATES
CONSULTING ENGINEERS
1800 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201

PROJECT: Traffic Study
JOB NO.
SUBJECT: DATE
SHEET NO. 5
DATE



DATE	TIME	1	2	3	4	5	6	7	8
5-17-72	Time: 8:00 AM	68	3	76	3	50	2	175	36
WED.	Time: 5:00 PM	42	15	78	15	24	26	76	12
5-18-72	Time: 8:00 AM	47	11	65	10	54	15	147	2
THUR.	Time: 5:00 PM	74	24	62	12	73	16	90	16

clw
eng

Put
#5

WILLIAMS CONSTRUCTION COMPANY, INC.

GENERAL CONTRACTORS

8600 PULASKI HIGHWAY
BOX 836

BALTIMORE, MD. 21203

June 6, 1972

Mr. J. W. Hardwicke
710 W. R. Grace Building
Baltimore, Maryland 21202

Dear Mr. Hardwicke:

You have requested that I furnish you with certain information concerning this Company's use of Ebenezer Road in conjunction with the removal of sand and gravel from our two borrow pits located in the vicinity of Bird River Beach. Our operation of these quarries is a rather typical borrow pit operation, that is, it is not a continuous year-round matter, but is based upon contract requirements and usually entails only a month or so of usage each year.

During 1971 we operated out of the Bird River Beach Road about four months, that is, in August, September, October, and November; in 1971 we did not use the Earl Road at all. This year we have been more active than usual in these two quarries because of extraordinary requirements for the construction of Interstate 95; however, our borrow requirements will be completed within the next month and we do not at this time expect to be using either of these borrow pits any more this year. We were quite active in these quarries during the months of April and May and that activity probably represents maximum usage at any time. In summary, we believe that traffic studies on Ebenezer Road during our irregular hauling would not represent a fair picture of the vehicular traffic on this road.

Very truly yours,

WILLIAMS CONSTRUCTION CO., INC.

C. L. Webster
Comptroller

CLW:cde

JAMES A. HUMPHREVILLE
CONSULTING GEOLOGIST
211 SOUTH PRESIDENT AVENUE
LANCASTER, PENNSYLVANIA 17603
397-1034 AREA CODE 717

Date: April 17, 1972

To: Mr. Jerry Stancill
Stancills, Inc.
P.O. Box 236
Aberdeen, Maryland 21001

Subject: Ground Water Study
Bird River Gravel Deposit
Baltimore County, Maryland

A geologic investigation was made of the site for a proposed sand and gravel pit in Baltimore County, Maryland. The location is east of the Bird River Beach Road between Ebenezer Road and the community of Bird River Beach. The purpose was to determine what effect the proposed gravel pit would have on ground water levels and movement within the property and the surrounding area, particularly to the north and west where numerous shallow wells exist. The geologic study was made at the request of Stancills, Inc.

The investigation included a field examination of the area, study of published ground water reports and topographic maps and recording water levels in several wells and test holes. Measurements of well and water level depths were provided by citizens of the Bird River Beach community for the wells in that area.

The bedrock within the area of interest is a section of unconsolidated clays, silts, sands and gravels of the Raritan and Patapsco formations. Recent silts and clays cover the gravel formation in the stream valleys and tributaries to Bird River. The ground water, which occurs in the pore spaces of the sediments, accumulates from the portion of the precipitation which infiltrates from the surface. The water table is roughly parallel to the land surface and usually slopes in the same direction as the land surface. Circulation of ground water, which is greatest in the permeable beds of sand and gravel and least in the relatively impermeable clays and silts, is generally in the direction of the water table slope.

Plotting the recorded and observed water levels on the property in which the projected gravel pit is planned shows the water table slopes towards the north. The ground water flows in this direction to the unnamed tributary that

Mr. Jerry Stancill

Page 2

April 7, 1972

drains northeastward towards Bird River. The water table in the northeast corner of the property is at an elevation of about 3.5 feet. The permeability of the bedrock material that lies between this point and the tributary to Bird River controls this water level. Since the material in this zone will not be disturbed when the proposed gravel pit is being worked, the pond level in the pit will be approximately at this same elevation. The ground water levels around the sides of the pit will adjust to this same elevation. The present ground water levels at the northwestern corner of the property will fall about 10 feet. The distance from the pit edge that the lowered ground water table will extend a zone of influence will depend upon the permeabilities of the bedrock material adjacent to the pit and beyond.

The Bird River Beach community is developed on a low ridge that plunges at a low angle to the northeast. The south flank of this ridge slopes into the unnamed tributary to Bird River that is on the north side of the property in which the proposed gravel pit is to be operated. The recorded water levels show that the water table under the ridge slopes away to the north, east and south. Thus the direction of ground water circulation is towards the Bird River Beach community from the higher land located to the west. The ground water under the community is flowing to the north and east, which is towards Bird River, and to the south, which is towards the above mentioned unnamed tributary to Bird River. The ground water under Bird River Beach has as its source a portion of the precipitation which falls in the area and the flows from the higher ground to the west. Most of the wells are shallow dug wells less than 30 feet deep and some are reported to have insufficient yields during periods of prolonged dry weather.

The conclusion of this investigation is that the ground water levels and ground water supplies in the Bird River Beach community will not be affected by the digging of a gravel pit on the property east of Bird River Beach Road and south of the unnamed tributary to Bird River. The shallow dug well of the home located on the west side of Bird River Beach Road south of the unnamed tributary and about opposite the northwest corner of the proposed pit may experience an eventual drop in water level when the pond in the proposed gravel pit stabilizes near an elevation of 3.5 feet. Should the water level in this area fall more than 4 feet the well will be dry. The effect of lowering the water table about 10 feet at a point about 200 to 300 feet away to the east of the well to which the ground water flows from the south and southwest cannot be predicted on the basis of present information.

Submitted by: James A. Humphreville, A.I.P.G.

JAH/adh

JAMES A. HUMPHREVILLE

CONSULTING GEOLOGIST