ORDER RECEIVED FOR FILING
DATE October 11, 1979
BY [illegible]

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

80-141-X
64

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Jean H. Toeller, 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 R.C.2 zone to an~~ ~~zone; for the following reasons:~~

IDCA 79-31X

MAP:
ELECTION DISTRICT: 6
TYPE HEARING:
BY:
EMAIL:
BY:

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Country Club, Golf Course and related uses

1185 12/3/79

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.

Dennis G. Smith — Contract purchaser
2232 Bulls Saw Mill Road
Freeland, Maryland 21053

Jean H. Toeller — Legal Owner
Address 605 N.E. 9th Avenue
Ft. Lauderdale, Fla. 33304

Robert S. Rody Esq.
Rody & Rody, Chartered
Petitioner's Attorney
336 St. Paul Place
Address Baltimore, Maryland 21202
Tele. 727-0033

A. Gordon Boone
Protestant's Attorney
31 Allegheny Ave
Towson
Address 823-5500

ORDERED By the Zoning Commissioner of Baltimore County, this 7th day of December, 1979, 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 22nd day of January, 1980 at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County.

(over)

Wednesday 10:00 A.M.
1/22/80
10:00 A.M.

X-141-28

IDCA APPLICATION FOR SPECIAL EXCEPTION AND OR SPECIAL PERMIT

IDCA NO. 79-31 X
IDCA NO. SP

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, (WE), Dennis G. Smith, Contract Purchaser of the property situate in Baltimore County, the property outlines of which is shown to scale, complete with bearings and distances on 200 FT SCALE MAPS, (WHICH) ARE ATTACHED HERETO, HEREBY MAKE APPLICATION TO FILE FOR A SPECIAL Exception IN A RC2 ZONE TO USE THE HEREIN DESCRIBED PROPERTY FOR community buildings, swimming pools or other uses of a civic, social, recreation, or educational nature, golf courses, country clubs, or other similar outdoor recreation clubs.

THE PROPERTY IS EXPECTED TO BE IMPROVED AS FOLLOWS:

GROSS SITE AREA 44.17 Acres — DEED REF. Lib. CMB JR 1032 Folio 27

GRADING 30 % OF OVERALL SITE WILL REQUIRE GRADING.

BUILDING SIZE
GROUND FLOOR 60 x 80 — AREA 4800 Sq. Ft.
NUMBER OF FLOORS One — TOTAL HEIGHT 22 Ft.
FLOOR AREA RATIO = TOTAL FLOOR AREA DIVIDED BY SITE AREA = .0025

BUILDING USE
GROUND FLOOR Club Facilities — OTHER FLOORS Club Facilities

REQUIRED NUMBER OF PARKING SPACES
GROUND FLOOR 126 Total Project — OTHER FLOORS — TOTAL 126 Total Project

PAVING
AREA OF SITE TO BE PAVED TO ACCOMMODATE REQUIRED PARKING SPACES 45,360 Sq. Ft.
(PAVED AREA MAY BE ESTIMATED BY MULTIPLYING REQUIRED NUMBER OF SPACES BY 360)

UTILITIES
WATER: ☐ PUBLIC ☒ PRIVATE, TYPE OF SYSTEM Well
SEWER: ☐ PUBLIC ☒ PRIVATE, TYPE OF SYSTEM: Septic
UTILITIES SECURITY APPROVAL — BUREAU OF LAND DEVELOPMENT — 11/21/79

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Dennis G. Smith — APPLICANT, LESSEE OR CONTRACT PURCHASER
5 West Chesapeake Avenue
Towson, Maryland 21204

Jean H. Toeller — LEGAL OWNER
ADDRESS 605 N.E. 9th Avenue
Ft. Lauderdale, Fla. 33304

THE PLANNING BOARD HAS DETERMINED ON _____ THAT THE PROPOSED DEVELOPMENT DOES / DOES NOT CONFORM TO THE REQUIREMENTS OF SUBSECTION 22-31.1(F) OF THE BALTIMORE COUNTY CODE, 1968.

DATE — CHAIRMAN, BALTIMORE COUNTY PLANNING BOARD

IDCA FORM NO. 2 REVISED 8-15-77

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE

PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

John W. Hessian, III
Chairman

Director
Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

January 17, 1980

Robert S. Rody, Esquire
336 St. Paul Place
Baltimore, Maryland 21202

RE: Item No. 64
Petitioner - Jean H. Toeller
Special Exception Petition

Dear Mr. Rody:

The Zoning Plans 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 not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This currently vacant tract, consisting of 44± acres, is zoned R.C.2 and is located on the northeast corner of Gores Mill and Middletown Roads in the 6th Election District. Surrounding properties are improved with dwellings on large parcels of land, while an elementary school exists at the intersection across Middletown Road.

As indicated on the original site plans and petition forms, your client's proposal was to locate a community building, swimming pool, and other structural or land uses devoted to civic, social, and recreational activities, as well as a golf course, country club, and other recreational clubs, on this site. Since the petition was filed prior to the adoption of the Growth Management Bill, the petition was allowed to be processed. However, subsequent to the adoption of this Bill, the petition forms and site plans have been changed to reflect a request for a country club, golf course and other related activities.

In order to avoid any future problems if the petition is granted, I suggested at the time of the scheduled hearing that you indicate whether the site will be developed exactly as shown, or, whether any deviations

Item No. 64 - Jean H. Toeller
Page Two
January 17, 1980

are anticipated. In addition, proposed lighting should be shown, and particular attention should be afforded the comments of Traffic Engineering.

Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. 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,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC/sf
Enclosures

cc: G. W. Stephens, Jr. & Assoc., Inc.
303 Allegheny Avenue
Towson, Maryland 21204

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

THORNTON M. MOURING
DIRECTOR

November 16, 1979

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #64 (1979-1980)
Property Owner: Jean H. Toeller
N/E cor. Middletown Rd. & Gores Mill Rd.
Existing Zoning: RC 2
Proposed Zoning: Special Exception for community building, swimming pool, or other uses of a civic, social, recreational or educational nature. Golf courses, country clubs, or other similar outdoor recreational clubs. (IDCA 79-31X)
Acres: 44.17 District: 6th

Dear Mr. Hammond:

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.

General:

Comments were supplied for this property for Project PIP 79-31X.

Highways:

Gores Mill and Middletown Roads, existing public roads, are proposed to be improved in the future; Gores Mill Road as a 30-foot closed section roadway on a 50-foot right-of-way; and, Middletown Road as a 50-foot closed section roadway on a 70-foot right-of-way with moderate horizontal realignment in this vicinity. Highway rights-of-way widenings, including a fillet area for sight distance at the intersection and any necessary revertible easements for slopes, will be required in connection with any grading or building permit application.

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

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.

Item #64 (1979-1980)
Property Owner: Jean H. Toeller
Page 2
November 16, 1979

Sediment Control: (Cont'd)

Drainage studies, storm water management drawings 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:

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water runoff through the property to be developed to a suitable outfall.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

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 and reservation required through this property.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are not available to serve this property, which is tributary to Loch Raven Reservoir and proposes to utilize private onsite water supply and sewage disposal systems. This property is beyond the Baltimore County Metropolitan District and the Urban-Rural Demarcation Line; and in an area designated "No Planned Service" on Baltimore County Water and Sewerage Plans W-4A and 4B, and S-4A and 4B, as amended, respectively.

Very truly yours,

ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Trenner
J. Somers
J. Wimbley
D. Grise

KK-NW Key Sheet
134-136 NW 18 & 19 Pos. Sheets
NW 34 E Topo
11 Tax Map

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3211

JOHN D. SEYFFERT
DIRECTOR

December 28, 1979

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #64, Zoning Advisory Committee Meeting, September 25, 1979, are as follows:

Property Owner: Jean H. Toeller
Location: NE/C Middletown Road and Gores Mill Road
Existing Zoning: RC-2
Proposed Zoning: Special Exception for community building, swimming pool, or other uses of a civic, social, recreational or educational nature. Gold courses, country clubs, or other similar outdoor recreational clubs. (IDCA 79-31-X)
Acres: 44.17
District: 6th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

All parking areas must be paved and screened.

All free standing lighting must be shown and should be of the cut-off type.

The amphitheater should be limited to the number shown unless a revised site plan is presented to this office.

Very truly yours,

John L. Wimbley
Planner III
Current Planning and Development

Pursuant to the advertisement posting of property, and public hearing on the above petition and it appearing that by reason of

the above Reclassification should be had; and it further appearing that by reason of

a Special Exception for a should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of , 197 , that the herein described property or area should be and the same is hereby reclassified; from a zone to a zone, and/or a Special Exception for a should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of , 197 , that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a zone; and/or the Special Exception for be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

baltimore county
department of traffic engineering
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN E. COLLINS
DIRECTOR

November 21, 1979

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 64 - ZAC - Meeting of September 25, 1979
Property Owner: Jean H. Toeller
Location: NE/C Middletown Rd. and Gores Mill Rd.
Existing Zoning: R.C. 2
Proposed Zoning: Special Exception for community building, swimming pool, or other uses of a civic, social, recreational or educational nature. Gold courses, country clubs, or other similar outdoor recreational clubs.

Acres: 44.17
District: 6th

Dear Mr. Hammond:

The existing R.C. 2 zoning for this site can be expected to generate approximately 100 trips per day. The proposed special exception for a special exception community building, swimming pool, tenni courts, golf course and theatre can be expected to generate 3700 trips per day when the theatre is in use.

Should this special exception be granted, the following improvements will be required:

1. Improvements to Middletown Road and Gores Mill Road.
2. All required parking must be paved.
3. Sidewalks will be required within the site.

Sincerely yours,

Michael S. Flanigan
Traffic Engineering Associate II

MSF/rjm

BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

January 9, 1980

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #64, Zoning Advisory Committee Meeting of September 25, 1979, are as follows:

Property Owner: Jean H. Toeller
Location: NE/C Middletown Rd. & Gores Mill Rd.
Existing Zoning: R.C. 2
Proposed Zoning: Special Exception for community building, swimming pool, or other uses of a civic, social, recreational or educational nature, golf courses, country clubs, or other similar outdoor recreational clubs. (ICA 79-31-X)
Acres: 44.17
District: 6th

This department has been in contact with the property owner, engineer and attorney regarding the proposed special exception and has yet to receive the additional information and/or site plans requested. The site plan, as submitted, does not contain sufficient information; therefore, this department cannot adequately review and/or comment on the proposed special exception.

Very truly yours,

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/fth

hydrogeologic survey
exact uses on each use
people
hours
peak + ave
how often amphitheater
? person

baltimore county
fire department
TOWSON, MARYLAND 21204
(301) 825-7310

Paul H. Reincke
CHIEF

October 8, 1979

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee

Re: Property Owner Jean H. Toeller
Location: NE/C Middletown Rd. & Gores Mill Rd.

Item No. 64 Zoning Agenda: Meeting of 9/25/79

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code" 1976 Edition prior to occupancy.

( ) 6. Site plans are approved as drawn.

( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Noted and Approved:

Planning Group
Special Inspection Division

Fire Prevention Bureau

baltimore county
department of permits and licenses
TOWSON, MARYLAND 21204
(301) 494-3610

JOHN D. SEYFFERT
DIRECTOR

October 15, 1979

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 64, Zoning Advisory Committee Meeting, September 25, 1979 are as follows:

Property Owner: Jean H. Toeller
Location: NE/C Middletown Road & Gores Mill Road
Existing Zoning: R.C. 2
Proposed Zoning: Special Exception for community building, swimming pool, or other uses of a civic, social, recreational or educational nature. Gold courses, country clubs, or other similar outdoor recreational clubs. (ICA 79-31-X)
Acres: 44.17
District: 6th

The items checked below are applicable:

X A. Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes.

X B. A building permit shall be required before construction can begin.

X C. Additional miscellaneous Permits shall be required.

D. Building shall be upgraded to new use - requires alteration permit.

E. Three sets of construction drawings will be required to file an application for a building permit.

X F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.

G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.

H. Requested setback variance conflicts with the Baltimore County Building Code. See Section .

I. Comment. Permits are required for any structures, buildings, or improvements to the property permanent or temporary. Buildings shall

J. Comments: comply with Table 6 of the building Code for height and area and Table 5 for type of construction.

NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not to be construed as the full extent of any permit.

Very truly yours,

Charles E. Burnham, Chief
Plans Review

CEB:rrj

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: September 20, 1979

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: September 25, 1979

RE: Item No: 64
Property Owner: Jean H. Toeller
Location: NE/C Middletown Rd. & Gores Mill Rd.
Present Zoning: R.C. 2
Proposed Zoning: Special Exception for community building, swimming pool, or other uses of a civic, social, recreational or educational nature. Golf courses, country clubs, or other similar outdoor recreational clubs. (ICA 79-31-X)

District: 6th
No. Acres: 44.17

Dear Mr. DiNenna:

No adverse effect on student population. Would only result in the loss of a few pupils.

Very truly yours,

W. Nick Petrovich,
Field Representative

WNP/bp

JOSEPH N. McGOWAN, PRESIDENT
T. BAYARD WILLIAMS, JR., VICE-PRESIDENT
MARCUS M. BOTSARIS
THOMAS H. BOYER
MRS. LORRAINE F. CHIRCUS
ROGER B. HAYDEN
ALVIN LORECK
MRS. MILTON B. SMITH, JR.
RICHARD W. TRACEY, D.V.M.
ROBERT Y. DUBEL, SUPERINTENDENT

ORDER RECEIVED FOR FILING
DATE
BY

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
NE/corner of Middletown Rd. & Gores Mill Rd. - 6th Election District : DEPUTY ZONING
Jean H. Toeller - Petitioner : COMMISSIONER
NO. 80-141-X (Item No. 64) : OF
: BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as the result of a Petition for Special Exception for a country club, golf course, and related uses on property located on the northeast corner of Middletown and Gores Mill Roads, comprising 44.17 acres, more or less, and zoned R.C.2. Adjacent properties to the east, north, and west are zoned R.C.2 and are used for pastures, farms/orchards, and as wooded areas. The property to the south is zoned R.C.5 and is presently occupied by Pretty Boy Elementary School and single-family dwellings. Adjacent to the southeast corner of the subject property is a parcel of R.C.4 zoned land. The subject property is presently farmed.

Testimony by the Petitioner indicated that he proposes to establish a private club offering different memberships (family, tennis, etc.), with no temporary memberships and no one under eighteen years of age being allowed on the property without parental consent. Improvements would include pavilions for members to hold small functions, rest rooms and septic system, a pond for possible storm water run-off, tennis courts, a golf course (shown with eight holes but considered nine holes by virtue of one reverse play hole), a 60' x 80' two-story club house, a softball field that could be used for overflow parking but is not so designated, a pool complex, 566 parking spaces, and an amphitheater with step-up ground seating to be used solely by members for outdoor functions primarily from May to August. The Petitioner is willing to restrict the amphitheater use to eight functions a year and to limit the use

ORDER RECEIVED FOR FILING
DATE
BY

to up to 2,000 persons, depending on the availability of parking. The Petitioner would provide traffic control at each entrance, would dedicate a right-of-way to enable Baltimore Country to straighten Middletown Road, and would use earth berms along the entire length of both Middletown and Gores Mill Roads for aesthetic purposes. Hours of operation would not be beyond 11:00 p.m., Sunday through Thursday, and 12:00 p.m. on Friday and Saturday.

An independent traffic engineer testified on behalf of the Petitioner that Middletown Road is 21 feet wide with a 4 foot clearance on each side and has a speed limit of 40 miles per hour. The sight distance at the proposed Middletown Road access point is more than 800 feet to the northwest and 700 feet to the southeast. The engineer conducted traffic counts on Middletown Road at I-83 and turning movement counts at Middletown and Bulls Sawmill Roads. In addition, he calculated trip rate, peak rate per acre, and average number of persons per car at the Padonia Club, Kiwianis Club, and Oregon Ridge. There were approximately 2.5 persons per car at those three locations and a level of service change from C to D on Middletown Road if the amphitheater was filled and exiting, a level he considered satisfactory. He recommended that the Middletown Road entrance be placed opposite Bulls Sawmill Road, that a deceleration lane be provided, and that internal signs be provided for the north via Gores Mill Road and south via Middletown Road exits. It was his opinion that the amphitheater use would create no adverse effect if these recommendations were followed. Without the amphitheater, the proposed uses would create no discernible traffic difference, there would be no detrimental effect on the elementary school since the activities would be heaviest in the summer and later in the day, and although emergency vehicles would probably have to use the shoulder of the road, as in any similar two-lane situation, they nevertheless could negotiate. Additionally, the 1977-78 State Highway statistics indicate one accident at Middletown and Bulls Sawmill Roads. Testimony revealed that there were also nine injury and nine property

damage accidents in 1977 and eleven injury and fourteen property damage accidents in 1978 on Middletown Road between Gores Mill Road and I-83.

The Assistant Traffic Engineer for Baltimore County, summonsed by the Petitioner, testified that it would take approximately 30 minutes for 2,000 persons to exit the subject property and that 200 to 500 persons exiting at the same time would create some difficulty. The exiting of 2,000 persons would cause a D level of service, a level considered acceptable in urban areas; however, C level is considered acceptable in rural areas. Middletown Road is characterized as a rural collector serving residences.

A landscape architect and planner testified in behalf of the Petitioner that recreation facilities are basic needs of communities and that the proposed facilities would complement the schools and parks in the area. He described the area as agricultural.

A self-employed architect in behalf of the Petitioner testified that a country club is compatible with residences. Cultivation would be the most innocuous use of the subject property; a country club would be a more intense use but would be compatible.

A civil engineer in behalf of the Petitioner produced a hydrogeologic study addressing the typography, soil as related to drainage, and air and water quality. The study concluded that the proposed uses would create no detrimental effects in these particular matters.

Testimony by and in behalf of the Protestants indicated that the subject property has been farmed continuously and that adjacent properties are used for pastures, farming, orchards, and woods, as well as for residences and a school. The Protestants feel that the proposed uses would be inconsistent with the surrounding area and contradict the spirit and intent of the growth management legislation. Concern was expressed over the noise that would be generated by traffic and late night activities, storm water or sewage draining into trout streams and streams feeding into Loch Raven Reservoir, and there

ORDER RECEIVED FOR FILING
DATE Oct. 14, 1980
BY Jack P. Lamm

being no sidewalks even though there is a fair amount of pedestrian traffic. Testimony further revealed that the children in the area are presently bussed to the elementary school because Middletown Road is considered dangerous and that vehicles used to transport farm laborers over adjacent roads create traffic congestion. Residents spoke of serious accidents, at least one requiring an emergency helicopter. They felt the proposed uses would depreciate the value of their properties and were concerned that the project may not be completed and about to whom the amphitheater would be rented.

Middletown Road, the main access to the subject property, was described as curved and dangerous, having no shoulders or sidewalks, narrow with no passing allowed, heavily traveled, and transversed by animals at unmarked crossings. Gores Mill Road, used by farm equipment and vehicles from planting through harvest seasons, was described as narrow and steep with sharp turns requiring extra care to pass.

Testimony regarding potential hazard from fire, panic, or other dangers indicated that the area is serviced by volunteer firemen and that occasionally on weekdays there is no response. Examples of fire engine response time to the neighborhood were between 20 to 35 minutes. A Baltimore County police officer, assigned to the local area, testified that 148 square miles are patroled by two cars and two officers and that police response time to the neighborhood from September, 1978, to September, 1979, ranged from 15 seconds to one hour, an average of 22 minutes. He further testified that he had been involved in more than ten accident investigations on Middletown Road during 1979. Ambulance services also volunteer; a 45 minute response time was used as an example. Concern was expressed over the difficulties that emergency vehicles would have because of traffic and/or parking on the road generated by the proposed use. Power outages in the area have occured because there is a strain on the local grid and examples of one to seven hour outages were given. There was concern that such an outage could lead to

ORDER RECEIVED FOR FILING
DATE Oct. 14, 1980
BY Jack P. Lamm

panic, especially in the use of the amphitheater.

Further testimony revealed that the elementary school was described as the center of community, civic, and school related activities—being used days, evenings, and weekends. There was concern for the school water supply if the proposed uses were allowed as some area wells barely yield above the County minimum and there is occasional decrease in pressure during the summer. Further, it was felt that lights from the facility and traffic would invade the privacy of adjacent residents and that the increased traffic would increase the air pollution.

After due consideration of all of the testimony and exhibits and following two field inspections of the subject property and its general area, in the opinion of the Deputy Zoning Commissioner, the proposed uses, while deemed appropriate uses of R.C.2 zoned land when located with discrimination in relation to certain surroundings, under the conditions in the instant situation, would be detrimental to the safety and general welfare of the public and the locality involved. Testimony as to the width, nature, and condition of Middletown and Gores Mill Roads, the use of both roads for the transportation of farm workers and the movement of farm machinery and vehicles, the existence of animal crossings, accidents on Middletown Road, and the expected change on Middletown Road from C to D level of service during any exit of 2,000 persons from the property, as well as only 566 parking spaces being provided on the plan (whereas 800 cars would be necessary to carry the 2,000 persons proposed for amphitheater functions if each car carried 2.5 persons as determined to be likely by the independent traffic engineer), has led to the conclusion that the proposed uses would tend to create congestion in roads. Testimony as to coverage by volunteer fire and ambulance service, the square miles covered by assigned police, the response time for fire, police, and ambulance service, the recurring electrical power/light outages, and the condition of the roads led the Deputy Zoning Commissioner to conclude that the proposed uses would create a potention hazard from fire, panic, or other dangers. In both of these aspects the particular proposed country club, golf course, and related

ORDER RECEIVED FOR FILING
DATE Oct. 14, 1980
BY Jack P. Lamm

uses, as presented by testimony and the plan accompanying the Petition, would have detrimental effects above and beyond the inherent ones ordinarily associated with such uses.

In the opinion of the Deputy Zoning Commissioner, not only Sections 1A01.1 and 1A01.2 of the Baltimore County Zoning Regulations, R.C.2 (Agricultural) Zones, must be carefully examined but also Sections 1A00.1 and 1A00.2, General Provisions (all R.C. classifications), in order to determine the spirit and intent of these regulations. Among the purposes of the Resource Conservation Zones is to "protect both natural and man-made resources from compromising effects of specific forms and densities of development" (1A00.2c). In the General Provisions for R.C.2 zones (1A01.1.A) pertinent findings are:

> "a. that Baltimore County is fortunate in that it is endowed with a variety of very productive agricultural soil types which should not be lost unnecessarily to urbanized development;
>
> b. that the agricultural industry is an integral part of the Baltimore economy and that a continued conversion of agricultural land will continue to undermine this basic industry;...
>
> d. that continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs but is incompatible with the agricultural use of the surrounding area;..."

Also, in Purposes, Section 1A01.1.B: "The R.C.2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses." The Use Regulations for R.C.2 zones (1A01.2) are divided into three sections:

> "A. Preferred use permitted as of right. Agricultural operations, when conducted in accordance with good and reasonable husbandry practices, shall be afforded preferential treatment over and above all other permitted uses in R.C.2 zones.
>
> B. Uses permitted as of right..."

ORDER RECEIVED FOR FILING
DATE Oct. 14, 1980
BY Jack P. Lamm

C. Uses permitted by special exception. The following uses, only, may be permitted by special exception in any R.C.2 zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity;..."

While the existing language of 1A01.2.A "Preferred use permitted as of right..." is confusing at best, it seems clear that the legislative intent was at least to encourage and at most to preserve and/or reserve for agricultural uses and operations that land which is or could be prime productive agricultural land. Testimony and/or observation that the subject property has been continuously and productively used for agriculture, that the soils are excellent, and the topography is suitable for agriculture lead to the conclusion that if there are to be instances in which the words of the regulations "Agricultural operations, when conducted in accordance with good and reasonable husbandry practices, shall be afforded preferential treatment over and above all other permitted uses in R.C.2 zones" (1A01.2A) are to be given weight, the instant case is a specific example.

Also, among the uses permitted by special exception in R.C.2 Zones by Bill 98,1975, amended by Bill 62, 1978,but deleted by Bill 178, 1979,was "Community buildings, swimming pools, or other uses of a civic, social, recreational or educational nature, including tennis facilities, provided that no tennis facility shall comprise more than 4 courts." When the wording of the Petition under consideration was modified subsequent to Bill 178, 1979,to request use of the property for "Country Club, Golf Course and related uses", the attendant plan, although revised in both December, 1979, and January, 1980, shows the same entrances, 8 hole golf course, pavilions, 2,000 seat amphitheater, softball field, pool complex, bathhouse, two-story 60' x 80' club house, four paddleball courts, and eight tennis courts as in the plan dated September 4, 1979. Rest rooms and additional paved parking were added. It appears that the Petitioner changed the wording on the Petition but considered it necessary to make no changes in proposed uses and facilities in light of the Baltimore County Council's revised list of special exception uses. The Deputy Zoning Commissioner is of the opinion that all

ORDER RECEIVED FOR FILING
DATE Oct. 14, 1980
BY Jack P. Lamm

such proposed uses may not be within the spirit and intent of the special exception use which the Council allowed to remain, i.e., "Golf courses or country clubs".

In addition, testimony as to the condition of Middletown and Gores Mill Roads, the use of those roads for the transport of farm workers, movement of farm equipment and vehicles, and the animal crossings in the area lead to the conclusion that the proposed uses would adversely affect the neighboring properties in the general neighborhood as well as the public interest and would be detrimental to the primary agricultural uses in the vicinity.

After careful study of all pertinent regulations, testimony, exhibits, and field inspections of the subject property and by reason of the requirements of Sections 502.1, 1A01.2.A, and 1A01.2.C not having been met, the special exception should be denied.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 14th day of October, 1980, that the special exception for "Country Club, Golf Course and related uses" be and the same is hereby DENIED.

Jean M. H. Jung
Deputy Zoning Commissioner of
Baltimore County

DENNIS G. SMITH	*	IN THE
Petitioner	*	CIRCUIT COURT
vs.	*	FOR
	*	BALTIMORE COUNTY
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY	*	AT LAW
Respondent	*	
Case No. 80-141-X		Misc. 14/26/82-M-21

* * * * * * * * * * *

ORDER FOR APPEAL BY
DENNIS G. SMITH, PETITIONER

MR. CLERK:

Enter an appeal on behalf of DENNIS G. SMITH, Petitioner, to the Court of Special Appeals from the decision and order of this Court entered in this action on October 8, 1982.

DENNIS G. SMITH
Petitioner/Appellant
28 W. Allegheny Avenue, 2410
Towson, Maryland 21204
337-9522

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this ____ day of November, 1982, a copy of the foregoing Order for Appeal by Dennis G. Smith, Petitioner, was mailed first class, postage prepaid to T. Rogers [illegible], and John W. Hessian, III, Esquire, Suite 603, 102 W. Pennsylvania Avenue, Towson, Maryland 21204.

DENNIS G. SMITH

11-9-82 - appeal filed in Circ. Ct. (on docket entry) pl

RECEIVED
BALTIMORE COUNTY
NOV 3 3 04 PM '82
COUNTY BOARD OF APPEALS

DENNIS G. SMITH	*	IN THE
Petitioner	*	CIRCUIT COURT
vs.	*	FOR
	*	BALTIMORE COUNTY
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY	*	AT LAW
Respondent	*	
Case No. 80-141-X		Misc. 14/26/82-M-21

* * * * * * * *

PETITIONER'S STATEMENT OF POINTS
AND AUTHORITIES IN SUPPORT OF
MOTION TO STRIKE ORDER DISMISSING APPEAL

Town of Somerset v. Montgomery Co. Bd. App., 245 Md. 52, 225 A. 2d 296 (1966):

@ 225 A. 2d 299-300 - "Where there is substantial compliance with the substance of the requirements of statutes or rules and the other parties have not been prejudiced, technical irregularities cannot be made the basis for depriving persons of the opportunity to assert their legal rights."

Board of County Comm'rs v. Kines, 239 Md. 119, 210 A. 2d 367 (1965). Substantial compliance is sufficient.

Board v. Grooms, 267 Md. 100, 297 A. 2d 81 (1972): Substantial compliance is sufficient.

Bishop v. Board of County Comm'rs, 230 Md. 494, 187 A. 2d 851 (1963).

Merrimack Park Rec. Ass'n, Inc. v. Co. Bd., 228 Md. 184, 179 A. 2d 345 (1962).

Hearing 11/4/82 Motion denied Judge Cahn

DENNIS G. SMITH
Petitioner/Appellant
28 W. Allegheny AVenue, 2410
Towson, Maryland 21204
337-9522

RECEIVED
BALTIMORE COUNTY
OCT 22 11 55 AM '82
COUNTY BOARD OF APPEALS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 8th day of October, 1982, a copy of the foregoing Petitioner's Statement of Points and Authorities in Support of Motion to Strike Order Dismissing Appeal was hand delivered in Court to T. Rogers Harrison, Esq. and John W. Hessian, III, Esq.

DENNIS G. SMITH

PHZ

JEAN H. TOELLER, ET AL.	*	IN THE
Appellants	*	CIRCUIT COURT
vs.	*	FOR
COUNTY BOARD OF APPEALS, ET AL.	*	BALTIMORE COUNTY
	*	AT LAW
Appellees	*	Misc. Docket 14 Folio 26 Case No. 82-M-21

* * * * * * *

APPELLANT'S REQUEST FOR A HEARING ON HIS MOTION TO BE PERMITTED TO PRESENT ADDITIONAL EVIDENCE ON APPEAL

DENNIS G. SMITH, Appellant, requests herein an immediate hearing on his Motion to be Permitted to Present Additional Evidence on Appeal, as he previously requested in said Motion, and for reasons therefor, he says that:

1. For those reasons stated in his motion referred to above, a copy of which is attached to this pleading, Appellant contends that he should be permitted to present additional evidence at the hearing scheduled in this Appeal, currently scheduled for Monday, August 9, 1982, at 9:30 A.M.

2. If Appellant is to be permitted to present additional testimony, considerable preparation is necessary in order to have said evidence ready for the hearing scheduled for August 9, 1982.

3. It is necessary that Appellant's Motion to be Permitted to Present Additional Evidence on Appeal be determined in advance of the August 9, 1982 Appeal hearing date in order that the preparation of the evidence, noted above, which is necessary may be completed in order that said evidence, if permitted, may be presented in an orderly fashion and in a fashion which most expeditiously uses this Court's time.

/s/
DENNIS G. SMITH, Appellant
28 West Allegheny Avenue, 2410
Towson, Maryland 21204
337-9522

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this 21st day of June, 1982, a copy of the foregoing Appellant's Request for a Hearing on His Motion to be Permitted to Present Additional Evidence on Appeal was mailed, first class postage prepaid, to T. Rogers Harrison, Esq., 306 W. Joppa Road, Towson, Maryland 21204, and to John W. Hessian, III, Esq. and Peter Max Zimmerman, Esq., Suite 603, 102 W. Pennsylvania Avenue, Towson, Maryland 21204.

/s/
DENNIS G. SMITH

Judge Frank Cicone
Chief Administrative Judge
Baltimore County Circuit Court
Towson, Maryland 21204

June 1, 1982

Filed June 1, 1982
Balto County Circuit Court

Re: Case #82-M-21
Misc. Docket 14
Folio 26

Your Honor:

The above referenced case has been set for hearing at Circuit Court on August 9, 1982.

Under Maryland Rule B10, Additional Evidence and related rules, I request the right to present additional pertinent evidence before the assigned Judge for the following reasons:

1. The Board of Appeals, consisting of Mr. Walter Reichart, Mrs. Chipps (previously Mrs. Malthouse) and Mr. Ray Jamison could in no manner be expected to render an impartial decision due to the following reasons:

A. The appellant, Dennis G. Smith, while voluntarily functioning as an "undercover" operative for the F.B.I. (See attached document "A") had been instrumental in "busting" involving Mr. Walter Reiter (while

Reiter was Board Chairman) which ultimately resulted in Mr. Reiter's resignation from the Board. It was a matter of public record approximately 6 months prior to the initial hearing date of the appeal before the Board that appellant had made a "$5000" "pay-off" to Mr. Walter Reiter. (See attached document "A1" dated March 31, 1982 and specifically please note the underscored segment of the document.)

B. Appellant further claim that Mr. Walter Reichart, Chairman of the Board of Appeals during appellant's presentation of hearing before the Board, was appointed to be Chairman by Mr. Walter Reiter and as a result must surely conduct rendered an impartial decision due to close personal relationship with Mr. Reiter (See attached document "B1" and "B2" and specifically please note the underscored segment of these documents)

C. Appellant further claim "Patricia Chipps" (previously Patricia Malthouse) also a Board member at appellant's

hearing before the Board, had a long standing professional and friendly relationship with Mr. Reiter. Miss Chipps had been a member of the Board many months during Mr. Reiter's tenure as Chairman of the Board of Appeals.

D. Appellant further declare that prior to the beginning of the hearing before the Board, he and his attorney were well aware of the reality that the Board would realistically be unable to render an impartial decision because it would be absolutely absurd not to believe that Mr. Reichart and Mrs. Chipps, or any member of the Board, were not aware of the role appellant had taken in the F.B.I. investigation that led to Mr. Reiter's resignation. However, due to the scheduling of the appeal before the Board and the as yet undiscovered documents attached hereto, appellant was forced to present an appeal case before the Board at great cost, while knowing it was an effort in futility, as lose standing on the appeal process. (See attached document "D1").

E. Appellant declares that due to the limited scope of review afforded the Courts and the limitation placed upon the appellant that he can argue only those points a part of the "record" made at the Board, and the fact that appellant was fully cognizant of the above made herein but was unable to present documentation prior to the start of the hearing, that he realistically was reluctant to present the entire scope of evidence he knew would be necessary to gain a favorable decision from such an impartial Board. As a result of the hinder appellant was extremely hampered and denied a proper situation to present his case.

F. Appellant emphatically declares it would be wholly unrealistic to believe that because of the above relationship of at least 2 members of the presiding Board to Mr. Reiter that they would be able to render an impartial and objective decision regardless of the evidence presented before them. Of course, it must also be noted that of the 3 member Board, only 2 are needed for a majority decision.

2. Appellant has suffered severe financial and emotional burdens as a result of the circumstances outlined above.

3. Appellant absolutely must be an impartial hearing and the ability to present his complete case in an unhampered manner have been denied because of the above circumstances.

The appellant prays upon the Court's honest and objective assessment of the above stated matter and respectfully requests an immediate hearing to be allowed to present additional evidence before the Circuit Court so that he is afforded every fundamental right the judicial system is supposed to grant him.

I urge your immediate approval of my request in the name of all that is just and morally correct.

5 Enclosures

Respectfully Submitted,

DENNIS G. SMITH, APPELLANT
28 W. ALLEGHENY AVENUE
CONSOMINIUM #2410
TOWSON, MD 21204
301-337-9522

/s/ Dennis G. Smith

JUL 2

DENNIS G. SMITH
Petitioner
V.
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Respondent
Case No. 80-141-X

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* AT LAW
* Misc.14/26/82-M-21

****

MOTION TO DISMISS

Now come Freeland Community Association, Inc. and Richard Ingles, et al., by their attorneys, T. Rogers Harrison and Mudd & Harrison, and moves this Honorable Court for a dismissal pursuant to Maryland Rules B5 and B12 of the Maryland Rules of Procedure. The grounds of the Motion are as follows:

1. That the protestants below and intervenors herein are parties with standing before the County Board of Appeals and in fact participated substantially in the trial of the subject case before the County Board of Appeals.

2. That on February 23, 1982 an Answer to Petitioners' Petition under Rule B of the Maryland Rules of Procedure was properly and timely filed.

3. That on March 17, 1982 the Honorable John F. Fader signed an Order extending the time for transmittal of the record herein until May 17, 1982. And further, the record was filed on May 17, 1982.

4. That Maryland Rule B12 of the Maryland Rules of Procedure is mandatory and states as follows:

> "Within 30 days after being notified by the clerk of the filing of the record, the appellant shall file a memorandum setting forth a concise statement of all issues raised on appeal and argument on each issue, including citations of legal authorities and references to pages of the transcript and exhibits relied upon ..." (underscore added).

RECEIVED BALTIMORE COUNTY JUN 22 12 47 PM '82 COUNTY BOARD OF APPEALS BY:

5. That the Appellant had until June 16, 1982 (allowing an additional day for Memorial Day Holiday) within which to file the memorandum mandated by Rule B12 but has failed to so file.

6. That although this appeal has been set for a hearing on August 9, 1982, appeals from Administrative Agencies proceed "on the record below" and not de novo and there would therefore be nothing to hear on the assigned date anyway.

7. That although Rule B12 is mandatory and requires no showing of prejudice by the Respondents, any late filing would violate the spirit and intent of Rule B12 and prejudice Respondents on its face.

WHEREFORE, the Respondents/Intervenors request that this Honorable Court dismiss the appeal in the subject matter and that Respondents be awarded their costs.

T. Rogers Harrison
306 West Joppa Road
Towson, Maryland 21204
828-1335

Attorney for Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 21st day of June, 1982, a copy of the foregoing was mailed to County Board of Appeals of Baltimore County, 219 Court House, Towson, Maryland 21204; John W. Hessian III, Esquire, Suite 603, 102 West Pennsylvania Avenue, Towson, Maryland 21204; Dennis G. Smith, 28 West Allegheny Avenue, Towson, Maryland 21204; People's Counsel, County Office Building, Towson, Maryland 21204.

T. Rogers Harrison

DENNIS G. SMITH
Petitioner
V.
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Respondent
Case No. 80-141-X

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* AT LAW
* Misc. 14/26/82-M-21

****

ORDER

Upon consideration of the aforegoing Motion To Dismiss, it is this _____ day of _____, 1982, by the Circuit Court for Baltimore County,

ORDERED: That the appeal filed by the Petitioner in the above-entitled matter be dismissed and the Respondents be awarded their costs.

JUDGE

Signed by Judge Fader 6/22/82

DENNIS G. SMITH
Petitioner
V.
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Respondent
Case No. 80-141-X

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* AT LAW
* Misc. 14/26/82-M-21

****

ORDER

Upon consideration of the aforegoing Motion To Dismiss, it is this 22 day of June, 1982, by the Circuit Court for Baltimore County,

ORDERED: That the appeal filed by the Petitioner in the above-entitled matter be dismissed and the Respondents be awarded their costs.

John E. Raine, Jr.
JUDGE

True Copy Test
ELMER H. KAHLINE, JR., Clerk
Per _____
Assistant Clerk

DENNIS G. SMITH
Petitioner
vs.
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Respondent
Case No. 80-141-X

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* AT LAW
* Misc. 14/26/82-M-21

* * * * * * * * * * * *

PETITIONER'S MOTION TO STRIKE ORDER DISMISSING APPEAL AND RESPONSE TO RESPONDENTS' MOTION TO DISMISS

DENNIS G. SMITH, Petitioner, responding to Respondents' Motion to Dismiss, moves pursuant to Maryland Rules of Procedure, Rules 625 and B4, that the Order entered herein on June 23, 1982 dismissing this appeal be stricken and for his reasons therefor, he says that:

1. To the extent that the record of this case bears out the contentions of paragraphs 1, 2 and 3 of Respondents' Motion To Dismiss, Petitioner admits said contentions.

2. With respect to paragraph 4 of said Motion, said paragraph needs no response in that Maryland Rule B12 speaks for itself.

3. Responding to Paragraphs 5, 6 and 7 of said Motion, Petitioner denies the contentions contained in said paragraphs.

4. Further responding to Respondents' Motion to Dismiss, Petitioner calls attention to his filing with the Court on June 1, 1982 of his five (5) page memorandum or letter containing a memorandum, and its exhibits, wherein he specifically sets forth issues to be raised on appeal, including but not limited to the following:

RECEIVED JUN 25 1982 EVANS & GEORGE

RECEIVED BALTIMORE COUNTY JUN 28 12 PM '82 COUNTY BOARD OF APPEALS BY:

a) The decision of the Board of Appeals was not impartial and its decision should be overturned because of fraud, mistake and/or irregularity, all as more particularly set forth in said letter/memorandum.

b) Petitioner was not given a full and complete hearing at the Board of Appeals.

c) Petitioner was not given a timely hearing at the Board of Appeals.

d) Petitioner was put to undue expense and he has suffered tremendous hardship as a result of the irregularities below.

5. Petitioner's said letter/memorandum complies with the requirements of Rule B12 to the extent that the requirements of said Rule must be met herein.

6. Petitioner's letter/memorandum filed herein on June 1, 1982 and his supplemental Petitioner's Request for a Hearing on His Motion to be Permitted to Present Additional Evidence on Appeal, subsequently filed herein, both call attention to and both request that Petitioner be permitted to produce and present additional evidence at this level during the Hearing on Appeal scheduled herein for August 9, 1982 on the grounds that there is additional evidence not considered below and on the grounds that the decision below was irregular to the point that Petitioner has been denied all process to which he is due.

7. In regard to his request to be permitted to present additional evidence, Petitioner diligently and daily communicated with the Court from June 1, 1982 until June 17, 1982 when Petitioner was advised that the Court would prefer that Petitioner raise his request to be permitted to present additional evidence at the time scheduled for the Hearing on Appeal. To be required to follow that procedure, Petitioner contends, would be either unduly burdensome or impossible because of the potential unecessary expense Petitioner would incur in preparing said additional evidence without knowing whether it could be presented. As a result of the Court's refusal to give Petitioner its assent to his request to be permitted to present additional evidence, Petitioner formally requested that he be permitted a hearing on the issue of whether he could present additional evidence at the August 9, 1982 hearing, by his formal Petitioner's Request For a Hearing on His Motion to be Permitted to Present Additional Evidence on Appeal.

8. With respect to Petitioner's presenting a memorandum of all issues raised on appeal and argument on each issue, until Petitioner knows what issues he will be permitted to raise on appeal, it is difficult or impossible for Petitioner to commit to a memorandum those issues.

WHEREFORE, for those reasons set out above and on the basis of those reasons set forth in Petitioner's letter/memorandum filed herein on June 1, 1982, Petioner requests that the Order entered herein dismissing Petitioner's Appeal be stricken and that this matter be set for a hearing on Petitioner's request that he be permitted to present additional evidence.

/s/
Dennis G. Smith, Appellant
28 W. Allegheny Avenue, 2nd Fl.
Towson, Maryland 21204
337-9522

STATEMENT OF POINTS AND AUTHORITY

Maryland Rules of Procedure, Rules 625 and B4

/s/
DENNIS G. SMITH
Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 25th day of June, 1982, a copy of the foregoing Petitioner's Motion to Strike Order Dismissing Appeal and Response to Respondents' Motion to Dismiss, and proposed Order were mailed, first class, postage prepaid, to T. Rogers Harrison, Esquire, 306 W. Joppa Road, Towson, Maryland 21204, and to John W. Hessian, III, Esquire and Peter Max Zimmerman, Esquire, Suite 603, 102 S. Pennsylvania Avenue, Towson, Maryland 21204.

/s/
DENNIS G. SMITH

RECEIVED JUN 25 1982 EVANS & GEORGE

DENNIS G. SMITH
Petitioner

vs.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Respondent

Case No. 80-141-X

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* AT LAW
* Misc. 14/26/82-M-21

* * * * * * * * * * * * *

REQUEST FOR A HEARING

DENNIS G. SMITH, Petitioner, requests a hearing on his Petitioner's Motion to Strike Order Dismissing Appeal and Response to Respondents' Motion to Dismiss.

/s/
DENNIS G. SMITH,
Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 25th day of June, 1982, a copy of the foregoing Request for a Hearing was mailed, first class, postage prepaid, to T. Rogers Harrison, Esquire, 306 W. Joppa Road, Towson, Maryland 21204, and to John W. Hessian, III, Esquire and Peter Max Zimmerman, Esquire, Suite 603, 102 S. Pennsylvania Avenue, Towson, Maryland 21204.

/s/
DENNIS G. SMITH

Dennis G. Smith
28 W. Allegheny Ave.
Towson, MD 21204

June 26, 1982

Clerk
Circuit Court for Baltimore County
Law Desk
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland 21204-0754

Re: Smith vs. County Board of Appeals
Misc. 14/26/82-M-21

Dear Clerk:

Please find enclosed for filing in the above-referenced case my proposed Order Revising Motion Dismissing Appeal which I would appreciate your forwarding to a Judge for Consideration along with my Motion to Strike Order Dismissing Appeal, etc., previously filed herein.

Sincerely yours,

Dennis G. Smith

KO'D/crm

cc: T. Rogers Harrison, Esq.
John W. Hessian, III, Esq.
Peter Max Zimmerman, Esq.
(Including proposed Order)

RECEIVED
BALTIMORE COUNTY
Jun 29 10 24 AM '82
COUNTY BOARD OF APPEALS
BY:

DENNIS G. SMITH
Petitioner

vs.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Respondent

Case No. 80-141-X

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* AT LAW
* Misc. 14/26/82-M-21

* * * * * * * * * * * * *

ORDER REVISING PRIOR ORDER
DISMISSING APPEAL

The Motion of DENNIS G. SMITH, Petitioner, to Strike Order Dismissing Appeal and Response to Respondents' Motion to Dismiss, having been read and considered by the Court, along with the other documents and pleadings previously filed herein by Petitioner, it is this _____ day of _____, 1982 by the Circuit Court for Baltimore County

ORDERED that the prior Order of this Court, dated June 23, 1982, dismissing this Appeal, be and the same is hereby

STRICKEN

JUDGE

RECEIVED
BALTIMORE COUNTY
Jun 29 10 24 AM '82
COUNTY BOARD OF APPEALS
BY:

DENNIS G. SMITH
Petitioner

VS.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Respondent

Case No. 80-141-X

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* AT LAW
* Misc. 14/26/82-M-21

* * * * * * * * * * * * *

MOTION NE RECIPIATUR AND/OR
ANSWER TO MOTION TO STRIKE
ORDER DISMISSING APPEAL

Now come the Protestants/Intervenors, by their attorneys, T. Rogers Harrison and Mudd & Harrison, and move that the Motion To Strike Order Dismissing Appeal be not received and/or stricken and further answering same say as follows:

1. That Appellant's Motion To Strike Order Dismissing Appeal fails on its face to show any indicia of fraud, mistake or irregularity.

2. That Appellant's so called five page memorandum letter of June 1, 1982 did not comply with Maryland Rule B12 which mandates the filing of a specific memorandum within thirty (30) days of transmittal of the record. Moreover, this so called five page letter was neither certified nor informally sent to counsel of record. Indeed, while the Appellant was in daily and diligent communication with the Court between June 1 and June 17, 1982 this occurred without the knowledge, consent nor participation of other counsel of record.

3. That Appellant's scandalous "five page letter" is nothing more that a collection of innuendos and contains nothing but bold allegations of inferential impartiality.

4. That on its face Appellant's Motion supports no inference of fraud nor irregularity IN THE DISMISSAL OF HIS APPEAL for failure to comply with Maryland Rule B12. Indeed, the only mistake was Appellant's unilateral error in not complying or refusing to comply with the mandate of Rule B12.

5. That Appellant's Motion For Leave To Present Additional Evidence was filed after the time for filing a memorandum under Rule B12 had lapsed.

6. The documents filed by Appellant in support of his Request To Produce Additional Evidence show on their face that the so called facts were available to Appellant at the hearing below and that he and his counsel chose not to present same.

7. That the record below clearly reflects that Appellant was afforded every courtesy and opportunity to present his case.

8. That notwithstanding Appellant's various requests of this Court, Rule B12 is mandatory, it was not complied with and this appeal was therefore properly dismissed.

WHEREFORE, the Protestants/Intervenors request that the Motion To Strike Order Dismissing Appeal be not received and/or stricken or in the alternative same be denied.

RECEIVED
BALTIMORE COUNTY
Jun 29 10 25 AM '82
COUNTY BOARD OF APPEALS
BY:

T. Rogers Harrison
Mudd & Harrison
306 West Joppa Road
Towson, Maryland 21204
828-1335

Attorney for Protestants/
Intervenors

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 29th day of June, 1982, a copy of the foregoing was mailed to John W. Hessian III, Esquire, Suite 603, 102 West Pennsylvania Avenue, Towson, Maryland 21204; Dennis G. Smith, 28 West Allegheny Avenue, Towson, Maryland 21204.

T. Rogers Harrison

DENNIS G. SMITH
Petitioner

v.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Respondent

Case No. 80-141-X

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* AT LAW
* Miscellaneous
Docket No: 4 /Mo.
* Folio No: 16
File No: 82M21

* * * * * * * * * * * * *

PETITION TO EXTEND TIME FOR PREPARATION
OF TRANSCRIPT OF TEXT, AND ORDER OF COURT

The Petition of Dennis G. Smith, respectfully represents:

1. That heretofore he filed an Appeal herein from the decision of the County Board of Appeals and thereafter filed a Petition in Support of the said Appeal.

2. That the court reporter advises that, it will be impossible to prepare the voluminous transcript of the testimony herein (four days long) within the time permitted by the Maryland Rules.

WHEREFORE, your Petitioner prays that an order be passed herein extending the time for transmittal of the transcript and the record for an additional period of sixty (60) days.

DENNIS G. SMITH
Petitioner
28 W. Allegheny Avenue - #1410
Towson, Maryland 21204

ORDER OF COURT

On the aforegoing Petition, it is this _____ day of _____, 1982, by the Circuit Court for Baltimore County,

ORDERED, that the time for transmittal of the record herein from the County Board of Appeals, be and it is hereby extended until the _____ day of _____, 1982.

JUDGE

I HEREBY CERTIFY that I ~~mailed~~ delivered a copy of the aforegoing Petition and of this Order this 15th day of March, 1982, to the County Board of Appeals of Baltimore County, 219 Court House, Towson, Maryland 21204; A. Gordon Boone, Jr., Esquire, 31 Allegheny Avenue, Towson, Maryland 21204., and T. Rogers Harrison, Esquire, 306 W. Joppa Road, Towson, Maryland 21204, Attorneys for Protestants; and to John W. Hessian, III, Esquire, Suite 603, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, People's Counsel, County Office Building, Towson, Maryland 21204.

DENNIS G. SMITH

RECEIVED
BALTIMORE COUNTY
Mar 15 4 13 PM '82
COUNTY BOARD OF APPEALS
BY:

RE: PETITION FOR SPECIAL EXCEPTION for a Country Club, Golf Course and related uses NE corner Middletown and Gores Mill Rds. 6th District Jean H. Toeller, et al, Petitioners

Zoning File No. 80-141-X

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

Misc. Docket No. 14

Folio No. 26

File No. 82-M-21

: :

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Leroy B. Spurrier and Patricia Phipps, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 80-141-X

Dec. 7, 1979	Petition of Jean Toeller for a special exception for a country club, golf course and related uses
Dec. 7, 1979	Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for Jan. 22, 1980, at 10 a.m.
Jan. 10, 1980	Certificate of publication in newspaper - filed
Jan. 11, 1980	" " posting of property - filed
Jan. 10, 1980	Comments of Balto. County Director of Planning - filed
Jan. 17, 1980	Comments of Balto. County Zoning Plans Advisory Committee - filed
Jan. 22, 1980	At 10 a.m. hearing held on petition by Zoning Commissioner
Oct. 14, 1980	Order of Zoning Commissioner denying special exception

Oct. 15, 1980	Order for Appeal to County Board of Appeals from Order of Zoning Commissioner
Sept. 10, 17, 29, and Nov. 17, 1981	Hearing on appeal before County Board of Appeals
January 8, 1982	Order of County Board of Appeals ordering that the Order of the Deputy Zoning Commissioner, dated October 14, 1980, be affirmed, and that the special exception for a country club, golf course and related uses be and the same is hereby DENIED
February 5, 1982	Order for Appeal filed in the Circuit Court for Baltimore County by Dennis G. Smith, Petitioner-Appellant
February 8, 1982	Certificate of Notice sent to all interested parties
" 16	Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County
March 15	Petition for Extension of Time to File Transcript
April 28, "	Transcript of testimony filed
	People's Counsel Exhibit No. 1 - Personal information sheet on Vic Gladstone
	" " " " 2 - Readings shown on chart (4 locations)
	" " " " 3 - 2 photos of property in questions
	Petitioner's Exhibit No. 1 - Plat
	" " " 2 - Record plat
	" " " 3 - Permit, 6/11/81, to hold Rock Concert
	" " " 4 - Letter from Dr. Donald Roop, to Mr. C. Brooks, 6/11/81
	" " " 5 - Gathering Permits
	" " " 6 - Gathering Permits
	" " " 7 - John P. Marshall report, Feb. 8, 1980, 2 copies of Hydrogeologic Studies, letter to Dennis Smith, Sept. 9, 1981
	" " " 8 - Street Traffic Studies, Ltd., Sept. 8, 1981 prepared by John W. Guckert

	Protestants' Exhibit No. A - Feb. 3, 1981, affidavit
	" " " B - Sept. 16, 1981, resolution
	" " " C - 1 thru 19, photos of area in question
	" " " D - (1) Accident report 9/20/81
	" " " D - (2) Accident report 9/20/81
May 17, 1982	Record of proceedings filed in the Circuit Ct. for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations whenever directed to do so by this Court.

Respectfully submitted,

June Holmen
County Board of Appeals of Baltimore County

cc: Robt S. Rody, Esq.
A. Gordon Boone, Jr., Esq.
J. W. Hessian, Esq.
Robt. A. Dietz, Esq.
T. Rogers Harrison, Esq.
Charles E. Brooks, Esq.
File

RE: PETITION FOR SPECIAL EXCEPTION for A Country Club, Golf Course and Related Uses NE corner Middletown and Gores Mill Roads 6th District Jean H. Toeller, et al, Petitioners

Zoning File No. 80-141-X

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket No. 14

Folio No. 26

File No. 82-M-21

: : : : : : : :

ANSWER TO PETITION ON APPEAL

People's Counsel for Baltimore County, a party to this proceeding and an Appellee herein, for answer to the Petition heretofore filed by the Petitioner herein, respectfully says:

1. Generally answering the allegations contained in all of the paragraphs of said Petition, this Appellee denies that the County Board of Appeals violated Petitioner's rights, distorted testimony, ignored appellate decisions, or otherwise failed to properly receive and consider the evidence adduced by the Petitioner, all as alleged by said Petitioner in his Petition.

2. That in further answer to said Petition, this Appellee states affirmatively that the decision of the County Board of Appeals herein was reasonable, supported by legally competent and substantial evidence, and was in fact the only decision to which the Board could have come on the basis of the record before it.

AND AS IN DUTY BOUND, etc.,

John W. Hessian, III
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, Maryland 21204
494-2188

RECEIVED
BALTIMORE COUNTY
MAR 12 11 09 AM '82
COUNTY BOARD OF APPEALS
BY

I HEREBY CERTIFY that on this 12th day of March, 1982, a copy of the foregoing Answer to Petition on Appeal was delivered to the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, Maryland 21204; and a copy was mailed to Robert S. Rody, Esquire, 336 St. Paul Place, Baltimore, Maryland 21202; and Charles E. Brooks, Esquire, 610 Baxley Avenue, Towson, Maryland 21204, Attorneys for Petitioner-Appellant.

John W. Hessian, III

DENNIS G. SMITH	*	IN THE
Petitioner	*	CIRCUIT COURT
V.	*	FOR
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY	*	BALTIMORE COUNTY
Respondent	*	AT LAW
Case No. 80-141-X	*	Misc. 14/26/82-M-21

****

ANSWER TO PETITION UNDER RULE B1

Now come Freeland Community Association and Richard Ingles, /and Intervenors, et al., Protestants, by their attorney, T. Rogers Harrison, and for answer to the Petition heretofore filed in the above-entitled case, say:

1. That they admit the allegations of Paragraph 1 of said Petition.

2. That they deny the remaining allegations contained in Paragraphs 2 through 9, and to the contrary allege and aver that the decision of the County Board of Appeals of Baltimore County, dated January 8, 1982, was based upon substantial evidence contained in the record and such decision was clearly within the discretion of said Board of Appeals on a hearing for Special Exception; and further, that said decision was in the spirit and in harmony with the existing zoning regulations of Baltimore County and in the best interests of the public.

WHEREFORE, the Protestants respectfully pray that the decision of the County Board of Appeals be affirmed.

T. Rogers Harrison
306 West Joppa Road
Towson, Maryland 21204
828-1335

Attorney for Protestants

RECEIVED
BALTIMORE COUNTY
FEB 23 10 45 AM '82
COUNTY BOARD OF APPEALS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 23rd day of February, 1982, a copy of the foregoing was mailed to County Board of Appeals of Baltimore County, 219 Court House, Towson, Maryland 21204; A. Gordon Boone, Jr., Esquire, 31 Allegheny Avenue, Towson, Maryland 21204; John W. Hessian III, Esquire, Suite 603, 102 West Pennsylvania Avenue, Towson, Maryland 21204; and Dennis G. Smith, 28 West Allegheny Avenue, #2419, Towson, Maryland 21204.

T. Rogers Harrison

DENNIS G. SMITH	*	IN THE
Petitioner	*	CIRCUIT COURT
v.	*	FOR
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY	*	BALTIMORE COUNTY
Respondent	*	AT LAW
Case No. 80-141-X	*	Miscellaneous Docket No: 14 Folio No: 26 File No: 82-M-21

* * * * * * * * * * * * * * *

PETITION UNDER RULE B1 ON BEHALF OF PETITIONER

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of Dennis G. Smith, respectfully represents:

1. That heretofore he filed an appeal herein from the decision of the County Board of Appeals of Baltimore County date January 8, 1982 in which his Petition for Special Exception was denied.

2. That said decision grossly violated his right to obtain the Special Exception sought in that it grossly, erroneously and unlawfully failed to decide said Petition upon the evidence and upon the weight of the evidence presented before it, but on the contrary misinterpreted, distorted, misunderstood and otherwise erred in its interpretation of the testimony and the evidence presented in support of said Petition and grossly, incorrectly misinterpreted the applicable zoning regulations and other law, including important Court of Appeals decisions applicable to this case.

3. That the said decision grossly distorted the clear and substantial weight of evidence with respect to traffic conditions in and about the subject property; that the clear weight of the evidence was that there could be no traffic

RECEIVED
BALTIMORE COUNTY
FEB 16 11 04 AM '82
COUNTY BOARD OF APPEALS
BY

JUL 21

congestion of any significance except on such rare occasions as when there was an absolute capacity use of the property by persons attending the proposed club; that the use of the roads in the area would not be significantly affected any other times and that for more than half of the year there would be virtually no use of the roads that would be measurably different from what exists now without said Petition.

4. That there was gross distortion of the evidence with respect to the alleged noise or disturbance that might emanate from proper activities upon the large grounds to be utilized by the club.

5. That the said decision grossly distorted the evidence with respect to the alleged lack of police patrols.

6. That the Board apparently ignored the numerous decisions of appellate courts specifying the entitlement of Petitioner, almost as a matter of right, to a special exception where his petition is clearly within the ambit of permissible uses under the regulations.

7. That the Board, instead of recognizing the extremely modest limitation contained in the subject petition as to the number of persons on the premises at any time, made as a gesture of accommodation towards Protestants, crassly and unreasonably denied any use whatever; that numerous other alternatives were available to the Board, even if it did not grant all of that which was requested by Petitioner, so that there was, in effect, abuse of discretion and judgment of the part of said Board in its failure to grant a significant part of, if not all of the use requested in said Petition.

RE: PETITION FOR SPECIAL EXCEPTION * IN THE
for a Country Club, Golf Course and related uses * CIRCUIT COURT
NE corner Middletown and Gores Mill Roads * FOR
6th District
Jean H. Toeller, Petitioner * BALTIMORE COUNTY
Dennis G. Smith
Contract Purchaser * AT LAW

CASE NO. 80-141-X * Miscellaneous Docket No:
Folio No:
File No:

* * * * * * * * * * * *

APPEAL

Dennis G. Smith, Petitioner, feeling aggrieved at the decision of the County Board of Appeals dated January 8, 1982, hereby enters an Appeal from said decision to the Circuit Court for Baltimore County.

DENNIS G. SMITH
Petitioner/Appellant
28 W. Allegheny Avenue - #2410
Towson, Maryland 21204

I HEREBY CERTIFY that I delivered a copy of the aforegoing Appeal this 5th day of February, 1982, to the County Board of Appeals, Court House, Towson, Maryland, and mailed a copy to A. Gordon Boone, Jr., Esquire, 31 Allegheny Avenue, Towson, Maryland 21204, T. Rogers Harrison, Esquire, 306 W. Joppa Road, Towson, Maryland 21204, Attorneys for Protestants; and to John W. Hessian, III, Esquire, Suite 603, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, People's Counsel, County Office Building, Towson, Maryland 21204.

DENNIS G. SMITH
Petitioner/Appellant

RECEIVED
FEB 5 4 01 PM '82
BALTIMORE COUNTY
COUNTY BOARD
OF APPEALS

8. That the Board failed to record proper weight to the circumstance that the Petitioner had the undoubted right to use the property under the permits heretofore issued by Baltimore County and by the State of Maryland and his clear right to continue to use the property via such permits on particular dates, without the benefit of the zoning change requested herein, and without any restriction such zoning change would entail, including in particular the right to have an unlimited number of persons on the premises on any date when such permit would or might be obtained in the future.

9. And for other and numerous reasons which can and will be assigned at the hearing on this Appeal.

WHEREFORE, This Appeal is brought so that Petitioner may have his case heard before a Court in order to reverse the decision of the County Board of Appeals.

DENNIS G. SMITH
Petitioner
28 W. Allegheny Avenue - #2410
Towson, Maryland 21204

I HEREBY CERTIFY that I mailed a copy of the aforegoing Petition this 5th day of February, 1982, to the County Board of Appeals of Baltimore County, 219 Court House, Towson, Maryland 21204; A. Gordon Boone, Jr., Esquire, 31 Allegheny Avenue, Towson, Maryland 21204, and T. Rogers Harrison, Esquire, 306 W. Joppa Road, Towson, Maryland 21204, Attorneys for Protestants; and to John W. Hessian, III, Esquire Suite 603, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, People's Counsel, County Office Building, Towson, Maryland 21204.

DENNIS G. SMITH

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for a Country Club, Golf Course and related uses : COUNTY BOARD OF APPEALS
NE corner Middletown and Gores Mill Roads : OF
6th District
Jean H. Toeller, Petitioner : BALTIMORE COUNTY
Dennis G. Smith
Contract Purchaser : No. 80-141-X

: :

OPINION

This case comes before this Board on an appeal from a decision of the Deputy Zoning Commissioner denying the requested special exception for use of the property as a country club, golf course and related uses. The property is located on the northeast corner of Middletown and Gores Mill Roads, in the Sixth Election District of Baltimore County.

The hearing of all the testimony and evidence in this case consumed four full days and for this reason the Board will not attempt to detail this, but will let the record produced speak for itself. The Board will in its opinion, however, attempt to summarize testimony and evidence produced so continuity will be maintained.

Mr. Dennis G. Smith, Petitioner, testified as to his request for this special exception use. He stated that as of now he is sole owner of the property and is no longer the contract purchaser. He introduced Petitioner's Exhibit #1, a plat showing the proposed use for the property. This plat indicates the subject site contains some 44.17 acres located north of and abutting Middletown Road, and east of and abutting Gores Mill Road. The property is zoned R.C. 2 and has R.C. 2 zoning to the east, north and west, and R.C. 5 zoning to the south. All of these directions are approximate since the property itself lies on a bias from true north. It should also be noted that there is on the southeast corner of the property some R.C. 4 zoned land. The plat indicates the proposed use to be that of a country club containing a clubhouse, a swimming pool, tennis courts, a par three golf course, an amphitheater and other associated country club uses.

Mr. Smith testified that he hoped for 750 family type memberships in the country club, and agreed to various limits on the activities contained therein. He anticipated that the amphitheater could be used 30 to 35 times per year for roasts, weddings, musical concerts, etc., but was agreeable to limit these uses to 25 times per year. He

RE: PETITION FOR SPECIAL EXCEPTION : IN THE
for a Country Club, Golf Course and related uses : CIRCUIT COURT
NE corner Middletown and Gores Mill Roads : FOR
6th District
Jean H. Toeller, et al, Petitioners : BALTIMORE COUNTY

Zoning File No. 80-141-X : Misc. Doc. No. 14
: Folio No. 26
: File No. 82-M-21

: :

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Leroy B. Spurrier and Patricia Phipps, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Ms. Jean H. Toeller, c/o Robert A. Dietz, Esq., 59 Franklin St., Annapolis, Md. 21401, Attorney for Petitioner; Mr. Dennis G. Smith, 2232 Bulls Saw Mill Rd., Freeland, Md. 21053, Contract Purchaser and Petitioner-Appellant; Robert S. Rody, Esq., 336 St. Paul Place, Baltimore, Md. 21202, Attorney for Petitioner-Appellant; Charles E. Brooks, Esq., 610 Bosley Ave., Towson, Md. 21204, Attorney for Petitioner-Appellant; A. Gordon Boone, Jr., Esq., 31 Allegheny Ave., Towson, Md. 21204, Attorney for Protestants; T. Rogers Harrison, Esq., 306 W. Joppa Rd., Towson, Md. 21204, Attorney for Protestants; Congressman Clarence D. Long, 200 Post Office Bldg., Towson, Md. 21204; Mr. Carroll Hashall, 9741 Tiffany Ave., Jacksonville, Florida 32216; Robert A. Dietz, Esq., 59 Franklin St., Annapolis, Md. 21401, Attorney for Petitioner, Jean Toeller; S. Herbert Tinley, III, 2112 Woodford Rd., Timonium, Md. 21093; and John W. Hessian, Esq., Court House, Towson, Md. 21204, People's Counsel, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

June Holmen
County Board of Appeals of Baltimore County
Rm. 200, Court House, Towson, Md. 21204
494-3180

Jean H. Toeller, et al
Case No. 80-141-X

I HEREBY CERTIFY that a copy of the aforegoing Certificate of Notice has been mailed to Ms. Jean H. Toeller, c/o Robert A. Dietz, Esq., 59 Franklin St., Annapolis, Md. 21401, Attorney for Petitioner; Mr. Dennis G. Smith, 2232 Bulls Saw Mill Rd., Freeland, Md. 21053, Contract Purchaser and Petitioner-Appellant; Robert S. Rody, Esq., 336 St. Paul Place, Baltimore, Md. 21202, Attorney for Petitioner-Appellant; Charles E. Brooks, Esq., 610 Bosley Ave., Towson, Md. 21204, Attorney for Petitioner-Appellant; A. Gordon Boone, Jr., Esq., 31 Allegheny Ave., Towson, Md. 21204, Attorney for Protestants; T. Rogers Harrison, Esq., 306 W. Joppa Rd., Towson, Md. 21204, Attorney for Protestants; Congressman Clarence D. Long, 200 Post Office Bldg., Towson, Md. 21204; Mr. Carroll Hashall, 9741 Tiffany Ave., Jacksonville, Florida 32216; Robert A. Dietz, Esq., 59 Franklin St. Annapolis, Md. 21401, Attorney for Petitioner, Jean Toeller; S. Herbert Tinley, III, 2112 Woodford Rd., Timonium, Md. 21093; and John W. Hessian, Esq., Court House, Towson, Md. 21204, People's Counsel for Baltimore County, on this 8th day of February, 1982.

June Holmen
County Board of Appeals of Baltimore County

also testified that only 2,000 persons per occasion would be allowed in the proposed amphitheater. He also testified that he was willing to deed to Baltimore County the right-of-way land necessary to ease the curve in the road at Bulls Sawmill Road, and to provide a deceleration lane for access to the property. He proposed paved parking for 566 cars on the property, and any in excess of this number would be parked at the northwest corner of the property designated on Petitioner's Exhibit #1 as the soft ball field. Mr. Smith said that he had already received a permit to conduct a music festival on June 14, 1981, and entered Exhibits #2, #3 and #4 to substantiate this. This affair, however, was cancelled because of inclement weather. To further buttress his contention that gatherings of this nature were a permitted use on his property, he introduced Petitioner's Exhibit #5 and #6 showing permits issued for fifteen other dates at this location for concerts or roasts. Mr. Smith agreed, on cross-examination, that the current use of this parcel was merely raw land and that until this year it had always been active farmland, but that no crops were planted this season. He also testified that in general the land contour falls away from Middletown Road and Exhibit #1 shows a proposed pond to act as a catch basin to control the water flow. This basically concluded Mr. Smith's testimony.

Mr. Colin Thacker, representing the Baltimore County Department of Health, testified that he is responsible for permits in this area. He stated there is no limit to the number of persons allowed to attend such functions as long as all health requirements are met; i.e., so many gallons of potable water per person, adequate sewage disposal facilities, etc. He testified that he visited the site prior to the scheduled June 14th event to verify compliance with these requirements. He also stated that there were no County requirements on noise control, that these were State functions, and that if the special exception were granted there would normally be two site inspections per year.

Lt. George Zuk, from the License Division of the Maryland State Police, testified that he was also involved in the issuance of this permit and that all requirements had been met. He also testified that all traffic is handled by Baltimore County police and not by his department.

Mr. John Guckert, a recognized expert in traffic matters, testified that the granting of the special exception would not "tend to create congestion in roads, streets or

alleys therein" (Section 502.1.b - B.C.Z.R.). He testified that traffic counts and studies have been conducted on this site and submitted Petitioner's Exhibit #8 to the Board. He stated that there was no basic change in his testimony from that presented before the Deputy Zoning Commissioner. He also admitted that he was at the site on June 14th, 1981, the date of the proposed concert, and that there were some traffic problems but that they were principally the result of the inclement weather and muddy conditions.

Mr. John Marshall, Professional Engineer, prepared and presented as Petitioner's Exhibit #7 an Environmental Impact Statement. As a result of this statement he testified that all pertinent requirements of Section 502.1 were satisfied, replying "no" to each question with regard to the six parts of this Section.

Mr. John France, Administration Supervisor, Department of Permits and Licenses for Baltimore County, testified as to all the gathering permits issued to Dennis Smith. He stated that these permits are really only a matter of form, that they are almost automatically issued and that their function is "a request for a gathering" and nothing more. All these permits do is alert other agencies in the County that such an event is scheduled so that they can take due notice thereof and properly administer whatever action is required by them.

Captain Robert J. Frame, Supervisor, Traffic Division, Baltimore County Police Department then testified. On direct questioning, and on cross-examination, he stated the following facts. He said he had studied the traffic problems connected with the June 14th, 1981 proposed concert and compared it to other concerts conducted at Oregon Ridge, and said that two officers would be required just for traffic problems. He testified that normally there is assigned to this area just one officer from the Traffic Division, and he has the largest single area of Baltimore County. This proposed use, if permitted, would require at least two officers to this area. He also testified that Middletown Road is a country road with poor sight distances, bad curves and many hills. He discussed recent accidents on this road, one fatal and three serious, but admitted driver error was involved in all cases. He also noted poor response time to any call received from this area because it is approximately seventeen miles from the nearest Traffic Division help. He also noted that sometimes problems arise for his officers from patrons attending

these affairs; drinking, depositing refuse in the area, illegal parking on roadsides and general rowdyism. He also stated that he and his officers were aware that large, slow moving, farm equipment frequently use this road.

Mr. William F. Kirwin, a landscape and land planner, testified that he considered this use a family club and as such is an acceptable use. When questioned as to Sections 502.1.a and 502.1.b, his reply to both was "no". He also testified that he is chairman of the Baltimore County Planning Board, visited the site once, and considered the family use concept a better use than pure farmland.

Mr. Craig Kenney, an audio engineer, next testified. He is the owner of a recording studio located on Cold Spring Lane, and rents and sets up sound systems. He testified that if the decibel count ten feet in front of the stage in the amphitheater was regulated at 100 decibels, a normal setting, at the property line the decibel count would be 55, an acceptable level to the neighborhood. He admitted also that people in the area could hear the music from the amphitheater, and also could hear any audience reaction. He also admitted that the volume could be raised above 100 decibels near the stage and that this volume was normally controlled by a sound man employed by the performing group or by the owner of the premises. He also testified that he knew of no noise standards, per se, established for rural agricultural areas.

Mr. Phillip Worrall, architect, testified that he has reviewed this proposal and in his opinion it would be an asset to the community. He also answered "no" to all questions regarding Section 502.1. He stated that he lives in a similar rural area and would accept the country club use as proposed across the road from his home. He also testified that he could foresee no serious traffic problems, and felt this use compatible with the neighborhood. This basically concluded the Petitioner's case.

The Protestants presented for the Board's consideration testimony opposing the proposed use from eight area residents and expert testimony from five witnesses. There was ample evidence that the neighborhood earnestly opposed the proposed use as the courtroom was crowded on all four hearing days with those in opposition. The testimony from the eight neighborhood witnesses was cumulative, but each one stressed something that should be mentioned in this recap.

Mr. Richard Ingles, 1909 Bulls Sawmill Road, was the first resident to testify. He noted the agricultural uses almost surrounding the subject site and testified that the proposed use would be totally inconsistent with all other area uses. He also testified for the Freeland Community Association in opposition to the granting of this special exception. He noted that this proposed use would be detrimental to neighborhood values, and a detriment to the general safety and welfare of the community. He described the resultant traffic problems on June 14th, 1981, even though the rain kept most patrons home, and entered photos marked Protestants' Exhibit C-1 thru C-19 showing police cars, etc. He stated that the total postal population of the Freeland area to be 2,300 people and that this proposal would double this figure on one 44 acre plot. He stated that his well is 200+ feet deep and barely adequate at present. He was also fearful of the noise that would be generated by 2,000 people and music on this site. He noted that this area is served by only volunteer fire protection, one being located at Maryland Line, six miles distance, and the other in Hereford, a distance of eight miles, and was fearful of any interference the additional traffic could cause in their response time.

Mrs. Astrid Anderson, 19621 Middletown Road, testified that she could see the subject site from her home and that the requested use failed on all counts of Section 502.1 of the Baltimore County Zoning Regulations. She testified that her neighbor's well went dry, indicating an already existing problem in the area. She noted that the road is so rural that crossings for cattle still exist and any extra traffic would cause delays to police and fire departments. She also stated that power failures are common in this rural area and felt concern for what would happen if 2,000 people were at the amphitheater and this should occur. Mrs. Anderson also testified that she could hear noise just from a neighbor's party down on Walker Road, this being further away than the subject site.

Mr. Frank Purdum, 1503 Walker Road, also opposed this proposal. He testified he can now see the trailer parked right where the proposed amphitheater is to be erected. He stated that the water table in the area has fallen to the point that his springhouse is now totally dry. He testified that he needed police protection one time and the response time was forty-five minutes. He stated he did not want noise, traffic and masses of bodies, but wanted the farmland preserved.

Mr. Paul J. Solomon, Environmental Planner for Baltimore County then testified. He stated that he is technical adviser in the 208 Water Quality Program, and serves on the Urban Sediment Control Committee and the Coastal Zone Management Program, and is an active farmer, farming 105 acres north of the subject site in southern Pennsylvania. He testified that he had made a study of this site and the results indicated that it should be continued as farmland. He testified that the parking lots, increased impervious areas, and people and autos will increase the water runoff and will introduce added pollutants into this runoff. He noted a parking lot adjacent to a pond in Columbia, Maryland, where samples taken from the pond showed heavy concentrations of heavy metals, phosphates, etc., causing the normal use of the pond to be discontinued. He noted that any runoff from this proposal will eventually end up in Loch Raven reservoir. He also testified that, from Baltimore County records, many replacement wells are needed in this area and he had reservations as to whether sufficient well water could be obtained to service the proposed operation with toilets and showers and other water uses for a country club as indicated on Petitioner's Exhibit #1. He also discussed the environmental aspects of this proposal and stated that the proposed septic system may or may not suffice because of soil composition, that the ground water supply was marginal at best and that the property should be retained as R.C. 2 farmland as now zoned.

Mr. Robert Marstella, 1706 Walker Road, a forty-three year resident of the area, testified in opposition to the proposal. He stated he can see the entire property from his home and evidenced his fears that the proposed complex could dry up his stream that waters his cattle. He stated that he feels the noise would be bad because he could hear the refrigerated truck running all during the night of June 13th, 1981.

Mr. Lonnie Cox, 1932 Bulls Sawmill Road, testified that the country club amphitheater complex would not only be detrimental to the residential area, but also to the school located across the road from the subject site.

Mr. James Kern, a Baltimore County policeman, next testified. He stated that he is the only officer from the Traffic Division patrolling this entire area. He testified that the granting of this special exception would only create traffic problems. He stated that the weekend traffic is already heavy and use of the amphi-

theater by 2,000 people could only make this situation worse. He also stated that the unwritten law at affairs of this kind mandate ignoring minor violations, such as, trash disposal, drinking, etc. lest a riot be precipitated causing much greater damage. He also testified that he has responded to accidents on Middletown Road.

Mr. Robert Feeser, 19720 Middletown Road, testified that he was opposed to the proposal because of potential traffic problems and noise problems. He said he can hear the church bells one mile away while the proposed amphitheater would only be 1,500± feet from his home.

Mr. Harry Wheeler, 1715 Walker Road, also opposed the proposal. He stated he is only 300 feet from the property and only 380 feet from the proposed amphitheater. He testified he could clearly hear the stage being erected on June 13th, 1981. He also expressed concern about polluted runoff damaging the streams that water the cattle and eventually end up in Loch Raven reservoir. He said that his neighbor was one of the persons in the area that had to have a new well installed last year.

Mr. John Dillon, Rural Area Planner from the Baltimore County Office of Planning and Zoning, testified that he worked with Paul Solomon, Carroll Wiltsie and others in drafting the R.C. zones. These additional agencies were also involved in drafting these R.C. zones.

1. Department of Public Works
2. Department of Health
3. Department of Recreation and Parks
4. Board of Education
5. Office of Planning
6. Baltimore City - Watershed Protection Agency.

From the studies of all of these agencies the R.C. zones evolved and took effect in October, 1976. He testified that there have been amendments to some R.C. zones, particularly the R.C. 2 zone, in an effort to preserve this basically agricultural zone. He also testified that there was doubt in his mind that this country club and amphitheater was even allowed in an R.C. 2 zone.

The Protestants' next witness was Mr. Wayne Maginnis, 19524 Graystone Road, who stated he has lived all of his life in this general area. He testified that he was active in organizations dedicated to the preservation of farmland and that his group has on

occasion advised the Baltimore County Council on farmland use. He noted that there were farms on three sides of the subject property and, in his opinion, any other use than farmland would be detrimental to the entire area.

Mr. Hugh Gelston, 204 W. Pennsylvania Avenue, Towson, Maryland, a real estate broker with 48 years experience, testified that he visited the property three times, studied the proposal and, in his opinion, the proposed use would be detrimental to the area and felt that the requirements of Section 502.1 were not satisfied. He was asked to compare this proposed use to Oregon Ridge, but he said this was not practical to do since this was prime farmland and Oregon Ridge was not.

Mr. Darrell Wiles, 20717 Kennymill Road, a traffic engineer, was the Protestants' final witness. Mr. Wiles stated that for eleven years he has been the district traffic engineer for the State Highways Department and that he had done a traffic study on this site. He testified he had reviewed Mr. Guckert's reports and while he did not disagree with Mr. Guckert's figures, he did disagree with his conclusions. It was his opinion that concert or country club traffic, along with the normal traffic, would cause jam-ups to occur. He based this conclusion on 840 vehicles for 2,000 expected patrons entering and exiting the site. The main point he wished to convey was that the condition of the existing roads must be considered in the traffic flow; being narrow, curved, narrow shouldered and hilly, with limited sight distances. These conditions determine the traffic flow, and consideration of these factors leads to the conclusion that congestion will occur. He stated that accident rates are calculated per 1,000,000 miles traveled and that the average for rural roads was 299/year. In the last two years Middletown Road has had an accident rate of 487 for one year and 608 for the second year, indicating that this road is already above average as to accident potential. He also stated that records indicate 69% of accidents on Middletown Road now occur on weekends while the state wide average is 49% on weekends, further indicating there is no need for more traffic on Middletown Road, especially on the weekends. This generally concluded the Protestants' case.

People's Counsel presented only one witness in their opposition to the granting of this special exception, Mr. Victor Gladstone, 8200 Ambee's Court, who is

an Associate Professor of Sciences and Disorders at Towson State University. He is a licensed audiologist and has been for many years, and has been involved in many projects on noise and noise control. He stated that he was employed to provide testimony on the impact result of the proposed concerts in the amphitheater on the surrounding neighborhood. He stated that he visited the site twice and used sound recording equipment to assess sound levels at the present time. He then gathered information from published articles on sound generated by "rock music" concerts. He testified at length on the characteristics of sound and other technical aspects of sound. From all these tests and studies he reached the conclusion that music concerts would be very objectionable, and that the noise levels would be clearly noticeable in the neighborhood, especially on summer nights when these affairs are normally held. This concluded the testimony and evidence produced in this case.

After carefully considering all of this lengthy testimony and evidence, produced through four full days of hearings, the Board is of the opinion that the requested special exception use is not a proper one for this location and will state its reasons for this opinion. Section 1A01.1.B of the Baltimore County Zoning Regulations states: "The R.C. 2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses". Testimony from Paul Solomon clearly shows this site as always having been in a productive agricultural area, and a country club - amphitheater use does not lend itself to a compatible use concept in a farm area. Section 1A01.2.A states: "Preferred use permitted as of right. Agricultural operations, when conducted in accordance with good and reasonable husbandry practices, shall be afforded preferential treatment over and above all other permitted uses in R.C. 2 zones." (Emphasis added). This indicates to the Board that the legislative intent of this section was to preserve agricultural use wherever feasible. The Board had testimony from Mr. John Dillon that these R.C. zones were not haphazardly created, but were created in conjunction with many County agencies and after lengthy deliberation. Mr. John Guckert, a traffic expert, stated that no traffic congestion would result from this land use, but Mr. Darrell Wiles, also a traffic expert, said that much

congestion would result from this proposed use. Mr. James Kerns, the policeman assigned to this area, stated that some congestion already exists and that the proposed use would only increase this congestion. The Board also received testimony from many witnesses as to the type of roadways involved, the use by farm machinery of these roads, the already existing long response time for emergency equipment, and fears of the neighborhood from the impact of 800+ automobiles entering and exiting the area on these country roads. Section 502.1 of the Baltimore County Zoning Regulations states: "Before any special exception shall be granted, it must appear that the use for which the special exception is requested will not: b. Tend to create congestion in roads, streets or alleys therein;". (Emphasis added). From the testimony before us, from the numbers of automobiles anticipated in the area, and from the described conditions of the roads in general, it appears to this Board that surely these factors can only tend to create congestion on the roads.

The Board received testimony from Mr. John Marshall who prepared an environmental impact study on this site and who testified to no detrimental impact on the neighborhood whatsoever. We also had testimony from Mr. Paul Solomon, whose testimony was almost diametrically opposite that of Mr. Marshall's. We also heard from several neighbors as to problems with their wells at present and the fear that the amounts of ground water to be used in the proposed country club complex would only worsen these problems. When the present use is compared to the proposed use surely there will be some detrimental effect, whether it be from increased or polluted runoff, a lowering of the water table, or just general disruption to the mode of life now present in the area.

Mr. William Kirwin, a land planner, stated that the proposed use as a family club was an acceptable one, but Mr. Hugh Gelston said that it was his opinion, as a real estate expert for 48 years, the proposed use would be detrimental to the area. The Board also had testimony from two sound experts regarding the noise levels to be expected from the amphitheater use. Mr. Craig Kenney testified that the sound levels could be controlled to the point where they were not offensive to anyone. Mr. Victor Gladstone on the other hand testified that sound emanating from the amphitheater use would be very objectionable in the neighborhood. The Board concurs more with Mr. Gladstone's

opinion. It is inconceivable that 2,000 people could attend a music concert in this rural setting and not be heard enough to be a nuisance.

Testimony from residents in the area as to their fears not only of traffic and noise problems but littering, rowdyism, drinking, etc. was also considered. All of these factors create a detriment to a neighborhood when compared to a farm use. In the case of Schultz, et al v. Pritts, et al, 291 Md. 1, at page 11, decided July 16, 1981, the Court states:

> "This Court has frequently expressed the applicable standards for judicial review of the grant or denial of a special exception use. The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption. The duties given the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan."

In the instant case, there are certainly facts and testimony negating the presumption, and testimony and evidence that properties in the general neighborhood would be adversely affected.

After consideration of all the above evidence and testimony, it is the opinion of this Board that the special exception for a country club, golf course and related uses should be denied and will so order.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 8th day of January, 1982, by the County Board of Appeals, ORDERED that the Order of the Deputy Zoning Commissioner, dated October 14, 1980, be affirmed, and that the special exception for a country club, golf course and related uses be and the same is hereby DENIED.

Smith - 90-141-X 12.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

LeRoy B. Spurrier
LeRoy B. Spurrier

Patricia Phipps
Patricia Phipps

4-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

September 30, 1981

NOTICE OF ASSIGNMENT

(CONTINUED HEARING)

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 80-141-X	JEAN H. TOELLER
	NE/c Middletown and Gores Mill Rds.
	6th District
	SE-for country club, golf course, and related uses
	10/14/80-D.Z.C. (J. Jung) DENIED special exception
ASSIGNED FOR:	TUESDAY, NOV. 17, 1981, at 1 p.m.
cc: Ms. Jean H. Toeller	Petitioner
Charles E. Brooks, Esq.	Counsel for Petitioner (Smith)
Robert S. Rody, Esq.	
Mr. Dennis Smith	Contract Purchaser
A. Gordon Boone, Jr., Esq.	Attorney for Protestants
Congressman Clarence Long	
Mr. Carroll Hashall	
Robert A. Dietz, Esq.	Attorney for Jean Toeller
T. Rogers Harrison, Esq.	Counsel for Protestants
S. Herbert Tinley, III	
J. W. Hessian, Esq.	People's Counsel
J. E. Dyer	Zoning Office
J. Jung	" "
W. Hammond	" "
J. Hoswell	
N. Gerber	

June Holmen, Secy.

IN THE MATTER OF THE PETITION OF JEAN H. TOELLER, for Special Exception for Community Building, Swimming Pool, or Other Use of a Civic, Social, Recreational or Educational Nature, Golf Courses, Country Clubs, or Other Similar Outdoor Recreational Clubs, at the Northeast Corner of Middletown Road and Gores Mill Road, in the 6th Election District, Baltimore County

* BEFORE THE
* BALTIMORE COUNTY
* BOARD OF APPEALS
* CASE NO. 80-141-X

* * * * * * * * * * * * * * *

SUBPOENA DUCES TECUM

MR. CLERK:

Please issue a Subpoena Duces Tecum to the following named person to appear and testify at the hearing of the above matter and to produce at that time any and all documents, correspondance, reports, records, photographs and any other documents with reference to the agricultural nature of both the Oregon Ridge area and the Freeland Community area and make the writ returnable to the Hearing Room, Second Floor, Court House, Towson, Maryland 21204 on Tuesday, September 29, 1981 at 10:00 a.m.

RECEIVED
BALTIMORE COUNTY
Sep 28 2 29 PM 81
COUNTY BOARD
OF APPEALS
BY:

Mr. Wayne Kurtz, County Executive Director
Agricultural Stablization & Conservation Service
130 Cockeysville Road
Cockeysville, Maryland 21030

T. Rogers Harrison
T. Rogers Harrison
Mudd & Harrison
306 West Joppa Road
Towson, Maryland 21204
828-1335

Attorney for Respondents

Mr. Sheriff:

Please issue the above summons.

June Holmen
June Holmen, Board of Appeals

IN RE:

SPECIAL EXCEPTION
NO.: 80-141-X
PETITION FOR SPECIAL EXCEPTION TO USE 44 ACRES AT MIDDLETOWN ROAD AND GORES MILL ROAD FOR COUNTRY CLUB, GOLF COURSE, AND OTHER RELATED USES

* IN THE
* BALTIMORE COUNTY
* BOARD OF APPEALS
* ZONING APPEAL

* *

AFFIDAVIT

RETURN OF JOHN M. KERNEY, PRIVATE PROCESS SERVER

The undersigned hereby certifies and affirms that he executed service of the attached Subpoena Duces Tecum upon William F. Kirwin of William F. Kirwin, Inc., on September 16, 1981 at 4:02 P.M. by delivery and leaving with him a copy of the Subpoena Duces Tecum issued by the Baltimore County Board of Appeals on September 16, 1981. The undersigned further certifies that he is over 18 years of age and is not a party to the action. I do solemnly declare and affirm under the penalties of perjury that the matters and facts set forth herein are true to the best of my knowledge, information and belief.

John M. Kerney
JOHN M. KERNEY

I HEREBY SOLEMNLY DECLARE AND AFFIRM under penalties of perjury that the contents of the foregoing Return of Private Process Server are true and correct, that I have personal knowledge of the facts set forth therein and am competent to be a witness to testify thereto.

John M. Kerney
JOHN M. KERNEY

LAW OFFICES
CHARLES E. BROOKS
610 BOSLEY AVENUE
TOWSON, MD. 21204
296-2600

IN THE MATTER OF THE PETITION OF JEAN H. TOELLER, for Special Exception for community building, swimming pool, or other uses of a civic, social, recreational or educational nature. Golf courses, country clubs, or other similar outdoor recreational clubs at the northeast corner of Middletown Road and Gores Mill Road, in the 6th Election District, Baltimore County.

* BEFORE THE
* BALTIMORE COUNTY
* BOARD OF APPEALS
* Case No. 80-141-X

* * * * * * * * * * * * * * *

SUMMONS

MR. CLERK:

Please issue a Summons to the following-named person to appear and testify on behalf of the Protestants at the hearing of the above matter and make the writ returnable to the Board of Appeals Hearing Room, 2nd Floor, Court House, Towson, Maryland 21204 on Thursday, September 17, 1981 at 10:00 a.m.:

Mr. Richard Engles
1909 Bulls Sawmill Road
Freeland, MD 21053

RECEIVED
BALTIMORE COUNTY
Sep 14 3 26 PM 81
COUNTY BOARD
OF APPEALS
BY:

T. Rogers Harrison
T. Rogers Harrison
306 West Joppa Road
Towson, Maryland 21204
828-1335

Attorney for Protestants

Mr. Sheriff:

Please issue the above summons.

June Holmen
June Holmen, Secy.-Board of Appeals

IN RE:

SPECIAL EXCEPTION
NO.: 80-141-X
PETITION FOR SPECIAL EXCEPTION TO USE 44 ACRES AT MIDDLETOWN ROAD AND GORES MILL ROAD FOR COUNTRY CLUB, GOLF COURSE, AND OTHER RELATED USES

* IN THE
* BALTIMORE COUNTY
* BOARD OF APPEALS
* ZONING APPEAL

* *

SUBPOENA DUCES TECUM

Mr. Chairman:

Please issue a Subpoena Duces Tecum to the following individual to be and appear at the Baltimore County Board of Appeals, Court House, Towson, Maryland 21204 on September 17, 1981 at 9:00 A.M., and continuing from day-to-day, and to bring with him at such time all documents, records, reports, applications, permits, licenses, memorandums, notes, letters, exhibits and/or other tangible items relating to Dennis G. Smith, also known as Dino Smith, Middletown Road and Gore Mill Road, Freeland, Maryland 21053, and/or relating to said property.

William F. Kirwin
William F. Kirwin, Inc.
Suite #2
28 East Susquehanna Avenue
Towson, Maryland 21204

Charles E. Brooks
Charles E. Brooks
Law Offices of Charles E. Brooks
610 Bosley Avenue
Towson, Maryland 21204
296-2600

To the individual being summonsed:

You are hereby commanded to appear pursuant to this summons.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

TO BE SERVED BY PRIVATE PROCESS SERVER

LAW OFFICES
CHARLES E. BROOKS
610 BOSLEY AVENUE
TOWSON, MD. 21204
296-2600

IN THE MATTER OF THE PETITION OF JEAN H. TOELLER, for Special Exception for community building, swimming pool, or other uses of a civic, social, recreational or educational nature. Golf courses, country clubs, or other similar outdoor recreational clubs at the northeast corner of Middletown Road and Gores Mill Road, in the 6th Election District, Baltimore County.

* BEFORE THE
* BALTIMORE COUNTY
* BOARD OF APPEALS
* Case No. 80-141-X

* * * * * * * * * * * * * * *

SUMMONS

MR. CLERK:

Please issue a Summons to the following-named person to appear and to testify on behalf of the Protestants at the hearing of the above matter and make the writ returnable to the Board of Appeals Hearing Room, 2nd Floor, Court House, Towson, Maryland 21204 on Thursday, September 17, 1981 at 10:00 a.m.:

John J. Dillon, Jr., Planner
Community Planning Division of
the Office of Planning & Zoning
County Courts Building
Room 406
401 Bosley Avenue
Towson, Maryland 21204

RECEIVED
BALTIMORE COUNTY
Sep 14 3 26 PM 81
COUNTY BOARD
OF APPEALS
BY:

T. Rogers Harrison
T. Rogers Harrison
306 West Joppa Road
Towson, Maryland 21204
828-1335

Attorney for Protestants

Mr. Sheriff:

Please issue the above summons.

June Holmen
June Holmen, Secy.-Bd. of Appeals

IN RE:

SPECIAL EXCEPTION
NO.: 80-141-X
PETITION FOR SPECIAL EXCEPTION TO USE 44 ACRES AT MIDDLETOWN ROAD AND GORES MILL ROAD FOR COUNTRY CLUB, GOLF COURSE, AND OTHER RELATED USES

* IN THE
* BALTIMORE COUNTY
* BOARD OF APPEALS
* ZONING APPEAL

* *

SUBPOENA DUCES TECUM

Mr. Chairman:

Please issue a Subpoena Duces Tecum to the following individual to be and appear at the Baltimore County Board of Appeals, Court House, Towson, Maryland 21204 on September 17, 1981 at 9:00 A.M., and continuing from day-to-day, and to bring with him at such time all documents, records, reports, applications, permits, licenses, memorandums, notes, letters, exhibits and/or other tangible items relating to Dennis G. Smith, also known as Dino Smith, Middletown Road and Gore Mill Road, Freeland, Maryland 21053, and/or relating to said property.

William F. Kirwin
William F. Kirwin, Inc.
Suite #2
28 East Susquehanna Avenue
Towson, Maryland 21204

Charles E. Brooks
Charles E. Brooks
Law Offices of Charles E. Brooks
610 Bosley Avenue
Towson, Maryland 21204
296-2600

To the individual being summonsed:

You are hereby commanded to appear pursuant to this summons.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

TO BE SERVED BY PRIVATE PROCESS SERVER

LAW OFFICES
CHARLES E. BROOKS
610 BOSLEY AVENUE
TOWSON, MD. 21204
296-2600

P187

IN THE MATTER OF THE PETITION OF JEAN H. TOELLER, for Special Exception for Community Building, Swimming Pool, or Other Uses of a Civic, Social, Recreational or Educational Nature. Golf Courses, Country Clubs, or Other Similar Outdoor Recreational Clubs, at the Northeast Corner of Middletown Road and Gores Mill Road, in the 6th Election District, Baltimore County

* BEFORE THE

* BALTIMORE COUNTY

* BOARD OF APPEALS

* CASE NO. 80-141-X

****

SUMMONS

MR. CLERK:

Please issue a Summons to the following named person to appear and to testify at the hearing of the above matter and make the writ returnable to the Hearing Room, Second Floor, Court House, Towson, Maryland 21204 on Tuesday, September 29, 1981 at 10:00 a.m.

Lonny L. Cox
1932 Bulls Sawmill Road
Freeland, MD 21053

CL 9/24/81

COST $ 7.00
SUMMONED 1.9
NON EST 1.9
NON SUNT 1.9
COPY LEFT 9/24 1981

SHERIFF
CHARLES H. HICKEY, JR.
OF BALTIMORE COUNTY

T. Rogers Harrison
306 West Joppa Road
Towson, Maryland 21204
828-1335

Attorney for Respondents

RECEIVED
BALTIMORE COUNTY
SEP 29 1 53 PM '81
COUNTY BOARD OF APPEALS

Mr. Sheriff:

Please issue the above summons.

June Holmen, County Bd. of Appeals

P187

IN THE MATTER OF THE PETITION OF JEAN H. TOELLER, for Special Exception for Community Building, Swimming Pool, or Other Uses of a Civic, Social, Recreational or Educational Nature. Golf Courses, Country Clubs, or Other Similar Outdoor Recreational Clubs, at the Northeast Corner of Middletown Road and Gores Mill Road, in the 6th Election District, Baltimore County

* BEFORE THE

* BALTIMORE COUNTY

* BOARD OF APPEALS

* CASE NO 80-141-X

****

SUMMONS

MR. CLERK:

Please issue a Summons to the following named person to appear and to testify at the hearing of the above matter and make the writ returnable to the Hearing Room, Second Floor, Court House, Towson, Maryland 21204 on Tuesday, September 29, 1981 at 10:00 a.m.

COST $ .05
SUMMONED 1/8
NON EST .19
NON SUNT .19
COPY LEFT 9/24 1981

SHERIFF
CHARLES H. HICKEY, JR.
OF BALTIMORE COUNTY

Robert J. Feeser
19720 Middletown Road
Freeland, MD 21053

CL 9/24/81

T. Rogers Harrison
306 West Joppa Road
Towson, Maryland 21204
828-1335

Attorney for Respondents

RECEIVED
BALTIMORE COUNTY
SEP 29 1 53 PM '81
COUNTY BOARD OF APPEALS

Mr. Sheriff:

Please issue the above summons.

June Holmen, County Bd. of Appeals

IN THE MATTER OF THE PETITION OF JEAN H. TOELLER, for Special Exception for Community Building, Swimming Pool, or Other Uses of a Civic, Social, Recreational or Educational Nature. Golf Courses, Country Clubs, or Other Similar Outdoor Recreational Clubs, at the Northeast Corner of Middletown Road and Gores Mill Road, in the 6th Election District, Baltimore County

* BEFORE THE

* BALTIMORE COUNTY

* BOARD OF APPEALS

* CASE NO. 80-141-X

****

SUMMONS

MR. CLERK:

Please issue a Summons to the following named person to appear and to testify at the hearing of the above matter and make the writ returnable to the Hearing Room, Second Floor, Court House, Towson, Maryland 21204 on Tuesday, September 29, 1981 at 10:00 a.m.

Lonny L. Cox
1932 Bulls Sawmill Road
Freeland, MD 21053

RECEIVED
BALTIMORE COUNTY
SEP 23 3 04 PM '81
COUNTY BOARD OF APPEALS

T. Rogers Harrison
306 West Joppa Road
Towson, Maryland 21204
828-1335

Attorney for Respondents

Mr. Sheriff:

Please issue the above summons.

June Holmen, County Bd. of Appeals

P187

IN THE MATTER OF THE PETITION OF JEAN H. TOELLER, for Special Exception for Community Building, Swimming Pool, or Other Uses of a Civic, Social, Recreational or Educational Nature. Golf Courses, Country Clubs, or Other Similar Outdoor Recreational Clubs, at the Northeast Corner of Middletown Road and Gores Mill Road, in the 6th Election District, Baltimore County

* BEFORE THE

* BALTIMORE COUNTY

* BOARD OF APPEALS

* CASE NO 80-141-X

****

SUMMONS

MR. CLERK:

Please issue a Summons to the following named person to appear and to testify at the hearing of the above matter and make the writ returnable to the Hearing Room, Second Floor, Court House, Towson, Maryland 21204 on Tuesday, September 29, 1981 at 10:00 a.m.

COST $ .05
SUMMONED 1/8
NON EST .19
NON SUNT .19
COPY LEFT 9/24 1981

SHERIFF
CHARLES H. HICKEY, JR.
OF BALTIMORE COUNTY

Robert J. Feeser
19720 Middletown Road
Freeland, MD 21053

CL 9/24/81

T. Rogers Harrison
306 West Joppa Road
Towson, Maryland 21204
828-1335

Attorney for Respondents

RECEIVED
BALTIMORE COUNTY
SEP 29 1 53 PM '81
COUNTY BOARD OF APPEALS

Mr. Sheriff:

Please issue the above summons.

June Holmen, County Bd. of Appeals

P575

IN RE:

SPECIAL EXCEPTION NO.: 80-141-X
PETITION FOR SPECIAL EXCEPTION TO USE 44 ACRES AT MIDDLETOWN ROAD AND GORES MILL ROAD FOR COUNTRY CLUB, GOLF COURSE, AND OTHER RELATED USES

* IN THE

* BALTIMORE COUNTY

* BOARD OF APPEALS

* ZONING APPEAL

* *

SUBPOENA DUCES TECUM

Mr. Chairman:

Please issue a Subpoena Duces Tecum to the following individuals to be and appear at the Baltimore County Board of Appeals, Court House, Towson, Maryland 21204 on September 10, 1981 at 9:00 A.M., and continuing from day-to-day, and to bring with him/her at such time all documents, records, reports, applications, permits, licenses, memorandums, notes, letters, exhibits and/or other tangible items relating to Dennis G. Smith, also known as Dino Smith, Middletown Road and Gore Mill Road, Freeland, Maryland 21053, and/or relating to said property.

Those individuals are as follows:

Alan P. Jensen, Director
Department of Permits & Licenses
County Office Building
Towson, Maryland 21204

Colin K. Thacker
Director Northwestern Environmental Service
Baltimore County Department of Health
County Courts Building
Fourth Floor
401 Bosley Avenue
Towson, Maryland 21204

Lt George F. Zook
Maryland State Police Department
1201 Reisterstown Road
Pikesville, Maryland 21208

J. James Dieter
Assistant Director
Bureau of Environmental Service
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RECEIVED
BALTIMORE COUNTY
SEP 22 11 14 AM '81
COUNTY BOARD OF APPEALS

RECEIVED
BALTIMORE COUNTY
SEP 4 1 56 AM '81
COUNTY BOARD OF APPEALS

20 (Inside)
+1 (Outside)
10100

Lt Robert J. Frame
Central Traffic Division
Baltimore County Police Department
400 Kenilworth Drive
Towson, Maryland 21204

C. Richard Moore
Assistant Traffic Engineer
Department of Traffic Engineering for
Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

John W. Guckert
4 Prettyboy Garth
Parkton, Maryland 21120

Richard N. Smith
Smith Design Group
Suite 304
Executive Plaza I
Hunt Valley, Maryland 21031

Phillip W. Worrall
Browne, Worrall & Johnson Architects
2435 North Calvert Street
Baltimore, Maryland 21218

John P. Marshall, P.E.
National Foundation Engineering, Inc.
9303 Harford Road
Baltimore, Maryland 21234

Charles Fick Jr. & Associates, Inc.
303 Allegheny Avenue
Towson, Maryland 21204

W. Craig Kenney
4601 Roland Avenue
Baltimore, Maryland 21210

Dennis G. Smith, Pro Se
28 West Allegheny Avenue
Towson, Maryland 21204

Mr. Sheriff:

Please serve this summons in accordance with the above.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

-2-

P187

IN RE:

SPECIAL EXCEPTION NO.: 80-141-X
PETITION FOR SPECIAL EXCEPTION TO USE 41 ACRES AT MIDDLETOWN ROAD AND GORES MILL ROAD FOR COUNTRY CLUB, GOLF COURSE, AND OTHER RELATED USES

* IN THE

* BALTIMORE COUNTY

* BOARD OF APPEALS

* ZONING APPEAL

* *

COST $ 35.00
SUMMONED .05
NON EST .19
NON SUNT .19
COPY LEFT .19

SHERIFF
CHARLES H. HICKEY, JR.
OF BALTIMORE COUNTY

SUBPOENA DUCES TECUM

Mr. Chairman:

Please issue a Subpoena Duces Tecum to the following individuals to be and appear at the Baltimore County Board of Appeals, Court House, Towson, Maryland 21204 on September 10, 1981 at 9:00 A.M., and continuing from day-to-day, and to bring with him/her at such time all documents, records, reports, applications, permits, licenses, memorandums, notes, letters, exhibits and/or other tangible items relating to Dennis G. Smith, also known as Dino Smith, Middletown Road and Gore Mill Road, Freeland, Maryland 21053, and/or relating to said property.

Those individuals are as follows:

Alan P. Jensen, Director
Department of Permits & Licenses
County Office Building
Towson, Maryland 21204
WALK SUD 9-9-81

Colin K. Thacker
Director Northwestern Environmental Service
Baltimore County Department of Health
County Courts Building
Fourth Floor
401 Bosley Avenue
Towson, Maryland 21204
SUD 9-9-81 WALK

Lt George F. Zook
Maryland State Police Department
1201 Reisterstown Road
Pikesville, Maryland 21208
SUD 9/8/81

J. James Dieter
Assistant Director
Bureau of Environmental Service
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
SUD 9-9-81 WALK

RECEIVED
BALTIMORE COUNTY
SEP 4 1 56 AM '81
COUNTY BOARD OF APPEALS

P187

SUD 9/8/81

Lt Robert J. Frame
Central Traffic Division
Baltimore County Police Department
400 Kenilworth Drive
Towson, Maryland 21204

C. Richard Moore
Assistant Traffic Engineer SUD 9-9-81 WALK
Department of Traffic Engineering for
Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

NEG/VR
Mail Out

John W. Guckert
4 Prettyboy Garth
Parkton, Maryland 21120

Richard N. Smith
Smith Design Group
Suite 304
Executive Plaza I
Hunt Valley, Maryland 21031

Phillip W. Worrall
Browne, Worrall & Johnson Architects
2435 North Calvert Street
Baltimore, Maryland 21218

C.L. 9-9-81

John P. Marshall, P.E.
National Foundation Engineering, Inc.
9303 Harford Road
Baltimore, Maryland 21234

Charles Fick Jr. & Associates, Inc.
303 Allegheny Avenue
Towson, Maryland 21204 SUD 9-9-81 WALK

W. Craig Kenney
4601 Roland Avenue
Baltimore, Maryland 21210

Dennis G. Smith, Pro Se
28 West Allegheny Avenue
Towson, Maryland 21204

Mr. Sheriff:

Please serve this summons in accordance with the above.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

-2-

RECEIVED
BALTIMORE COUNTY
SEP 4 1 2* PM '81
COUNTY BOARD OF APPEALS

IN RE:

SPECIAL EXCEPTION
NO.: 80-141-X
PETITION FOR SPECIAL
EXCEPTION TO USE 44 ACRES AT
MIDDLETOWN ROAD AND GORES MILL
ROAD FOR COUNTRY CLUB, GOLF
COURSE, AND OTHER RELATED
USES

IN THE

BALTIMORE COUNTY

BOARD OF APPEALS

ZONING APPEAL

* *

SUBPOENA DUCES TECUM

Mr. Chairman:

Please issue a Subpoena Duces Tecum to the following individuals to be and appear at the Baltimore County Board of Appeals, Court House, Towson, Maryland 21204 on September 10, 1981 at 9:00 A.M., and continuing from day-to-day, and to bring with him/her at such time all documents, records, reports, applications, permits, licenses, memorandums, notes, letters, exhibits and/or other tangible items relating to Dennis G. Smith, also known as Dino Smith, Middletown Road and Gore Mill Road, Freeland, Maryland 21053, and/or relating to said property.

Those individuals are as follows:

Alan P. Jensen, Director
Department of Permits & Licenses
County Office Building
Towson, Maryland 21204

Colin K. Thacker
Director Northwestern Environmental Service
Baltimore County Department of Health
County Courts Building
Fourth Floor
401 Bosley Avenue
Towson, Maryland 21204

Lt George F. Zook
Maryland State Police Department
1201 Reisterstown Road
Pikesville, Maryland 21208

J. James Dieter
Assistant Director
Bureau of Environmental Service
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RECEIVED
BALTIMORE COUNTY
Sep 4 | 30 AM '81
COUNTY BOARD
OF APPEALS
BY:

Lt Robert J. Frame
Central Traffic Division
Baltimore County Police Department
400 Kenilworth Drive
Towson, Maryland 21204

C. Richard Moore
Assistant Traffic Engineer
Department of Traffic, Engineering for
Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

John W. Guckert
4 Prettyboy Garth
Parkton, Maryland 21120

Richard N. Smith
Smith Design Group
Suite 304
Executive Plaza I
Hunt Valley, Maryland 21031

Phillip W. Worrall
Browne, Worrall & Johnson Architects
2435 North Calvert Street
Baltimore, Maryland 21218

John P. Marshall, P.E.
National Foundation Engineering, Inc.
9303 Harford Road
Baltimore, Maryland 21234

Charles Fick Jr. & Associates, Inc.
303 Allegheny Avenue
Towson Maryland 21204

W. Craig Kenney
4601 Roland Avenue
Baltimore, Maryland 21210

Dennis G. Smith, Pro Se
28 West Allegheny Avenue
Towson, Maryland 21204

Mr. Sheriff:

Please serve this summons in accordance with the above.

Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

-2-

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

March 18, 1981

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(e), COUNTY COUNCIL BILL #108

CASE NO. 80-141-X — JEAN H. TOELLER

NE/C of Middletown & Gores Mill Rds.

6th District

SE-for Country Club, Golf Course, and related uses

10/14/80 - D.Z.C. (J. Jung) DENIED special exception

ASSIGNED FOR: THURSDAY, JUNE 25, 1981, at 10 a.m.

cc: Ms. Jean Toeller — Petitioner
Robert S. Rody, Esq. — Atty. for Petitioner
Mr. Dennis Smith — Contract Purchaser
A. Gordon Boone, Jr., Esq. — Attorney for Protestants
Congressman Clarence D. Long
Mr. Carroll V. Hoshall
John W. Hessian, Esq. — People's Counsel
J. E. Dyer — Zoning Office
J. Jung — " "
William Hammond — " "
J. Haswell
N. Gerber

June Holmen, Secy.

494-3180

County Board of Appeals
Room 219 Court House
TOWSON, MARYLAND 21204

June 23, 1981

NOTICE OF POSTPONEMENT and REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(e), COUNTY COUNCIL BILL #108

CASE NO. 80-141-X — JEAN H. TOELLER

NE/c of Middletown & Gores Mill Rds.

6th District

SE-for Country Club, Golf Course, and related uses

10/14/80 - D.Z.C. (J. Jung) DENIED special exception

The above case scheduled for hearing on THURSDAY, JUNE 25, 1981, at 10 a.m. HAS BEEN POSTPONED by the Board by mutual agreement from all parties represented, and the first official day of the hearing will be

REASSIGNED FOR: WEDNESDAY, JULY 1, 1981, at 10 a.m.

cc: Ms. Jean Toeller — Petitioner
Robert S. Rody, Esq. — Atty. for petitioner
Mr. Dennis Smith — Contract Purchaser
A. Gordon Boone, Jr., Esq. — Atty. for Protestants
Congressman Clarence Long
Mr. Carroll V. Hoshall
J. W. Hessian, Esq. — People's Counsel
J. E. Dyer — Zoning Office
J. Jung — " "
W. Hammond — " "
J. Haswell
N. Gerber
Robert A. Dietz, Esq. — Atty. for Jean Toeller

June Holmen, Secy.

494-3180

County Board of Appeals
Room 219 Court House
TOWSON, MARYLAND 21204

June 25, 1981

NOTICE OF POSTPONEMENT and REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(e), COUNTY COUNCIL BILL #108

CASE NO. 80-141-X — JEAN H. TOELLER

NE/C Middletown & Gores Mill Rds.

6th District

SE-for country club, golf course, and related uses

10/14/80 - D.Z.C. (Jung) DENIED special exception

The above case, scheduled for hearing on WEDNESDAY, JULY 1, 1981, at 10 a.m. HAS BEEN POSTPONED by the Board, as T. Rogers Harrison, Esq. has entered his appearance on behalf of the Protestants in the above case. He requests the postponement in order to properly prepare for this case. The Board will grant this postponement and reschedule the first day's hearing for SEPTEMBER 10, 1981, this being the first open date on the schedule.

REASSIGNED FOR: THURSDAY, SEPTEMBER 10, 1981, at 10 a.m.
THURSDAY, SEPTEMBER 17, 1981, at 10 a.m.
TUESDAY, SEPTEMBER 29, 1981, at 10 a.m.

cc: Ms. Jean Toeller — Petitioner
Charles E. Brooks, Esq. — Counsel for Petitioner
~~Robert S. Rody, Esq.~~ — ~~Atty. for Petitioner~~ - Did not attend hearing 9/10/81
Mr. Dennis Smith — Contract Purchaser
A. Gordon Boone, Jr., Esq. — Atty. for Protestants
T. Rogers Harrison, Esq. — " "
Congressman Clarence Long
Mr. Carroll V. Hoshall
Robert A. Dietz, Esq. — Atty. for Jean Toeller
J. W. Hessian, Esq. — People's Counsel
J. E. Dyer — Zoning Office
J. Jung — " "
W. Hammond — " "
J. Haswell
N. Gerber
S. Herbert Tinley, III

June Holmen, Secy.

IN RE:

SPECIAL EXCEPTION
NO.: 80-141-X
PETITION FOR SPECIAL
EXCEPTION TO USE 44 ACRES AT
MIDDLETOWN ROAD AND GORES MILL
ROAD FOR COUNTRY CLUB, GOLF
COURSE, AND OTHER RELATED
USES

IN THE

BALTIMORE COUNTY

BOARD OF APPEALS

ZONING APPEAL

* *

SUBPOENA DUCES TECUM

Mr. Chairman:

Please issue a Subpoena Duces Tecum to the following individuals to be and appear at the Baltimore County Board of Appeals, Court House, Towson, Maryland 21204 on September 10, 1981 at 9:00 A.M., and continuing from day-to-day, and to bring with him/her at such time all documents, records, reports, applications, permits licenses, memorandums, notes, letters, exhibits and/or other tangible items relating to Dennis G. Smith, also known as Dino Smith, Middletown Road and Gore Mill Road, Freeland, Maryland 21053, and/or relating to said property.

Those individuals are as follows:

Alan P. Jensen, Director
Department of Permits & Licenses
County Office Building
Towson, Maryland 21204

Colin K. Thacker
Director Northwestern Environmental Service
Baltimore County Department of Health
County Courts Building
Fourth Floor
401 Bosley Avenue
Towson, Maryland 21204

Lt George F. Zook
Maryland State Police Department
1201 Reisterstown Road
Pikesville, Maryland 21208

J. James Dieter
Assistant Director
Bureau of Environmental Service
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RECEIVED
BALTIMORE COUNTY
Sep 4 | 30 AM '81
COUNTY BOARD
OF APPEALS
BY:

IN THE MATTER OF THE
PETITION OF DENNIS G. SMITH
FOR SPECIAL EXCEPTION

* * * * * * * * *

BEFORE THE
BALTIMORE COUNTY
ZONING COMMISSION

CASE NO. 80-141-X
Item No. 64 - NE/Corner
Middletown Roand & Gores Mill Rd.
6th Election District

* *

MEMORANDUM ON BEHALF OF PROTESTANTS

The Freeland Community Association, herein by A. Gordon Boone, Jr., Esquire, their attorney respectfully offer this Memorandum for consideration of the Commissioner.

The protestants contend that the petitioner has failed to meet the burden imposed upon him by Section 502.1 of the Baltimore County Zoning regulations.

In answer to the petitioners memorandum the protestants feel that the vague and bi-furcated nature of the petitioners case should indicate the petitioners bad faith with the community. His case in chief and his supporting memorandum are fraught with indefiniteness.

The protestants feel that the proposed facility on its face would obviously create an enormous traffic problem for the rural nature of Middletown Road and create congestion in roads, streets or alleys as referred to in Section 502.1 (b) of the Zoning regulations.

The protestants further feel that the testimony as to the obvious inadequacy of response time of emergency vehicles would be catastrophic in case of immediate need for a police car, ambulance, or fire vehicle. Even disregarding the potential hazards from fire and panic, a congregation of the proposed amount of people on the subject site would clearly cause an undue concentration of population. The character of the area is such that there is no effective means to prevent patrons from trespassing upon the lands of adjoining property owners. It can easily be foreseen that vandalism and/or destruction of property could occur by the introduction of several hundred non-residents into a rural area with severely limited police protection.

The protestants further feel that there will be an evident problem with noise pollution. The Maryland State Department of Health and Mental Hygiene passed regulations on August 6, 1975 pursuant to the enviromental noise control act of 1974 and now codified as Article 43 822, of the Maryland Code. These regulations recognize that "the people of this state have a right to an enviroment free from noise, that may jeopardise their health, general welfare and property or that degrades their quality of life." Article 43 Section 822(a) . It is further recognized that noise above certain levels is harmfull to the health of humans through loss of sleep, speech interference, hearing impairment and a variety of other psychological and physiological factors. In addition to the noise from music concerts the residents will be further plagued by noise generated by automobiles, motorcycles, applause, children swimming, public address systems, etc. Since the regulations were promulgated to protect the health of the citizens, it can be presumed that violation of the regulations will be detrimental to the health of the residents.

The protestants respectfully await the decision of the Zoning Commission.

A. Gordon Boone, Jr.

A. GORDON BOONE, JR., ESQUIRE
21 Allegheny Ave.
Towson, Maryland 21204
823-5500

JEAN H. TOELLER, et al — 80-141-X
NE/c Middletown and Gores Mill Rds. — 4th District
SE-for Country club, golf course, & related uses

Dec. 7, 1979		Petition filed
Oct. 14, 1980		Z.C. DENIED special exception
Oct. 15, "		Order of Appeal to C.B. of A.
Sept. 10, 17, 29, and Nov. 17, '81		Hearing on appeal before the Board
Jan. 8, 1982		Order of the Board DENYING petition
Feb. 5, "		Order for Appeal filed in Cir. Ct. by Dennis Smith, Petitioner
March 15, "		Petition for filing extended to 5/17/82
May 17, 1982		Record of proceedings filed in Cir. Ct.
June	21	Appellant's Request for a Hearing on his Motion to be permitted to present additional evidence on appeal (Motion is hand written letter to Judge Cicone, 6/1/82)
"	21	Motion to Dismiss because "Memorandum" had not been filed by Appellant filed in C.C. by T. Rogers Harrison, Esq., Attorney for Protestants - with copy of unsigned Order attached.
June	23	Case DISMISSED by Judge Raine (oral)
"	22	Order DISMISSING case signed by Judge Raine
"	25	Petitioner's Motion to Strike Order Dismissing Appeal and Response to Respondents' Motion to Dismiss filed by Appellant - with a Request for Hearing
"	26	Motion to Strike Order Dismissing Appeal filed by Appellant
"	28	Motion Ne Recipiatur and/or Answer to Motion to Strike Order Dismissing Appeal filed by Attorney for Protestants
Oct.	8	Hearing before Judge Raine - case dismissed (copy of File Jacket showing that the Motion to strike Order Dismissing Appeal was denied)
Nov.	8	Order for Appeal filed in the Court of Special Appeals by Dennis Smith cc: Ackerman, Hammond, Hoswell
Jan.	5, 1984	Circuit Court AFFIRMED by Court of Special Appeals
Feb.	6	Motion for Reconsideration filed by appellant cc: A. January - 1/12/84 J. Hoswell
Feb.	21	Writ of Certiorari filed in the Court of Appeals by D. Smith
Mar.	1	Motion for Reconsideration DENIED by C. of S. A.
"	5	Mandate issued
May	28	Court of Appeals DENIED petition for Writ of Certiorari

MANDATE

Court of Special Appeals of Maryland

No. 1844, September Term, 19 82

Dennis G. Smith
v.
Freeland Community Association, Inc., et al

January 5, 1984 - Opinion by Bishop, J. Judgment affirmed. Costs to be paid by appellant.
February 6, 1984 - Motion for Reconsideration filed by appellant.
March 1, 1984 - Motion for Reconsideration denied.
March 5, 1984 - Mandate issued.

STATEMENT OF COSTS:

In Circuit Court: for Baltimore County

Record	30.00
Stenographer's Costs	29.00

In Court of Special Appeals:

Filing Record on Appeal	30.00
Printing Brief for Appellant	72.00
Reply Brief	
Portion of Record Extract — Appellant	268.80
Printing Brief for Cross-Appellee	
Printing Brief for Appellee	91.20 - 24.00
Portion of Record Extract — Appellee	
Printing Brief for Cross-Appellant	

STATE OF MARYLAND, Set:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals.

In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this fifth day of March A.D. 1984.

Clerk of the Court of Special Appeals of Maryland

RECEIVED
COUNTY BOARD OF APPEALS
FEB 21 1984

Costs shown on this Mandate are to be settled between counsel and NOT THROUGH THIS OFFICE.

MANDATE

Court of Special Appeals of Maryland

No. 1844, September Term, 19 82

Dennis G. Smith
v.
Freeland Community Association, Inc., et al

January 5, 1984 - Opinion by Bishop, J. Judgment affirmed. Costs to be paid by appellant.
February 6, 1984 - Motion for Reconsideration filed by appellant.
March 1, 1984 - Motion for Reconsideration denied.
March 5, 1984 - Mandate issued.

STATEMENT OF COSTS:

In Circuit Court: for Baltimore County

Record	30.00
Stenographer's Costs	29.00

In Court of Special Appeals:

Filing Record on Appeal	30.00
Printing Brief for Appellant	72.00
Reply Brief	
Portion of Record Extract — Appellant	268.80
Printing Brief for Cross-Appellee	
Printing Brief for Appellee	91.20 - 24.00
Portion of Record Extract — Appellee	
Printing Brief for Cross-Appellant	

STATE OF MARYLAND, Set:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals.

In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this fifth day of March A.D. 1984.

Clerk of the Court of Special Appeals of Maryland

Costs shown on this Mandate are to be settled between counsel and NOT THROUGH THIS OFFICE.

Feb. 4, 1980 WALK 54

The Honorable William E. Hammond
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

FEB 5 '80 PM
ZONING DEPARTMENT

RE: Petition for Special Exception
Contested Hearing Case #80-141-X
February 11, 1980 at 12:00 Noon

Dear Sir:

Please issue Subpoena Duces Tecum and/or Summons for the following for the hearing scheduled for the referenced case:

(A) Honorable Clarence D. Long
200 Post Office Bldg.
Chesapeake and Washington Avenues
Towson, Md. 21204
Summons
or
2304 Rayburn Bldg.
Washington D.C. 20515

(B) Mr. Richard C. Moore
Asst Traffic Engineer
Balto. City Engineering
401 Bosley Ave.
Towson, Md. 21204
Summons

RE: Special Exception 80-141-X

(B) Mr. Howard Fellem
11 Old Bridle Court
Freeland, Md. 21053
Summons

(D) Astrid R. Gudersen, M.S., CPA
1962 Middletown Road
Freeland, Md. 21053
Summons

(E) Robert J. Fraser
19720 Middletown Road
Freeland, Maryland 21053
Summons

(F) Joyce Ruhay
2001 Bulle Rock Mill Road
Freeland, Md. 21053
Summons

(G) Reverend James R. Hammond
Middletown Rd and Freeland Rd
Baptist Church Parsonage
Freeland, Maryland 21053
Summons

(H) DAVID JOHANSSON
c/o JOHANSSON KEG INN INC
11 S. Main Street
Manchester, Md. 21102
or
SOUTH RUHL ROAD
FREELAND, MD 21053
Subpoena Duces Tecum

and all records pertaining to Blue Grass Festival held Sunday July 22, 19XX at S. Ruhl Rd. Freeland, Md. 21053

Very Sincerely Yours,
DENNIS G. SMITH
523-5575

Mr. Sheriff:

Please issue summonser for names A through G and a Subpoena Duces Tecum for name H in accordance with the above.

William E. Hammond
Zoning Commissioner of
Baltimore County

2/6 at approx. 4:00 P.M. - Dennis Smith submitted the requesting summonses and subpoena duces tecum be issued. Same date, went to Sheriff's Office and decided to go directly through this office.

2/12 (morning) 12:00/11:00 A.M. - Returned to Zoning Office with same request. Mr. Hammond signed request and Dennis Smith delivered to Sheriff's Office.

2/18 (afternoon) - Spoke to Lieut. Franz in Sheriff's Office. Summonses were served on the people they could locate, but were they could not personally contact the people, because of the four working days lack of sufficient time for service (supposed to be received within five working days of hearing — were received only three working days before hearing).

MEMORANDUM

CASE 80-141X

SUBMITTED BY: DENNIS G. SMITH

MAR 1 3 '80 AM
ZONING DEPARTMENT

STATEMENT OF FACTS

GENERAL

Petitioner, contract purchaser of approximately 44 acres of land on Middletown Road, near Bulls Saw Mill Road, petitioned for a special exception to use the land, unimproved at this time, as the situs for a private, family oriented country club. Petitioner, although at the time of the hearings was the contract purchaser, must take title to the land whether the special exception is granted or not.

Petitioner is a 30 year native of the immediate area where the property is located and has various other land interests in the area as well as interests other than economic. His entire immediate family resides within several miles of the subject site and petitioner himself plans to reside in a home owned by him within 2 miles of the proposed project.

Petitioner presented the case in proper person, choosing not to use an attorney, believing the very basis for the presentation should be factual and a search for the truth, not merely a contest of power or a contest between the knowledgeable and the uninformed. Having gone through previous petitions, the petitioner was aware of all the "games" used by the informed to present a case at the Commissioner's level - the most pronounced being that of either submitting "on the record" or the presentation of a minimal case since at this level the presentation of hard evidence is considered "de novo" at the Board of Appeals level - or in other words there is no formal record at the Commissioner's level. This procedure is normally used in any case where it is felt the decision by the Commissioner will go upon appeal. It is a tactical as well as an economic move by the petitioner's side and everyone assumes that because zoning is believed to be political, that a strongly contested case presented before the Commissioner will result in an "automatic denial." Everyone assumes that the petitioner will go on to appeal to the Board of Appeals where the formal legal

record of any given case is made. If one knows the law, one realizes that here is where a contested case is won or lost, because the levels beyond the Board are limited by law in their scope of review of any previous decision, predicated on the record made before the Board. This procedure, which at best, is a game in reality, is an attempt to win at all costs - there is no search for the truth but only an attempt to shroud the facets of the case and to void the rights of the protestants who normally don't know the "games" and are mainly emotionally involved in a case and not experts in the law. In effect, the wise have used the system to void the very rights of the protestants - and the protestants who think they are knowledgeable are duped in the end. The petitioner wants to be granted the special exception, but chose to present his case above board and without playing games. The decision, especially at the Commissioner's level should be predicated on the facts and on the precedent law, not on games and especially not on the supposed political ramifications of the decision. If this is not accomplished then the system is wrong and should be changed, and effectively this is the opportunity before the hearing officer at the instant case. Petitioner strongly urges the hearing officer to look beyond what the historical manner by which decisions at the Commissioner's level have been predicated on, and to stand up for what should be and not for what has been - change is not effected by those who are controlled by the past or driven by anything other than a search for truth and justice.

WITNESSES AND
EVIDENCE FOR THE PETITIONER

The testimony of the petitioner himself clearly indicated his own comprehensive and complete knowledge of the case at bar. He confirmed his plans for a quality, family oriented country club, with facilities in the nature of a club house, tennis courts, swimming pool, paddleball courts, and an outdoor amphitheater. In addition, a par 3 golf course and softball field are also

included in the facility. Primary use of the facility will be limited to the warm weather months and other restrictions imposed by other governmental agencies further limit the maximum thrust of the petition; for example, the clubhouse size limits patronage usage due to restrictions in the applicable building and fire codes. Being from the area, and being well apprised of the concerns not only of the governmental agencies, but also of the citizens in the immediate area of the subject property, the petitioner, has voluntarily placed self imposed limitations on the use of the facility. These limitations hopefully would alleviate not only any real objections which could arise to the petition, but were designed to confront the very real element of fear in dealing with the unknown that existed on behalf of the protestants. The self imposed restrictions limited the maximum number of persons on the property and the maximum use of various parts of the facility. Petitioner made it clear, that even prior to the initial hearing before the Commissioner, that he had previously qualified under other existing county laws, that were or had been in effect, in order to proceed with the petition. It was hopefully made clear that he was fully aware of his responsibilities and obligations under the law and that in consideration of others had given much thought to the quality and the quantitative issues of the petition. He thoroughly explained the engineering plats and the function of various safeguards built in to the design of the facility. Further, the use of the facility, in its entirety as planned, was explained along with a breakdown of the usage of the various parts of the project. It was made clearly visible that extreme care and thought was given to advice received from the various county agencies as well as privately contracted experts in various fields. Throughout the entire presentation of the case, petitioner hopefully made the authorities and the protestants aware that he was in all sincerety concerned with using the facility in a manner which would be-

knowe the area and that his fundamental reason for application for the special exception was in order to have a control element placed upon the property, even though under the law, as it exists, the property could certainly be utilized in a manner which would be much more objectionable than that applied for. Petitioner further requested of the zoning authorities the placement of any restrictions, in addition to those self imposed and in addition to those warranted by other laws, which the said authority felt may be deemed necessary for the granting of the petition. Further, all restrictions, as stated, would be willfully made part of a "restrictive covenant" which would be recorded against the deed of the property in question. In conclusion, the petitioner simply asks for the case to be judged by the law and that the decision be made on facts and reason and nothing more.

In preparing for the presentation of the request for the special exceptions, petitioner, having made preliminary investigations into various aspects of the requirements for the granting of the exception, contracted and consulted with court-qualified experts in various fields. Several of the more prominent reports, in regard to the imput potentially needed by the zoning authority to properly judge the petition, were presented during the hearings. Mr. Wes Guckert, accepted as a qualified expert in the field of traffic-engineering, testified as to the various aspects of a traffic study prepared by himself and other principals of Street Traffic Ltd. He established through reference to photographs, admitted into evidence, his familiarity with the area and further clearly related the findings of the subject study. After a thorough explanation of the findings of the study, through testimony and as a part of the study, he offered recommendations to further enhance the project from a traffic standpoint. He clearly related the fact that both he and the petitioner had consulted with the proper Baltimore County Traffic agency prior to, during, and after the filing of the

subject petition and that advice and knowledge given by the county had become an integral part of the petition. In conclusion, Mr. Guckert, as an expert, stated unequivocally that the granting of the petition as requested would not be detrimental to the area nor would it have in any way a detrimental effect on the roads, streets or alleys in the area. As restricted to a traffic consultant's standpoint, he further stated that the granting of the petition would not create any other potential abnormal hazards nor would it interfere with any public conveniences or have any adverse effect on adequate light or air in the area.

Testimony of Mr. Richard Moore, Baltimore County Traffic Engineering Department, who was called by petitioner to testify, only further substantiated what Mr. Guckert had testified to. Mr. Moore was accepted as a qualified expert before the sitting zoning authority.

Mr. Richard Smith, a principal of Smith/Kerwin, Inc., testified as an accepted expert in the fields of land planning and landscape architecture. He testified to the park like character of the project and stated those facilities included in the planned project were "the kind of facilities necessary in a community" and that "the function of the various aspects of the plan was primarily oriented for family recreation usage." He considered the plan well thought out and the use compatible with the surrounding area and the Master Comprehensive Plan recently passed by the County Council. Of all the possible uses either "as a matter of right" or by other special exception applications that the property could potentially be used for, he felt the choice as applied for was "an excellent choice." He further felt as an expert that the proposed use was a "vital resource" and an "asset to the community." Concluding his testimony on an expert's capacity in his field as a land planner and landscape architect, he stated

petition if granted would not be harmful or detrimental to the health, safety or welfare of the area involved; nor would theuse create traffic congestion (his opinion here predicated on the previously mentioned study by Street Traffic Ltd.); nor would the use create any abnormal hazards from fire, panic or other dangers. Recognizing the reality and the true minimal ongoing use of the facility, he stated the project would not overcrowd the land or cause an undue concentration of people and too, he felt as an expert there would be no interference with any public requirements, conveniences or improvements. Finally, he stated there would be no interference with adequate light and air if the proposed club were in fact in operation. Upon being questioned by the sitting zoning authority Mr. Smith explained the functions of his firm's part in the design concept and the relationship between the segments prepared by his firm in conjunction with segments handled by other experts and the petitioner. He enumerated the various elements of the plan and their function in the total concept.

Mr. Phillip Worrall, architect and principal in the firm of Brown, Worrall and Johnson, testified as an accepted expert in his field. Mr. Worrall is presently the president of the Baltimore Chapter of the American Institute of Architects and has served on the Citizens Advisory Committee for the Growth Management Plan as well as the Architectural Review Board of Baltimore County. Being familiar with the proposal and the concept of same, he felt it was a "compatible use" for the area and saw nothing in the proposed plan which was inconsistent with the surrounding community. He explained the effect of limitation imposed on the use of the facility by its very design, by the weather, and by various code restrictions applicable once the permits required to initiate any construction would be applied for by the petitioner. He, like Mr. Richard Smith, the planner and landscape architect, felt the particular use applied for,

far more conducive to the area's well being than many of the extreme agricultural uses which the petitioners could opt to utilize the subject property for, without the benefit of any zoning change or special exception. Within the scope of his expertise, he stated and explained why he felt the petition, if granted, would not be detrimental to the health, safety or general welfare of the area and would not create a potential hazard from fire or panic or other dangers. He continued to affirm that the use as applied for would not tend to overcrowd the land or cause an undue concentration of population, nor would it interfere with public requirements or interfere with adequate light and air. Inconclusion, Mr. Worrall stated he felt the petitioner had engaged a "very competent land planner" and that the plan showed "sensitivity to the use of the land" and that all the uses, including the outdoor amphitheater, certainly were not "alien" to the North Baltimore County area - there are existing and on-going uses similar or exactly the same in nature at locations known as "Oregon Ridge (a county run, but public oriented outdoor facility) and "Yarema's Lake" (a privately owned facility where large public functions are held, but which has no zoning special exception, but rather operates on "one-day gathering permits" issued by Baltimore County in a consistent and on-going basis).

Mr. John P. Marshall, an accepted expert engineer and principal of the National Foundation Engineering, Inc. testified to, and prepared a hydrogeologic study and an environmental effects reports pertaining to the proposed special exception. This individual's comprehensive and thorough testimony certainly pointed out the proposals ability to qualify under existing, and any future requirements for the meeting of the necessary prerequisite for the granting of the proposed facility under the zoning laws and other governmental controls and specifications. Both in his report and by direct testimony, Mr. Marshall confirmed that from a standpoint of land usage, topography, geology, soils, hydrology,

air quality, water quality and wildlife and landscaping that the subject petition on the subject property offers a safe and unique opportunity for a quality, family oriented country club, at little or no direct expense to the county financially. His findings, predicated on research and actual field studies on the subject property, indicated not only no adverse ramifications if the petition was granted, but under direct testimony stated that the controlled development as planned actually enhanced various aspects of the property relating to the environmental effects - for example, the storm water run-off situation would be enhanced and more controlled by the various aspects of the proposed development, than if the land in question remains effectively the way it now exists. He went on to explain that because of the implementation of other aspects of the development plan, and the use of best management techniques, that the proposed project would lessen the effect environmentally on the existing streams and springs than now results from existing farming techniques on the property from the use of chemicals and fertilizers. In concluding, both his direct testimony and his rendered written report, Mr. Marshall made specific and accepted recommendations which the petitioner would accept as a part of practice if the special exception is granted. Finally, Mr. Marshall concluded the project would have no significant effect on the existing hydrogeologic or environmental conditions in the area of the subject property nor would it have any adverse effect in the health, safety or general welfare of the area.

WITNESSES AND
EVIDENCE OF PROTESTANTS

Mr. Richard O. Engle, a short-term resident of Bulls Saw Mill Road, testified as a protestant and as a layman witness. He stated he thought the requested use was a totally inconsistent use in reference to the surrounding area and contrary to the laws concerning the use of property. He further felt the possible failure of the project would be detrimental to his personal property value. However, he admitted his total lack of knowledge concerning the zoning process and agreed that his economic concerns were based on only his personal feelings, not as a result of any specific knowledge or education or any specific, qualified study.

Mrs. Astrid Andersen, a resident of Middletown Road for approximately 4 years, testified as a protestant, lay witness. Reading from a prepared statement, this witness eloquently fabricated possible situations that should qualify her to write science fiction stories. She stated she had been selected to testify by a citizens group "as a token woman" and further spoke of "fundamental property rights." Also, she stated she didn't "want or need" the proposed facility nor could she financially "afford" to join such a facility. It should be added that Mrs. Andersen, when subpoenaed for a later court date in the subject case, chose not to appear for cross examination and that the zoning authority chose not to hold Mrs. Andersen in contempt, although no specific reason for either action or decision was specifically stated for the record.

Mr. Robert Marstellar, a long time resident of the area, testified as a protestant and lay witness. His father's property adjoins the subject property, and his main objection was that he would like things to stay the way they are. He did state some concern that the proposed special exception may lower the water-table of the wells on his property. He stated he knew the petitioner "all his life" and felt that indeed the petitioner had concern for the area when consider-

ing the special exception.

Mr. Edward Thompson, a Middletown Road resident of 3 years, also testified as a protesting and lay witness. He expressed concern over so much land being taken out of agricultural use but didn't mind that his lot had been created out of a once-existing farm. He also worried over the effects on the water table and the response time of the local Fire Department if the petition was granted. He felt the special exception might be detrimental to the area because of the type people who might join the proposed club and the traffic generated by the use.

Mrs. Dorothy Gosnell, who lives far removed from the property at petition, stated she was testifying as a protestant and a lay witness for herself and something called "The North Baltimore County Citizens Commission" - She offered nothing to substantiate that she represented anyone other than herself. Her chief objection appeared to be that she was involved with a fight with the State over a proposal at the State-owned Gunpowder State Park. She was of the opinion that there would be a strain placed upon volunteers in the area. She offered no qualified reports or studies to expressly back up her thoughts.

Mr. Melvin Wheeler, Jr., a resident of Walker Road, testified as a protestant and as a lay person. He merely reiterated the same reasons for protest as previous protestants

Mr. A. Carey, retired, of Gore Mill Road, testified as a lay and protesting witness. His main concern seemed to be the traffic generated on Gore Mill Road without explaining why he expected any real generation of traffic on that particular road. He, too, reiterated the same basic objections voiced by other protestants, but offered no factual evidence to support his conclusions.

Mr. James Kerns, a resident living approximately 3 miles from the subject property for about 4 years testified as a lay resident witness. Mr. Kerns is employed by the Baltimore County Police Department. His main objection was the

possibility of "Rock Concerts" but admitted that he was not in attendance when the petitioner stipulated in an earlier hearing that there would be no "Rock Concerts." He further stated that he moved to the country to get "his own little piece of peace and quiet" although he admitted having fair size outdoor parties on his own property. He stated that in his capacity of a police officer, he felt his superiors would assign police as needed to an area and as an area grew more police would be assigned to the area. Mr. Kerns exemplified the attitude of many of the protestants in that he admitted his involvement in the case was due to "hearsay" and a total lack of personal knowledge of the case as presented at bar. It certainly was clear from the caliber of his testimony the very biased personal attitudes he held - he suffers from the attitude properly termed "the one acre syndrome" - "Now that I'm here, I don't want anything else." This is the very essence of a closed mind and the very reason why legally, zoning is not by plebiscite.

ADVERSE LAY WITNESSES SUBPOENAED BY PETITIONER

Mr. Robert J. Feeser, a resident of several years of Middletown Road, was called by the petitioner to testify as an adverse lay witness. Mr. Feeser was questioned in reference to a letter he had written to the Baltimore County Zoning Commissioner, which was made a part of the case file. He admitted under examination a lack of knowledge of the zoning procedure and the laws governing zoning. This individual, like others who had testified, acted precipitously, before knowing the parameters of the case to be presented, to join forces with what he termed "other little people" to effectively attempt to have an impact on the decision in the case. Showing his level of attitude, this individual stated that although he had heard two qualified traffic experts emphatically state that the proposed special exception, with its built-in limitations, would

have no adverse effect on the area, under the laws governing a special exception, he did not believe their testimony. It should possibly be pointed out that one of the traffic experts was a highly placed and strongly regarded Baltimore County employee. Mr. Feeser admitted he had not himself, nor had he caused any specific studies to be made to substantiate any of his accusations or opinions.

Mrs. Joyce Turkey, of Bulls Saw Mill Road, who had signed a petition in opposition to the requested special exception, was called to testify as an adverse lay witness. She refused to answer direct questions posed to her while on the stand. Due to her unwillingness to answer, for the record, it was proffered that her husband is employed and a possible principal of an electrical contracting company operated from a farm located on Bulls Saw Mill Road. This property has no zoning reclassification, nor is the commercial use "grandfathered" under the law, thus the use is certainly outside the confines of the law. The prevailing attitude not only of this witness, but of others, is that they would try to deny the petitioner from attempting to use his property in a legal manner, but that they should be exempt from and being guided by the law.

Mr. David Johansson of Manchester, Maryland, was called as a lay witness. Mr. Johansson verified that on several occasions, on a farm located within the immediate area of the proposed country club, he had sponsored outdoor concerts or festivals. He stated that neither he nor his father, who is the owner of the farm where the festivals were held had ever applied for or been granted a special exception or other zoning change from the agricultural designation the farm is currently zoned. During his festivals he used "meadows" for a parking area and "spot-a-pot" for his sanitation facilities. He stated there was no limitation to the number of patrons he attempted to draw to the events he sponsored. He did, however, apply for and was granted by the appropriate Baltimore County agencies, a one-day gathering permit, a food permit, and a one-day liquor license.

To sum up the relevance of Mr. Johansson's testimony, what he testified to and verified was that his family's property or the property under petition for special exception could, within the law, be used to hold a large gathering for various purposes without the limitations or control elements imposed by a zoning special exception - and lacking such controls the functions held legally with a one-day gathering permit, certainly and reasonably, could prove to be more harmful in many ways to a given community area than those held under the guidelines imposed by a special exception.

Reverend James Hammond testified as an adverse lay witness. His main objection to the proposed special exception as stated by him without further definition was "sin."

Ms. Honara Fullem, a middle-aged resident of Old Ruhl Road for approximately 9 months, was subpoenaed by the petitioner and testified as an adverse lay witness. Ms. Fullem is the author of a letter sent to Congressman Clarence Long asking him to invoke his power to help the community defeat the special exception. Her letter, replete with misinformation as to the facts presented in the case, was forwarded by her because she stated "she should have all the help she and the community could to defeat the petition." She also stated she either wrote or contacted other political persons including "Hutchinson' (the County Executive), Mr. Hammond (the County Zoning Commissioner) and Mr. Smith (the Councilman for the District).

Congressman Clarence Long was subpoenaed by the petitioner, but failed to appear - nor did a representative of his office appear although when contacted by the petitioner, an aide stated someone would appear on the Congressman's behalf. Mr. Long, without appearing for cross-examination or sending an aide, did choose to author a letter addressed to the Baltimore County Zoning Commissioner, in which he too, misrepresented the evidence of the case at bar and ask that

his constituents' desires for the denial of the proposed special exception be upheld. A strong objection to Mr. Long's unwarranted and ill informed letter was placed on record by the petitioner. The very thought that he chose to attempt to sway or undermine the decision of the hearing officer is nothing short of reprehensible.

ARGUMENT

It is clearly established that a property owner whose proposal falls within the permitted special exception uses of the zoning regulations is entitled to approval if it does not violate Section 502.1 of the Zoning Regulations under which it must appear that the proposed use will not:

a. be detrimental to the health, safety or general welfare of the locality involved;

b. tend to create congestion in roads, streets, alleys therein;

c. create a potential hazard from fire, panic or other dangers;

d. tend to overcrowd land and cause undue concentration of population;

e. interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;

f. interfere with adequate light and air.

See Miller v. Kiwanis, 347 Atlantic 2d 572, 57[illegible] (1975) and Anderson v. Sawyer, 329 Atlantic 2d 716, 720 (1974) in which the Court clearly indicated that an applicant for special exception is entitled to enjoy same if he shows that his proposed use "meets the prescribed standards and requirements." "He does not have the burden of establishing that his proposed use would be a benefit to the community," citing Rockville Fuel v. Board of Appeals, 257 Md. 183, 187-8, 262 A 2d 499, 502 (1970).

In Anderson the Court went on to say:

> The conditional use or special exception is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption.

So in order to deny the right of a property owner to enjoy the requested special exception, probative evidence would have to be adduced by the protestants that the proposed use would in fact adversely affect the public interest or cause disharmony to the operation of the comprehensive plan. "Thus, unsupported conclusions of witnesses to the effect that a proposed use will or will not result in harm amount to nothing more than vague and generalized expressions of opinion which are lacking in probative value," citing Rockville Fuel.

Not one of the protesting witnesses offered more than "generalized expressions of opinions" and none of the opinions they voiced were substantiated by any studies or expert testimony, thus as far as the law goes, they've offered no probative evidence in opposition to the proposal. Further, they offered no probative evidence that either contradicted or rebutted the evidence offered by the petitioner's various qualified experts or the petitioner himself. Further, they failed to adduce any evidence to dissolve the conclusion of the petitioner and his expert witnesses that the proposal as offered fully complied with Section 502 and would entitle the petitioner ipso facto to the grant of the special exception.

As stated by the Court of Appeals in Turner v. Hammonds, 310 A2d 543, 550-1 (1973)

> "The property owner (applicant for a special exception) has a prima facie right to enjoy the benefits of the special exception if he brings himself within the specific requirements of the ordinance." (ital. supplied)

The corollary is that if in fact the grant will not harm or disturb a comprehensive plan, denial of the application is arbitrary, capricious, and illegal. Anderson v. Sawyer, supra, Turner v. Hammond, supra. See also Miller v. Kiwanis at 347 A2d 572, 575, another Baltimore County zoning case, as was Anderson v. Sawyer in which the Court of Special Appeals reversed a denial by a lower authority.

The protestants, hoping to sway the decision and suffering from the illusion that zoning cases are a situation where "might makes right" and the further hopeful illusion that "zoning is political," offered into exhibit petitions bearing hundreds of names (unauthenticated for the record) of supposed protestants. Citing again from Rockville, the Court stated:

> "The evidence for the protestants was a memorandum of the planning commission, the testimony of two lay witnesses and a petition objecting to the proposed use signed by 240 residents of Gaithersburg. Taking them inverse order, zoning is not a plebiscite." (underlining supplied)

Citing Narbeck Village Joint Venture v. Montgomery County Council, 254 Md. 59:

> "A property owner has no vested right to the continuance of the zoning status of his or neighboring property."

This citation pertaining to Constitutional law certainly placates the often heard complaint of "I moved out her for thus and so reasons and now I don't want any changes."

Further, citing McLean v. Soley, 270 Md 208, it is stated a

> "Fact that land owner is charged with knowledge of zoning regulations when he purchases property."

It is clear that no substantive adverse evidence was adduced by the protestants and that the main thrust of their objections was based on fear of the unknown and unreasonable selfish desires which cannot be upheld under the law. The petitioner presented a viable proposal and offered general self-imposed limitations as well as inviting the zoning authority to impose additional, reasonable restrictions if it can substantiate a need for them. The petitioner prays upon the zoning authority not to deny the carte blanche use of the property and thus perpetuate a system based on power rather than on justice. The preponderance of the evidence certainly warrants the granting of the special exception as petitioned for.

National Foundation Engineering, Inc. NFE

9303 HARFORD ROAD • BALTIMORE, MARYLAND 21234 • TELEPHONE 661-7200

GEORGE W. FIELDS, PRESIDENT
ALFRED E. MYERS, VICE PRESIDENT
JOHN P. MARSHALL, P.E., VICE PRESIDENT

September 9, 1981

Mr. Dennis Smith
28 W. Allegheny Avenue
Unit 2410
Towson, Maryland 21204

Re: Hydrogeological Studies & Environmental Effects Report
Proposed Recreational Park
Middletown Road
Baltimore County, Maryland

Dear Mr. Smith;

On September 8, 1981, I made a reconissance of the subject site to determine if there had been any significant changes in the environment of the area from those observed by me on February 12, 1980, when I made a field investigation in connection with my report to you dated February 28, 1980. The area appeared the same in all respects with the exception of a mobile home that was parked on your property near the northeast corner. Based on this inspection,no changes are necessary in the contents of my original report and all conclusions and recommendations in that report are still valid.

Very truly yours,

NATIONAL FOUNDATION ENGINEERING, INC.

John P. Marshall, P. E.

Ptd at 7
Extract

STATE OF MARYLAND JOHN P. MARSHALL NO. 10302 REGISTERED PROFESSIONAL ENGINEER

HYDROGEOLOGIC STUDIES

& ENVIRONMENTAL EFFECTS REPORT

PROPOSED RECREATIONAL PARK, MIDDLETOWN RD.

BALTIMORE COUNTY, MARYLAND

Report to

MR. DENNIS SMITH

28 W. Allegheny Avenue
Unit 2410
Towson, Maryland 21204

Report by

NATIONAL FOUNDATION ENGINEERING, INC.

9303 Harford Road
Baltimore, Maryland 21234

February 29, 1980

National Foundation Engineering, Inc. NFE

9303 HARFORD ROAD • BALTIMORE, MARYLAND 21234 • TELEPHONE 661-7200

GEORGE W. FIELDS, PRESIDENT
ALFRED E. MYERS, VICE PRESIDENT
JOHN P. MARSHALL, P.E., VICE PRESIDENT

September 9, 1981

Mr. Dennis Smith
28 W. Allegheny Avenue
Unit 2410
Towson, Maryland 21204

Re: Hydrogeological Studies & Environmental Effects Report
Proposed Recreational Park
Middletown Road
Baltimore County, Maryland

Dear Mr. Smith;

On September 8, 1981, I made a reconissance of the subject site to determine if there had been any significant changes in the environment of the area from those observed by me on February 12, 1980, when I made a field investigation in connection with my report to you dated February 28, 1980. The area appeared the same in all respects with the exception of a mobile home that was parked on your property near the northeast corner. Based on this inspection,no changes are necessary in the contents of my original report and all conclusions and recommendations in that report are still valid.

Very truly yours,

NATIONAL FOUNDATION ENGINEERING, INC.

John P. Marshall, P. E.

STATE OF MARYLAND JOHN P. MARSHALL NO. 10302 REGISTERED PROFESSIONAL ENGINEER

SOIL TEST BORINGS - PLANNING - ANALYSIS - GEOPHYSICAL INSTRUMENTATION - DESIGN - INSPECTION - LABORATORY TESTING

National Foundation Engineering, Inc. NFE

9303 HARFORD ROAD • BALTIMORE, MARYLAND 21234 • TELEPHONE 661-7200

GEORGE W. FIELDS, PRESIDENT
ALFRED E. MYERS, VICE PRESIDENT
JOHN P. MARSHALL, P.E., VICE PRESIDENT

February 28, 1980

Mr. Dennis Smith
28 W. Allegheny Avenue
Unit 2410
Towson, Maryland 21204

Re: Hydrogeologic Studies & Environmental Effects Report
Proposed Recreational Park
Middletown Road
Baltimore County, Maryland

Dear Mr. Smith:

Submitted here is our report on the referenced study. This work was authorized verbally by you.

Included in this report is a discussion of the geology, soils, topography and hydrology of the project area along with existing air and water quality. The proposed development is described as well as its anticipated effects on the hydrology and environment of the area. An aerial photograph and topographic map of the site are included along with the preliminary plan showing the proposed development layout.

We have appreciated this opportunity to provide our service to you. If we can be of any further assistance, please do not hesitate to contact us.

Very truly yours,

NATIONAL FOUNDATION ENGINEERING, INC.

John P. Marshall, P.E.
Vice President

JPM/ea

STATE OF MARYLAND JOHN P. MARSHALL NO. 10302 REGISTERED PROFESSIONAL ENGINEER

TABLE OF CONTENTS

	Page
SUMMARY	1
INTRODUCTION	1
SITE DESCRIPTION	2
Land Usage	2
Topography	3
Geology	3
Soils	3
Hydrology	6
Air Quality	8
Water Quality	9
Other	10
PROJECT DESCRIPTION	10
STATUS OF PROJECT	13
ENVIRONMENTAL EFFECTS	15
Water Quality	15
Traffic	17
Air Quality	17
Noise	18
Other	18
RECOMMENDATIONS	18
CONCLUSIONS	20

APPENDIX

	Page
TEST PIT SUMMARY	A-1
TRAFFIC STUDY	A-2 thru A-13
BALTIMORE COUNTY COMMENTS	A-14 thru A-22

APPENDIX

(Envelope Attached to Rear Cover)

AERIAL PHOTOGRAPH	PLATE 1
TOPOGRAPHIC MAP	PLATE 2
SITE DRAWING	PLATE 3

SUMMARY

Following is a summary of the results of this study.

1. The project site is presently farmed and contains only a few scattered trees.
2. The project site is zoned RC2.
3. The ground surface varies from El 820 along Middletown Road to El 720 at the northeast corner.
4. Drainage over the site is to the northeast corner. A swale drains from the central portion of the site to that corner.
5. Prettyboy Schist underlies the site at depths of a few feet to more than 16 ft below ground surface.
6. The subsurface profile at the site consists of a surface layer of clayey silt with rock fragments underlain by sandy silt.
7. Suitable water supply can be obtained from wells installed into the Prettyboy Schist formation that underlies the site.
8. Air and water quality in the area are quite good.
9. No adverse effects on the environment are expected from development of this project.
10. It is recommended that the septic area, as shown on the propcsed development plan, be shifted due to unsuitable subsurface conditions in a portion of the proposed septic area.

INTRODUCTION

Dennis G. Smith of Towson, Maryland is planning to develop a tract of land owned by him in north Baltimore County into a country club, golf course and other related uses. Public water and sewer are not available in the area, therefore, private systems will be required. The purpose of this report was to make a hydrogeological and environmental effects study of the development for review by the Baltimore County Health Department. This report was prepared in general accordance with a criteria list prepared by the Baltimore County Health Department and dated November 29, 1979.

This report was prepared from information obtained on a field reconnaisance made on February 12, 1980 and research of various publications. Listed below are some of those publications used in connection with this study.

1. "Geologic Map of Baltimore County and City" prepared by Maryland Geologic Survey
2. "Soils Survey of Baltimore County, Maryland" prepared by Soil Conservation Service, U.S. Department of Agriculture
3. "Water Quality Management Plan for the Baltimore Metropolitan Region" prepared by the Baltimore Regional Planning Council
4. "Maryland Air Quality Data Report" dated 1978 prepared by the Environmental Health Administration, State of Maryland
5. "Demonstration of Nonpoint Pollution Abatement Through Improved Strict Cleaning Practices", EPA-500/2-79-161

In addition to those publications listed above, other information was also consulted including aerial photographs of the area, topographic maps and miscellaneous publications. During the field reconnaisance, ten (10) test pits were dug with a backhoe at the locations shown on Plate 2 in the envelope at the rear of this report to determine the subsurface conditions at the site. Information from these test pits is tabulated on Page A-1 in the Appendix at

the rear of this report.

SITE DESCRIPTION

The project site is located on the north side of Middletown Road and east side of Gores Mill Road in north Baltimore County, Maryland. The site is 44.17 acres in area with about 1600 ft of frontage along Middletown Road and 970 ft of frontage along Gores Mill Road. Reference is made to Plate 1 (aerial photo) and Plate 2 (topographic map) in the envelope attached to the rear cover of this report in connection with the following discussions.

Land Usage

The project site is completely open with only a few scattered small trees situated along the edge of a swale running through the general center of the property. No improvements of any type presently exist on the property. Most of the upper land along Middletown Road and Gores Mill Road is cultivated and used for growing farm crops.

The land usage immediately adjacent to the site varies from very low density, residental to farm land. Single family dwellings exist along Middletown Road, Walker Road which runs northeast off of Middletown Road slightly east of the site and Bulls Sawmill Road running southerly off of Middletown Road immediately south of the site. The sixth district elementary school identified as Prettyboy Elementary School, is situated immediately south of Middletown Road and just east of the intersection with Gores Mill Road. Most of the land to the west of the site on either side of Middletown Road is presently farmed with a few orchards. The land north of the site along either side of Gores Mill Road contains a few scattered farms but is mostly heavily wooded.

All of the land in the general vicinity of the project site is presently zoned residental. The subject property, as well as land to the north, west and east, is presently zoned RC2. The land south of Middletown Road and the site varies in present zoning from RC4 to RC5.

Topography

Most of the land in the general area of the site can be described as moderately rolling with slopes generally varying from a few percent up to about 20 - 25 percent. The highest ground on the site exists along Middletown Road where the ground surface is at about El 820. Most of the land in the western half of the site adjacent to Gores Mill Road is quite flat and varies from about El 810 to El 820. A swale runs through the easterly half of the property in a general northeast to north direction draining to the north. The ground surface elevation through this portion of the site varies from about El 810 at Middletown Road to El 720 in the northeast corner at the base of the swale.

Geology

The site is located within the Piedmont Physiographic Provinces as identified in geological publications. Bedrock in the area is identified as the Prettyboy Schist Formation. Based on the results of the test pits made for this study, solid rock was found to vary from about 4 ft depth to over 15 ft below existing ground surface. The shallower rock conditions were generally found to exist in the northwest portion of the site.

Soils

The soils at the site are natural deposits derived from weathering of the underlying Prettyboy Schist Formation. Two general strata were observed in

the subsurface profile, a surface layer of red, clayey silt to very silty clay containing varying amounts of gravel and rock fragments up to large boulders underlain by tan, micaceous, sandy silt. The tan, sandy silt deposit is considered quite suitable for absorption of sewage affluent. Although percolation tests were not made for this study, it is estimated that percolation rates would be on the order of 3 to 5 min/in. The surface deposit of clayey silt is not considered suitable for sewage disposal. The thickness of the surface layer of clayey silt varied from a few feet up to as much as 9 ft, the thicker deposits generally being situated in the central portion of the site along the top of the swale. Boulders in this strata were generally found to be most predominant in this area and to the west or generally in the northwest portion of the site where rock was found to be the shallowest. In the area of Test Pits 1 and 2 where solid rock was encountered at depths of 9 and 4 ft, respectively, the tan, sandy, silt stratum was not encountered.

The surficial soil types, as identified by the Soil Survey of Baltimore County, Maryland, prepared by the Soil Conservation Service, are shown on the topographic map, Plate 2. Given below is a brief description of each soil type as identified in that publication.

GcB2 and GcC2. Chester silt loams, 3 to 8 and 8 to 15 percent slopes, moderately eroded. These soils exist over most of the western half of the site and a small band along the southern end of the site adjacent to Middletown Road. These soils are described as deep, well-drained soils that are naturally, strongly acid. They are fairly easy to work and have available moisture capacity. They are moderately permeable. The hazard of erosion of these soils is described as moderate to severe but controllable with good management practices. The Soil

Conservation Service identifies the Chester soils in Hydrologic Soil Group B, soils having moderate infiltration rates when thoroughly wetted.

GcC2. Glenelg loam; 8 to 15 percent slopes, moderately eroded. These soils exist along a central strip of ground on the west side of the swale in the northern portion of the site. These soils are described as deep, well-drained and strongly acid. Permeability is described as moderate and they are identified as subject to erosion. These soils are also identified as Hydrologic Soil Group B.

CgD3. Glenelg Channery loam; 15 to 25 percent slopes, severely eroded. These soils are identified as existing along the west slope area of the swale draining through the property. They are described as having lost most of the fine material formerly in their surface layer and part of their subsoil through erosion and contain many gullies. They are also described as being covered by fragments of schist. These soils are also identified as Hydrologic Soil Group B.

CnB. Glenville silt loam; 3 to 8 percent slopes. These soils are identified as existing through the base of the swales that run through the subject property and adjacent properties. These soils are described as deep, moderately well-drained to somewhat poorly-drained, acid soils located in depressions and at the foot of hill sites. These soils are identifed as Hydrologic Soil Group C.

BaA. Baile silt loam; 0 to 3 percent slopes. These soils are situated in the low ground at the extreme northeast corner of the site and are described as deep, poorly-drained, nearly level, dominantly gray soils located in de-

pressions. They are also described as medium acid to very strongly acid and a water table that is seasonally at or near the surface. They are also described as having severe limitations for most non-farm uses. These soils are identified as Hydrologic Soil Group D.

No erosion channels or gullies were observed anywhere on the site at the time the field investigation was made. Although not clearly evident in the field, it is assumed that the cultivated areas of the site were plowed on contour. Most of the sides and base of the swale were grass covered which would minimize erosion of those surfaces. A minor drainage channel did exist along the lower portion of the base of the swale.

Hydrology

Surface runoff over the site, with the exception of a small area in the southwest corner near the intersection of Middletown Road and Gores Mill Road, is into the swale that drains through the easterly portion of the property. That swale drains to the northeast corner of the site where it collects and drains into a stream flowing northerly into Little Falls about 4000 ft northeast of the site. Surface runoff from a small area in the southeast corner of the site near the intersection of Middletown Road & Gores Mill Road drains northerly off of the site on to Gores Mill Road. There is no storm drain system along any of the roads adjacent to the property. On the date of the field investigation, no signs of springs were observed anywhere on the site, including the base of the swale, except near the northeast corner where this condition does exist. The source of the spring appears to be on the property immediately east of the subject property line where the water was observed to be flowing on to the site and collecting in a ponded condition. From this point, the water flows northerly

into a stream channel that meanders through the far northeast corner of the site and on to the adjoining property to the north. Results of the test pits dug in the swale area confirmed that the spring condition appears to be limited to the bottom portion of the site at the base of the swale as no ground water was encountered in Test Pit No. 9 which was excavated to a depth of 15 ft. Water was encountered at a depth of 6 ft in Test Pit No. 10 which is slightly south of the ponded condition adjacent to the spring. There were signs, however, that a portion of the swale base probably is wet during certain times of the year, logically during the rainy seasons.

Research and study by others have resulted in the general conclusion that adequate domestic water supply can be obtained from a well located in the Prettyboy Schist Formation that underlies the site. In this area, the only source of ground water is precipitation and the ground water is under water table conditions. Statistical evaluation of water wells in the Prettyboy Schist Formation, formerly identified as the Wissahickon Formation, indicates that the chemical content of the water is generally satisfactory, the average well depth is 92 ft, and the pumping yields are 11.2 gpm with most yields less than 10 gpm. For this study, the data on 6 existing wells located along Gores Mill Road and Middletown Road immediately adjacent to the site were reviewed. Results of that review are tabulated below.

Water Well Summary

Date Installed:	From 1953 to 1977
Wellpoint Depth, ft:	80 to 200 Average 136
Depth to Ground Water, ft:	40 to 54
Ground Surface Elevation:	790 to 830
Yield, gpm:	5 to 20 Average 12

The above data was obtained from the Maryland Geological Publication entitled, "Records of Wells & Springs in Baltimore County, Maryland", published in 1966 and from the Water Supply Division - Permits Section of the Water Resources Administration, Natural Resources Department, State of Maryland.

Air Quality

The project area is located in Area III of the Maryland Bureau of Air Quality Control's Ambient Monitoring Network. The closest monitoring stations are identified as No. 10 (Cockeysville Police Station), No. 13 (Garrison Station) both in Baltimore County and No. 18 (Westminster) in Carroll County. It should be noted, however, that these stations are at least 10 miles from the project site and are in areas where pollution sources are substantially more concentrated than at the project site, as these areas are much more densely populated. Given below is a tabulation of measured pollution levels at the three monitoring stations described above. Selection of these stations was based on the fact that the prevailing winds in the Baltimore County area are west-northwest to northwest except during the months of May through September when they become southerly.

MOS *

Pollutant	A	B	C
Total Suspended Particulates	46	32	50
Sulfur Dioxide	19	-	10
Nitrogen Dioxide	51	-	29
Carbon Monoxide	-	55	-
Ozone	-	150	-
Non-methane Hydrocarbon	-	1444	-

* Maximum observed concentration during 1978 in percent of Air Quality Standard for:

A- Cockeysville Police Station
B- Garrison Station
C- Westminster

As can be seen by the above tabulation, the only levels that exceeded standards were ozone and non-methane hydrocarbon. However, it should, again, be noted that these stations are situated in heavily populated areas in comparison to the project site and, as a result, indicate that air quality in the project area is extremely good.

Water Quality

The project site is located within the Loch Raven Reservoir area of the Gunpowder River Basin. The basin is about 35 miles long beginning in southern Pennsylvania and ending in Chesapeake Bay and has a varying width of from about 9 to 18 miles. As described earlier in this report, runoff from the site collects at the northeast corner of the property where a spring-fed stream meanders northerly for a distance of about 4000 ft to its discharge point into Little Falls. Little Falls, in turn, meanders southeasterly over a distance of about 5 miles to its discharge into Gunpowder Falls. All of the waters in the Loch Raven area are described as Class III, Natural Trout Waters except the main stem of Gunpowder Falls between Loch Raven and Prettyboy Reservoir which is identified as Class IV, Recreational Trout Waters. The only pollution sources in the general area of the project site and upstream from this area would be nonpoint sources, principally agricultural and organic waste runoff, and, to a lesser degree, failing septic tanks. Water quality standards for pH, temperature and turbidity were not exceeded during 1976-1977 sampling in the Little Falls' waters. However, some slight violation of standards was measured in bacteria

levels. The Average Species Diversity Index was measured as 2.8 with higher values upstream of 3.3, indicating good quality.

Other

As described previously, most of the western half of the site and a narrow strip along the southern portion of the site has been cultivated and is essentially free of any surface vegetation. Weeds and scrub growth cover the sides and base of the swale and a few isolated trees are situated along the top western edge of the swale near the center of the property. Beyond the limits of the property, the surface vegetation varies from deciduous forests to cultivated and farmed fields. A few orchards were observed slightly west of the property and some of the land immediate east of the property is presently used for pasture-land for cattle and horses.

The residential population in the general area of the site is presently quite low, especially to the north. The largest concentration of population would be at the elementary school immediately south of the site during the school season. Traffic related to the operation of the school would also be more concentrated during that period of time. Traffic in the area appears to be principally limited to local travel. For more detail of existing traffic conditions, refer to Page A-2 in the Appendix.

PROJECT DESCRIPTION

Plate 3 in the envelope at the rear of this report shows the proposed project. As can be seen, a service road will enter the site about midway along the Middletown Road side directly across from Bulls Sawmill Road and will run through the approximate center of the property in a northerly direction and then

exit to the west at about the midpoint along Gores Mill Road. Parking lots off of this road will be situated to the west near Middletown Road and the center of the property and to the east near the north end of the property. Proposed facilities to the west of this access road include a pool complex with bathhouse and a two-story clubhouse about 60 ft by 80 ft in area, a playground, paddleball courts and tennis courts. The parking lots in this area have been designed to handle approximately 200 cars. In the area in the north end of the site adjacent to Gores Mill Road, a softball field is planned. This area will probably also be used for swimming pool backwash. The parking lot in that area has been designed for 250 spaces and is immediately adjacent to a proposed picnic area and pavillion with restrooms. The southeastern portion of the site east of the access road will be used for a miniature par-three golf course. In the lower portion of the site, near the northeast corner, it is planned to have trails, another picnic area and pavillion and a small pond. An amphitheatre is also planned near the northeast corner of the site. Water supply for the project will be from a water well at a proposed location near the pool and clubhouse. Reserve well area has been selected near the softball field north of the pool area. The proposed septic area for the project is presently proposed for an area near the west side of the swale near the center of the property. Present plans indicate 75,000 sq ft will be used for this purpose.

Based on the above description, the following general comments are made concerning the overall project.

1. Trash and garbage disposal will be assigned by contract.

2. General hours of operation will be from 10:00 A.M. to 2:00 A.M. However, hours may fluctuate depending upon specific function.

3. The access road through the site will be bituminous paving, 24 ft wide, constructed as an open section. The main parking area will also be bituminous paving.

4. Lighting within the site will be so erected as to not reflect rays on to adjacent motorways, into the path of on-coming vehicles or on to any adjacent residential areas.

5. It is understood that the proposed amphitheatre will only be in periodic operation during the summer months. More specific details concerning usage of this facility will be made by others separate from this report.

6. The two-story clubhouse will contain a restaurant, kitchen and bar. In addition, an office, locker rooms, showers, etc. will also be housed in this structure. It is also understood the second floor will contain a banquet room.

7. A proposed earth berm is planned to be constructed along the entire length of Middletown Road and Gores Mill Road to provide a screen between the facility and the adjacent roadways. In addition, the entire site will be landscaped with trees and other items.

At the time this report was written, no grading studies of the site had been made. However, it is estimated that site grading will be minimal, probably not exceeding cuts and fills of more than a few feet. It is likely a storm drain system will be constructed to collect runoff from the paved areas. Dis-

charge from this system will most likely be down the existing swale and into the pond near the northeast corner of the site. This pond will likely double as a storm water management pond. Since all runoff from the site, except for a small area near the west corner of the property, drains to the pond area, this area will also serve as the location for sediment control.

STATUS OF PROJECT

At the time this report was prepared, various agencies with Baltimore County had made preliminary review of this project. Following is a list of those agencies and comments concerning their review. Copies of their correspondence concerning these reviews are included in the Appendix.

1. Bureau of Engineering. The project site is in an area designated "no planned service" on Baltimore County water and sewage plans. There are known flooding problems downstream, however, no additional impact downstream is anticipated since the project is subject to Baltimore County storm water management policy. The estimated 100-year design storm runoff increase is 6.76CFS. The project was recommended for approval.

2. Department of Public Works. They specify certain requirements concerning construction of the road entrances, sediment control, storm drain construction and related drainage and utility easements.

3. Department of Traffic Engineering. They state that existing zoning for the site can be expected to generate approximately 100 trips per day and the proposed special exception and use of the property could be expected to generate 3700 trips per day, this maximum number being when the theatre

is in operation. They also specify that improvements to the property should include paving all parking areas, providing sidewalks within the site and improvements to Middletown Road and Gores Mill Road.

4. Office of Planning and Zoning. At the time this report was prepared, an application for special exception had been applied for and is being reviewed by the Office of Planning and Zoning. Other reviews by this office specified that parking areas must be paved and screened, all free standing lighting must be shown and should be of the cut-off type and the amphitheatre should be limited to the number shown unless a revised site plan is presented. Additional comments from this department indicate that the property is currently farmed and that the soils are excellent for agricultural use and that that use is preferred. In addition, they note that zoning regulations limit the number of tennis courts to 8 for a nine-hole golf course and the proposed golf course, as shown, indicates only 8 holes.

5. Department of Permits and Licenses. Their comments indicate that any structure built on the property shall conform to BOCA requirements, a building permit will be required before construction can begin and miscellaneous other comments relative to processing of building permit applications.

6. Bureau of Environmental Services. This department states that more information is required before they can review and/or comment on the proposed project.

7. Fire Department. They state that all buildings and structures on the site shall comply with applicable requirements of the National Fire Pro-

tection Association standards.

Final approval of the project will require review by all of the above agencies. Review and approval of a grading and sediment control plan will also be required from the Soil Conservation Service, U.S. Department of Agriculture.

ENVIRONMENTAL EFFECTS

A discussion of the anticipated effects on the environment from development of this project is given below. It should be noted here that this discussion does not include a consideration of noise generated by various uses of the amphitheatre. That effect will be evaluated by others separate from this report.

Water Quality.

Storm water runoff over the site will all drain to the northeast corner and the pond that will be constructed in that area. Almost all the site with exception of a small area near the intersection of Middletown Road and Gores Mill Road presently drains to the northeast corner and final grades after construction will maintain drainage to that area. In addition, construction of the berm along Gores Mill Road will also result in surface run-off from that area draining to the northeast corner and the pond. Based on the present layout of the project, as shown on Plate 3, it was computed that about 11 acres of the site will be changed to paved or impervious area. This represents about 25 percent of the overall site area. Assuming storm drains are used to collect run-off from these areas, the discharge from this system will probably outlet into the base of the swale draining through the eastern portion of the property. Appropriate permanent storm drain outlet protection, such as use of riprap, sod, gabions or some other

accepted means as specified by the Soil Conservation Service, can be used below the discharge point to slow discharge velocity and allow infiltration of run-off prior to its discharge into the pond area.

The quantity of surface run-off from the site will not change significantly from existing conditions. This is based on the fact that about 75 percent of the site is presently cultivated and the balance in pasture or range land condition and future conditions where about 25 percent of the site is paved and the balance is in open space condition. Using curve numbers (CN), published by the Soil Conservation Service, a composite CN of 68 was computed for the existing conditions and a CN of 69 for the proposed conditions.

Principal sources of pollution to storm water run-off will include nutrients from soil particles, vegetation prices, fertilizers, de-icing salts, oil deposits and debris not discarded in appropriate containers. The magnitude of pollutents from soil particles and fertilizers should be less than existing due to the fact about 75 percent of the site has been farmed in the past and, therefore, fertilized and cultivated. Future conditions will results in about 75 percent of the site becoming grass-covered with trees, shrubs and other landscaping. Although the area will likely be fertilized, the degree of application should not be much different than present and surface run-off conditions will be more desireable under future conditions than present due to the fact the run-off will be reduced in those areas outside the paved areas and areas under roof. Pollutents resulting from vegetation prices such as leaves, de-icing salt, waste not deposited in containers and other sources can be minimized by best management practices which are discussed in a following

section of this report.

In addition to the above, all run-off will collect in the pond in the northeast corner where natural sedimentation of any solids will occur and where dilution of run-off with natural spring water will occur. Discharge from the pond will flow into an existing stream that meanders over a distance of about 4,000 ft. before discharging into Little Falls.

Traffic

Reference is made to a traffic study made by Street Traffic Studies Limited of Gaithersburg, Maryland and included in the Appendix. As can be seen in that report, the results of their analysis indicate that the existing road system can adequately handle the traffic that would be generated as the result of the use of the 2100-seat amphitheatre which would be the maximum traffic load that could occur in connection with use of the site.

Air Quality

The only significant source of air pollution related to usage of the site is carbon monoxide emmissions from vehicles going to and leaving the area. Carbon monoxide levels resulting from traffic generated by maximum usage of the site will obviously increase above existing conditions. However, the levels should be substantially below minimum standards. This conclusion is based on the results of measured air quality reported earlier in this report which indicated carbon monoxide levels of about one-half standards at the Garrison Station which monitors air quality along Reisterstown Road near Owings Mills. Air pollution resulting from traffic would obviously be sub-

stantially more severe at that location than under maximum usage conditions at the site. Due to limited research and information available to date concerning other pollutents such as ozone and hydrocarbons, no analysis could be made concerning increases in their levels resulting from maximum operation of the site. However, since the maximum traffic conditions would only occur at a few limited times during the summer months, the effects should be minimal.

Noise

Routine activities at the site such as golf, tennis, activities within the clubhouse, use of the swimming pool, etc. will obviously not create noise levels of a magnitude to be a nuisance to the surrounding area. Noise generated from usage of the amphitheatre will be evaluated by others separate from this report.

Other

Based on comparison of existing to proposed conditions, there should be no adverse effect on wildlife in the area. Any wildlife displaced from the site will have more than adequate habitat immediately to the north. In addition, future landscaping which will include trees, shrubs and grasses over much of the site will likely increase the population of some forms of wildlife.

RECOMMENDATIONS

The following is recommended in connection with design and construction of this project to minimize the effects of this project on the surrounding

environment.

1. Based on the results of the test pits made for this study, it appears that the proposed septic area as shown to the west side of the swale will have to be shifted somewhat in location. This is due to the fact that the surface layer of clayey silt is considered too impervious for absorption of sewage effluent and the fact that bedrock is rather shallow. Most of the site outside of the area of Test Pits 1 and 2 should be suitable for sewage disposal with the exception of the low area in the northeast corner and the base of the swale.

2. The best management practices possible should be followed in connection with the general operation of the project. Listed below are some of these practices considered important.

   (a) Streeting Cleaning. It is recommended that the project road and parking areas be cleaned periodically to remove soil particles, dust, trash, debris and all other pollution sources deposited on all paved surfaces. The frequency of this cleaning operation will depend on the need, being more frequent after high density activities.

   (b) Trash and Litter Disposal. Suitable containers should be placed strategically throughout the site and should be emptied as necessary to avoid any overflow and spillage. Trash removal from the site for off-site disposal should be scheduled as necessary to avoid overflow or spillage. Signs should be posted throughout the site to encourage proper disposal of trash and litter by people using the

facilities.

(c) Snow and Ice Removal. Snow removal should be by plowing and use of de-icing salts should be avoided, if at all possible. As an alternate to use of salts, sand or cinders is recommended.

(d) Chemical Use. Use of fertilizers and herbicides should be in minimum amounts. Application rates for fertilizers should not exceed those recommended by the Soil Conservation Service. Use of herbicides should be avoided, if at all possible.

(e) Other. Periodic collection of leaves and grass clippings should be scheduled as necessary. It is important that leaves and other debris not be allowed to collect at the storm drain inlets. Periodic inspection of the storm drain system should also be made to determine if cleaning is necessary.

CONCLUSIONS

It is concluded that development of the project and use of all facilities discussed in this report will have no significant effect on the existing hydrogeologic or environmental conditions in the area. This conclusion is based on design, development and use of the site as discussed; use of accepted and approved sediment control and storm water management; and use of best management practices.

APPENDIX

TEST PIT SUMMARY
Dennis Smith Property
Middletown Road
Baltimore County, Maryland

TEST PIT NO	STRATA DEPTH, FT A	STRATA DEPTH, FT B	TEST PIT DEPTH, FT	REMARKS
1	0-5	-	9	Boulders below 6', rock @ 9', no water
2	0-4	-	8	Boulders below 1', rock @ 8', no water
3	0-2	2-18	18	Boulders 1'-6', rock @ 18', no water
4	0-2	2-15	15	Boulders to 2', rock @ 15', no water
5	0-3	3-13	13	No boulders, rock @ 13', no water
6	0-3	3-7	7	Boulders to 3', rock @ 7', no water
7	0-3	3-16	16	No boulders, no rock, no water
8	0-2	2-12	12	No boulders, rock @ 12', no water
9	0-2	2-15	15	No boulders, no rock, no water
10	0-3	3-6	6	No boulders, no rock, water @ 6'

STRATA "A" - Red, clayey silt with gravel

STRATA "B" - Tan, sandy silt with gravel and rock fragments, micaceous

STREET TRAFFIC STUDIES, LTD. 16628 S. Westland Drive, Gaithersburg, Maryland 20760 Tel. 301/948-1754

September 5, 1979

MEMORANDUM

TO: Dennis Smith

FROM: Wes Guckert

SUBJECT: Recreation Site
Middletown Road and Bulls Sawmill Road
Baltimore County

As requested, we have completed a traffic engineering analysis related to the development of a recreation complex along Middletown Road in northern Baltimore County, Maryland.

The preliminary site plan includes a swimming pool, tennis courts, par 3 golf course and the primary concern of this report, an amphitheatre. The site is comprised of approximately 45 acres and will include other ancilliary recreational uses in addition to those listed above. The amphitheatre is of primary concern since it is likely to generate the largest amount of traffic within a short period of time prior to and immediately after a concert or gathering. The results of the analysis show that the road system can adequately handle traffic generated as a result of a 2100 seat amphitheatre.

The base conditions and existing traffic volumes are described first. This is followed by the procedures used to determine

trip distribution and trip generation rates. The traffic analysis, permitted uses, recommendations and conclusions are then presented.

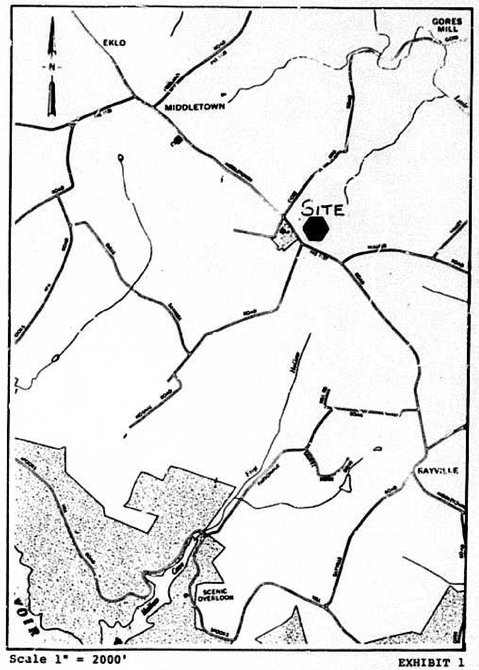
Base Conditions

The site is located along the east side of Middletown Road as shown on Exhibit 1. The site plans to have primary access along Middletown Road opposite Bulls Sawmill Road and secondary access along Gore Mill Road approximately 600 feet east of Middletown Road. Middletown Road in the vicinity of the site is a 21 foot two lane north-south County maintained roadway posted for 40 MPH. There is generally four feet of side clearance along both sides of Middletown Road. The sight distance from the proposed access along Middletown Road at Bulls Sawmill Road is more than 800 feet to the north and 700 feet to the south. The sight distance from Gore Mill Road at Middletown Road is more than 560 feet to the north and more than 800 feet to the south.

The primary uses of the site will be as a swimming/recreation area. A 2100 seat amphitheatre is planned to be used for concerts, etc. similar to the Oregan Ridge Complex in Hunt Valley.

Traffic Volumes

The Baltimore County Department of Traffic Engineering made portable traffic counts along Middletown Road west of I-83 on August 30 and September 1, 1976 showing a 24 hour traffic volume of 3090. The consultant also made portable traffic counts west of I-83 from Thursday, August 23, 1979 to Tuesday



Scale 1" = 2000'

EXHIBIT 1
SITE LOCATION

August 28, 1979 resulting in an average daily traffic of 3956. We also made a turning movement count from 6 PM - 10 PM on Friday, August 24, 1979 at Middletown Road and Bulls Sawmill Road. These volumes show 18 percent less traffic along Middletown Road at Bulls Sawmill Road than at I-83. The total vehicles counted and observed are shown in the Appendix.

In addition to the traffic counts taken to determine existing volumes along Middletown Road, traffic counts were taken at three recreational locations in northern Baltimore County to determine trip generation rates and vehicle occupancy.

LOCATION	DATE	DAY	HOURS COUNTED
Padonia Club (Padonia Road near Jennifer Road)	8-4-79 8-5-79	Saturday Sunday	10 AM - 4 PM 10 AM - 4 PM
Kiwanis Club (Baubiitz Road, East of Greenspring Valley Drive)	8-4-79 8-5-79	Saturday Sunday	10 AM - 4 PM 10 AM - 4 PM
Oregan Ridge (Beaver Dam Road)	8-4-79 8-5-79 8-16-79	Saturday Sunday Thursday	6:30 PM - 9:30 PM 6:30 PM - 9:30 PM 6:30 PM - 10:00 PM

Although the above counts at the three recreational sites are not shown in this report, they are available upon request.

Trip Distribution

The turning movement count taken at Middletown Road/Bulls Sawmill Road shows that the directional split at that intersection is 58 percent from the south and 42 percent from the north. For purposes of our analysis we decided to use a 80/20 split from the south/from the north. It is our opinion that

the distribution from the north is conservative (less than likely to occur) since Middletown Road provides access to residential areas in Pennsylvania such as New Freedom.

Trip Generation

The traffic counts taken at the recreational areas provided a basis for determining approximate trip rates for the subject site.

PADONIA CLUB

	PEAK HOUR					
	Saturday 2:30-3:30 PM			Sunday 2:15-3:15 PM		
	IN	OUT	TOTAL	IN	OUT	TOTAL
TRIPS/29.36 ACRES	77	86	163	94	63	157
TRIPS/ACRE	2.62	2.53	5.55	3.20	2.15	5.35

KIWANIS CLUB

	PEAK HOUR					
	Saturday 12:15-1:15 PM			Sunday 12:30-1:30 PM		
	IN	OUT	TOTAL	IN	OUT	TOTAL
TRIPS/24 ACRES	62	9	71	76	14	90
TRIPS/ACRE	2.58	0.38	2.96	3.16	0.17	3.29

The peak entering volumes at the two clubs which have a pool and tennis courts are very similar. The exiting volumes differ greatly, possibly due to the fact that at Padonia Club, parents may "drop-off" youngsters, and at the Kiwanis Club, families go to the area and stay for the day.

Approximately 40 percent of the proposed site, or 18 acres, are planned to be used in the same fashion as the two sites

shown above. The trip rate/acre used in our analysis of the subject site is slightly greater than the rates found for either the Padonia Club or the Kiwanis Club.

PROPOSED SITE
MIDDLETOWN ROAD

	PEAK HOUR ON SATURDAY			PEAK HOUR ON SUNDAY		
	IN	OUT	TOTAL	IN	OUT	TOTAL
TRIPS/ACRE	2.65	2.95	5.60	3.25	2.20	5.45
TRIPS/18 ACRES	48	53	101	59	40	99

The following table shows the results of the study made to determine occupancy of vehicles entering Oregon Ridge, the Padonia Club and the Kiwanis Club.

OCCUPANCY DATA

Oregon Ridge

DATE	DAY	TIME	TOTAL # PERSONS IN CARS	TOTAL # CARS	OCCUPANCY # PERSONS/ CAR
8/16/79	Thursday	6:30-10:00 PM	272 Out	117-Out	2.32
8/4/79	Saturday	6:30-9:30 PM	1713-In	682-In	2.51
8/5/79	Sunday	6:30-9:30 PM	1149-In	445-In	2.58
		AVERAGE			2.52

Padonia Swim Club

DATE	DAY	TIME	TOTAL # PERSONS IN CARS	TOTAL # CARS	OCCUPANCY # PERSONS/ CAR
8/4/79	Saturday	10:00AM-4:00PM	1092	439	2.49
8/5/79	Sunday	10:00AM-4:00PM	1276	503	2.54
		AVERAGE			2.51

Kiwanis Club

DATE DATE	DATE DAY	TIME TIME	TOTAL # PERSONS IN CARS	TOTAL # CARS	OCCUPANCY # PERSONS/ CAR
8/4/79	Saturday	10:00 AM-4:00 PM	501	185	2.70
8/5/79	Sunday	10:00 AM-4:00 PM	624	235	2.66
		AVERAGE			2.68

Traffic Analysis

Capacity analyses of Middletown Road were made during several times to determine the effect of the proposed site on traffic operations. The traffic counts show that the volumes along Middletown Road west of I-83 (near Molesworth Road) are approximately 18 percent higher than the volumes at Bulls Sawmill Road. We used the higher volumes at I-83 for our analysis of the site at Bulls Sawmill Road.

The service volume of Middletown Road at Level of Service "D" was computed based upon the following information

Posted Speed Limit - 40 MPH
Average Highway Speed (Design Speed) - 50 MPH
Lane Width - 11 Feet
Side Clearance - 4 Feet
Passing Sight Distance Greater than 1500 Feet - 35 Percent (Measured from Site to I-83)
Trucks - 3 Percent (Estimated)
Rolling Terrain

Service Volume at Level of Service "D" = $2000 \times V/C \times W_D \times T_D$

960 VPH = $2000 \times .65 \times .63 \times .89$

We first considered the effect of the site on a Saturday and Sunday afternoon when the peak use of the pool and related facilities would occur. The existing two way peak volume of 284 vehicles occurs from 4-5 PM on Sunday. If all the traffic generated (shown on Page 6) occurs south of Bulls Sawmill Road

the resulting two way volume would be 383 VPH, well below the service volume for Level of Service "D".

Since the volume of traffic generated by the pools can be easily accommodated the next situation to be analyzed is the effect of the 2100 seat amphitheatre. It is likely that most events at the amphitheatre would occur on a Saturday or Sunday evening as is the case with Oregon Ridge. The peak two way volume on Saturday and Sunday between 6:00 PM and 10:00 PM occurs from 6:00-7:00 PM with a volume of 296 vehicles. The average vehicle occupancy for three concerts at Oregon Ridge was found to be 2.52 persons/vehicle. When using the 80/20 distribution, the following increase in traffic south of the site was computed:

$$\frac{\text{No. of Persons}}{2.52} = \text{No. of Vehicles} \times .80 = \text{No. of Vehicles from the South}$$

$$\frac{2100}{2.52} = 833 \times .80 = 666 \text{ Vehicles}$$

This volume was then added to the peak volume of 296, resulting in a total two way volume of 963 VPH which is at the limit of the service volume for Level of Service "D". This total volume would occur before the scheduled event (6:00-7:00 PM) and 886 VPH would occur from 9:00-10:00 PM when the concert would end.

The two way volume along Middletown Road at Bulls Sawmill Road from 9:00-10:00 PM on a Friday is 114 VPH. This is an average of 1 vehicle/32 seconds passing the site. If each through vehicle is given five seconds to clear the site then there is 3030 seconds/hour left to clear 666 vehicles going southbound. The result is an average of 4.5 seconds/waiting vehicle. This analysis indicates there should be sufficient gaps in the Middletown Road traffic stream to clear the vehicles from the site.

Conclusions

The analysis shows that the traffic that could be generated by the proposed uses is within acceptable operational limits for the existing roads. In the one instance where the generated volume plus existing volume reaches the service volume limit for Level of Service "D" it must be noted that a conversatively high estimate of 80 percent of the generated traffic was added to this direction of approach. Based on the analyses, it is our opinion that the proposed use of the site will not adversely affect traffic operations in the area. The peak traffic for the proposed use of the site would be on the weekends only during warm weather. It would be essentially inactive during cold weather.

However, to further alleviate any problems we would recommend the following improvements:

1. Right turn decelleration lane be constructed at the entrance along Middletown Road.
2. Internal signing to direct northbound motorists leaving the site (from the Amphitheatre) to use Gore Mill Road to proceed north on Middletown Road and vehicles destined southbound to use the Middletown Road access.

APPENDIX

VEHICLE TURNING MOVEMENT COUNT-SUMMARY

INTERSECTION OF Middletown Road AND Bulle Sawmill Road

COUNTED BY Don Hayes

LOCATION Baltimore, Maryland
DATE 6/26/79 DAY Friday
WEATHER Rain, 55°F
SUMMARIZED BY John Boling

STREET TRAFFIC STUDIES LTD.

PEAK HOUR

TIME	TRAFFIC FROM NORTH — Middletown Road			TRAFFIC FROM SOUTH — Middletown Road			TRAFFIC FROM EAST —			TRAFFIC FROM WEST — Bulle Sawmill Road			TOTAL HOURLY TOTAL, SOUTH, EAST, WEST
	RIGHT	THRU	LEFT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	
6:00-6:15	1	25	4	54			58		1		4	5	89
6:15-6:30	0	21	5	36			42		0	1	1	1	64
6:30-6:45	1	15	1	55			56		1	0	1	1	73
6:45-7:00	0	29	1	31			32		0	3	3	3	64
7:00-7:15	1	22	1	32			33		1	0	1	1	57
7:15-7:30	3	35	1	33			34		1	2	3	3	75
7:30-7:45	1	24	0	23			23		0	3	3	3	51
7:45-8:00	2	14	0	18			18		0	1	1	1	35
8:00-8:15	2	17	1	31			32		1	2	3	3	54
8:15-8:30	3	27	0	29			29		0	0	0	0	59
8:30-8:45	1	19	1	25			26		0	2	2	2	48
8:45-9:00	0	12	0	21			21		1	2	3	3	36
9:00-9:15	1	15	1	16			17		0	1	1	1	34
9:15-9:30	0	13	0	18			18		1	0	1	2	32
9:30-9:45	1	10	0	13			13		0	1	1	1	25
9:45-10:00	0	12	1	11			12		0	1	1	1	25
PEAK HOUR	2	90	12	176			186		2	8	10	30	290
% PEAK HOUR TOTAL	17	310	18	446			464		7	23	30	30	824

A-12

VEHICLE COUNT-MACHINE SUMMARY

ALONG Middletown Road AND Holesworth Road
BETWEEN 1-83
SET UP BY J. Boling MACHINE NO. 7822

LOCATION Baltimore County
DATES 6/25-6/28/79 DAYS Thurs.-Tuesday
WEATHER Good TABULATED BY J. Ockert

STREET TRAFFIC STUDIES LTD.

WEEKDAY TRAFFIC VOLUMES — WEEKEND VOL.

TIME	MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		5 DAY TOTAL	AVG. WEEK DAY		2 DAY TOTAL	AVG. DAILY VOL.
	VOL.	%	VOL.	%	VOL.	%	VOL.	%	VOL.	%		VOL.	%		
12-1 AM	41		49						52						
1-2	29		37						26						
2-3	11		13						22						
3-4	13		12						8						
4-5	8		14						23						
5-6	34		36						59						
6-7	125		107						243						
7-8	355		324						354						
8-9	318		295						222						
9-10	193		192						150						
10-11	148		143						144						
11-12	138		131						148						
12-1 PM	139		134						166						
1-2	152								145						
2-3	156								178						
3-4	205								202						
4-5	275								333						
5-6	354								447						
6-7	328						245		348						2.10
7-8	222						188		255		221	180		251	238
8-9	177						142		223		180	130		161	214
9-10	115						118		159		130	120		140	220
10-11	130						108		123		130	120		130	127
11-12	85						78		111		98	98		101	106
24 HOUR TOTAL	3751								4161		3956	3806		3736	3772

A-13

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS

DATE: August 13, 1979

FROM: Ellsworth N. Diver, P.E.
Chief, Bureau of Engineering

PROJECT NAME: Smith Property

PROJECT NUMBER: PIP NO. 79-31X

LOCATION: N/S of Middletown Rd.
E/S of Gores Mills Rd.

DISTRICT: 6C3

PIP PLAN X
PRELIMINARY PLAN
TENTATIVE PLAN
DEVELOPMENT PLAN
FINAL PLAT

This application for special exception (No. 79-31X) was received by the Developers Design Approval Section on July 27, 1979, and we comment as follows:

Water and Sanitary Sewer: Non-Urban Area

Public water supply and sanitary sewerage are not available to serve this property, which proposes to utilize private onsite water supply and sewage disposal systems (well and septic). This property is beyond the Baltimore County Metropolitan District and the Urban-Rural Demarcation Line; and in an area designated "No Planned Service" on Baltimore County Water and Sewerage Plans W-4A and 4-B, and S-4A and 4B, as amended, respectively.

As this 44.17± acre property, zoned RC-2, per Section 22-15.1 (e)-(3)-B-(1) of Bill 12-77 (IDCA) is not subject to the provisions of Sections 1-(e)-(1)-A and 1-(e)-(1)-B, this project is recommended for approval.

Storm Drains: (Little Falls - Gunpowder Falls - Loch Raven Reservoir - Gunpowder Falls - Bird River - Gunpowder River -Chesapeake Bay)

There are known flooding problems downstream. The Petitioner indicates a proposed increase of onsite impervious area of approximately 1.15 acres. As this project, subject to Baltimore County Storm Water Management Policy, will present no additional impact downstream from the proposed development/use of this property, this project is recommended for approval. Estimated 100-year design storm runoff increase of 6.74 cfs.

(SIGNED) EDWARD A. McDONOUGH
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

A-14

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

THORNTON M. MOURING
DIRECTOR

November 16, 1979

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #64 (1979-1980)
Property Owner: Jean H. Toeller
N/E cor. Middletown Rd. & Gores Mill Rd.
Existing Zoning: RC 2
Proposed Zoning: Special Exception for community building, swimming pool, or other uses of a civic, social, recreational or educational nature. Golf courses, country clubs, or other similar outdoor recreational clubs. (IDCA 79-31x)
Acres: 44.17 District: 6th

Dear Mr. Hammond:

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.

General:

Comments were supplied for this property for Project PIP 79-31X.

Highways:

Gores Mill and Middletown Roads, existing public roads, are proposed to be improved in the future; Gores Mill Road as a 30-foot closed section roadway on a 50-foot right-of-way; and, Middletown Road as a 50-foot closed section roadway on a 70-foot right-of-way with moderate horizontal realignment in this vicinity. Highway rights-of-way widenings, including a fillet area for sight distance at the intersection and any necessary revertible easements for slopes, will be required in connection with any grading or building permit application.

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

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.

A-15

...979-1980)
...Owner: Jean H. Toeller

...er 16, 1979

...ment Control: (Cont'd)

Drainage studies, storm water management drawings 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:

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water runoff through the property to be developed to a suitable outfall.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

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 and reservations are required through this property.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are not available to serve this property, which is tributary to Loch Raven Reservoir and proposes to utilize private onsite water supply and sewage disposal systems. This property is beyond the Baltimore County Metropolitan District and the Urban-Rural Demarcation Line; and in an area designated "No Planned Service" on Baltimore County Water and Sewerage Plans W-4A and 4B, and S-4A and 4B, as amended, respectively.

Very truly yours,

ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Tranner
J. Somers
J. Wimbley
D. Grise

KK-NW Key Sheet
134-136 NW 18 & 19 Poe. Sheets
NW 34 E Topo
11 Tax Map

A-16

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. W. E. Hammond, Zoning Commissioner — Date: January 10, 1980
FROM: John D. Seyffert, Director, Office of Planning and Zoning
SUBJECT: Petition No. 80-141-X Item 64

Petition for Special Exception
Northeast corner of Middletown Road and Gore Mill Road
Petitioner - Jean H. Toeller

6th District

HEARING: Tuesday January 29, 1980 (10.00 A.M.)

The subject property is currently farmed, the soils are excellent for agricultural use, and agricultural use would be the preferred use here. Additionally, community buildings and swimming pools were specifically deleted from the uses permitted by special exception in an RC 2 zone.

Furthermore, it should be noted that restrictions set forth in Section 406.A-2 of the Baltimore County Zoning Regulations include a provision limiting the number of tennis courts to 8 for a 9-hole country club; it appears that the petitioner's plat indicates a proposed 8 (?) hole golf course.

John D. Seyffert, Director
Office of Planning and Zoning

A-17

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3211

JOHN D. SEYFFERT
DIRECTOR

December 28, 1979

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #64, Zoning Advisory Committee Meeting, September 25, 1979, are as follows:

Property Owner: Jean H. Toeller
Location: NE/C Middletown Road and Gores Mill Road
Existing Zoning: RC-2
Proposed Zoning: Special Exception for community building, swimming pool, or other uses of a civic, social, recreational or educational nature. Gold courses, country clubs, or other similar outdoor recreational clubs. (IDCA 79-31-X)
Acres: 44.17
District: 6th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

All parking areas must be paved and screened.

All free standing lighting must be shown and should be of the cut-off type.

The amphitheater should be limited to the number shown unless a revised site plan is presented to this office.

Very truly yours,

John L. Wimbley
Planner III
Current Planning and Development

A-18

baltimore county
department of permits and licenses
TOWSON, MARYLAND 21204
(301) 494-3610

JOHN D. SEYFFERT
DIRECTOR

October 15, 1979

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 64, Zoning Advisory Committee Meeting, September 25, 1979 are as follows:

Property Owner: Jean H. Toeller
Location: NEC Middletown Road & Gores Mill Road
Existing Zoning: R.C. 2
Proposed Zoning: Special Exception for community building, swimming pool, or other uses of a civic, social, recreational or educational nature. Gold courses, country clubs, or other similar outdoor recreational clubs. (IDCA 79-31-X)
Acres: 44.17
District: 6th

The items checked below are applicable:

X A. Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes.

X B. A building permit shall be required before construction can begin.

X C. Additional miscellaneous Permits shall be required.

D. Building shall be upgraded to new use - requires alteration permit.

E. Three sets of construction drawings will be required to file an application for a building permit.

X F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.

G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.

H. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

I. Comment. Permits are required for any structures, buildings, or improvements to the property permanent or temporary. Buildings shall

J. Comment: comply with Table 6 of the building Code for height and area and Table 5 for type of construction.

NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not to be construed as the full extent of any permit.

Very truly yours,

Charles E. Burnham, Chief
Plans Review

CEB:rrj

A-19

January 9, 1980

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #64, Zoning Advisory Committee Meeting of September 25, 1979, are as follows:

Property Owner:	Jean H. Toeller
Location:	NE/C Middletown Rd. & Gores Mill Rd.
Existing Zoning:	R.C. 2
Proposed Zoning:	Special Exception for community building, swimming pool, or other uses of a civic, social, recreational or educational nature, golf courses, country clubs, or other similar outdoor recreational clubs. (ZDCA 79-31-A)
Acres:	44.17
District:	6th

This department has been in contact with the property owner, engineer and attorney regarding the proposed special exception and has yet to receive the additional information and/or site plans requested. The site plan, as submitted, does not contain sufficient information; therefore, this department cannot adequately review and/or comment on the proposed special exception.

Very truly yours,

John J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/fth

A-20

baltimore county
fire department
TOWSON, MARYLAND 21204
(301) 825-7310

Paul H. Reincke
CHIEF

October 8, 1979

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee

Re: Property Owner Jean H. Toeller
Location: NE/C Middletown Rd. & Gores Mill Rd.
Item No. 64 Zoning Agenda: Meeting of 9/25/79

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at _____

_____ EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code" 1976 Edition prior to occupancy.

( ) 6. Site plans are approved as drawn.

( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Capt. Joseph Kelly 10/8/79 Noted and Approved: George M. Wiegand
Planning Group
Special Inspection Division
Fire Prevention Bureau

A-21

RE: PETITION FOR SPECIAL EXCEPTION
NE corner of Middletown Rd. and Gore Mill Rd., 6th District
JEAN H. TOELLER, Petitioner

: BEFORE THE ZONING COMMISSIONER
: OF BALTIMORE COUNTY
: Case No. 80-141-X (Item 64)

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Deputy People's Counsel

John W. Hessian, III
People's Counsel for Baltimore County
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 7th day of January, 1980, a copy of the aforegoing Order was mailed to Rody & Rody Chartered, 700 Equitable Building, Baltimore, Maryland 21202, Attorneys for Petitioners; and Mr. Dennis G. Smith, 2232 Bulls Saw Mill Road, Freeland, Maryland 21053, Contract Purchaser.

John W. Hessian, III

PETITION FOR SPECIAL EXCEPTION

6th District

ZONING: Petition for Special Exception

LOCATION: Northeast corner of Middletown Road and Gores Mill Road

DATE & TIME: Tuesday, January 22, 1980 at 10:00 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a Country Club, Golf Course and related uses

All that parcel of land in the Sixth District of Baltimore County

Being the property of Jean H. Toeller, as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, January 22, 1980 at 10:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
303 ALLEGHENY AVENUE, TOWSON, MARYLAND 21204

Description to Accompany Zoning Petition September 13, 1979
for Special Exception to Permit Clubhouse, Swimming Pool Complex and other structural or land uses devoted to civic, social and recreational activities in an existing RC-2 Zone.

Beginning for the same at the intersection of the centerline of Middletown Road and the centerline of Bulls Sawmill Road, thence binding in or near the centerline of Middletown Road (1) North 33°47'43" West 873.49 feet to a point in or near the centerline of Gore's Mill Road, thence binding in or near the centerline of said Road, (2) North 36°00'00" East 973.80 feet, thence leaving said Gore's Mill Road, running the four following lines viz: (3) South 73°12'00" East 790.78 feet, (4) South 85°27'00" East 486.75 feet, (5) South 23°34'11" West 1003.00 feet and (6) South 22°46'09" West 708.84 feet to a point in or near the centerline of the aforesaid Middletown Road, thence binding in or near the centerline of said Road the two following lines viz: (7) North 59°56'10" West 216.26 feet and (8) North 64°56'10" West 514.68 feet to the place of beginning.

Containing 44.17 Acres of land more or less.

This description is prepared for zoning purposes only.

STATE OF MARYLAND
JOHN [illegible] SMITH
No. 6620
REGISTERED PROFESSIONAL ENGINEER

OFFICE COPY

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

October 14, 1980

Mr. Dennis G. Smith
2232 Bulls Saw Mill Road
Freeland, Maryland 21053

RE: Petition for Special Exception
NE/corner of Middletown Rd. & Gores Mill Rd. - 6th Election District
Jean H. Toeller - Petitioner
NO. 80-141-X (Item No. 64)

Dear Mr. Smith:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

Jean M. H. Jung

JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: A. Gordon Boone, Jr., Esquire
31 Allegheny Avenue
Towson, Maryland 21204

Ms. Jean H. Toeller
605 N. E. 9th Avenue
Fort Lauderdale, Florida 33304

Congressman Clarence D. Long
200 Post Office Building
Chesapeake and Washington Avenues
Towson, Maryland 21204

Mr. Carroll V. Hashall
9741 Tiffany Avenue
Jacksonville, Florida 32216

John W. Hessian, III, Esquire
People's Counsel

October 17, 1980

A. Gordon Boone, Jr., Esquire
31 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
NE/C of Middletown Road and Gores Mill Road - 6th Election District
Jean H. Toeller - Petitioner
No. 80-141-X (Item No. 64)

Dear Mr. Boone:

Please be advised that an Appeal has been filed by Dennis G. Smith, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above-referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

William E. Hammond
Zoning Commissioner

WEH:sj

cc: Ms. Jean H. Toeller
605 N.E. 9th Avenue
Fort Lauderdale, Florida 33304

Congressman Clarence D. Long
200 Post Office Building
Chesapeake & Washington Avenues
Towson, Maryland 21204

Mr. Carroll V. Hashall
9741 Tiffany Avenue
Jacksonville, Florida 32216

John W. Hessian, III, Esquire
People's Counsel

October 15, 1980

William E. Hammond
Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
NE/corner of Middletown Road & Gores Mill Road - 6th Election District
NO. 80-141-X (Item No. 64)

Dear Mr. Hammond:

Please enter an appeal on the above captioned matter in my behalf.

Very truly yours,

Dennis G. Smith
2232 Bulls Saw Mill Road
Freeland, Maryland 21053

OCT 15 '80 AM
ZONING DEPARTMENT
By

Robert S. Rody, Esquire
336 St. Paul Place
Baltimore, Maryland 21202

cc: G. W. Stephens, Jr. & Assoc., Inc.
303 Allegheny Avenue
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 7th day of December, 1979.

WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner Jean H. Toeller

Petitioner's Attorney Robert S. Rody Reviewed by: Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

64
Date 9-17-79

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received this 14th day of Sept., 1979.*

Filing Fee $ 50.00 Received: ✓ Check
Cash
Other

William E. Hammond, Zoning Commissioner

Petitioner Jean H. Toeller Submitted by Donna Smith

Petitioner's Attorney none Reviewed by GEF

*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

COLUMBIA
Publishing Corp.
The Columbia Flier Building 10750 Little Patuxent Parkway Columbia, Maryland 21044

To: Baltimore County Zoning and Board Court Bldg. Bosley Ave. Towson, Md.

Date Jan. 10, 1980

Invoice no. 00466
Please return copy with your remittance

Phones: Columbia 730-3620, Wash. 596-5140, Balt. 995-0250

ISSUE DATES	DESCRIPTION/SIZE	DEBIT	CREDIT	BALANCE
1/10/80	Legal C.T.	19.36		
	☐ COLUMBIA FLIER ☐ HOWARD COUNTY TIMES ☐ CATONSVILLE TIMES ☐ ARBUTUS TIMES			
		PLEASE PAY THIS AMOUNT		19.36

5% CASH DISCOUNT ON ALL PREPAID DISPLAY ADVERTISING THANK YOU


PETITION FOR SPECIAL EXCEPTION
6th District
ZONING: Petition for Special Exception
LOCATION: Northeast corner of Middletown Road and Gore's Mill Road
DATE & TIME: Tuesday, January 29, 1980 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Petition for Special Exception for a Country Club, Golf Course and related uses
All that parcel of land in the 6th District of Baltimore County
Beginning for the same at the intersection of the centerline of Middletown Road and the centerline of Bulls Sawmill Road, thence binding in or near the centerline of Middletown Road (1) North 37° 47' 43" West 872.48 feet to a point in or near the centerline of Gore's Mill Road, thence binding in or near the centerline of said Road (2) North 26° 29' 05" East 872.86 feet, thence leaving said Gore's Mill Road, running the four following lines viz: (3) South 72° 12' 00" East 799.78 feet (4) South 60° 27' 00" East 466.75 feet, (5) South 23° 31' 11" West 1005.00 feet and (6) South 22° 48' 09" West 709.47 feet to a point in or near the centerline of the aforesaid Middletown Road, thence binding in or near the centerline of said Road the two following lines viz: (7) North 58° 56' 10" West 216.26 feet and (8) North 64° 58' 10" West 81.24 feet to the place of beginning.
Containing 44.17 A. more or less.
Being the property of Jean H. Toeller, as shown on plat plan filed with the Zoning Department.
Hearing Date: Tuesday, January 29, 1980 at 10:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Jan. 10

Office of
COLUMBIA
Publishing Corp.
10750 Little Patuxent Pkwy
Columbia, MD 21044
Jan. 10 19 80

THIS IS TO CERTIFY, that the annexed advertisement of
Petition
was inserted in the following
☑ Catonsville Times
☐ Arbutus Times
weekly newspapers published in Baltimore County, Maryland, once a week for one successive weeks before the 11 day of Jan. 1980, that is to say, the same was inserted in the issues of 1-10-80

COLUMBIA PUBLISHING CORP.
By Jean Neidle

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY
Plaintiff
vs
Defendant
CERTIFICATE OF PUBLICATION OF

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 091796
DATE October 15, 1980 ACCOUNT 01-662 AMOUNT $80.00 (Cash)
RECEIVED FROM Dennis Smith
FOR Appeal of Case No. 80-141-X
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 83328
DATE 9-14-79 ACCOUNT 01-662 AMOUNT $50.00
RECEIVED FROM Cash
FOR Special Exception
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 091795
DATE October 15, 1980 ACCOUNT 01-662 AMOUNT $52.11 (Cash)
RECEIVED FROM Dennis Smith
FOR Adv. & Posting for Case No. 80-141-X
VALIDATION OR SIGNATURE OF CASHIER

80-141-X

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 6th Date of Posting JAN. 11, 1980
Posted for: PETITION FOR SPECIAL EXCEPTION
Petitioner: JOAN H. TOELLER
Location of property: NE/C MIDDLETOWN Rd & GORES MILL Rd.
Location of Signs: #1 Middletown Rd at DEAD END of BULLS SAWMILL Rd
#2 NE/C MIDDLETOWN Rd & GORES MILL Rd
Remarks:
Posted by Thomas R. Roland Signature Date of return: JAN. 11, 1980
2 - SIGNS

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353
WILLIAM E. HAMMOND
ZONING COMMISSIONER

February 12, 1980

Mr. Dennis G. Smith
2232 Bulls Saw Mill Road
Freeland, Maryland 21053

RE: Case No. 80-141-X (Item No. 64)
NE/corner Middletown Road and Gores Mill Road - 6th Election District

Dear Mr. Smith:

The Hydrageological Study and Environmental Effects Report relative to the above referenced matter, must be delivered to both Mr. A. Gordon Boone, Jr. and me no later than 12:00 p.m., Monday, March 3rd.

The hearing will be continued at 10:00 a.m., Wednesday, March 5th, for the sole purpose of presenting the hydrageological report by the expert and experts responsible for the report and cross-examination by Mr. Boone.

Very truly yours,
Jean M.H. Jung
JEAN M.H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

cc: A. Gordon Boone, Jr., Esquire
31 Allegheny Avenue
Towson, Maryland 21204

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353
WILLIAM E. HAMMOND
ZONING COMMISSIONER

January 31, 1980

Mr. Dennis G. Smith
2232 Bulls Saw Mill Road
Freeland, Maryland 21053

RE: Case No. 80-141-X (Item No. 64)
NE/corner Middletown Road and Gores Mill Road - 6th Election District

Dear Mr. Smith:

I think you understood my intensions, but to make it absolutely clear, we will continue the hearing on the above-captioned matter as far as possible on February 1st, at 9:00 A.M., as scheduled, but, because you say you cannot obtain two of your expert witnesses on such short notice for that date, we will have to continue the hearing. The following dates are available as far as I and the hearing room are concerned but, of course, the date must also be convenient for A. Gordon Boone, Jr., Esquire.

Monday, February 4th, 1:30 P.M. to 3:15 P.M.
Wednesday, February 6th, 9:00 A.M. to 12:00 P.M.
Friday, February 8th, 12:00 P.M. til not Boone

Please contact me at your earliest convenience concerning this matter.

Very truly yours,
Jean Jung
JEAN M.H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

cc: A. Gordon Boone, Jr., Esquire
31 Allegheny Avenue
Towson, Maryland 21204

SMITH/KIRWIN INC.

January 31, 1980

Mrs. Jean M. H. Jung
Deputy Zoning Commissioner
Room 109 The County Office Building
Towson, MD 21204

Dear Mrs. Jung:

This is to verify that due to a prior all-day commitment in Howard County, I will not be able to testify on Friday, February 1, 1980, on behalf of Dennis G. Smith.

I am sorry for any inconvenience this may have caused.

Very truly yours,

Richard W. Smith

RWS/es

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

January 16, 1980

Robert S. Raby, Esquire
336 St. Paul Place
Baltimore, Maryland 21202

RE: Petition for Special Exception
NE/C Middletown Rd & Gore Mill Rd
Jean H. Toeller - Case No. 80-141-X

Dear Sir:

This is to advise you that $52.11 is due for advertising and posting of the above-property.

Please make check payable to Baltimore County, Maryland and remit to Sondra Jones, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH:sj

Robert S. Raby, Esquire
Raby & Raby Chartered
336 St. Paul Place
Baltimore, Maryland 21202

NOTICE OF HEARING

RE: Petition for Special Exception - Northeast corner of Middletown Road and Gore Mill Road - Jean H. Toeller, Petitioner
Case No. 80-141-X

TIME: 10:00 A.M.

DATE: Tuesday, January 29, 1980 (rescheduled from 1/22/80)

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

ZONING COMMISSIONER OF
BALTIMORE COUNTY

cc: Mr. Jean H. Toeller
605 N.E. 9th Avenue
Ft. Lauderdale, Fla. 33304

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. W. E. Hammond
Zoning Commissioner
John D. Seyffert, Director
Office of Planning and Zoning

Date: January 10, 1980

FROM:

SUBJECT: Petition No. 80-141-X Item 64

Petition for Special Exception
Northeast corner of Middletown Road and Gore Mill Road
Petitioner - Jean H. Toeller

6th District

HEARING: Tuesday January 22, 1980 (10.00 A.M.)

The subject property is currently farmed, the soils are excellent for agricultural use, and agricultural use would be the preferred use here. Additionally, community buildings and swimming pools were specifically deleted from the uses permitted by special exception in an RC 2 zone.

Furthermore, it should be noted that restrictions set forth in Section 404.A-2 of the Baltimore County Zoning Regulations include a provision limiting the number of tennis courts to 8 for a 9-hole country club; it appears that the petitioner's plat indicates a proposed 8 (?) hole golf course.

John D. Seyffert, Director
Office of Planning and Zoning

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

October 18, 1982

The Honorable Paul S. Sarbanes
United States Senator
United States Senate
Washington, D.C. 10510

RE: Dennis G. Smith Property
Case No. 80-141-X

Dear Senator Sarbanes:

My review of your letter of October 8, 1982 and the attached letter from Rose Dykes has developed a measure of confusion as to an appropriate response.

Mrs. Dykes' anger appears to be predicated upon the FBI's use of tax money for an investigation, referred to in The Towson Times article of August 25th, but with no prosecution. I obviously cannot respond to this segment of her anger.

Next, Mrs. Dykes fails to indicate that Mr. Smith's petition was denied at this level, denied at the County Board of Appeals of Baltimore County level, and, most recently, denied by Judge John E. Raine, Jr. at the Circuit Court for Baltimore County level. She and her neighbors have won at all levels thus far and should hardly be angry about success.

Finally, while Mrs. Dykes indicates "insult to injury", without facts, by not being able to give her son two acres off their farm, I must assume that this complaint is the result of our adherence to the Baltimore County Zoning Regulations—the same reason Mr. Smith's petition was denied.

I trust this response is an appropriate one.

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH/srl

United States Senate
WASHINGTON, D.C. 20510

October 8, 1982

Mr. William E. Hammond
County Zoning Commissioner
Baltimore County
County Office Building
Towson, Maryland 21204

Dear Commissioner Hammond:

Enclosed is a copy of correspondence I received from Rose Dykes. The letter raises some serious concerns about zoning in Baltimore County. I would greatly appreciate it if you would carefully review this matter and provide me with an appropriate response.

Your attention to this matter is greatly appreciated.

With best regards,

Sincerely,

Paul Sarbanes
Paul S. Sarbanes
United States Senator

PSS/gmp
Enclosure

OCT 13 '82 AM
ZONING DEPARTMENT
By

20458 Middletown Rd
Freeland, Md 21053

Senator Paul Sarbanes
344 East 33rd St
Baltimore, Md

Dear Sir,

Although your attention has probably be called to the Article in The Towson Times of August 25 on Dennis (Gene) Smith I would like to express how very angry I am.

I would like to know how the F B I can finance a deal like this and then not prosecute. When they put our tax money to investigate and do undercover work the least they should do is prosecute.

We as a local community and personally have given money & time to fight the zoning that Dennis Smith was trying to have rezoned for amphitheater which most people in community felt all he wanted was to have Rock Concerts. This property is directly across the street from local School and was proven in court many reasons why it shouldn't be rezoned.

To add insult to injury Balto County zoning gave us a rough time unless we wanted to give our son 2 acres off the home farm for a home.

Sincerely,
Rose Dykes

Court of Special Appeals
of Maryland

HOWARD E. FRIEDMAN
CLERK

Annapolis, Md. 21401-1698
(301) 269-3646 (DIRECT LINE)
(301) 261-2920 (WASHINGTON AREA)
TTY FOR DEAF
(301) 269-2609 (DIRECT LINE)
(301) 565-0450 (WASHINGTON AREA)

ROBERT J. BOOZE
CHIEF DEPUTY

March 5, 1984

Mr. Dennis G. Smith
Suite 2410 - The Penthouse
28 West Allegheny Avenue
Towson, Maryland 21204

Re: Dennis G. Smith v. Freeland Community Association, Inc. et al.
No. 1844, September Term, 1982

Dear Mr. Smith:

Be advised that by Order dated March 1, 1984, this Court denied your Motion for Reconsideration of this Court's reported opinion filed on January 5, 1984. The mandate of this Court, which was issued today, is enclosed.

Yours very truly,

Howard E. Friedman
Clerk

HEF:bsm
Enclosure

cc: T. Roger Harrison, Esquire
John W. Hessian, III, Esquire and Peter M. Zimmerman, Esquire

Court of Appeals of Maryland
PETITION DOCKET

No. 742 September Term, 1983

DENNIS G. SMITH	Dennis Gerard Smith, pro se
v.	Attorney for petitioner
FREELAND COMMUNITY ASSOCIATION, INC. et al.	John W. Hessian, Esq. Peter M. Zimmerman, Esq. Mudd & Harrison Attorney for respondent

Date: February 21, 1984

STATE OF MARYLAND, SS:

Receipt is hereby acknowledged of a petition for writ of certiorari filed in the above entitled case.

Clerk
Court of Appeals of Maryland

RECEIVED
COUNTY BOARD OF APPEALS
1984 APR -6 P 12:20

Court of Appeals of Maryland

PETITION DOCKET

No. 742 September Term, 19 83

DENNIS G. SMITH

v.

FREELAND COMMUNITY ASSOCIATION, INC. et al.

Dennis Gerard Smith, pro se

Attorney for petitioner

John W. Hessler, Esq.
Peter M. Zimmerman, Esq.
Mudd & Harrison

Attorney for respondent

Date: February 21, 1984

STATE OF MARYLAND, ss:

Receipt is hereby acknowledged of a petition for writ of certiorari filed in the above entitled case.

Clerk
Court of Appeals of Maryland

FEB 28 P

DENNIS G. SMITH * IN THE
Petitioner * COURT OF APPEALS
v. * OF
FREELAND COMMUNITY ASSOCIATION, INC., et al. * MARYLAND
Respondents * Docket No.

PETITION FOR WRIT OF CERTIORARI TO
THE COURT OF SPECIAL APPEALS OF MARYLAND

Dennis Gerard Smith
Pro Se
Suite 2410
The Penthouse
28 W. Allegheny Avenue
Towson, Maryland 21204
(301) 337-9522

PETITION FOR WRIT OF CERTIORARI

I.

Lower Court Reference

In the Circuit Court for Baltimore County, this action was captioned Gene H. Toeller, Petitioner and Dennis G. Smith, Contract Purchaser v. County Board of Appeals, Freeland Community Association, Richard Ingles and People's Counsel for Baltimore County as Protestants and Intervenors, Docket 14, Page 26, Case No. 82-M-21. The action was initially filed on February 5, 1982.

II.

The case has been decided by the Court of Special Appeals. A copy of the opinion is appended as Exhibit No. 1.

III.

The opinion of the Court of Special Appeals was filed on January 5, 1984. The mandate of the Court of Special Appeals was due to be issued on February 5, 1984.

IV.

Questions Presented for Review

1. Whether the Court of Special Appeals incorrectly held that Smith's appeal was untimely.

2. Whether the Court of Special Appeals erred in failing to grant the Motion for Reconsideration on the basis

that final judgment was never entered by the Circuit Court for Baltimore County.

3. Whether an administrative appeal can only be dismissed pursuant to Maryland Rule of Procedure B5.

V.

Reference to Pertinent Constitutional Provisions, Statutes, Ordinances or Regulations Which the Case Involves

Maryland Rules of Procedure B5, B12, 309a, §12-301 Cts. & Jud. Proc. Art., Md. Ann. Code.

VI.

Statement of Facts Material To Consideration of the Questions Presented

On December 7, 1979, Smith, a Contract Purchaser, filed with the Baltimore County Zoning Commission, a Petition for Special Exception for a golf course and related uses for property located in northern Baltimore County. On October 14, 1980, the Deputy Zoning Commissioner issued an Order denying the petition, and on January 8, 1982 the County Board of Appeals affirmed the order of the Deputy Zoning Commissioner.

On February 5, 1982, Smith timely filed an order for appeal to the circuit court. On February 16, 1982, in accordance with Maryland Rule B2e., Smith filed a petition to accompany the appeal. On June 1, 1982, Smith requested, in accordance with Maryland Rule B10, the right to present additional pertinent evidence and requested an immediate hearing. The request described Smith's involvement as undercover agent for the

Federal Bureau of Investigation in producing evidence that resulted in the resignation of the former Chairman of the Baltimore County Board of Appeals. The request for permission to produce additional evidence pointed out that two of the three members of the County Board of Appeals who heard the appeal had been closely associated with the former chairman and therefore did not give his case a fair and impartial hearing. On June 21, 1982 Smith filed a second request for hearing on the motion to present additional evidence.

On June 23, 1982 Freeland Community Association filed a motion to dismiss on the basis of failure to comply with Maryland Rule B12 which requires a memorandum to be filed within thirty days after being notified by the Clerk of the filing of the record. The notice of filing of record was filed on May 17, 1982. The court dismissed the appeal in an Order dated June 22, 1982.

On June 25, 1982, Smith filed a motion to strike the order dismissing the appeal and a response to the motion to dismiss along with a request for a hearing. On June 29, 1982, in response to a Request for an Order Revising Prior Order Dismissing Appeal, the trial judge noted: "Ct declines to sign, pending the hearing requested by Pet. on his motion to strike the order dismissing his appeal 6/25/82." The hearing was held on October 18, 1982 and the trial court found that the letter of June 1, 1982 did not comply with Maryland Rule B12, and refused to strike the Order dismissing the appeal.

The Court of Special Appeals in its opinion of January 5, 1984 held that the time for filing an appeal began to run as of the court's signing of the Order on June 22, 1982 and not from the time of October 8, 1982 when the court refused to dismiss the appeal.

VII. Argument

A.

Initially, it should be pointed out that Smith's motion filed on February 6, 1984 for the Court of Special Appeals to reconsider its opinion brought to light the fact that the appeal to the Court of Special Appeals was premature. It was premature due to the fact that final judgment was never actually entered on the docket. The Court of Special Appeals only has jurisdiction over an appeal if it is an appeal from a final judgment entered. §12-301 Courts & Judicial Proceedings Article, Maryland Annotated Code (1980 Repl. Vol.). There exists a crucial distinction between rendering judgment and actually entering final judgment on the docket. Sapero & Sapero v. Bel Air Plumbing and Heating, 41 Md.App. 251, 296 A.2d 317 (1979). Thus, the appeal should have been dismissed for being premature.

B.

Furthermore, even assuming that the judgment had actually been entered on the docket, the appeal from the October Order was in fact timely under the Court of Appeals decision in Hanley v. Stulman, 216 Md. 461, 141 A.2d 167

(1968). In this case the Court noted the general rule that the mere filing of a petition for rehearing or reconsideration does not suspend or extend the time for appeal. The Court further observed that the lower court can suspend the operation of a decree and that if the facts show an intent of the lower court to suspend the operation of the decree, an appeal taken within thirty days of the action of the court on the rehearing is timely. Under the facts of Hanley the Court held:

> the filing of the petition for rehearing and the Court's order granting it were both filed within thirty days of the decree of August 20. The order provided that a 'hearing be held on the Decree of this Court of August 20, 1957, at which time the parties may present such testimony and evidence as they desire and upon which this Court will determine what action shall be taken with respect to the relief prayed for; and . . . said hearing is set for the 7th day of October, 1957, at 10:00 a.m.' While it would have been preferable to have in turn suspended the operation of the decree of August 20, it is manifest that unless the court so intended, the order would have been meaningless and futile for the decree would have become enrolled well before the date set for the hearing at which the court said it would determine what action it would take as to it. As in Hancock v. Stull [199 Md. 434, 86 A.2d 734] since the order signed on the petition showed an intention to suspend the operation of the decree it had that effect and the appeal taken within thirty days from that reaffirmance of the decree on November 6 was in time.

Id. at 171.

Thus, if lower court indicates an intent, such as in this case, to suspend the operation of its decree until the rehearing, an appeal taken thirty days after the refusal to reconsider is timely.

It is clear that the Court of Special Appeals incorrectly found that the appeal was taken late. In view of the fact that the appeal was taken timely, assuming arguendo that judgment had been entered, Smith was denied his right to a hearing pursuant to Maryland Rule of Procedure 321(d). Because the rule is mandatory in effect the dismissal by the circuit court was clear error and should have been reversed by the Court of Special Appeals. See Melnick v. Ammerman, 38 Md. App. 635, 382 A.2d 337 (1978). The latter hearing did not cure the error because by that time, due to its procedural posture, the court presumed its prior Order was correct. Smith was entitled to a hearing before the issue was in effect prejudged by the court. The ex parte decision was a denial of due process. See Tidler v. Tidler, 50 Md. App. 1, 435 A.2d 49 (1981).

C.

Furthermore it is clear that administrative appeals can only be dismissed pursuant to Maryland Rule B5. Rule B5 is entitled "Dismissal of appeals," and provides:

> If the appellant shall fail to file his order for appeal within the time prescribed by Rule B4 (time for filing) or any order pursuant to thereto, or shall fail to file his petition within the time prescribed by Section E of Rule B2 (how appeal taken), the Court shall

dismiss the appeal unless cause to the contrary be shown.

Examining as a whole "Subtitle B. Administrative Agencies-Appeal" from Rules B1 to B13, it is clear that Rule B5 is the only Rule within the scheme set forth in this Subtitle that governs dismissal of appeals. It is not within the office of Rule B12 to provide a reason for dismissal of an appeal.

VIII.

Reason for Granting Writ

In addition to the argument set forth above, your petitioner respectfully represents that the ramifications of this decision make it desirable and in the public interest that this Court hear oral argument and decide these issues. Petitioner respectfully urges this Court to grant the Petition for Writ of Certiorari and to review this case.

Dennis Gerard Smith
Pro Se
Suite 2410
The Penthouse
28 W. Allegheny Avenue
Towson, Maryland 21204
(301) 337-3522

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1 day of February, 1984, a copy of the aforegoing Petition for Writ of Certiorari was mailed, postage prepaid John W. Hessian, Esquire and Peter M. Zimmerman, Esquire, Room 223, Court House (04), Towson, Maryland 21204, Mudd and Harrison, 306 W. Joppa Road, Towson, Maryland 21204.

Dennis G. Smith

JAN 5 1984

REPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND
No. 1844
September Term, 1982

DENNIS G. SMITH (Jean Toeller)
#80-141-A

v.

FREELAND COMMUNITY ASSOCIATION, INC., ET AL.,

Lowe
Bishop
Morton, James C., Jr.
(Ret., Specially Assigned)
JJ.

OPINION BY BISHOP, J.

Filed: January 5, 1984

Recd from P.C. 1-11-84

Dennis G. Smith, appearing pro se, attempts to appeal an order of the Circuit Court for Baltimore County that (1) prevented him from presenting additional evidence on an administrative appeal to the Circuit Court from the County Board of Appeals, and (2) dismissed his appeal for failure to comply with Maryland Rule B 12. The appellees, Freeland Community Association, Inc., et al. and People's Counsel for Baltimore County, were protestants and intervenors in the zoning action. As we explain later in this opinion the only issue before us is the denial of the appellant's motion to strike the dismissal of the administrative appeal.

Facts

On December 7, 1979, appellant, a contract purchaser, filed with the Baltimore County Zoning Commissioner a Petition for Special Exception for a golf course and related uses for certain property located in northern Baltimore County. On January 22, 1980, a hearing was held before the Deputy Zoning Commissioner of Baltimore County. Almost nine months later, on October 14, 1980, the Deputy Zoning Commissioner issued an order denying appellant's petition for a special exception. On October 15, 1980, appellant filed an appeal to the County Board of Appeals. On September 10, 17 and 29, and November 17, 1981, a hearing was conducted before that board. On January 8, 1982, the County Board of Appeals affirmed the order of the Deputy Zoning Commissioner denying the petition for special exception. On February 5, 1982, appellant filed an order

evidence on appeal.

On June 23, 1982, Freeland filed a motion to dismiss on the basis of the appellant's failure to comply with Maryland Rule B 12, which requires that:

> "Within 30 days after being notified by the clerk of the filing of the record, the appellant shall file a memorandum setting forth a concise statement of all issues raised on appeal and argument on each issue, including citations of legal authorities and references to pages of the transcript and exhibits relied on."

The motion alleged that appellant had until June 16, 1982, to file the required memorandum and that he failed to do so. The certificate of service of the motion to dismiss certified that on June 21, 1982, a copy of the motion was mailed to the appellant. Although the order dismissing the appeal is dated June 22, 1982, the day before the filing of the petition, it is clear that the judge signed the order pursuant to the motion and not sua sponte. On June 25, 1982, appellant filed a motion to strike the order dismissing the appeal and a response to the motion to dismiss, along with a request for a hearing. This did not toll the running of the time for appealing the order dismissing the administrative appeal. On June 28, 1982, Freeland filed a "Motion Ne Recipiatur And/or Answer to Motion to Strike Order Dismissing Appeal." In response to a request for an "Order Revising Prior Order Dismissing Appeal" the trial judge noted:

> "Where a motion, demurrer, demand for particulars or exception or other pleading requiring a ruling by the court or compliance by a party is filed, the time for pleading, including a plea of limitations, and an answer to a motion for summary judgment or affidavit in support thereof, shall be enlarged, without special order, to fifteen days after compliance with the demand or disposition by the court of such motion, demurrer or exception."

It is obvious that the circuit court did not regard the letter, which is referred to by the appellant as his "motion" to present additional evidence, as a proper pleading under the rule and, therefore, Maryland Rule 309a did not apply. The circuit court did not err in its disposition of appellant's "motion", or in its ruling that Maryland Rule 309a was not applicable.[1]

2.

Although the appellees demanded and received from the circuit court strict and precise interpretation and application of Maryland Rule B 12, appellees ignore their own and the court's failure to comply with the Maryland Rules of Practice and Procedure.

Maryland Rule 321 d provides, in part:

> "The court may decide demurrers and motions... without a hearing unless a party requests a hearing at the time or within fifteen days after the demurrer, motion or reply is filed...".

Section c of Maryland Rule 321 provides that:

> "A copy of a motion... shall be served upon the party affected by such motion or his attorney of record, pursuant to Rule 306 (Service of Pleadings and Other Papers)...".

1. In addition, Maryland Rule B 10 provides that "Additional evidence may be allowed when permitted by law."

refusal to grant the motion to strike is whether the court abused its discretion. When the judge heard the motion to strike, appellant had, in effect, his hearing on the motion to dismiss and, therefore, we do not find an abuse of discretion.

JUDGMENT AFFIRMED.

COSTS TO BE PAID BY APPELLANT.

494-3180

County Board of Appeals
Room 200, Court House
TOWSON, MARYLAND 21204

August 12, 1983

Mr. Julius A. Romano
Clerk of the Court of Special Appeals of Maryland
Annapolis, Maryland 21404

Re: Jean H. Toeller
Circuit Court File 14/26/82-M-21

Dear Mr. Romano:

Please forward to this office a copy of the opinion in the above entitled case when it is filed by the Court of Special Appeals. We would appreciate it if you would note our request in your file on this case. Thank you.

Very truly yours,

Edith T. Eisenhart

Edith T. Eisenhart, Adm. Secretary

for appeal to the circuit court in accordance with Chapter 1100, sub-title B of the Maryland Rules of Procedure. On February 16, 1982, in accordance with Maryland Rule B 2 e, appellant filed the petition to accompany the appeal. On February 24, 1982, and March 12, 1982, respondents, Freeland and People's Counsel filed answers to the petition.

On June 1, 1982, in a five page letter to the County Administrative Judge, appellant requested, in accordance with Maryland Rule B10, "the right to present additional pertinent evidence before the assigned judge...." That letter, to which supporting documents were appended, described his involvement as an undercover agent for the Federal Bureau of Investigation in producing evidence that ultimately resulted in the resignation of the former chairman of the County Board of Appeals. In the letter, appellant contended that two of the three members of the County Board of Appeals, who had heard his appeal from the Zoning Commissioner, had been closely associated with the deposed chairman and, therefore, could not have given his case a fair and impartial hearing. Appellant requested an immediate hearing on his request to produce additional evidence. On June 21, 1982, appellant filed a second request for a hearing on the issues raised in the letter, which he referred to as a motion to be permitted to present additional

"Ct declines to sign, pending the hearing requested by Pet on his motion to strike the order dismissing his appeal 6/29/82."

On October 8, 1982, the hearing was held and the court found that the appellant's letter of June 1, 1982, did not comply with Maryland Rule B 12 and refused to strike the order dismissing the appeal. The time for appealing the order dismissing the administrative appeal expired on July 22, 1982, therefore that issue is not before us.

1.

Although appellant argues that the court erred in ruling that he was not entitled to present additional evidence before the circuit court on his appeal to that court from the County Board of Appeals, the record indicates that in his argument before the circuit court he attempted to have that court adopt his motion to present additional evidence as a substitute for the memorandum required under Rule B 12. The circuit court refused. In addition, appellant argued that his motion to present additional evidence would have, under Maryland Rule 309a, extended the time for complying with Rule B 12. Maryland Rule 309a provides:

In accordance with Maryland Rule 306 c 2, appellees elected to serve the motion on the appellant by mail. As we pointed out above, appellees' certificate of service of the motion indicated that a copy had been mailed to appellant, Dennis G. Smith, on June 21, 1982; the order of dismissal was dated June 22, 1982; and the motion was filed with the clerk of the court on June 23, 1982. It is clear from this chronology that there was no compliance with Maryland Rule 308, under which the appellant would have had fifteen days to file a response, or with Maryland Rule 319, under which appellant had fifteen days after service to file an answer and a memorandum of supporting points and authorities. Based on the above chronology, appellant had probably not even received a copy of the motion before the judge signed the order of dismissal.

An order of this nature should be signed, in accordance with the rules, only after the requisite time period has expired or a timely requested hearing has been held.

Appellant did not file a timely appeal from the order dismissing the administrative appeal. Had he done so, we would have then found clear error since the court did not comply with Maryland Rules 308 and 319; however, that issue is not before us. The standard for our review of the

DENNIS GERARD SMITH

v.

FREELAND COMMUNITY ASSOCIATION, INC. et al.

In the
Court of Appeals
of Maryland

Petition Docket No. 748
September Term, 1982
(No. 1844 September Term, 1982
Court of Special Appeals)

ORDER

Upon consideration of the petition for a writ of certiorari to the Court of Special Appeals in the above entitled case, it is

ORDERED, by the Court of Appeals of Maryland, that the petition be, and it is hereby, denied as there has been no showing that review by certiorari is desirable and in the public interest.

RECEIVED
COUNTY BOARD OF APPEALS
1984 MAY 31 P 3:16

Chief Judge

Date: May 28, 1984

Form CA2

John Adams — 494-2660
Civil Assignment Commissioner
Settlement Court

Kathy Rushton — 494-2662
Masters Assignment Clerk
Medical Records

CIRCUIT COURT FOR BALTIMORE COUNTY
ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland 21204-0754

Sandy Sanders — 494-2660
Assignment — Jury — Motions
Freddie Grove
Assistant Clerk Typist

Irene Summers — 494-2661
Assignment — Non-Jury — Motions
Marie Escalero
Assistant Clerk Typist

July 16, 1982

TO: Ms. Jean H. Toeller
Mr. Dennis G.Smith

County Board of Appeals

T. Rogers Harrison, Esq.
John W. Hessian, III, Esq.
Peter Max Zimmerman, Esq.

RE: Non-Jury-Law- 82-M-21- JEAN H. TOELLER, ET AL VS COUNTY BOARD OF APPEALS, ET AL

Postponed

HEARING DATE: Monday, August 9, 1982 9:00 a.m.

ON THE FOLLOWING:

ALL OPEN MOTIONS IN THIS CASE
IF YOU DESIRE TO SUBMIT, PLEASE CALL CIVIL ASSIGNMENT

RECEIVED
BALTIMORE COUNTY
JUL 21 9 45 AM '82
COUNTY BOARD OF APPEALS
BY:

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

POSTPONEMENTS: If the above date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS WITHIN 15 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments — Joyce Grimm — 494-3487.

SETTLEMENT CONFERENCES: All counsel MUST secure the attendance of all parties necessary to effect a binding settlement, including claims representatives. THERE WILL BE NO EXCEPTIONS PER ORDER OF JUDGE FRANK E. CICONE. Please direct all inquiries to the attention of John Adams.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

February 8, 1982

A. Gordon Boone, Jr., Esq.
31 Allegheny Ave.
Towson, Md. 21204

Re: Case No. 80-141-X
Jean H. Toeller, et al

Dear Mr. Boone:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

June Holmen, Secretary

Encl.
cc: Congressman Clarence Long
Mr. Carrell V. Hashall
J. W. Hessian, Esq.
T. Rogers Harrison, Esq.
S. Herbert Tinley, III
N. Gerber
J. Hoswell
W. Hammond
J. Jung
J. E. Dyer

February 8, 1982

BILLED TO: Robert S. Rody, Esq.
336 St. Paul Place
Balto., Md. 21202

Cost of certified documents filed
in Case No. 80-141-X $38.00

Jean H. Toeller, et al
NE/c Middletown and Gores Mill Roads
6th District

MAKE CHECKS PAYABLE TO: Baltimore County, Md.

REMIT TO: County Board of Appeals
Rm. 200, Court House
Towson, Maryland 21204

LAW OFFICES
RODY & RODY, CHARTERED
336 ST. PAUL PLACE
BALTIMORE, MARYLAND 21202

ROBERT S. RODY
EMILY M. RODY

301 727-3037

May 17, 1982

Ms. June Holmen, Secretary
County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

Re: Case No. 80-141-X
Dennis G. Smith

Dear Ms. Holmen:

Per my conversation with you today, I enclose check for $38.00 to cover costs for transmittal of file to court.

Thanks for your courtesy in this regard.

Very truly yours,

Robert S. Rody

RSR:ep

Enc.

cc: Dennis G. Smith

BALTIMORE COUNTY
MAY 18 9 44 AM '82
COUNTY BOARD OF APPEALS
BY:

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

February 8, 1982

Robert S. Rody, Esq.
Rody & Rody
336 St. Paul Place
Baltimore, Md. 21202

Re: Case No. 80-141-X
Jean H. Toeller, et al

Dear Mr. Rody:

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

June Holmen, Secretary

Encls.
cc: Mr. Dennis Smith
Ms. Jean Toeller
Robert A. Dietz, Esq.
Charles E. Brooks, Esq.

3/18/81 - Following were notified of hearing set for THURS., JUNE 25, 1981, at 10 a.m.:

Ms. Jean Toeller
Robt. Rody, Esq.
Dennis Smith
A. Gordon Boone, Jr., Esq.
Cong. Clarence Long
Mr. Carroll Hashall
J. W. Hessian
J. E. Dyer
J. Jung
Wm. Hammond

6/25/81 - Above notified of POSTPONEMENT and rescheduled hearing for SEPT. 10, 17 & 29, 1981, at 10 a.m.

9/30/81 - Above notified of additional hearing set for Tues., Nov. 17, 1981, at 1 p.m.

10:30 4-1-81
Talked to Mr. Rody, he did not know Ms. Toeller's address but said he will call me back w/ her lawyer's name & address.

4/14/81 J.H.
Rody said he or someone will call us tomorrow w/ information. J.H.
727-0033

LAW OFFICES
CHARLES E. BROOKS
300 POSTAL AVENUE
TOWSON, MARYLAND 21204

December 7, 1981

Mr. William T. Hackett
Chariman
Board of Appeals
Baltimore County
Court House
Towson, Maryland 21204

Re: Special Exception No.: 80-141-X
Petition for Special Exception to Use 44 Acres at Middletown Road and Gores Mill Road for Country Club, Golf Course, and Other Related Uses

Dear Mr. Hackett:

As you are well aware, testimony in the above-captioned matter concluded on November 17, 1981. Due to the inordinate expense that has been incurred by my client during this protracted period of time, it is respectfully requested that the Board give this matter its prompt attention and return its Decision at its earliest possible convenience.

Your kind consideration in reference to the above is greatly appreciated.

Sincerely,

Charles E. Brooks

CEB/jc
cc: A. Gordon Boone, Jr., Esquire
T. Rogers Harrison, Esq.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

January 8, 1982

Mr. Dennis G. Smith
2232 Bulls Saw Mill Road
Freeland, Maryland 21053

Re: Case No. 80-141-X
Jean H. Toeller

Dear Mr. Smith:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart,
Adm. Secretary

Encl.

cc: Ms. Jean H. Toeller
Robert S. Rody, Esq.
A. Gordon Boone, Jr., Esq.
Cong. Clarence D. Long
Mr. Carroll V. Hashall
T. Rogers Harrison, Esq.
S. Herbert Tinley, III
Charles E. Brooks, Esq
John W. Hessian, III, Esq.
Mr. W. E. Hammond
Mrs. J. Jung
Mr. J. E. Dyer
Mr. J. G. Hoswell
Mr. N. E. Gerber
Board of Education

LAW OFFICES
MUDD & HARRISON
300 WEST JOPPA ROAD
TOWSON, MARYLAND 21204

J. H. L. Mudd
T. Rogers Harrison
Douglas W. Biser

Area Code 301
828-1335

June 24, 1981

Mr. William Hackett, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

RE: Jean H. Toeller
Case No.: 30-141-X

Dear Mr. Hackett:

Please enter my appearance on behalf of the protestants in regard to the above captioned matter. It is my understanding that same has been set in for a hearing on July 1, 1981, however, this file has just been referred to me and I have not even had the opportunity to review same. I do not feel I can be adequately prepared to try same at the hearing set in for July 1, 1981 and I am, therefore, requesting that same be postponed and rescheduled to a later date.

Thank you for your cooperation in this matter. Please advise.

Very truly yours,

T. Rogers Harrison

cob

COUNTY BOARD OF APPEALS
JUN 25 2 12 PM '81
BALTIMORE COUNTY MD
RECEIVED

S. Herbert Tinley, III
2112 Woodfork Road
Timonium, Maryland 21093

June 23, 1981

Zoning Board of Appeals
Old Court House
Towson, Maryland 21204

Re: Case No. A141X
Appeal of Toeller

Gentlemen:

Please advise me of any changes in the hearing date from July 1, 1981 at 10:00, a.m. and of any other date that might be meaningful to this case.

Very truly yours,

S. Herbert Tinley, III

SHTIII/cha

COUNTY BOARD OF APPEALS
JUN 25 11 11 AM '81
BALTIMORE COUNTY MD
RECEIVED

Case 80-141-X Special Exception
In hearing room on 9/17/81

The undersigned citizens stand in protest of this exception:

NAME	ADDRESS
Debra Douglas	1909 Bulls Saw Mill
Robert S. Rody	19020 Middletown Road
Patty Pardum	1503 Walker Rd
Tom Clark	1416 Hayvelle Rd
Edward Clark	1416 Hayvelle Rd
Jean Rafferty for Rafferty	1616 Walker Rd
Sylvia Sabadasa	20415 Kearney Mill Rd
Carol Jordan	20505 Kenny Mill Rd.
Teresa May Kahl	20015 Middletown Rd
Mary Ann Myer	1709 Walker Rd.
Frances Geeti	19425 Middletown Rd.
Charles Brent	20915 Freeland, Md.
Mary Harris + E Bruce Harris	1407 Walker Rd
Mr + Mrs Kerns	2657 Bucklysville Rd
Mildred + Charles Halloway	19605 Middletown Rd
Helen Bullet	20626 Nt Zion Rd Freeland
[illegible]	2627 Cotter Rd.
Chris Zack	2627 COTTER RD.
Cynnie L Stevens	19821 Valley Mill Rd
Kathy Halloway	1933 Bulls Sawmill Rd
Debra Roth	1601 Walker Rd Freeland, Md
Alice Tramontana	1304 Walker Rd.
Shirley Ostroff	4 Fircrest Ct Freeland Md
[illegible]	1932 Bulls Saw Mill Rd.
Leroy Boettner	19834 Gore Mill Rd
Charles Snyder	19846 Gore Mill Rd.

The following citizens stand in protest of the Special Exception - Page 2

Theresa Laughey	19837 Bulls Saw Mill Rd Freeland
Virginia L Smith	1935 Bulls Saw Mill Rd Freeland
Shirley Wright	1457 Walker Rd. Freeland
Beatrice Marattea	1706 Walker Rd Freeland Md
Jane & Bob Sanford	Kenny Mill Rd. " "
Kathryn + Cornelius Thompson	19606 Sparks Hill Rd. " "
Le Roy Jordan	18068 Freeland
Mel Mueller	1915 Walker Rd. - Freeland, Md.
Mary Stone	Ne Free Press
Gordon Denning	19821 Gore Mill Rd. Freeland
Becky Manuel	Jumpender Rd Millers
Carolyn Magraner	12 Fircrest Ct. Freeland, Md 21053
Walter Black	Gore Mill Rd. Freeland, Md (21053)
William B. Krause	2816 Bucklysville Rd. Millers Md. 21107
Geraldine Johnson	1700 Walker Rd Freeland md
Diana Sinclair	19417 Sparks Hill Rd Freeland
Salvatore Cruz	19500 Sparks Hill Rd Freeland
Isabelle Cruz	19500 Sparks Hill Rd Freeland
Jean C & Ronald T Rafferty	1616 Walker Rd. Freeland,
Jane B Denning	19821 Gore Mill Rd Freeland
Walter & Susan Pugano	2703 COTTER Rd Millers MD 21107
Isabelle L. Cruz	19500 Sparks Hill Rd Freeland
Mr + Mrs [illegible]	1805 Lavern Road Ed 21120
James W Saunder	2004 Bulls Saw Mill Rd Freeland md 21053
Freeland L. Ed	1609 Walker Road Freeland Md 21053
[illegible]	WALKER MANOR FARM FREELAND MD 21053
Bill Morris	1400 Hayvelle Rd. Parkton Md 21120
Janet D'Annunzio	20413 Gore Mill Rd Freeland, Md 21053

Virgil D'Annunzio 2049 Low Mill Rd. Freeland, Md. 21053
RICHARD COX 2593 MIDDLETOWN FREELAND 21053
James L. Johnson Jr. 1700 Walker Rd. Freeland 21053
Richard C Geier 19625 MIDDLETOWN RD., FREELAND 21053
Gerald F Guzgusky 20012 KENNY MILL RD FREELAND 21053
Nancy F Guzgusky 20012 KEENEY MILL RD., FREELAND 21053
Gilbert Mantteller 1710 Walker Rd Freeland, 21053
Stephen J Roth 1601 Walker Rd. Freeland 21053
Jerre Glanton 1308 WALKER RD FREELAND 21053
Betty Miller 2736 W. Pubel Rod. Freeland, 21053
Carl E. Miller 2736 W. Pubel Rd. Freeland, Md. 21053
Judy L. Rose 16 Erwin Ct. Freeland, Md. 21053
Richard O. Layton 1909 Bulls Summit Rd Freeland, MD 21053
A. Robert Carey 21039 Gore Mill Rd. Freeland, MD 21053
Mayne Harrison 1404 Walker Rd FREELAND MD 21053
Barbara Lebyla 19960 Gore Mill Rd. Freeland Md. 21053
Mary B. Day 19627 Middletown Rd. Freeland Md 21053
Helen Eickhoff 21005 Keeney Mill Rd. Freeland, Md. 21053
Harold Eickhoff " " " " " " "
Ford R Anderson 19621 Middletown Rd Freeland Md 21053
Nadine Bargstedt - - - - -
Tore Bargstedt - - - - -

Ronald N. Delks 2100 Bulls Sawmill RD.
Margaret Samuel 3134 Rosedale Rd
John Deise 14 Old Pubel Ct.
Donnie Fullem 11 Old Pubel Ct.
Robert Mantteller Freeland, Maryland Walker Road
Cathy Mantteller Walker Rd. Freeland
Walter Wagner 1712 Walker Rd. Freeland
Jean L Anders 2324 Bulls Sawmill Road

October 15, 1980

William E. Hammond
Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
NE/corner of Middletown Road & Gores
Mill Road - 6th Election District
NO. 80-141-X (Item No. 64)

Dear Mr. Hammond:

Please enter an appeal on the above captioned matter in my behalf.

Very truly yours,

Dennis G. Smith
2232 Bulls Saw Mill Road
Freeland, Maryland 21053

OCT 15 '80 AM

[redacted] see 19

LAW FB.

CIRCUIT COURT FOR BALTIMORE COUNTY

DOCKET 14 PAGE 26 CASE NO. 82-M-21 CATEGORY

NO. 2410

PP.
23 W. Allegheny Ave. (Sq.
(D6)

JEAN H. TOELLER, Petitioner
DENNIS G. SMITH, Contract Purchaser

NO. 21 82M

COUNTY BOARD OF APPEALS
WILLIAM T. HACKETT
ALBERT R. STE, JR.
PATRICIA P. HIER

RICHARD SHIELDS
Protestants and Interveners

ROBERT S. ROGERS, Appellee
366 West Joppa Road
Towson, MD 21204
821-1335

JOHN G. ESSIAN, III
Peter Max Zimmerman
Rm. 223, Court House
Towson, MD 21204
494-2188

Assign for hearing on Motion
10/8/82 Motion to strike Order Dismissing Appeal (12) Denied. mlw

GEORGE D SOLTER
2000 FIRST MARYLAND BUILDING
25 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201

June 15, 1981

County Board of Appeals
219 Court House
Towson, Maryland 21204

re: Application No. 80-141X
Jean Toeller

Dear Sirs:

It is my understanding that the applicant in the above matter, having been denied an application for a country club and a 2,000-seat amphitheatre on Middletown and Gore Mill Roads in Baltimore County, has filed an appeal which will be heard by your Board on June 25. Since I will be unable to attend, I would like to express my opposition to this zoning and urge that the decision of the Deputy County Zoning Commissioner be affirmed.

I am the owner of a farm located approximately 4 miles from this location on Middletown Road. I was shocked and dismayed to learn that an application for this type of special exception had been filed, but gratified to learn that it had been denied. The area in which this zoning is sought is entirely agricultural and residential. To permit the intrusion of this type of installation in this neighborhood would be totally out of character with all other uses and would substantially affect property values, but more importantly, it would constitute a nuisance and annoyance to the persons who live and work there. It seems to me that there are locations where concerts and other large scale entertainment facilities can be located which would not be offensive, and in fact, many such places already exist. To place such a facility in this community would be a grave mistake and an injustice to those who have chosen to settle in rural surroundings.

Over and above these considerations, the traffic problems incident to such an installation would be

County Board of Appeals
June 15, 1981
Page Two

unmanageable and overwhelming. Middletown Road is already heavily travelled and has no way of accommodating vehicular traffic which would bring patrons to and from the area, to say nothing of the parking problems. To allow such zoning would also place heavier burdens on police, trash removal and other facilities as well as creating sanitation and health problems.

I strongly urge that the decision be affirmed since to do otherwise would be to do violence to the overall plan to maintain the agricultural character of the northwest end of the County and to its future development.

Yours very truly,

George D. Solter

GDS:mm

RECEIVED BALTIMORE COUNTY
JUN 15 10 31 AM 81
COUNTY BOARD OF APPEALS

CERTIFICATE OF POSTING 80-141-X
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 6th Date of Posting May 28, 1981
Posted for: SPECIAL EXCEPTION
Petitioner: GENE H. TOELLER
Location of property: NORTHSIDE OF MIDDLETOWN Rd. BETWEEN GORE MILL Rd. AND BULLS SAW MILL Rd.
Location of Signs: #1 Sign N.E/C MIDDLETOWN Rd & GORE MILL Rd #2 Sign N.S MIDDLETOWN Rd. OPPOSITE BULLS SAW MILL Rd
Remarks: REPOSTED 5-28-81
Posted by Stephen J Roth Signature Date of return: 6-5-81
Number of Signs: 2

80-141-X

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 6th Date of Posting OCT. 31, 1980
Posted for: APPEAL
Petitioner: JEAN H. TOELLER
Location of property: NE/C OF MIDDLETOWN & GORES MILL ROADS
Location of Signs: #1. MIDDLETOWN Rd AT DEAD END OF BULLS SAWMILL Rd. #2. NE/C OF MIDDLETOWN & GORES MILL Rds
Remarks:
Posted by Thomas P. Roland Signature Date of return: Nov. 7, 1980
Number of Signs: TWO

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 85103

DATE May 18, 1982 ACCOUNT 01.712
AMOUNT $50.00
RECEIVED FROM Robert S. Rody, Esq., 36 W. Penn Mews, (21204)
FOR Case No. 80-141-X, Jean H. Toeller, et al, NE/corner of Middletown and Gores Mill Roads, 6th District

B 001l******3800:a R18?F
VALIDATION OR SIGNATURE OF CASHIER

CASE NO. 80-141-X AT LAW

Jean H. Toeller, et al VS.

RECEIVED FROM THE COUNTY BOARD OF APPEALS TRANSCRIPT, CERTIFIED DOCUMENTS, EXHIBITS, AND BOARD'S ANSWER FILED IN THE ABOVE ENTITLED CASE.

Gloria Smith
Clerk's Office

Date: May 17, 1982
Submitted 3 envelopes to Court.

[redacted] 6th Dist.
NE/C of Middletown & Gores Mill Roads
Jean H. Toeller
2 signs

for Stock
Please put up 2 signs for the property:

Jean H. Toeller - Case No. 80-141-X
NE/C of Middletown and Gores Mill Rds.
6th District
SE-for country club, etc.

They have disappeared from property.

Thanks

Smith
#80-141-X 6/2/81

To Whom It May Concern,

There are 2 Zoning Appeals signs that are posted on some land on Middletown Rd. off 83 - across from Butty Boy Elementary.

Sometime in June there is to be held a live concert / bull roast.

We the concerned citizens in the area are opposed to this Mr. Smith's intentions. We don't want what small country we have turned into →

a strip up - business community. Its too pretty here with the reservoir and farmland. And as I said, we have such small country land left.

The interest within the people here are against Mr. Smith - thats many people compared to one man. Our worries are not with what outside people (PEOPLE WHO LIVE ELSEWHERE) want, we live here - its our community.

Please help us keep →

our country side. If people want entertainment go to Painters Mill or Oregon Ridge.

Its so quiet & peaceful, this would disturb the whole community because noises echo out here.

There no need for this out here.

Plus we don't understand how he got the permit, when the community turned down his appeal last year. The county knowing we don't →

want it here, goes and grants him a permit anyway.

Please help us keep our farmland, community and beautiful reservoir area with all the wildlife peaceful as it is.

Mr. & Mrs. Charles Cecil
2608 Bucklysville Rd.
Freeland, Md. 21053

RECEIVED
BALTIMORE COUNTY
JUN 5 8 31 AM '81
COUNTY BOARD
OF APPEALS
BY









80-141-X

JEAN H. TOELLER

IN 23 '80 AM

January 23, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Bldg.
111 W. Chesapeake Ave
Towson, Maryland 21204

Dear Sir.

This is a zoning letter to protest zoning case 80-141-X

I really don't know where to begin with the reasons why we are against having this type of thing (amphitheater etc.) in our neighborhood, except maybe just that - it is a neighborhood, part residential, part agricultural and I, my husband and many others feel we would like to keep it that way.

Some of the reasons are as follows, we feel it could pollute our wells or deplete them. The septic pots near the amphitheaters will be unsightly. A country club with a amphitheater will bring with it rock sessions which will bring with them more traffic, drugs and unruly crowds, rumor late into the night into a neighborhood that generally retires early even on the week-ends. This re-zoning is to take place right across from Pattyboy Elem. School and with all the activities that are suppose to take place at this Country Club I'm sure it will be a problem., traffic wise to the school as well as the danger to those children who walk to school.

Many of our young people gather at the school on week-ends just to play football etc. some walk, some ride on their bikes. Once again, week-end traffic will be a danager to our children, not to mention the "wolfy element" that will be across the way- possible drugs & easy beer.

much of our searching peace and quite will be gone forever. Our taxes will surely increase and before you know it a neighborhood that was once residential - agricultural will give way to Commercial and those of us who had planned on living our lives will be forced to give up our land and our homes and leave.

Now enough of my "practical" protest, I want to tell you what my emtional protest. First you should know that our home is but a stone's throw from this proposed site. My father owns the land directly next to the field we are talking about. Our home across the road, and then his property is on the other side of us again. Our horses, his cattle are in this pasture right next to the proposed activities. On rock session days we'll probably have people in our pasture and I know loud music will make jumpy, unsafe horses to ride.

It is our expectation, and that of my brother who lives a stones up the road, to own this land one day when our father no longer deserves to raise his cattle (or have similar plans for cattle) and then for we are doubly interested in what the outcome of this is.

We have lived in this neighborhood long before the horses came, I was born right here on Walker Rd and I plan to live here the rest of my life as my children do and many their children however I can see where one wrong step could really change our lives.

For example, for many years now we have watched as many of the family + neighborhood children had "keep-outs" in the woods during the summer. Sometimes groups of the older boys, even the girls have, at different times, spent the night camping in the woods close. This has always been fun, quite and safe but would it be that way with so much action going on that close. The woods on that property runs right with the woods on our property.

Right now my 8 year old and his little cousins and friends enjoy playing in the woods for hours and no one fears that they won't come back however, that won't be the case with all those strangers coming and going on the other side of the fence. Our walks in the woods won't be the same either.

Right next to the fences lies our spring directly on the other side of that fence, a lake + pavilion are to be built, this could effect the water supply for our livestock. The spring is also a joy to all of us as well as the children because of the frogs (kids love to try to catch them), since watching the tadpoles develope - no big deal you might think but its special to many of us.

Winter brings more family activities, ours + several neighbors will jump us for sledding on the hills in the pasture, again when we riders can't take anymore the young ones stay and no one harms them. Night sledding is really big with the older ones, but

-3-

show safe and worry free will that be then.

Then there is always the fear that our lands and homes will somehow be taken away with new zoning laws and like in so many other places residential + agricultural gives way to commercial and those of us who loved the land and who have roots will be forced to leave, it could happen, it can happen and it has happened to others.

Last but not least if this County Club with its swimming pool and tennis courts, motel, pavilion, lakes etc. is being put there for a public benefit, forget it most people up there have a pool in their back yard, tennis courts are plentiful - Pattyboy Elem, Hereford Jr. and Pattyboy Park is on a lake and very beautiful at that - and the noise, loud music, bright lights and extra traffic we don't need as well as those close by.

Sorry to ramble on but it looks down to the - people moved there to be in the country, we want to keep that way with some open spaces if possible and that important measure of safety and peace. Please help us keep it that way and thank you for taking the time to read this.

Sincerely,
Janet + Robert Wagner
1712 Walker Rd.
Freeland, Md. 21053

80-141-X
JEAN H. TOELLER

IN 23 '80 AM

1706 Walker Rd
Freeland, Md 21053
1/22/80

Dear Sir;

I am opposed to the zoning in the Freeland area concerning Middletown Road across from Pattyboy Elementary School, 80-141-X special exception zoning.

I do not feel a need for the so called country club, it is almost on my back yard. If I were to seek this kind of entertainment I would go to where it is located.

This is my home I chose it because it is quiet and quiet, peace my family or the atmosphere when I come home from work, or at home I don't want strange people in my backyard.

I get enough of that taste of rock around the type atmosphere that will be coming on, now if I wanted that life style I would move to Pimlico or Ocean Downs or some other busy place.

This area has already grown in the past five years, Our Middletown road will not be able to handle the kind of traffic that will be on it after the so called golf course plans. We already have

OVER

much traffic or roads for children to even walk to local stores.

Mr. Hammond I could go on and give other reasons but I'll just let it be for now, but I am very much opposed to the zoning of 80-141-X special exception zoning here.

P.C.-2

Sincerely
Mr. Robert Marsteller
1706 Walker Rd.
Freeland, Md. 21053

JEAN H. TOELLER

80-141-X

January 21, 1980

Mr. William E. Hammond
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Hammond:

We would like to formally go on record as being strongly opposed to the proposed zoning exception on the northeast corner of Middletown and Gore Mill Roads, Freeland, Maryland.

Please reference case no. 80-141-X.

Sincerely,

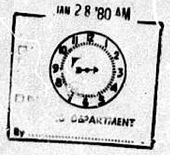
Ronald N. Debus
Ronald N. Debus

Felicia M. Debus
Felicia M. Debus

2000 Bulls Sawmill Road
Freeland, Md. 21053

IN 23 '80 AM

80-338



January 24, 1980

William E. Hammond
Zoning Commisuioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

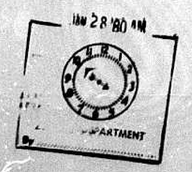
I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Mary C. Coale
2001 Ballengers Road,
Millers, Md. 21107

80-339



January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Mr. & Mrs. Richard A. Rush

80-340



January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

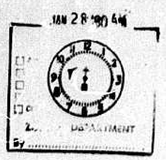
I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Helen Gourley

80-341



January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Mrs. Carol Dunning
Box X 361 A Isaac Mill Rd.
Freeland, Maryland
21053

80-342



January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

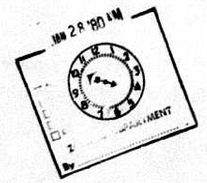
I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Francis P Holland

80-343



January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

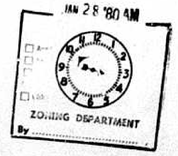
I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Clarence A. Brand
Dorothy E. Brand

80-344



January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Mr. & Mrs. James L. Kline
2157 Brecklynville Rd.
21107

80-345



January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

William B. Keane
2816 Brecklynville Rd.
Millers, Md. 21107

80-207
LAG-file

20301 Gore Mill Rd
Freland, Md.

Mr. Wm. E. Hammond
109 County Office Bldg.
Towson, Md. 21204.

Sir:

This letter is in protest of the zoning change which is being sought for 44 acres at Middletown Rd. and Gore Mill Road in the Sixth District. There are many reasons for this protest which will be enumerated at the hearing on Tues. Jan. 29. As property owners on Gore Mill Rd. we feel obliged to protect the change.

Clarence & Lentz
Helen K. Lentz
20301 Gore Mill Rd.

80-193
LAG-file

JEAN H. TOELLER
80-141-X

20000 Mt. Zion Road
Freeland, Maryland 21053
January 22, 1980

JAN 23 '80 AM

Mr. William E. Hammond
Balto Co Zoning Commissioner
Courthouse Towson

Dear Mr. Hammond

I am writing to protest the proposed Country Club on Middletown and Gore Mill Roads
My reasons:

The proposed project is opposite Pretty Boy Elementary School. At the school there are Soccer ball courts and ball fields to be used by the community.

The proposed project is just a few miles from Mosses Meadows Recreation Center. A variety of activities are offered - campgrounds, swimming, tennis, and a pavilion for receptions and dances - to name a few of the offerings.

And, the proposed project would bring an increase in traffic on roads that are not up to par - Gore Mill Road is a prime example of this.

A Country Club is not needed. I am against the proposal.

Respectfully yours,
Mrs Thomas Deeboo

80-193
LAG-file

JEAN A. TOELLER
80-141-X

Mr. William E. Hammond
County Zoning Comm.
Room 109 County Office Bldg.
Towson, Maryland 21204

Dear Mr. Hammond,

As a concerned citizen of the Freeland area and a homeowner, I strongly oppose the re-zoning as posted for the corner of Gore Mill Road and Middletown Road.

Sincerely,
Mr. & Mrs. C. Albert Lintz
20309 Gore Mill Rd.
Freeland, Md. 21053

JAN 23 '80 AM

80-207
LAG-file

January 23, 1980

Mr. William E. Hammond
Zoning Commissioner of Balto. County
County Office Building
111 W. Chesapeake Avenue
Towson, Md. 21204

JAN 25 '80 AM

RE: Zoning 80-141-X

Dear Mr. Hammond

We are very much opposed to the proposed zoning for the property across from Pretty Boy Elementary. There are other recreation areas in the vicinity and we do not feel a need for an amphitheatre in our community. As residents of nearby Walker Road we can only anticipate problems with such a facility.

Sincerely,
Nancy R. Cox
Nancy R. Cox
1609 Walker Rd
Freeland, Md. 21053

80-174
LAG-file

80-141-X

JEAN H. TOELLER

1/19/80

Dear Mr. Hammond,

I don't really know how to write a letter of protest, so I'll write how I feel about Zoning Case # 80-141-X.

Our family was raised here on Walker Rd. I grew up and built a home on an acre of land here on the same property and have lived on this acre 22 years. It is by choice we live here in the country and my husband travels the distance from here to Baltimore City and back.

We like here, to look out and see cows in the pasture, smell the hay being mowed in the summer, an empty land growing crops. It is quiet here, although not like it used to be. We like to hear whippoorwills, and crickets and the owls. There are country sounds at night. Not the noise of bands playing or large gatherings of people milling around and cars starting up + leaving + making a lot of noise.

We don't like here to belong to a country club + hear what ever is playing in an outside theatre. We don't want polluted wells from septic sewage - or our wells to go down (have the water level drop) everytime new wells are drilled.

We are not used to big bright lights burning late at night, and we really enjoy the country darkness at night.

We still have lots of young children here, who want to ride bikes and like to walk to the local store. Traffic is too much now. We don't need more. Our gas stations run out frequently now because of the influx of people who have already moved here.

Do you know why these people moved up here? To get away from city + suburban congestion. I imagine you'll hear from them too.

Also we are not ignorant of the fact that people like to build small park areas in such areas. We don't need or want that either.

We don't need the swimming pool either. There is already a nice pool in the area that people may use + join the club if they want to. Tennis courts are also available.

We just don't need or want this kind of zoning or club activities here.

Thank you for listening.

James L Johnson Jr and
Geraldine M. Johnson
1700 Walker Rd
Freeland Md 21053

JAN 22 '80 AM

80-205
LAG-file

JAN 25 '80 AM

Mr. Wm E Hammond
Zoning Comm. Co. Bd. of Appeals
Towson, Md.

Dear Sir

I am writing to express my opposition to Balto Co Case 80-141-X. The property is 44.17 acres owned by Jean Toeller at Middletown and Gore Mill Rds in North Baltimore County.

There is a motion to change the zoning on the property to permit a "Country Club" golf course etc, an addition an open air amphitheater, swimming pool plus parking.

As a resident of the area and one who must travel Middletown Road daily I feel the road is not adquit to handle the already existing traffic.

The police protection & Fire dept is also over taxed to serve the area now existing.

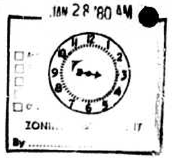
An open air theater to house 2000 seats will result in loud music, concerts and shows result in a high

rise of Dope.

I join the others in asking your office to please don't re-zone that property.

Sincerely
Patricia D. Ellegood
3732 Alvin Rd.
Millers, Md.

Pe-343



January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Mrs Louis J Bauch
2823 Plantation Rd
Freeland, Md.













Pe-141-X
JEAN H. TOELLER

January 21, 1980

Dear Mr. Hammond:-

With reference to new Zoning posted at Middletown Road + Gore Mill Rd. for Country Club, Golf + others. We feel that the others, will permit Rock-n-Roll Concerts, rather than Country Club etc.

We would like to go on record as being violently opposed this new Zoning.

Yours truly

Mr + Mrs Charles Traynor
19846 Gore Mill Road
Freeland Md 21053



Pe-141-X
JEAN H. TOELLER

Sunday
January 20, 1980



Mrs William E. Hammond
Balto Co. Zoning Commissioner
Towson, Md. 21204

Dear Sir,

As a concerned citizen of the Freeland area + a property owner on Gore Mill Rd. we the undersign do firmly protest the rezoning of the property on Middletown + Gore Mill Rd

Very truly yours,
Barbara K Fabula
J S Fabula

264

William E. Hammond
Zoning Commissioner
Baltimore County

January 23, 1980

Dear Commissioner:

I respectfully ask that the special exception for a "Country Club, Golf Course, and related uses" 44.17 acres at the southeast corner of Middletown Road and Gore Mill Road be rejected for the following reasons:

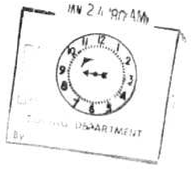
1. The rural atmosphere of the area would be destroyed by lights, litter and noise
2. Ecological dangers caused by a limited water supply and sewer pollution of a nearby stream and properties
3. Less than adequate road conditions for regular and emergency traffic

4. The distance of opportune services of ambulance, fire and police.

Please consider the above points when making a decision on the special exception

Respectfully,
Donald Wright

1415 Walker Road
Freeland, Md 21053



Pe 345

Freeland, Maryland
January 22, 1980

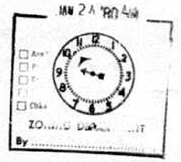
William E Hammond
Zoning Commissioner of Balto Co
Dear Sir

I'm writing to oppose the rezoning of the 44.17 area of land at the corner of Middletown and Gore Mill Roads. In this rural community we would like to keep the rural atmosphere. We do not need a country club golf course. As where we already have recreational facilities provided by the Schools, Board of Recreation, Norma Meadows Recreation Society and the Bird Rock YMCA.

Middletown Road is a dangerous road and I can't imagine additional traffic and the increase number of accidents that this country club would bring about. The safety of our community must be considered.

I hope you will consider these factors when making a decision on case number 80-141-X.

Yours truly,
Shirley E. Wright



Pe-337

1/24/80



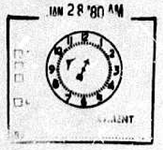
Mr. William E. Hammond
Zoning Commissioner
Balto. County
111 W. Chesapeake Ave.
Towson, Md. 21204

Dear Mr. Hammond,

I would like to register my opposition to the Petition for Special Exception, Case 80-141-X, N/E Corner Middletown Rd. & Gore Mill Rd. This location is directly opposite the Prettyboy Elementary School and I really feel it would be very detrimental to the school and the residents.

Sincerely,
Elizabeth S. Kerr

80-335



January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Virgil J. & Janet R. D'Ambrosio
20413 Gore Mill Rd.
Freeland, Md. 21053

80-336

19633 Middletown Rd.
Freeland, Md. 21053
January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

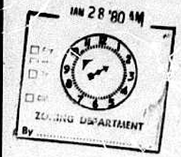
As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

(Mrs.) Pauline L. Bailey
Paul J Bailey



80-344



January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

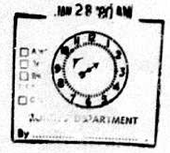
I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Robert Althoff
4 Kirsin Ct
Freeland, Md 21053

80-345



January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

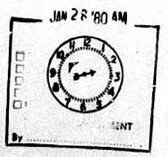
I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Shirley Althoff
4 Kirsin Ct.
Freeland, Md, 21053

80-346



January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

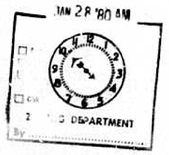
I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Jean Bell Hessemann

80-347



January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

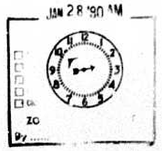
I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

J Homer Hessemann

80-348



January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

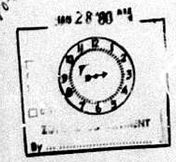
I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Ann-Marie Baer

80-349



January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Ann E. Baer

if not already, inadequate. Response times for police have been known to go as high as 45 minutes. The citizens refuse to go unattended for emergencies while waiting to our area receive the benefits of our volunteer services.

We strongly feel that there is no need for additional recreational facilities in our area. (The State alone owns over 3,500 acres of park land here.) We feel on our services as well as increased traffic are reason enough for preventing this zoning exemption.

The citizens are against this proposal for recreational use or a residential Country Club in this community.

The Northern Baltimore County Citizens Committee joins with the Freeland Association and other residents in our request that this zoning exemption be denied.

Respectfully,
Lynn Kramer
Chairperson NBCCC

cc. James T. Smith
County Councilman

80-357

12 S 044 Mayre Avenue
Plainfield, Ill. 60544
January 21, 1980

Zoning Commissioner
Mr. Wm. E. Hammond
County Office Building
111 W. Chesapeake Avenue
Towson, Md. 21204

Dear Mr. Hammond,

We are currently owners of 2.7 acres of land on the corner of Walker Road and Kirsim Court. As we plan to move to that location in the near future, we send this letter to inform you that we are strongly opposed to the proposed zoning exception for the north east corner of Middletown and Gore Mill Roads. Case Reference 80-141-X. It is our belief that such an exception, if passed, would not be in the best interest of the community and would jeopardize the safety of all students at the Bulls Saw Mill Elementary School.

Thank you for your attention in this matter.

Yours truly,
Glen Howard Deuchler
Betty Sue Deuchler

JAN 28 '80 AM
ZONING DEPARTMENT

January 25, 1980

Mr. William E. Hammond,
Zoning Commissioner
Baltimore County, Md.
Room 106
County Office Building
111 W. Chesapeake Ave.
Towson, Md.

Re: Petition for Special Exception
Case No. 80-141-X

Dear Mr. Hammond:

We have been advised a Public Hearing will be held on Tuesday, January 29, 1980 in respective to the above case.

My wife and I are owners of property adjacent to the 44.17 acres for which the Special Exception is being requested. We would like the record and file on Case No. 80-141-X to clearly indicate our opposition and objection to the granting of the Special Exception. It is our opinion the intended use of the property would not constitute an asset to the community but would in fact result in serious traffic congestion, potential damage to the water table, and the possibility of over-crowding, excessive noise and public disorder.

Although it is our intention to attend the Public Hearing, this may not be possible for business reasons. Under these circumstances, we are registering our objection to the Special Exception in writing and shall appreciate your recognition of same.

Robert G. Palmer

Iota F. Palmer
19937 Gore Mill Rd.
Freeland, Md. 21053

JAN 28 '80 AM
OFFICE OF PLANNING & ZONING

80-357

January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,
Mr & Mrs Hubert Billet
Mt. Zion Rd.
Freeland, Md.

JAN 28 '80 AM
ZONING DEPARTMENT

80-358

JAN 28 '80 AM
ZONING DEPARTMENT

20001 Bens Mill Rd.
Freeland, Md. 21053

January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Our property is 100 yds. adjacent to property involved in this letter. We have had problems with flooding on our property due to water runoff from the above. I fear that the problem would be greatly increased. Our drinking water comes from a spring that has been used by this household for the last 20 years & I fear that this proposal would contaminate my drinking water.

Respectfully,
Mr. & Mrs. Howard J. Elmore

80-352

January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

C. Gordon Running
19821 Gore Mill Rd.
Freeland, Md.
21053

JAN 28 '80 AM
ZONING DEPARTMENT

80-353

JAN 28 '80 AM
ZONING DEPARTMENT

January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Jane B. Running

Mrs C. G. Running
19821 Gore Mill Rd
Freeland Md
21053

80-354

JAN 28 '80 AM
ZONING DEPARTMENT

January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

James T. Running
Box 201A
Gore Mill Rd
Freeland Md
21053

80-340

LAUER INSURANCE AGENCY
GENERAL INSURANCE
22 RAILROAD ST. – NEW FREEDOM, PA. 17349
217-235-4411

Jan. 24, 1980
2106 Peterman Rd.
Freeland, Md. 21053

Wm. E. Hammond
Zoning Commissioner for Balto. Count/
111 W. Chesapeake Ave.
Towson, Md. 21204

Re: Case #80-141-X

Dear Sir:

As residents of upper Balto. County, we would like to state our disapproval of the proposed recreational facilities for the property on Middletown & Gore Mill Rds.

This is a farming and residential area and facilities of the type proposed would be very disturbing and this area is not equipped for this in any way- police or fire protection, road space, water situation, etc.

Your consideration of these conditions would certainly be appreciated.

Yours truly,
Kenneth & Sue Lauer
Mr. & Mrs. Kenneth Lauer

KWL:sl
cc: Councilman Jim Smith

JAN 28 '80 AM
ZONING DEPARTMENT

80-351

JAN 28 '80 AM
ZONING DEPARTMENT
By

January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Mrs. Milfred Holloway
Mrs. Alberta Holloway

80-347

JAN 28 '80 AM
ZONING DEPARTMENT

1404 Walker Road
Freeland, Maryland 21053
January 24, 1980

Mr. William E. Hammond
Zoning Commissioner of Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case 80-141-X

Dear Mr. Hammond:

Several years ago, a land owner on Bulls Saw Mill Road in northern Baltimore County attempted to convert the use of his land from farming to a "country club" type of operation through a Special Zoning Exception. In the course of the testimony before the Zoning Board of Appeals, it became apparent that the land would also serve as a location for outdoor music concerts. The citizens in the area objected to this attack on the character of the neighborhood and after lengthy litigation the petitioner was finally denied his request after his appeals were exhausted.

Once again, the same petitioner proposes the same type of operation at a different location and is requesting the appropriate zoning change to allow for the operation of his "country club". I strongly oppose the issuance of any decision which would allow the zoning of this property to be changed. My first reason is that I do not believe that there is any need for a swimming pool, golf course and outdoor amphitheater in the area. Secondly, regardless of the petitioner's verbal statements that there would be no outdoor concerts in the amphitheater, I fear that the facility will be used for musical concerts as the construction of such a facility could have no other practical purpose. The noise and congestion caused from the operation of a 2000 seat amphitheater would disturb the peace of the neighborhood. Third, I believe that the water requirements of a facility which would support a concentration of as many as 2000 people at one time would severely burden the capacity of the water table and the ability of the ground to absorb the sewage generated by this large group of people. Fourth, the concentration of this large of a group of people would tax the abilities of the Police who are already responsible for the patrol of the upper half of Baltimore County with just two patrol cars.

I am not alone in my opposition to this proposal to change the zoning on the affected parcel of land. As one of many who are opposed to the change, I urge you to deny the petition to change the zoning of this property.

Sincerely,
Wayne Harrison
Wayne Harrison

80-367

JAN 28 '80 AM

20202 Middletown Road
Freeland, Md. 21053
25 January 1980

Mr. William E. Hammond, zoning commissioner
111 W. Chesapeake Avenue
Towson, Md. 21204

Dear Mr. Hammond:

I am writing you to express my opposition to the proposed zoning variance for a 40-acre tract of ground located across the road from Prettyboy Elementary School, case no. 80-141-X, scheduled for a hearing at 10 a.m. Tuesday, January 29.

My family owns and operates a grocery store one mile north of that property and live adjacent to the store. I work long hours and seldom have any time to involve myself in public affairs. This zoning matter poses such a serious threat to the general welfare and public safety of our community, however, that I feel compelled to make my opinions known.

The party applying for the variance has submitted plans for a "country club" complete with a 2,000-seat amphitheater, parking for 500 to 600 cars, eight tennis courts, a chip and putt golf course, assorted trails, and I don't know what else. None of the many persons who have talked to me about this matter seems to believe that the applicant actually intends to construct a legitimate country club; and I must concur with their judgment on the basis of what I know about the applicant's past activities.

The applicant, Mr. Dennis Smith, has previously infringed upon the rights of other residents in the community by promoting rock concerts on some property owned either by him or a member of his family, a mile or so from the site in question. I dearly love music, and think outdoor concerts are a great idea when properly handled. However, concerts promoted by Mr. Smith have invariably interfered with the health and comfort of nearby residents and their right to enjoy their own property.

Not only is the sound deafening, but his concerts seem to attract groups of people who are totally unconcerned about the rights of people who live in this community. They have parked their cars on others property, roamed freely about dropping beer bottles and other assorted trash throughout the countryside, driven recklessly about area roads at all hours of the night, making it impossible to sleep, and in one instance, several of them urinated on our lawn in plain sight of any passersby, notwithstanding that there is a bathroom in the store which they could have used and also plenty of woodland nearby where they could have been out of sight.

(more)

2

Finally, citizens in this area were successful in having the appelate court in Annapolis enjoin Mr. Smith from any further activities of this sort.

When questioned about the intended use of his proposed amphithreater at a community meeting on January 24, Mr. Smith would not admit he planned to hold rock concerts there, but said that it would be used for "bull roasts." While I am no expert on such functions, it would seem that a picnic area would be more appropriate, if that is really what he intends to use his property for.

Even if the property is not used for rock concerts, there are numerous other reasons why the variance should not be approved.

The plans show the entrance to the property joining Middletown Road on a dangerous, off--camber curve, which would create a severe traffic hazard. The proposed use is totally inconsistent with past use of the property, which has been used as tillable farm land for many years. If we continue to let farm land be developed we will soon have no means of producing food.

The large parking lot/ amphitheater/ tennis courts/ etc. would totally disfigure the land and ruin the view of nearby residents who have worked hard to afford the advantages of country living. And the increased traffic such a facility would generate would pose increased risks for the children at the school.

We have no public water and sewage in this area, and it is not likely a well and septic system would be adequate for meeting the needs of large numbers of people at such a facility.

There is not enough land there to construct a golf course. A "chip and putt" course would be practically useless, as people can practice chipping in their yards and there are already existing courses nearby where golfers may go to practice putting.

There are some very fine tennis courts available for public use at Morris Meadows Campground and Recreation Farm, less than three miles away. Other courts nearby are located at the local Baptist Church, Hereford High School, New Freedom, Pa., and the Recreation Dept. of Baltimore County has plans to build courts right across the road from the property in question, on the grounds of Prettyboy Elementary School.

(more)

3

Finally, our police protection is totally inadequate to accomodate the needs of such a facility. According to Officer James Kerns of the Cockeysville District, there is only one county police car assigned to patrol the area between Belfast Road and the Pennsylvania Line, and York Road to Falls Road, approximately 50 square miles. The average response time for this car is 22 minutes, and in some instances response time may be as much as an hour. In the event a disturbance was created at the proposed facility it would be suicidal for a single officer to go in without a backup unit, which means it would take that much longer before any steps could be taken to solve the problem.

There have been several public meetings held to organize opposition to this variance. One held last night at Prettyboy Elementary School attracted more people than the 120 seats in the meeting room held. If you watched channel 13 news at 11 p.m. that night you probably saw yourself that there were many standing around the sides of the room and more in the hallway who couldn't get in, even though it was snowing.

I attended another meeting the previous night at Hereford High School and was totally amazed at the number of people from my neighborhood who turned out to express their opposition to Mr. Smith's plan. One of the residents is circulating a petition opposing the variance and left copies at our store. So many people have signed that this lady has had to bring more sheets every day.

I have lived here for 19 years, and I have never before seen so many people united over a matter of public concern. This is a crucial issue to everyone who lives in our community. Their past experiences with Mr. Smith's activities have shown them that their rights are seriously jeopardized by his current plans. If it is so important for Mr. Smith to have this facility, why can't he put it in an area where it will not interfere with the rights of so many other people?

Mr. Smith seems to be of the opinion that he can buy whatever he wants, and openly admitted at Thursday's meeting that he does not care a bit about what others in the community want or how his actions affect them.

Won't you please do whatever you can to show him that zoning is one thing that is not for sale, and affirm that our zoning laws afford citizens the protection which they were designed for by rejecting his application for variance? I am hoping to join many of my neighbors at the hearing Tuesday. We would all be grateful if you would give our views your consideration.

Sincerely,
Robert N. Parrish
Robert N. Parrish

80-366

Jan 25, 1980

JAN 28 '80 AM

William E. Hammond
Zoning Commissioner
111 W. Chesapeake Ave
Towson, Md 21204

Dear Mr. Hammond,

The Northern Baltimore Citizens Committee and its members would like to take this opportunity to support our neighbors in their fight against special exception zoning in Case # 80-141-X.

Northern Baltimore County seems to be the recipient of numerous garden recreational development plans lately, all of which the community is against and all of which are unnecessary.

The problems this rural community faces due to present recreational levels is fast reaching the unbearable stage. Vandalism, traffic, trash, and personal harassment are already out of proportion in this area. We have limited volunteer fire and ambulance services. Their abilities and equipment are presently over taxed. Combined with only two police vehicles north of Shawan Road for the entire county, the citizens fire and ambulance services are fast reaching

80-276

January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Jack A. Kidd
1968 Freeland Rd
Freeland, Md 21053



80-274

January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-14.-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Randall S. Kidd
Marion D. Kidd
1992 Middletown Rd
Freeland, Md. 21053



80-343

Freeland, Maryland
January 25, 1980

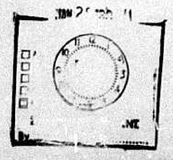
Wm. E. Hammond
Zoning Commissioner of Balto County
County office Building
111 W. Chesapeake Avenue
Towson, Md 21204

Dear Mr. Hammond:

As a resident of Freeland and a Baltimore County teacher at Prettyboy Elementary, I am in strong opposition to the Middletown Rd - Gore Mill Road proposal. Unfortunately, I will not be able to attend the hearing on January 29th, as I feel it is most important to educate our youngsters. For their sake and mine, please do not allow a special exception to 80-141-X.

Thank you.

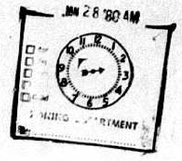
Sincerely,
Ann Waymaker



80-345

20450 Middletown Road
Freeland, Maryland 21053

William E Hammond
Zoning Commissioner of Baltimore County
County Office Bldg.
111 W. Chesapeake Ave, Towson, Md.



Dear Mr. Hammond,

I am writing to express my concern for the zoning in front of Prettyboy Elementary School known as Case 80-141-X.

It make no sense to talk about wanting to save farmland, and restrict building on so many properties in this area, then to consider something as unwanted and undesirable as a Supper boat, amphitheater etc. First consideration in lack of water in that general area then traffic management, police portection, also only volunteer fire and ambulance services.

Yours Truly
Mrs Woodrow Sykes

80-344

Jan. 25, 1980

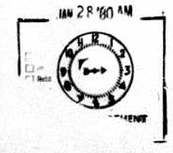
Dear Mr Hammond,

We are opposed to the "Special Exception" Zoning in case 80141-X (property Gore Mill and Middletown Rds)

We ask the Zoning board to not grant the request for Special Zoning.

Sincerely,

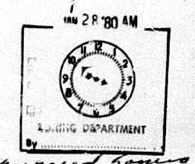
Mr. + Mrs. Leroy Woodry
19834 Gore Mill RD.
Freeland, Md.
21053



80-347

25 Jan 80

William E Hammond
Zoning Commissioner of Balto. County.
County office Bldg.
111 West Chesapeake Ave
Towson, Md 21204



Dear Sir:

I am opposed to the proposed zoning for Northeast corner of Middletown Rd & Gore mill Rd. Case # 80-141-X

As a resident of the community, I know this zoning will result in adverse conditions for Myself and others in the area.

I operate a food store at Middletown and Beckleysville Rds. In past week, several hundred customers have told me they are very much opposed to the above zoning.

Only one in favor that was Dennis Smith. Therefore, I urge you to reject the above zoning.

Thanking you in advance.

Sincerely,
Lloyd W Parrish

LLOYD W. PARRISH
20200 MIDDLETOWN RD.
FREELAND, MD. 21053

80-341

1404 Walker Road
Freeland, Maryland 21053
January 28, 1980

Mr. William E. Hammond
Zoning Commissioner of Baltimore County
111 West Chesapeake Ave
Towson, Maryland 21204

Re: Case 80-141-X Bulls Saw Mill and Middletown Rds.

Dear Mr. Hammond:

I would like to register my objections to the proposed zoning change which would allow the construction of a swimming pool, country club and outdoor music amphitheater on Middletown Road between Bulls Saw Mill and Gore Mill Road. The operation of such a complex will increase traffic congestion and create an undesirable noise problem in a rural residential area.

I strongly urge you to disallow the proposal to change the zoning of this property in the interest of maintaining the present character of the area.

Sincerely Yours,
Diana G. Harrison
Diana G. Harrison



81-318
88-tle

JAN 30 '80 AM

January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Mrs. Dorothy Falk

1504 Walker Rd
Freeland, Md.

MICROFILMED

81-313

JAN 28 '80 AM

January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Peter Jay Sanford
Ralph W. Safford
Henry R. Safford, Jr.
Judy Sanford
Kathy Kelley

2000 Keeney Mill Rd
Freeland, Md 21053

81-313

January 24, 1979

Wm E Hammond
Zoning Comm of Balto County
County Office Building
111 W. Chesapeake Avenue
Towson, Md. 21204

Dear Mr Hammond,

I am writing to oppose the proposed zoning for the NE corner of Middletown Road and Gore Mill Road, Case #80-141-X

I feel the change in zoning would adversely affect our community in various ways. I am sure the disadvantages will be discussed in full at the hearing on Tuesday, January 29 1980

MICROFILMED

We, as a community, are standing together on this very important issue.

We thank you for your kind consideration in this matter.

Sincerely,

Mr. Joyce Snell
20945 Mt Zion Road
Freeland, Md.

JAN 28 '80 AM

81-314

1-25-80

JAN 28 '80 AM

Wm E. Hammond
Zoning Comm
County Office Bldg
111 W Chesapeake Ave
Towson Md 21204

Donald & Bonita J Almony
1622 Walker Rd
Freeland Md 21053

Case No 80-141-X

Dear Mr. Hammond.

On Jan 24 we became aware of the proposed zoning change to the property on Middletown Rd opposite Pretty Boy Elem. School.

We are vehemently opposed to the property being used as proposed by the petitioner Dennis Smith. Our home property which is P.O. is in close proximity to the 44+ acreage in question. The Jean H Toller property is in fact approximately a city block from our farm property line.

Some of the reasons for our objection to the proposal are as follows.

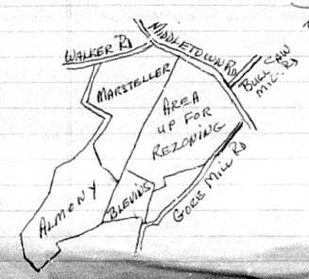
1. It would be opposite an elementy school
2. No need for a county club in this area - Most residents live on 2+ acres - only possible intrest to local property owner would seem to be a golf course - the nine hole course proposed could not in our opinion intrest any serious golfer. Tennis courts are available at Hereford H. School & will be availale at Prettyboy elementay soon. Also Morris Meadows a more complete recreational complex is easily available to those that are intrested in such a facility.

3. A 2000 seat Amphitheatre architects attendant noise, traffic problems & almost certain nuisance factors would change this peaceful area in ways that we are reluctant to even consider.

4. Many residents near the proposed county club & amphitheatre are already having trouble with the ammount of water their wells are producing. Last spring & summer was one of wittst recorded & the water levels have dropped. 2000 + people with their water requirements could very clearly cause its serious problems.

Understand that we would be opposed to the described complex at this location by anyone & cannot see that the major problems associated with same could be overcome at any foreseable date in the future.

Yours respectfully,
Bonita J. Almony
Donald E Almony Jr.



81-316

JAN 28 '80 AM

Mrs. Dorothy Falk
1504 Walker Rd
Freeland, Md.

Dear Mrs. Falk:

Thank you for your letter of January 24, 1980 concerning the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

Please be advised that a public hearing has been scheduled for Tuesday, January 29, 1980 at 10:00 A.M. in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

Very truly yours,

William E. Hammond
Zoning Commissioner

WEH:mch

cc: Mr. Dennis F. Rasmussen
County Executive

81-317

11 Old Rabbit Court
Freeland, Md 21053
Jan 23, 1980

Dear Mr Hammond,

As a resident of the Freeland community I and my family are definitely opposed to the proposed zoning for property located on Middletown Road between Gore Mill & Walker Roads Case # 80-141-X

Basing on your judgement,

Renore Fullerton
& Family

JAN 28 '80 AM

MICROFILMED

81-311

JAN 28 '80 AM

January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Eulene P. Kidd
1968 Freeland Rd.
Freeland, Md. 21053
343-0917

80-324

FEB 1 '80 AM

January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

John George Groetsch
GROETSCH
19527 Middletown Rd.
Freeland Md. 21053

80-324

January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Nancy Hoffman

JAN 29 '80 PM

80-323

January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Jon M. Cope

JAN 29 '80 PM

80-325

January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Kathleen M. Cope

JAN 29 '80 PM

80-328

305 9th Ave.
Sebring, Fla. 33870

Mr. William E. Hammond
County Office Bldg.
Towson, Md. 21204

Dear Mr. Hammond,

One of our neighbors on the Gore Mill Road, where we live in the summertime, has sent us a copy of the notice for a zoning hearing on property at Gore Mill and Middletown Roads. If we were in Maryland at this time we would certainly be at that hearing to protest.

The idea of establishing a golf course on 44 acres of land is absolutely ridiculous. By the time some of it is used for a club house and parking lot there wouldn't even be enough left for a par-three course.

Given that fact, one can only wonder what the petitioner really wants to use the property for. We understand he applied at another time for permission to build and operate a drinking establishment in that neighborhood. Is this new petition actually another attempt to do the same thing?

Gore Mill Road is a very narrow, twisting road with steep hills. Middletown Road is better, but still is a two-lane, curving, hilly country road. To increase the traffic on them by adding drivers whose reflexes are slowed by alcohol would lead to tragedy.

We and many others like us have built homes in the rural area to find peace and quiet. Please do not ruin it for all of us for one man's gain.

Sincerely,
Doris E. McCalley
Hubert O. McCalley

JAN 29 '80 AM

80-370
89-122

January 31, 1980
1932 Bulle Saw Mill Rd.
Freeland, Md. 21053

Mr. William E. Hammond
Zoning Commissioner of
Baltimore County
County Office Building
111 West Chesapeake Ave.
Towson, Md. 21204

FEB 4 '80 AM

RE: Case # 80-141-X

Dear Mr. Hammond,

We are residents of northern Balto. County and are opposed to the proposed Country Club complex mentioned in the case above. During the past several years, we have had some unpleasant experiences with Mr. Dennis Smith and his plans in Bulle Saw Mill Road. We feel his current proposal is an extension of his previous plans, and are definitely opposed to same. We urge your rejection of this case because of its detrimental effect on our community.

Thank you for your consideration of this matter.

Sincerely,
Tommy & Elaine Cox

80-358 file

FEB 4 '80 AM

INA LEE GECKLER
21321 MILLERS MILL ROAD
FREELAND, MARYLAND 21053

January 31, 1980

Dear Mr. Hammond,

This letter is to state my family's opposition to the proposed country club on Middletown Road. Aside from the fact most families in the area moved up here to get away from "modern suburbia", there are not enough access roads wide enough to accomodate the added traffic. We also don't want any rock concrete here. Baltimore City has plenty of facilities for such events. Once a country club what is to prevent such things because it will be Mr. Smith's private property? We don't want this up here!

Thank you for your consideration, and I hope you will decide not to take more rural land away from those who think the country has much to offer left alone.

Sincerely,
Ina Lee Geckler and family

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Eva E. Wood
Address 21021 Tuttle Mill Rd. Freland, Md 21053
Carol P. Searles
1704 Freeland Rd, Freeland Md 21053
Terry L Lewis
2761 Beckleysville Rd, Millers, Md. 21107
Marion M Reese
1916 Bulls Lawsville Rd. 21053
Loretta M Nace
1908 Bulls Law Mills Rd. Freeland, Md. 21053
Robert C. Ruark
Shirley M Nace
2435 E. Rock Rd. Freeland, Md. 21053

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Marilyn E. Edwards
Address 1824 Laurel Ridge Drive Parkton Md 21120
Marilyn E. Edwards
1824 Laurel Ridge Drive 21120
Ruth Yates
1841 Laurel Ridge Drive, Parkton, Md. 21120
Ruth Yates
1843 Laurel Ridge Drive Parkton Md. 21120
Lawrence A. White
1810 Parsonage Road, Parkton Md 21120
Mark White
1810 Parsonage Rd. Parkton Md 21120

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Donna Joan Kearney
Address Parkton, Md. 21120
Mary Ruth Culin
Parkton Md. 21120
Patricia Morris
Parkton, Md. 21120
Velma Lednumber
Freland Md 21053
Mary B McDonald 1305 Forest Rd Freeland Md
Alice J Wightman Middletown Rd
Glen Rock Pa Hanover Co 202 17327
Louis M Winkelman
21304 N. Rural Rd Freelands Md 21053
Mary Louise Gross
Freeland Md 21053
Wade Lee Tracey
2234 Rockdale Rd. Freeland, MD 21053
Carolyn Smith, Millers, Md 21107

98-304

January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Lillie Forlich
2915 Little Schoolhouse Rd.
Parkton, Maryland 21120

MAR 31 '80 PM

80-139 Zlk

FEB 4 '80 PM

ZONING DEPARTMENT

January 28, 1980

Mr. William Hammond
ZONING COMMISSIONER
111 W. Chesapeake Avenue
Baltimore, Maryland 212

Dear Sir:

This letter is to voice our objection to the Special Exception which it to be considered on a hearing at Towson, January 29, 1980, 10:00, case #80-141X.

We would like to state our objections because we feel that the developement which is proposed for this property would be extremely detrimental to the environment, i. e. noise from the crowds using the premises, traffic on small country lanes, not to mention the overdevelopement of the land itself.

My husband and I moved to the country in order to excape the hardship placed on us by a Special Exception which was passed on the property immediately adjacent to our previous home. We have "sunk" our entire life savings into our new home, thinking that in moving so far out into the country that this type of occurence would not happen again, only to find that we will have to go through the same nightmare again of hearings, as well as the indecision of not knowing whether the house which we thought was going to be a place of calm and quiet or a backdrop for other people's enjoyment. I might say from previous experience that the type of people which I have found that use these types of recreational centers for the most part care little that there are people living in the vicinity who call this area their home.

My children have as much right to use this countryside as a wide open space to run and play without having to worry that they could get hit by a car, with the noticeable increase of traffic that would have to come from this type of endeavor. Children cannot run in a country club and cattle and horses cannot graze on a country club golf course or even survive in an atmosphere with an amphitheater designed for 2,000 people.

In conclusion, I would also like to say that if this Country Club etc. is built, we intend to move from this location. Our high taxes which we pay now are well worth the cost if we can be assured of the country atmosphere which we have come to love so dearly after moving from the hustle and bustle of the city. We cannot live in this area and watch what used to be a beautiful countryside "raped" by further overdevelopement.

Very Truly Yours,

Wes Jones
Nancy C. Jones

Wesley A. Jones
Nancy C. Jones
19707 Valley Mill Road
Freeland, Maryland 21053

80-384

MAR 29 '80 PM

ZONING DEPARTMENT

January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,

Mr. & Mrs. A. Gordon Boone Jr.

JEAN M. FOELLER

80-431 Zlk

February 11, 1980

Mr. William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Hammond:

As a resident of the Northern part of Baltimore County, I am strongly opposed to the proposed zoning for the northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X. My family and I live within one (1) mile of this property and I feel its proposed usage would cause undue traffic safety hazards and polution to our community.

In the past two (2) years, the contract purchaser requesting zoning exception requested another exception on Bull Saw Mill Road Extended. At that time, I supported this exception and I believed the land which was up for zoning would accomodate the purpose for which it was intended. That exception was turned down and I feel the current proposal is far more detrimental to our community.

I would appreciate the zoning officials for the County to closely peruse this new proposal.

Respectfully yours,

Robert L. Noble
Associate Professor
19531 Middletown Road
Freeland, Maryland 21053

RLN/ar

FEB 13 '80 AM

ZONING DEPARTMENT

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Delores Holland
Address 19615 Middletown Rd.
Freeland, MD. 21053
Harry Temple
18904 Middletown Road
Parkton MD 21120
Dennis Hackler
5113 Benson Mill Rd
Bel Air MD 21014
Charles E Mercurio
115 Ravenna Rd
Baltimore MD 21220

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Helen Larkins
Address Freeland, Md. 21053
Rhoda Jones
Freeland Md. 21053
Grover Bailey
Middletown Rd.
Freeland, Md. 21053
Carolyn Boyce Bill Bennett Rd. Freeland Md 21053
Mary H. Feldman
Hampstead MD. 21074
Ellen Jenkins Spark Bell Rd
Kathleen O'Bain
21300 Middletown Rd
Freeland Md 21053
Edna M. Davies
2425 Bucklersville Rd
Freeland, Md 21053
Alfred N Fischer
21311 MILLERS MILL RD
FREELAND MD 21053

Lorraine Frische
Freeland, Md. 21053
Monica Wicke
1432 Reynolds Rd
Forest Hill, Md 21050
Debra Kelley
3536 Bucklersville Rd
Millers Md 21107
Kelly Yingling
1021 Bernoudy Rd.
White Hall, Md. 21161
Helen Winkleman
3150 N. Rudel Rd.
Freeland, Md 21053

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Floyd Tracey
Address Freeland Md

Martha R Gray
21535 Middletown Rd.
Freeland, Md. 21053
Rhonda Slear
1985 FREELAND RD FREELAND, MD
Thelma Bellinger
Freeland md 21053
John C & Sara Cotter Jr.
Carol Dunning
Box 261 A Gore Mill Rd
Freeland, MD 21053
Jim Medsworth
Freeland Md 21053
Mr & Mrs Edw A Harkins, 17 Glen Davy Ct. Parkton 21120
Charles Trimmer
1954 Freeland Rd 21053
Charlotte A. Kelley 3536 Bucklersville Rd. Miles Md. 21107

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and rsspectfully ask that the special exception be rejected.

Name John F Graf
Address Freeland Md
Mrs Connie Weand
19305 Middletown Rd
Kathie Gruber
19222 Middletown Rd.
My B Daly
Freeland Md.
Nancy Palmer
1612 Walkers Rd Freeland Md
Edward F Ford
Joseph F Stulgis - Mullers, Md
Elsa C. Stulgis - Mullers, Md.
Russell A. Tolson Freeland MD
Ernest Stevens Jr Freeland MD
Shirley Wolinski Middletown Road

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Richard Ravera
Address 1229 Dairy Rd Parkton Md.
Carol N West
2927 Cotter Road
Dulleys Md 21107
Rose Lewis
Freeland Md 21053
Edith L Seipp
3703 Ashville Rd
Dulleys Md 21107
Margaret B Fausto
1605 Walker Rd Freeland 21053
Lynn Nalsey
19942 Bollingers Road
Millers, Maryland 21107
Beatrice L Phinney 1622 Walker Rd Freeland 21053

January 26, 1980

I protest the special exemption known as 80-141-X.

We are not in favor of the proposed development of

that property.

Mrs Leonard Winkler 21206 Ridge Rd. Freeland Md 21053 (343-0337)
Leonard Winkler - 21206 Ridge Rd. Freeland MD 21053 (343-0337)
Mark Winkler 21206 RIDGE RD. FREELAND MD. 21053 343-0337
Daryl D. Pardoni 564 Freeland RD. 21053 (343-0485)
Chris Bull Pretty Boy Dam Rd 21120 (357-8198)
Charles Bull Pretty Boy Dam Rd. 21120 (357-8198)
Mrs Vanessa B Angoff 21213 Ridge Rd Freeland md. 21053
Mr + Mrs Ray Blanken 21801 Ridge Road, Freeland, Md.
Dorothy Bohnemann 21204 Ridge Rd. Freeland, MD 21053
John L and Shirley B. Mulligan Rt 2 Box 2121 Govans Rd. Fallston Md
Carol A Margulis 21202 Ridge Road Freeland Md 21053
Jim Margulis 21212 Ridge Rd Freeland MD 21053 - 343-0235
Cheryle Winkler 21206 Ridge Rd. Freeland, Md 21053 - 343-0337
Leonard Winkler - 21206 Ridge Rd. 21053
Carl & Shirley Parry 19614 Spark Bell Rd Freeland 343-0304

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Kenneth B Bull Jr
Address 1204 Armacost Rd.
Ronald J. Snader
1222 Armacost Road
William G Joseph
1224 ARMACOST RD. 21120
Chas H Feldman
1408 Cedarcroft Rd.
Charles E. Shaffer
1311 Armacost Rd.
Parkton, Md 21120
Ada B. Shaffer
1315 Armacost Rd.
Mrs Ma Ronald Agnew
1406 Armacost Rd
Mary Simmons 1405 Armacost Rd
Blanche Shaffer " " "
Guy Stiffler
1212 Armacost Road

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name J.H. Sutton
Address 1111 Molesworth Rd
Mrs Ruth Jane Sutton
1111 Molesworth Rd Parkton, Md.
Mrs Ruby Y Chrisman
1108 Molesworth Rd Parkton Md.
Gilbert L Chrisman 1108 Molesworth Rd Parkton Md.
Allen M. Sutton
1111 Molesworth Rd. 21120
Mrs Martha Piff
1114 Molesworth Rd. 21120
Mr H David Karfgas
1202 Molesworth Rd 21120
Ellen Cooper
1202 Molesworth Rd

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name LINDA C. McGRAW Linda C. McGraw
Address 21301 LENTZ RD PARKTON MD 21120
Shirley A Walter
20024 Bollinger Rd Millers Md. 21107
Calvin W Walter
20024 BOLLINGER RD MILLERS, MD. 21107
Susan Bufford Susan M Bufford
8703 Cottler Rd Millers MD 21107
Ted Shafer
2201 Cottler Rd Millers Md. 21107
Richard McCune
20016 20016 Bollinger Road Millers MD 21107
Bonnie Jo Murray 1824 Yorkton Rd. Parkton MD 21120

---

(99)

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Mary E. Phillips
Address 1814 Parsonage Rd Parkton 21120
Mrs Rita Moody
1756 Parsonage Rd Parkton 21120
Mrs Betty Hill
1748 Parsonage Rd. Parkton Md. 21120
Charles M Moody
1756 Parsonage Rd Parkton Md 21120
Louis Hill 1760 Parsonage Rd.
Parkton Md. 21120
Gloria Hill
1760 Parsonage Road Parkton Md 21120
John W Mills Jr 1119 RAYVILLE RD 21120
Rena M Burkhoff 1211 Freeland Rd Freeland Md. 21053
John W Burkhoff 1211 Freeland Rd Freeland Md. 21053
Ruth M Burkhoff 1211 Freeland Rd Freeland Md 21053
Michael E Wolchuk 21925 MIDDLETOWN RD
Steven Wasechuck " "

16

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Mrs Jerry Ottaie
Address Parkton, Md 21120
Mrs Walter Wang
16738 Kenny Mill Rd - 21053 Freeland Md
Mr. Walter Wang
16730 Kenny Mill Rd Freeland Md 21053
Mrs Robert E Farmer
16720 Kenny Mill Rd Freeland Md. 21053
Mrs. Edw R. Polczynski
20901 Kenny Mill Rd - Freeland 21053
Mr. Edw R. Polczynski
20901 Kenny Mill Rd. Freeland Md 21053
Mr. Richard L Sellman
19709 Valley Mill Rd 21053
Mrs Susan V Sellman
19709 Valley Mill Rd 21053
Thomas Price
19620 Spruce Hill 21053

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Esther Jones
Address Middletown Rd.
John R Elkan
14114 Church Rd Millers Md
Diana Park
15220 Pretty Boy Dam Rd.
Parkton, Md. 21120
Mary Sellman
20930 Middle Schoolhouse Rd
Parkton Md 21120
John & Patricia Rice
2420 Bulls Saw Mill Rd
Freeland Md 2105
Norma M Allen
20464 Bush Rd
Freeland Md 21053

MRS. A. GORDON BOONE JR.
16 KINGS CT.
VALLEY MILL FARM
FREELAND, MD. 21053

JOHN JAROWSKI
2810 BECKLEYSVILLE RD
MILLERS MD
21107

9

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Janet M. Denbow
Address 20600 Mt Zion Road - Freeland, Md 21053
Tom Denbow
20600 Mt Zion Rd - Freeland Md 21053
Lori L. Miller
1432 Damascott Rd
Parkton, MD 21120
Dewey matthews
Parkton md 21120
Virginia matthews
Parkton, md 21120
Dominic Cini 1939 Middletown Rd
Freeland, md 21053
Hank E. Matthews
Parkton, Md 21120
Muriel Matthews
Parkton, Md 21120
Carol Simmond
Parkton, Md. 21120

17

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Gilbert Marsteller
Address 1710 Walker Rd Freeland Md
Stephen J Myer & Mary Ann Myer 1709 Walker Rd. Freeland 21053
Paul L. Wagner 1710 Walker Rd. Freeland, Md. 21053
Greta Marsteller 1710 Walker Rd Freeland md.
Mike Roosevelt Wesley Chapel Rd Monkton Md 21111
Edwin H Nesbitt Parkton Md. 21120
Vincent Hopkins 1917 Parkland Rd Freeland Md
Stanley Sanchez 20209 Middletown Rd Freeland, Md
Jean Fredericks 2915 Kiddo Schl Rd Parkton Md
Nancy Coffeen 1316 Dairy Rd. Parkton, Md. 21120
Carroll Coffeen 1316 Dairy Rd " Parkton, Md. 21120
Robert J Marsteller 1706 Walker Rd. Freeland Md 21053
Beatrice Marsteller 1706 Walker Rd. Freeland Md. 21053
William R. O'Toole 1703 WALKER RD FREELAND MD 21053
John E. Roebuck 19214 Bulls Saw Mill Rd FREELAND, MD 21053
David G. Hunt 1905 Walker Rd FREELAND, MD. 21053

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Curt Drayer - 19846 Doe Mill Rd Freeland
Address Charles Drayer 19846 Doe Mill Rd Freeland
Diane Mondelaka - 1151 Freeland Rd., Freeland

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Clarion Dunning
Address 19821 Gore Mill Rd Freeland
Jan Hunsman
1215 Amount Rd. Parkton
Helen Stanley
1913 Middletown Rd. Freeland
Hubert Gillet
Mt Zion Rd. Freeland Md
William Alberton Freeland Md
DARRELL A WILES
20117 KEENEY MILL RD 21053

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Don Lease
Address 1913 Bull's Sawmill Rd.
FRANK HOLLAND
19195 Middletown Rd
Rose Marie Beer
19617 Middletown Rd. Freeland MD 21053
MIKE WALCHACK Middletown Rd
Mildred C Holloway Middletown Rd
Alvin S Holloway "
Margaret B. Gwin Middletown Rd.
Phil P. Link MIDDLETOWN RD
Marie Ward Ridge Rd
Horace L Wood

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Anna M. Bartlett
Address 17518 Bunker Hill Rd
Parkton Md 21120
Lynn Lyons
17500 Falls Rd Parkton 21120
Janet Louise Van Pelt
12751 Norris Road
Freeland, Maryland 21053
Brenda Seamon
19826 Middletown Rd
Freeland Md. 21053

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Richard W. Pragel
Address 19800 PARSONAGE RD.
Mr & Mrs Bruce Towns 1407 WALKER RD FREELAND, MD
John J Burst 1605 Wicklow St Freeland, Md
Wesley C Lyons 19707 Valley Mill, Freeland Md
Wesley A Jones 19727 Valley Mill Rd
~~Frank & Cathy Pyrcelunus Walker Rd Freeland Md~~
Leonard Gasperoff Jr 3707 Rockdale Rd. 21207

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name MIKE Francis
Address 19000 Falls Rd
BARRY L. MILLER
1700 Hunters Mill Rd White Hall, Md 21161
Ethel Davis
20625 W. Joppa Rd White Hall Md 21161
Marie Tera
1928 Bull's Sawmill Rd. - Freeland, Md. - 21053
Charles Tera
1920 Bull's Sawmill Rd - Freeland, Md. - 21053
Judy Offutt, Middletown Rd.
Charles Wood Miller Mill Rd. Md. 21053
Mrs C G Lint 20301 Gore Mill Rd 21053
Thomas J Lint " " " "
Ethel L Anderson 19621 Middletown Rd 21053
Everett L Benfield 19621 Middletown Rd 21053
Ira Ray Jordan 19629 Middletown Rd 21053
Christine L Elbin 20625 Mt. Zion Rd. 21053

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Mrs Mrs Woodrow Dyson
Address 20450 Middletown Rd. Freeland 21053
Mrs Louis J Baum
22237 Lindore Rd
David Scott Evans
7916 Beckleysville Rd. Millers, MD. 21107
Gladys O'Neil 1703 Walker Rd. 21053
~~Mary~~ 19939 Gore Mill Rd 21053
Charles H. Ruff Jr.
2593 MIDDLETOWN RD 21053

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Lolaine Ryan
Address 19713 Valley Mill Rd
Jim Falcone
3125 ROCKDALE RD
James L Perry
19708 Middletown Rd
Barbara Joseph Fabula
19940 Gore Mill Rd
John R & Patricia A Biggs
Dean L Haymaker
2317 Bybee Lane Gore Mill Rd Freeland Md
Joe Haymaker Bybee Lane Gore Mill Rd. Freeland Md.
Allen Sutton 1111 Mclennan Rd. Parkton, Md.

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Shirley E. Wright
Address 1415 Walker Rd. Freeland, Md. 21053
Shirley Wright
4 Karen Ct Freeland, Md 21053
Agatha Hobson
1924 Brook Rd. Freeland, Md. 21053
Barbara Bodine
5 Brook Valley Ct Freeland, Md. 21053
Kaye Seiler
20 Brook Valley Ct Freeland, Md 21053
Dorothy O'Connor
1435 Freeland Road - Freeland, Md. 21053
Vade Wolfe
1515 Freeland Rd. Freeland, md 21053
D Joyce Snell
20945 Mt. Zion Road Freeland, Md. 21053
Patricia L. Ellegion
3932 Alesia Rd Millers, Md. 21107

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Elizabeth Hoovler
Address 19834 Gore Mill Rd.
Leroy C. Hoovler
19834 Gore Mill Rd.
Paul & Pauline Bailey
19633 Middletown Rd
John L Gaston
19527 Middletown Rd.
George L Jones
13?? Brookside Rd
Dale R Welling 14 Ickesburg Ct
Catherine E Welling "
Carol McKim - 1705 Meadowlark Rd Parkton

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Robert W. Shaffer
Address 1906 Middletown Rd
Parkton Md.
Frank C. Cook
21143 York Rd Timonium Md
Ethel Baker
1234 Rayville Road Parkton Md. 21120
Ray G. Crubaugh Jr.
23129 Bulls Sawmill Rd
Freeland Md 21053
Donna Sheppard Scott, Chas. Scott
Charles Hirsch 15 Pennoyer Rd
Parkton Md. 21120
Della S. Ogle
19110 Middletown Rd Parkton MD
Thomas L. Matthews
England Mt.
Gore Mill Rd.

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name John O'Brien
Address 21300 Middletown Rd
Freeland Md
Paul E. Hayden
19200 Middletown Rd
Parkton Md
Mary F. Buckingham
18940 Middletown Rd
Beth H. Buckingham
18940 Middletown Rd
Norma B. Hookhall
3019 Cedar Road
Mae Wiseman
1421 Bulls Rd
Freeland, Maryland
Bertha J. Mayo
1515 Immaculate Rd.
Parkton, Md. 21120

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Richard O. Ingles / Richard O. Ingles
Address 1909 Bulls Sawmill Rd. Freeland
Debra M. Ingles / Debra M. Ingles
1909 Bulls Sawmill Rd. Freeland
Joseph A. Tatone Jr. / Joseph A. Tatone Jr.
1905 Bulls Sawmill Rd Freeland
Frances R. Tatone / Frances R. Tatone
1905 Bulls Sawmill Rd. Freeland

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Dennis Russell Carter
Address 1615 Freeland Rd 21053
Nancy M Hoffman
1409 Walker Rd Freeland MD 21053
Peggy Cole
19[illegible] Bellinger Rd. Miller, Md. 21107
Ruth L Yarnall
20023 Bellinger RD MILLER MD 21107
Linda L Yarnall
20023 Bellinger Rd Miller MD 21107
Robert B Althoff
4 Kirsin Ct. Freeland, Md 21053
Ellen W. Bulkley 15518 Brooke Hall Rd Parkton Md 21120
Edith Emmons 01 Walker Rd Freeland
Geraldine Johnson [illegible] Parkton Md
Adjise Tramontana 1304 Walker Rd.
Ida Palmer 19939 Gore Mill Rd.
Jane B Dunning 19821 Gore Mill Rd

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Stephen J Costa
Address 1601 Walker Rd.
Dorothy Ball
1509 Walker Rd
Rose L Cook
1504 Walker
Robert Ball 19912 Middletown Md 21053
Barbara Ball 19912 Middletown Rd Md 21053
Patricia Smith 20116 (Owner) Mill Rd
Jean M Dill 14 Old Ball Ct
Edna
Bernice Beck 1704 Walker Rd Freeland Md 21053
Wayne Beck 1704 Walker Rd Freeland Md. 21053
Dell M Hoppe 19711 Valley Mill Rd Freeland 21053
Charles F Hoppe 19840 Gore Mill Rd
Mrs C. Albert Leitz - Gore Mill Rd.
Mr & Mrs [illegible] Davis Gore Mill Rd.

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Donald Wright
Address 1415 Walker Rd, Freeland, Md 21053
Mrs Mary L Harrison
1502 Walker Rd Freeland Md 21053
William C Baker
1412 Walker Rd Freeland Md 21053
Hilda Baker
1412 Walker Rd Freeland Md 21053
Mrs Deana J Hanson
1404 Walker Rd Freeland, Md 21053
Mrs Clifford A Hanson
19[illegible] Valley Mill Road Freeland Md 21053
John McInnis 1411 Walker Rd Freeland Md 21053
Wallace L Davis 1411 Walker Rd Freeland 21053
Mrs Donna Anstrom Walker Rd Freeland Md. 21053
Mrs Nadja Farace 1613 Walker rd. Freeland Md 21053
Billie Thompson
19[illegible] Middletown Rd - Parkton, Md. 21120

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Elizabeth Shaffer
Address Middletown Rd.
Patricia Hollingsworth
1412 Rayville Rd
Francis A. Caporaletti
17314 York Rd. Parkton Md 21120
Nora E. Bull Box 273
Parkton Md 21120
Mary Long
Parkton Md 21120
Janet R. D'Ennunzio
20413 Gore Mill Rd. 21053
Virgil D'Ennunzio
20413 Gore Mill Rd. Freeland 21053
Carl E. Miller
2736 West Rockrd Rd., Freeland, Md 21053
Royston Coal Co.
19825 Bellinger rd Millers Md 21107

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Betty Lee Lutzman
Address 3607 Lockdale Rd Millers 21107
Barbara Cooper
1960 Freeland Rd 21053
Leland Cooper
2027 Kingsman Rd 21120
D Thomas Hammond
1210 Arnold Rd Parkton Md 21120
Ron Sciamarella
2119 Freeland Rd Freeland Md 21053
Mark Fullerton
11 Old Ball Ct. - Freeland, Md.
Mark Pizzuchi
19959 Gore Mill Rd Freeland Md 21053
Mabel Cooper Gore Mill Rd Freeland 21053

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Pamela S. Carter
Address 1416 Ragadale Rd. 21120
Marian Harvey 20134 Valley Mill Rd 21053
Janice B. Barbour, 1234 Laycock Rd. 21120
Joseph D. Bishop 2618 Bentzwalk Rd. 21053
Lou N. Tracy - Middletown Rd
Diana Blevins 2600 Gore Mill Rd
Howard Blevins 23001 Gore mill Rd
Jean Owens Freeland Md
Pamela L. Webb Middletown Rd Freeland Md
James L. Keene 2657 BECKLEYSVILLE Rd

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Ronald N. DeLisa
Address 2000 Bulls Sawmill Rd. Freeland
Felicia M. DeLisa
2000 Bulls Sawmill Road
Elmer R. Langley
1837 Bulls Sawmill Road
Dorothy Daly
2008 Bulls Saw Mill Road
Hans E. Weh
2008 Bulls Saw Mill Rd.
James W Saunders
2004 Bulls Sawmill Rd.
Mary Lou Manley
2100 Bulls Sawmill Rd
Joseph Semanski
2104 Kenny Jarrett Rd.

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name John W. Brengle Jr.
Address 1625 Parsonage Rd Parkton Md 21120
Charles B. Smyth
1635 Parsonage Rd
Parkton Md 21120
Mr. Vernon Standiford
1845 LAUREL RIDGE DR PARKTON MD 21120
Estelle S. Kerr
1845 LAUREL RIDGE DR. PARKTON, MD. 21120
Lucinda B. Bent
848 Laurel Ridge Dr. 21120
John C. Bents
1848 Laurel Ridge Dr 21120
Betty J. Trussell
1801 Laurel Ridge Dr Parkton Md 21120
Elmer N. Steinitz
1800 Laurel Ridge Drive Parkton Md. 21120
Carl V. Fiddler
1614 Parsonage Rd. Parkton Md.

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Anna M. Trosper
Address 1852 Laurel Ridge Drive,
Parkton, Md. 21120
Robert J Trosper
1852 Laurel Ridge DR
Parkton Md. 21120
Lydia M. DeMonica
1900 Roxville Rd
Parkton Md 21120
Nelson R Trussell
1801 Laurel Ridge Drive
Parkton Md 21120
Ralph N. Steinitz
1800 Laurel Ridge Dr Parkton Md
Joseph Steinitz
1800 Laurel Ridge Dr, Parkton Md.
Thomas S. Kerr
PARKTON MD.
1845 LAUREL RIDGE DR. 21120

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Betty Tracey
Address Freeland Md.
William R Gillespie
4106 Glenn Rd Millers Md
Doris Weigandt
2202 Gibson Rd Whitehall Md.
Mary Jane Weigandt
2265 Gibson Rd White Hall md 21161
Jane E. Crayston
233 Bentley Rd Parkton Md 21120
Helen C Kerr
18315 Hanover Rd Parkton, Md 21120
Fannie Mae Aycock
18315 Hanover Rd PARKTON, Md 21120
Frankie J. Pensick
20045 Middletown Rd, Freeland, Md 21053
Lillian L Kerr 1830 Hanover Road 21120

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Linda Oriell Kerr
Address 2157 Beckleysville Rd
Jim & Delores Hammond
Gore Middletown Road
Calvin and Margaret Pierson
& Rural Rt #1 Parkton
Margaret Ward Middletown
Mr. & Mrs. Samuel Simmons
Parkton, Md
Ray Thomas
Middletown Rd
Robert L. Kerr
Parkton Md.
Walter & Dorothy Gentle
Bentley Springs Md
Ken and Jane Romine
Freeland, Md
Virginia Mize Langdon
George E. Warnick
Parkton, Md 21120

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Duane Black
Address Box 44 Bentley Springs, Md. 21019
Mat Wheeler
1915 Walker Road - Freeland Md 21053
Claudette Wheeler
1915 Walker Rd Freeland 21053
John C Ruben Jr
1220 Daisy Rd
Doris Bell Rayville Rd
Parkton md
Mildred R Emory
1022 Walker Rd.
William S Ross
1200 Rayville Rd Parkton Md.
Charles H Chrisman III Parkton MD
1401 Walker Road Freeland Md 21053
Charles Woody 1710 Parsonage Rd
Parkton Md. 21120

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Mrs Christine Ogle
Address 1916 Middletown Rd Parkton Md
Adelia Judd
1625 PARSONAGE RD PARKTON, MD
Jo Mullen
20039 Gore Mill Rd, Freeland
Dorothy Howard
1212 Daisy Rd Parkton Md
Ben Howard
1212 Daisy Rd Parkton Md
[redacted] Parkton Md
Mr Salvatore Verzi
Isabelle Verzi
Diane Guastaferro
Richard Guastaferro
James S. Ruben
Frank O. Langley
1937 BULLS SAW MILL RD
FREELAND, MD. 21053

8

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Eugene S Frederick
Address 2015 Bellegrove Rd
Millers MD. 21107
[illegible]
21217 Rice Rd.
Freeland, MD. 21053
[illegible]
Rt 41
Freeland, Md. 21053
Jane Sanford
Kenney Mill Rd. Freeland 21053
Robert Lockhart
2927 Cider Rd. Millers Md 21107
[illegible]
2709 Flintstone Rd Freeland 21053
[illegible]
1401 Ashkaro Freeland MD 21053
Hang Ying Ip
19826 Middletown rd Freeland, Md. 21053

9

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Barbara S Bell
Address 20810 Bussey Mill Rd
Virginia [illegible]
Rockhill Rd Freeland Md.
[illegible]
Hall Baden
[illegible] Putty Hill Rd Parkton, Md 21120
Anna Lefferty Bel Air Md.
Jessie H Hoffman
19709 Gunpowder Road
Millers, Maryland 21107
Vicki Anderson
2710 Beckleysville Rd
Millers Md 21107
Anna C Lemmerman
[illegible]
Freeland Md 21053
Patricia Lloyd
1949 Freeland Rd
Freeland Md 21053

10

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Ronald Fred Wiley
Address 19812 Bellegrove Rd 21107
Anna B Bragg
2623 Beckleysville Road 21107
Anna M Libby
19830 Gore Mill Rd Freeland
Charles Wellington
Middletown Rd Freeland
Larry J Swank
Parkton, Md. Box 6A 21120
Joe L Cope
1960 Kidds Rd
Freeland Md.
Theresa Fullem
11 Old Field Ct Freeland Md
Mary Cole
20021 Bellegrove, Millers, Md.
Deborah Ann M Gentry
21031 State Bridge Rd
Freeland MD 21053

11

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name G Gerlach
Address 2915 Kidd's School House Rd
Joan Tracey
19815 Middletown Rd.
Joan Patterson
3801 Beckleysville Rd. Hampstead 21074
Pamela A Parks
2 Carbon Court Parkton Md 21120
Jayne Warren
2940 Kidds Sch House Rd
Anne Scrivanich
2119 Freeland Rd 21053
Gail M Gentry
21029 Hall Bridge Rd Freeland 21053
Michele Fischer
3223 Bells Sawmill Rd 21053
Joyce Hyatt - Flintstone Rd 21053
Maud W Phillips, Freeland Md

12

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Melvin Bunch
Address 20415 Middletown Rd Freeland, Md.
Eleanor D Edelgesa
4109 Alecia Rd Millers, Md
Leona M Brown
3922 Church Rd Millers, Md.
Roger C Miller
1432 Armacost Rd
Parkton Md 21120
James Denning
Gore Mill Rd
Freeland Md
A Gordon Bonner Jr.
16 Kirsim Court
FREELAND, MD
Barbara Grove
Beckleysville Rd - Parkton 21120
Morris Wilson
Gore Mill RD Freeland Md.
Linda L Dyer 2945 Kidds Schoolhouse Rd. Parkton
David A. Krecko 2945 Kidds Schoolhouse Rd., Parkton

Mr & Mrs Jack H Kidd
1968 Freeland Rd
Freeland, Md 21053

13

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name LeRoy Phillips
Address Parkton, Md. 21120
Sharon Beck
Parkton, Md. 21120
Mary Hartman
1510 RAYVILLE RD 21120
Madge Coale
Parkton, Md. 21120
W K Bunbo Jr
Freeland Md 21053
Maud L. Warren
18213 York Rd. Parkton Md. 21120.
Mark Poe
Valley Road Rd Parkton Md
Mr. & Mrs. Arnold Yates
1838 Laurel Ridge Dr. Parkton Md
Mr & Mrs PF Hoefkel
100 Armacost Rd 21120

14

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Robin Wilson ?
Address 20209 Gore Mill Rd
Karen Rybicka
1614 Rayville Rd.
Jo Ann Sabo Jan
20415 Kenney Mill Rd
Patricia Lloyd
1304 Dairy Rd.
Margaret Hansell
3134 Rockdale Rd
James Lisa Fuller
1614 Rayville Rd
Richard E Bush
19200 Middletown Rd.
Parkton, Md. 21120
Susan Rybicka ?
1614 Rayville Rd
Parkton Md 21120

15

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Richard C Gum
Address 19625 Middletown Rd Freland
Margaret R Cook 20706 Mt Zion Rd. 21053
Anna - C Baker - 1980 Freeland, 21053
Elwood C Tatton - 20711 Mt Zion Rd Freland, Md 21053
Milford E. Wilson Middletown Rd Freland Md 210-53
Alberta L Wolfe
Jerald W Wolfe
Laura Rush
Richard A Rush 19709 MIDDLETOWN RD.
DAVID L HARRIS 1722 BROOKS RD
Catherine Fleckenstein 20345 Gore Mill Rd.
Fern F Fleckenstein Gore Mill Rd. Freeland
Wm Ryan Middletown Rd Freland
Sue Talley 20034 Kenny Mill Rd Freeland
Polly Sanford 19622 Kenny Mill Rd Freeland 21053
Wilbur S Ryan Jr 1814 Freeland Rd 21053
Dan Tatton 20022 Kenney Mill Rd. Freeland MD. 21053

Total-566

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Stewart B Simmons
Address 1410 Ray ville Rd
James L. Bunting
1916 Rayville Rd.
Joyce R Hovey
20134 VALLEY MILL RD
Bob Cecil
4300 Rayville Rd Parkton md

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Robert B. Barnes
Address 1500 Rayville Road Parkton
Eleanor A. Barnes
1500 Rayville Road Parkton
Robert B. Barnes
19308 Middletown Rd
Larry Husband
1526 Rayville Road
Joseph L. Morris
1410 Rayville Rd.
Patricia A. Morris
1410 Rayville Rd.
Mrs. Bennett
1332 Rayville Rd.
Thanks to the Bagleys
1332 Rayville Road 21120

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Joseph M. O'Neill
Address 19510 Kenny Mill Rd. Freeland 21053 MD
Mary Anne O'Neill
20614 Kenny Mill Rd Freeland 21053. Md.
Barbara A. Bittner
19416 Kenny Mill Rd. Freeland, Md. 21053
Thomas A. Wagner
12 Klein Ct. FREELAND MD 21053
Patricia M. Jones
19500 Eagle Mill Rd Parkton Md 21120
Carolyn Wagner 12 Klein Ct Freeland, Md. 21053
Janet D. Leonard
19500 Eagle Mill Rd Parkton
Gunnora G. Merryman
19635 Eagle Mill Road, Parkton, 21120
John Merryman
19635 Eagle Mill Rd Parkton 21120

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Joseph E Smith
Address 1425 Bulls Saw Mill Rd
Robert W Evans
19220 Middletown Road
Edward L. Thompson
19416 Middletown Road
Franklin O Evans
19320 Middletown Rd
Jacquelyn S Thompson
19416 Middletown Rd
Dallas D. Jr.
2701 Beckenridge Rd
Wayne Fenby
2427 Bulls Sawmill Rd Freeland Md 21053
Richard F Cox
609 Valley Rd Freeland Md 21053
Eugene E Smith
1425 Bulls Saw Mill Rd. Freeland 21053
Tommy L. Cox
1932 Bulls Saw Mill Rd
21053

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Elizabeth G Fisher
Address Box 126 Ftl Millers, Md
TIMOTHY ELLISON
4121 PLESHARD MILLERS
Charlene Parrish
20202 Middletown Rd Freeland, Md.
Robert N. Parrish
20202 Middletown Rd Freeland, Md. 21053
Mary Lou Broyles
1328 Rayville Rd Parkton Md 21120
Becky Munnell
19704 Gunpowder Rd Millers
Dave Bedgar
2112 Freeland Rd. Freeland, Md. 21053
Ellen Bedgar
2112 Inland RD 21053
John Munnell
19704 Gunpowder Rd. Millers Md 21107

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Phyllis Fife
Address 3615 Rockdale Rd Millers, MD 21107
Patricia Ebersberger
Ellinger Rd Millers Md 21107
W.B. Krause
9816 Berkleyguille Rd Millers Md 21107
James A. O'Donnell
3534 Bulls School House Rd Freeland, Md. 21053
Dorothy R Jozwell
Bryden Mill Rd. Parkton md
Patricia J Lena
1539 Freeland Rd Freeland Md
Tracy Peterson
2504 W. Run Rd. Freeland, MD
MICHAEL VAN DIBBER
1225 NORRIS RD FREELAND, MD.
Josephine Ellingsin
4114 Church Rd Millers Md 21107

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Robert A Wilson
Address Parkton Md
Joyce Kloch
21004 Kenny Mill Rd Freeland, Md 21053
Ruth Gonglias
1021 Belmondy Rd. White Hall, Md. 21161
Edward B Waldorf
19510 Spoots Hill Rd Freeland Md 21053
Elizabeth Moriarty
19834 Dore Mill Freeland Md 21053
Leroy C Dorothy
19834 Gov. Mill Rd Freeland Md 21053
Joan Lawson
3027 Berkleyville Rd Parkton Md. 21120

January 20, 1980

William E. Hammond
Zoning Commissioner
Baltimore County

PETITION

We the undersigned residents of the Middletown Road area do hereby make it known to the Zoning Commissioner of Baltimore County, that we oppose and intend to challenge the application for special exception on 44.17 acres at the Northeast corner of Middletown Road and Gore Mill Road.

We submit that the surveyor's plan presented to Baltimore County for a "Country Club, Golf Course, and related uses" represents a totally inconsistent use of the land relative to all the surrounding properties in the area, and respectfully ask that the special exception be rejected.

Name Jacob C Shaver
Address Rayville Road 1212
Parkton md 21120
Norman Seiffer
18852 Spoot Hill Rd.
Parkton MD 21120
Eugene Canterfield
Parkton md 21120
Earl Memple
Rayville Rd Parkton, Md 21120
R.E. Cook Parkton Md
Earl Bull
Dairy Rd. Parkton Md 21120
Leroy E Cox
Feed Road Sparks 21152
Floyd Rawlett
Rubin Hollroads
1412 Rayville Rd

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO ZONING COMMISSIONER Date NOVEMBER 30, 1984

FROM COUNTY BOARD OF APPEALS

SUBJECT CASE NO. 80-141-X - JEAN TOELLER

Attached hereto are exhibits which were entered into evidence at the hearing before the Zoning Commissioner in the above entitled case.

This file was returned to your office on June 18, 1984.

Edith T. Eisenhart, Adm. Secretary

Copy of Order 11 80-141-X

CLARENCE D. LONG
2nd District, Maryland

COMMITTEE ON APPROPRIATIONS
CHAIRMAN: SUBCOMMITTEE ON FOREIGN OPERATIONS
MEMBER: SUBCOMMITTEES ON INTERIOR, MILITARY CONSTRUCTION

Congress of the United States
House of Representatives
Washington, D.C. 20515

2301 RAYBURN BUILDING
WASHINGTON, D.C. 20515
(202) 225-3061
DISTRICT OFFICE:
200 POST OFFICE BUILDING
CHESAPEAKE AND WASHINGTON AVENUES
TOWSON, MARYLAND 21204
(301) 828-5416
"OFFICE ON WHEELS"

*PLEASE REPLY TO DISTRICT OFFICE

ZONING DEPARTMENT

January 28, 1980

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

I am writing on behalf of M's. Honore Fullem, 11 Old Ruhl Court, Freeland, Maryland 21053 and many other of my constituents in the Freeland area of Baltimore County.

M's. Fullem has been in touch with me concerning a proposed zoning change for the property located at the northeast corner of Middletown and Gore Mill Roads. She states that this case (#80-141-X) is scheduled to be presented to the Zoning Board 1/29/80 at 10:00 A.M. The new zoning would allow plans for a country club, golf course, and amphitheatre to be located on this site. M's. Fullem further states that the community is strongly opposed to these plans, in particular, the construction of an amphitheatre. They feel that the developer plans to attract rock concerts into the area, which has been a problem for area residents in the past. For several reasons, outlined in M's. Fullem's enclosed correspondence, the community strongly rejects such plans.

I should appreciate your every consideration of my constituents' concern about these proposed zoning changes, and letting me know how their opposition to such development will be acknowledged by Baltimore County. *

Warm regards,

CLARENCE D. LONG

CDL:cw
Enclosure
cc: M's. Fullem

THIS STATIONERY PRINTED ON PAPER MADE WITH RECYCLED FIBERS

11 Old Ruhl Ct
Freeland, Md 21053
Jan 25, 1980

Dear Mr Long,

I am writing in reference to a proposed zoning at the Northeast corner of Middletown & Gore Mill Roads - opposite Pretty Boy Elem School - Case # 80-141-X.

Case will be heard Tues at 10AM in Room 106 We do expect a very large turn out

A meeting was held 1-24-80 in the school at which several hundred residents attended The place was packed

Developer is planning a country club golf course & related activities amphitheater for 2000 people Developer previously has held several rock concerts in the area near site The community is strongly opposed to the proposed zoning Reason are numerous & lengthy - but in brief traffic, water, sewage trash, destruction of property, liquor, drugs noise etc All that is related to large rock concerts Many have fought the concerts before when they were just held on private property

The Freeland Community hopes that you will use your powerful influence & help with your knowledge in this important matter

Respectfully,
Honore Fullem

80-306

January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,
Sylvia J. Frederick
2915 Riddle Schoolhouse Rd
Parkton, Md 21120

JAN 31 '80 PM

ZONING DEPARTMENT

80-309

19927 Middletown Rd
Freeland Md 21053

January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,
Patricia Regina Gordon

JAN 29 '80 PM

ZONING DEPARTMENT

80-305 file

THOMAS E. GREY
Box 257 A
Middletown Road - Freeland, Maryland 21053

February 13, 1980

FEB 15 '80 PM

ZONING DEPARTMENT

Mr. William E. Hammond
Baltimore County Zoning Commission
Room 113
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case #80-141-X
Special Exception to Zoning

Dear Sir:

My address is 19927 Middletown Road where we have 17 acres, including 8 acres of working orchard. This places us less than a quarter of a mile from the piece of property that is referenced above.

I was shocked upon returning to this country around February 1st to find that there were zoning hearings taking place for a special exception on Middletown Road. In reviewing the case, I see that they are asking for permission to put in a so called "country club, amphitheater and golf course" on a piece of property on Middletown and Gore Mill Road.

Mr. Hammond, my property is directly across from Gore Mill Road, separated by about 300 feet by an open field, so I am vitally concerned and wish to go on record at this point to state that I am inaiterably opposed to this exception to the present zoning and in checking a quick history of these type of operations in other areas, it has been noted that there has been a sharp decline in property values once these things are in operation.

This past year Baltimore County doubled my assessment. I did not fight this double assessment too hard as I felt there was some fairness to Baltimore County. However, if the County sees fit to grant this exception of the present zoning, then I certainly will take every means that I can to have my assessment reduced to be in line with the reduced property values that this will cause.

This installation is definitely not needed by this community since there are recreation areas and the beautiful Gunpowder State Park, Morris Meadows and the close by Codorus State Park in Pennsylvania. This is purely a financial venture with complete disregard to the residents. I appreciate your consideration.

Sincerely,
Thomas E. Grey

cc: Jim Smith - 6th District

80-306

January 24, 1980

William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD. 21204

Dear Mr. Hammond:

I am strongly opposed to the proposed zoning for the Northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

As a resident of the community, I am deeply concerned about how this zoning will affect the area, if approved.

Respectfully,
Mr. & Mrs. Albert Hyatt
20458 Middletown Rd.
Freeland, Md. 21053

JAN 31 '80 PM

ZONING DEPARTMENT

The above data was obtained from the Maryland Geological Publication entitled, "Records of Wells & Springs in Baltimore Count, Maryland", published in 1966 and from the Water Supply Division - Permits Section of the Water Resources Administration, Natural Resources Department, State of Maryland.

Air Quality

The project area is located in Area III of the Maryland Bureau of Air Quality Control's Ambient Monitoring Network. The closest monitoring stations are identified as No. 10 (Cockeysville Police Station), No. 13 (Garrison Station) both in Baltimore County and No. 18 (Westminster) in Carroll County. It should be noted, however, that these stations are at least 10 miles from the project site and are in areas where pollution sources are substantially more concentrated than at the project site, as these areas are much more densely populated. Given below is a tabulation of measured pollution levels at the three monitoring stations described above. Selection of these stations was based on the fact that the prevailing winds in the Baltimore County area are west-northwest to northwest except during the months of May through September when they become southerly.

MOS *

Pollutant	A	B	C
Total Suspended Particulates	46	32	50
Sulfur Dioxide	19	-	10
Nitrogen Dioxide	41	-	29
Carbon Monoxide	-	55	-
Ozone	-	150	-
Non-methane Hydrocarbon	-	1444	-

* Maximum observed concentration during 1978 in percent of Air Quality Standard for:

A- Cockeysville Police Station
B- Garrison Station
C- Westminster

As can be seen by the above tabulation, the only levels that exceeded standards were ozone and non-methane hydrocarbon. However, it should, again, be noted that these stations are situated in heavily populated areas in comparison to the project site and, as a result, indicate that air quality in the project area is extremely good.

Water Quality

The project site is located within the Loch Raven Reservoir area of the Gunpowder River Basin. The basin is about 35 miles long beginning in southern Pennsylvania and ending in Chesapeake Bay and has a varying width of from about 9 to 18 miles. As described earlier in this report, runoff from the site collects at the northeast corner of the property where a spring-fed stream meanders northerly for a distance of about 4000 ft to its discharge point into Little Falls. Little Falls, in turn, meanders southeasterly over a distance of about 5 miles to its discharge into Gunpowder Falls. All of the waters in the Loch Raven area are described as Class III, Natural Trout Waters except the main stem of Gunpowder Falls between Loch Raven and Prettyboy Reservoir which is identified as Class IV, Recreational Trout Waters. The only pollution sources in the general area of the project site and upstream from this area would be nonpoint sources, principally agricultural and organic waste runoff, and, to a lesser degree, failing septic tanks. Water quality standards for pH, temperature and turbidity were not exceeded during 1976-1977 sampling in the Little Falls' waters. However, some slight violation of standards was measured in bacteria

levels. The Average Species Diversity Index was measured as 2.8 with higher values upstream of 3.3, indicating good quality.

Other

As described previously, most of the western half of the site and a narrow strip along the southern portion of the site has been cultivated and is essentially free of any surface vegetation. Weeds and scrub growth cover the sides and base of the swale and a few isolated trees are situated along the top western edge of the swale near the center of the property. Beyond the limits of the property, the surface vegetation varies from deciduous forests to cultivated and farmed fields. A few orchards were observed slightly west of the property and some of the land immediate east of the property is presently used for pasture-land for cattle and horses.

The residential population in the general area of the site is presently quite low, especially to the north. The largest concentration of population would be at the elementary school immediately south of the site during the school season. Traffic related to the operation of the school would also be more concentrated during that period of time. Traffic in the area appears to be principally limited to local travel. For more detail of existing traffic conditions, refer to Page A-2 in the Appendix.

PROJECT DESCRIPTION

Plate 3 in the envelope at the rear of this report shows the proposed project. As can be seen, a service road will enter the site about midway along the Middletown Road side directly across from Bulls Sawmill Road and will run through the approximate center of the property in a northerly direction and then

exit to the west at about the midpoint along Gores Mill Road. Parking lots off of this road will be situated to the west near Middletown Road and the center of the property and to the east near the north end of the property. Proposed facilities to the west of this access road include a pool complex with bathhouse and a two-story clubhouse about 60 ft by 80 ft in area, a playground, paddleball courts and tennis courts. The parking lots in this area have been designed to handle approximately 200 cars. In the area in the north end of the site adjacent to Gores Mill Road, a softball field is planned. This area will probably also be used for swimming pool backwash. The parking lot in that area has been designed for 250 spaces and is immediately adjacent to a proposed picnic area and pavillion with restrooms. The southeastern portion of the site east of the access road will be used for a miniature par-three golf course. In the lower portion of the site, near the northeast corner, it is planned to have trails, another picnic area and pavillion and a small pond. An amphitheatre is also planned near the northeast corner of the site. Water supply for the project will be from a water well at a proposed location near the pool and clubhouse. Reserve well area has been selected near the softball field north of the pool area. The proposed septic area for the project is presently proposed for an area near the west side of the swale near the center of the property. Present plans indicate 75,000 sq ft will be used for this purpose.

Based on the above description, the following general comments are made concerning the overall project.

1. Trash and garbage disposal will be assigned by contract.

2. General hours of operation will be from 10:00 A.M. to 2:00 A.M. However, hours may flucuate depending upon specific function.

3. The access road through the site will be bituminous paving, 24 ft wide, constructed as an open section. The main parking area will also be bituminous paving.

4. Lighting within the site will be so erected as to not reflect rays on to adjacent motorways, into the path of on-coming vehicles or on to any adjacent residential areas.

5. It is understood that the proposed amphitheatre will only be in periodic operation during the summer months. More specific details concerning usage of this facility will be made by others separate from this report.

6. The two-story clubhouse will contain a restaurant, kitchen and bar. In addition, an office, locker rooms, showers, etc. will also be housed in this structure. It is also understood the second floor will contain a banquet room.

7. A proposed earth berm is planned to be constructed along the entire length of Middletown Road and Gores Mill Road to provide a screen between the facility and the adjacent roadways. In addition, the entire site will be landscaped with trees and other items.

At the time this report was written, no grading studies of the site had been made. However, it is estimated that site grading will be minimal, probably not exceeding cuts and fills of more than a few feet. It is likely a storm drain system will be constructed to collect runoff from the paved areas. Dis-

charge from this system will most likely be down the existing swale and into the pond near the northeast corner of the site. This pond will likely double as a storm water management pond. Since all runoff from the site, except for a small area near the west corner of the property, drains to the pond area, this area will also serve as the location for sediment control.

STATUS OF PROJECT

At the time this report was prepared, various agencies with Baltimore County had made preliminary review of this project. Following is a list of those agencies and comments concerning their review. Copies of their correspondence concerning these reviews are included in the Appendix.

1. Bureau of Engineering. The project site is in an area designated "no planned service" on Baltimore County water and sewage plans. There are known flooding problems downstream, however, no additional impact downstream is anticipated since the project is subject to Baltimore County storm water management policy. The estimated 100-year design storm runoff increase is 6.76CFS. The project was recommended for approval.

2. Department of Public Works. They specify certain requirements concerning construction of the road entrances, sediment control, storm drain construction and related drainage and utility easements.

3. Department of Traffic Engineering. They state that existing zoning for the site can be expected to generate approximately 100 trips per day and the proposed special exception and use of the property could be expected to generate 3700 trips per day, this maximum number being when the theatre

is in operation. They also specify that improvements to the property should include paving all parking areas, providing sidewalks within the site and improvements to Middletown Road and Gores Mill Road.

4. Office of Planning and Zoning. At the time this report was prepared, an application for special exception had been applied for and is being reviewed by the Office of Planning and Zoning. Other reviews by this office specified that parking areas must be paved and screened, all free standing lighting must be shown and should be of the cut-off type and the amphitheatre should be limited to the number shown unless a revised site plan is presented. Additional comments from this department indicate that the property is currently farmed and that the soils are excellent for agricultural use and that that use is preferred. In addition, they note that zoning regulations limit the number of tennis courts to 8 for a nine-hole golf course and the proposed golf course, as shown, indicates only 8 holes.

5. Department of Permits and Licenses. Their comments indicate that any structure built on the property shall conform to BOCA requirements, a building permit will be required before construction can begin and miscellaneous other comments relative to processing of building permit applications.

6. Bureau of Environmental Services. This department states that more information is required before they can review and/or comment on the proposed project.

7. Fire Department. They state that all buildings and structures on the site shall comply with applicable requirements of the National Fire Pro-

tection Association standards.

Final approval of the project will require review by all of the above agencies. Review and approval of a grading and sediment control plan will also be required from the Soil Conservation Service, U.S. Department of Agriculture.

ENVIRONMENTAL EFFECTS

A discussion of the anticipated effects on the environment from development of this project is given below. It should be noted here that this discussion does not include a consideration of noise generated by various uses of the amphitheatre. That effect will be evaluated by others separate from this report.

Water Quality.

Storm water runoff over the site will all drain to the northeast corner and the pond that will be constructed in that area. Almost all the site with exception of a small area near the intersection of Middletown Road and Gores Mill Road presently drains to the northeast corner and final grades after construction will maintain drainage to that area. In addition, construction of the berm along Gores Mill Road will also result in surface run-off from that area draining to the northeast corner and the pond. Based on the present layout of the project, as shown on Plate 3, it was computed that about 11 acres of the site will be changed to paved or impervious area. This represents about 25 percent of the overall site area. Assuming storm drains are used to collect run-off from these areas, the discharge from this system will probably outlet into the base of the swale draining through the eastern portion of the property. Appropriate permanent storm drain outlet protection, such as use of riprap, sod, gabions or some other

SUMMARY

Following is a summary of the results of this study.

1. The project site is presently farmed and contains only a few scattered trees.
2. The project site is zoned RC2.
3. The ground surface varies from El 820 along Middletown Road to El 720 at the northeast corner.
4. Drainage over the site is to the northeast corner. A swale drains from the central portion of the site to that corner.
5. Prettyboy Schist underlies the site at depths of a few feet to more than 16 ft below ground surface.
6. The subsurface profile at the site consists of a surface layer of clayey silt with rock fragments underlain by sandy silt.
7. Suitable water supply can be obtained from wells installed into the Prettyboy Schist formation that underlies the site.
8. Air and water quality in the area are quite good.
9. No adverse effects on the environment are expected from development of this project.
10. It is recommended that the septic area, as shown on the proposed development plan, be shifted due to unsuitable subsurface conditions in a portion of the proposed septic area.

INTRODUCTION

Dennis G. Smith of Towson, Maryland is planning to develop a tract of land owned by him in north Baltimore County into a country club, golf course and other related uses. Public water and sewer are not available in the area, therefore, private systems will be required. The purpose of this report was to make a hydrogeological and environmental effects study of the development for review by the Baltimore County Health Department. This report was prepared in general accordance with a criteria list prepared by the Baltimore County Health Department and dated November 29, 1979.

This report was prepared from information obtained on a field reconnaisance made on February 12, 1980 and research of various publications. Listed below are some of those publications used in connection with this study.

1. "Geologic Map of Baltimore County and City" prepared by Maryland Geologic Survey
2. "Soils Survey of Baltimore County, Maryland" prepared by Soil Conservation Service, U.S. Department of Agriculture
3. "Water Quality Management Plan for the Baltimore Metropolitan Region" prepared by the Baltimore Regional Planning Council
4. "Maryland Air Quality Data Report" dated 1978 prepared by the Environmental Health Administration, State of Maryland
5. "Demonstration of Nonpoint Pollution Abatement Through Improved Strict Cleaning Practices", EPA-600/2-79-161

In addition to those publications listed above, other information was also consulted including aerial photographs of the area, topographic maps and miscellaneous publications. During the field reconnaisance, ten (10) test pits were dug with a backhoe at the locations shown on Plate 2 in the envelope at the rear of this report to determine the subsurface conditions at the site. Information from these test pits is tabulated on Page A-1 in the Appendix at

the rear of this report.

SITE DESCRIPTION

The project site is located on the north side of Middletown Road and east side of Gores Mill Road in north Baltimore County, Maryland. The site is 44.17 acres in area with about 1600 ft of frontage along Middletown Road and 970 ft of frontage along Gores Mill Road. Reference is made to Plate 1 (aerial photo) and Plate 2 (topographic map) in the envelope attached to the rear cover of this report in connection with the following discussions.

Land Usage

The project site is completely open with only a few scattered small trees situated along the edge of a swale running through the general center of the property. No improvements of any type presently exist on the property. Most of the upper land along Middletown Road and Gores Mill Road is cultivated and used for growing farm crops.

The land usage immediately adjacent to the site varies from very low density, residental to farm land. Single family dwellings exist along Middletown Road, Halker Road which runs northeast off Middletown Road slightly east of the site and Bulls Sawmill Road running southerly off of Middletown Road immediately south of the site. The sixth district elementary school identified as Prettyboy Elementary School, is situated immediately south of Middletown Road and just east of the intersection with Gores Mill Road. Most of the land to the west of the site on either side of Middletown Road is presently farmed with a few orchards. The land north of the site along either side of Gores Mill Road contains a few scattered farms but is mostly heavily wooded.

All of the land in the general vicinity of the project site is presently zoned residental. The subject property, as well as land to the north, west and east, is presently zoned RC2. The land south of Middletown Road and the site varies in present zoning from RC4 to RC5.

Topography

Most of the land in the general area of the site can be described as moderately rolling with slopes generally varying from a few percent up to about 20 - 25 percent. The highest ground on the site exists along Middletown Road where the ground surface is at about El 820. Most of the land in the western half of the site adjacent to Gores Mill Road is quite flat and varies from about El 810 to El 820. A swale runs through the easterly half of the property in a general northeast to north direction draining to the north. The ground surface elevation through this portion of the site varies from about El 810 at Middletown Road to El 720 in the northeast corner at the base of the swale.

Geology

The site is located within the Piedmont Physiographic Provinces as identified in geological publications. Bedrock in the area is identified as the Prettyboy Schist Formation. Based on the results of the test pits made for this study, solid rock was found to vary from about 4 ft depth to over 15 ft below existing ground surface. The shallower rock conditions were generally found to exist in the northwest portion of the site.

Soils

The soils at the site are natural deposits derived from weathering of the underlying Prettyboy Schist Formation. Two general strata were observed in

the subsurface profile, a surface layer of red, clayey silt to very silty clay containing varying amounts of gravel and rock fragments up to large boulders underlain by tan, micaceous, sandy silt. The tan, sandy silt deposit is considered quite suitable for absorption of sewage affluent. Although percolation tests were not made for this study, it is estimated that percolation rates would be on the order of 3 to 5 min/in. The surface deposit of clayey silt is not considered suitable for sewage disposal. The thickness of the surface layer of clayey silt varied from a few feet up to as much as 9 ft, the thicker deposits generally being situated in the central portion of the site along the top of the swale. Boulders in this strata were generally found to be most predominant in this area and to the west or generally in the northwest portion of the site where rock was found to be the shallowest. In the area of Test Pits 1 and 2 where solid rock was encountered at depths of 9 and 4 ft, respectively, the tan, sandy, silt stratum was not encountered.

The surficial soil types, as identified by the Soil Survey of Baltimore County, Maryland, prepared by the Soil Conservation Service, are shown on the topographic map, Plate 2. Given below is a brief description of each soil type as identified in that publication.

CcB2 and CcC2. Chester silt loam; 3 to 8 and 8 to 15 percent slopes, moderately eroded. These soils exist over most of the western half of the site and a small band along the southern end of the site adjacent to Middletown Road. These soils are described as deep, well-drained soils that are naturally, strongly acid. They are fairly easy to work and have available moisture capacity. They are moderately permeable. The hazard of erosion of these soils is described as moderate to severe but controllable with good management practices. The Soil

Conservation Service identifies the Chester soils in Hydrologic Soil Group B, soils having moderate infiltration rates when thoroughly wetted.

GcC2. Glenelg loam; 8 to 15 percent slopes, moderately eroded. These soils exist along a central strip of ground on the west side of the swale in the northern portion of the site. These soils are described as deep, well-drained and strongly acid. Permeability is described as moderate and they are identified as subject to erosion. These soils are also identified as Hydrologic Soil Group B.

GgD3. Glenelg Channery loam; 15 to 25 percent slopes, severely eroded. These soils are identified as existing along the west slope area of the swale draining through the property. They are described as having lost most of the fine material formerly in their surface layer and part of their subsoil through erosion and contain many gullies. They are also described as being covered by fragments of schist. These soils are also identified as Hydrologic Soil Group D.

GnB. Glenville silt loam; 3 to 8 percent slopes. These soils are identified as existing through the base of the swales that run through the subject property and adjacent properties. These soils are described as deep, moderately well-drained to somewhat poorly-drained, acid soils located in depressions and at the foot of hill sites. These soils are identifed as Hydrologic Soil Group C.

BaA. Baile silt loam; 0 to 3 percent slopes. These soils are situated in the low ground at the extreme northeast corner of the site and are described as deep, poorly-drained, nearly level, dominantly gray soils located in de-

pressions. They are also described as medium acid to very strongly acid and a water table that is seasonally at or near the surface. They are also described as having severe limitations for most non-farm uses. These soils are identified as Hydrologic Soil Group D.

No erosion channels or gullies were observed anywhere on the site at the time the field investigation was made. Although not clearly evident in the field, it is assumed that the cultivated areas of the site were plowed on contour. Most of the sides and base of the swale were grass covered which would minimize erosion of those surfaces. A minor drainage channel did exist along the lower portion of the base of the swale.

Hydrology

Surface runoff over the site, with the exception of a small area in the southwest corner near the intersection of Middletown Road and Gores Mill Road, is into the swale that drains through the easterly portion of the property. That swale drains to the northeast corner of the site where it collects and drains into a stream flowing northerly into Little Falls about 4000 ft northeast of the site. Surface runoff from a small area in the southeast corner of the site near the intersection of Middletown Road & Gores Mill Road drains northerly off of the site on to Gores Mill Road. There is no storm drain system along any of the roads adjacent to the property. On the date of the field investigation, no signs of springs were observed anywhere on the site, including the base of the swale, except near the northeast corner where this condition does exist. The source of the spring appears to be on the property immediately east of the subject property line where the water was observed to be flowing on to the site and collecting in a ponded condition. From this point, the water flows northerly

into a stream channel that meanders through the far northeast corner of the site and on to the adjoining property to the north. Results of the test pits dug in the swale area confirmed that the spring condition appears to be limited to the bottom portion of the site at the base of the swale as no ground water was encountered in Test Pit No. 9 which was excavated to a depth of 15 ft. Water was encountered at a depth of 6 ft in Test Pit No. 10 which is slightly south of the ponded condition adjacent to the spring. There were signs, however, that a portion of the swale base probably is wet during certain times of the year, logically during the rainy seasons.

Research and study by others have resulted in the general conclusion that adequate domestic water supply can be obtained from a well located in the Prettyboy Schist Formation that underlies the site. In this area, the only source of ground water is precipitation and the ground water is under water table conditions. Statistical evaluation of water wells in the Prettyboy Schist Formation, formerly identified as the Wissahickon Formation, indicates that the chemical content of the water is generally satisfactory, the average well depth is 92 ft, and the pumping yields are 11.2 gpm with most yields less than 10 gpm. For this study, the data on 6 existing wells located along Gores Mill Road and Middletown Road immediately adjacent to the site were reviewed. Results of that review are tabulated below.

Water Well Summary

Date Installed:	From 1953 to 1977
Wellpoint Depth, ft:	80 to 200 - Average 136
Depth to Ground Water, ft:	40 to 54
Ground Surface Elevation:	790 to 830
Yield, gpm:	5 to 20 Average 12

Cal Cod 7

HYDROGEOLOGIC STUDIES

& ENVIRONMENTAL EFFECTS REPORT

PROPOSED RECREATIONAL PARK, MIDDLETOWN RD.

BALTIMORE COUNTY, MARYLAND

Report to

MR. DENNIS SMITH

28 W. Allegheny Avenue
Unit 2410
Towson, Maryland 21204

Report by

NATIONAL FOUNDATION ENGINEERING, INC.

9303 Harford Road
Baltimore, Maryland 21234

February 29, 1980

National Foundation Engineering, Inc. NFE

9303 HARFORD ROAD • BALTIMORE, MARYLAND 21234 • TELEPHONE 661-7200

GEORGE W FIELDS PRESIDENT
ALFRED E MYERS VICE PRESIDENT
JOHN P MARSHALL P E VICE PRESIDENT

February 28, 1980

Mr. Dennis Smith
28 W. Allegheny Avenue
Unit 2410
Towson, Maryland 21204

Re: Hydrogeologic Studies & Environmental Effects Report
Proposed Recreational Park
Middletown Road
Baltimore County, Maryland

Dear Mr. Smith:

Submitted here is our report on the referenced study. This work was authorized verbally by you.

Included in this report is a discussion of the geology, soils, topography and hydrology of the project area along with existing air and water quality. The proposed development is described as well as its anticipated effects on the hydrology and environment of the area. An aerial photograph and topographic map of the site are included along with the preliminary plan showing the proposed development layout.

We have appreciated this opportunity to provide our service to you. If we can be of any further assistance, please do not hesitate to contact us.

Very truly yours,

NATIONAL FOUNDATION ENGINEERING, INC.

John P. Marshall, P.E.
Vice President

JPM/ea

STATE OF MARYLAND JOHN P. MARSHALL NO. 10003 REGISTERED PROFESSIONAL ENGINEER

TABLE OF CONTENTS

	Page
SUMMARY	i
INTRODUCTION	1
SITE DESCRIPTION	2
Land Usage	2
Topography	3
Geology	3
Soils	3
Hydrology	6
Air Quality	8
Water Quality	9
Other	10
PROJECT DESCRIPTION	10
STATUS OF PROJECT	13
ENVIRONMENTAL EFFECTS	15
Water Quality	15
Traffic	17
Air Quality	17
Noise	18
Other	18
RECOMMENDATIONS	18
CONCLUSIONS	20

APPENDIX

	Page
TEST PIT SUMMARY	A-1
TRAFFIC STUDY	A-2 thru A-13
BALTIMORE COUNTY COMMENTS	A-14 thru A-22

APPENDIX

(Envelope Attached to Rear Cover)

AERIAL PHOTOGRAPH	PLATE 1
TOPOGRAPHIC MAP	PLATE 2
SITE DRAWING	PLATE 3

Protestants in the case of
80-141-X

Name	Address
Diana B. Hounshell	1151 Freeland Rd, Freeland Md. 21053
Alice Tramontana	1504 Walker Rd. Freeland, Md. 21053
Beatrice Marattlo	1706 Walker Rd Freeland, Md. 21053
Gilbert Marattlo	1710 Walker Rd. Freeland, Md. 21053
Dorothy Fiore	19239 Middletown Rd. Parkton 21120
Shirley Wright	1415 Walker Rd. Freeland 21053
Kathleen L Jones	1411 Walker Rd. Freeland, Md 21053
Gordon Denning	19821 Gore Mill Rd Freeland Md 21053
Jessie Degnovsky	19821 Gore Mill Rd Freeland Md 21053
[illegible]	1813 MIDDLETOWN RD FREELAND MD 21053
Donald G. Lane	1813 Bull's Sawmill Rd Freeland md 21053
Nancy C. Jones	19717 Valley Mill Rd. Freeland 21053
Wilson M. Wilson	20009 Gore Mill Rd Freeland 21053
Betty Talley	21002 Kearney Mill Rd Freeland
jpa	
Peggy H Tabb	1504 Walker rd Freeland
Mrs Rita Worthy	1756 Pennmoor Rd Parkton
Joyce Pinkney	Freeland Md.
David B Wirth	1408 Walker Rd Freland, Md. 21053
Jean Fortune	3137 ROCKDALE RD FREELAND MD 21053
John Billet	Mt Zion Rd. Freeland, Md. 21053
Robert Billet	" " " " " "
Millard Holloway	19605 Middletown Rd. Freeland Md
Alberta Holloway	" " " " " "
Mike Fraunces	1000 Falls Rd Parkton Md. 21120
William A. Pigue	2816 Berkleyville Rd. 21107
Janice M. Fisher	1201 Rayville Rd. 21120
Janice B. Barbour	
William R. Burton	19706 Middletown Rd Freeland MD 21053
Clyde A Mann	1523 Freeland Rd. Md.
H. Gilbert Marattlo	1710 Walker Rd Freland md
Margaret Jansen	3134 Rockdale Rd, Freeland
Wilson G. Garrett	20514 Mt Zion Rd Freeland Md 21053
Esther Garrett	20814 Mt Zion Rd., Freeland, Md

PROTESTANTS in the Case of
80-141-X.

Maynard A Rosen	19603 Middletown Rd Freeland Md.
Richard C Weis	19625 Middletown Rd Freeland Md.
Frances M. Weis	19625 Middletown Rd. Freeland, Md.
Pamela Noble	#19531 MIDDLETOWN Rd "
J. Walter O'Neill	20519 Kearney Mill Rd Freeland, MD.
Francis Jones	1848 Laurel Ridge Parkton Md
John J. Dentzer	1848 Laurel Ridge Parkton, Md.
Patricia Holbrook	1412 Rayville Rd Parkton Md
Patricia Morris	1400 Rayville Rd. Parkton, Md.

Do You Wish To Testify?	Name	Address
	M B Beall	Freeland Md
	Janet Rouse Van Bibber	Morris Rd Freeland, MD. 21053
	Jo Hubler	20039 Gore Mill Rd. Freeland
	Donald Wright	1415 Walker Rd. Freeland
	Dorothy Tabb	1504 Walker Rd - Freeland
	[illegible] Jarrick	20200 Middleton Rd Freeland Md
	Robert L Noble	19531 MIDDLETOWN RD "
	Stephen J Hurst	1601 Walker Rd Freland MD 21053
	Jean Fraunces	1218 Arnaent Rd. Parkton 21120
	Frank L Rumberg	WALKER RD Freeland Md
jpa	Robert Parrish	20202 Middletown Rd Friland 21053
	Donal Elmore	1622 WALKER Rd. FREELAND MD 21053

CASE 80-141 X

Open letter
to the
People of the Middletown Road area:

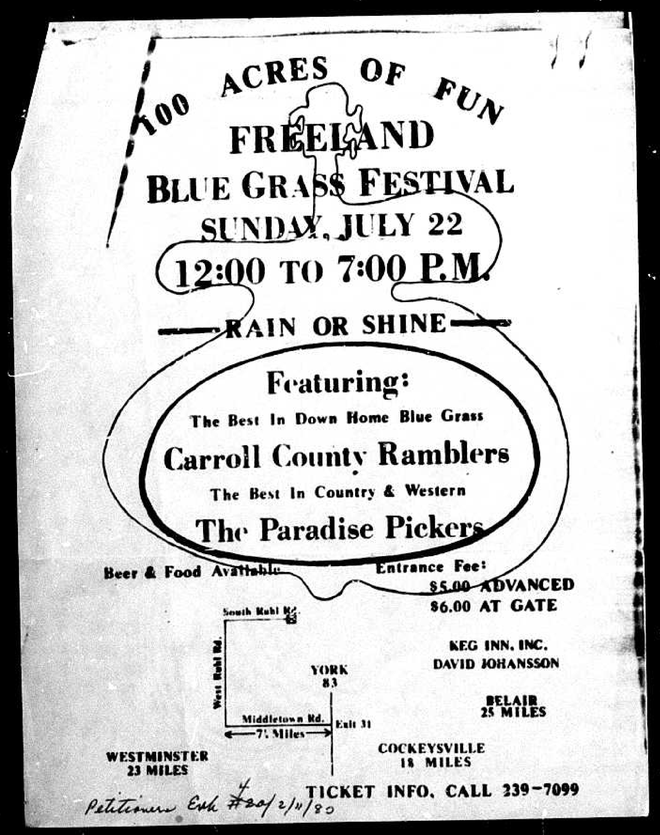
Supposedly, in every cloud there is a silver lining. In the "cloud" called Case 80-141-X, the "silver lining" is a remarkable group of people who will not be intimidated. The intensity of opposition, and volume of attendees at the recent hearings in Towson have certainly registered an impact the County will not soon forget.

We have accomplished in three weeks what many other citizens groups have failed to do in years. Despite what you may have been told, your presence at these hearings does mean something. To those who took the time, and in some cases, lost wages to appear in Towson, especially those who made it both times, you deserve enormous credit.

There needs to be thanks for their additional help: scheduling and coordinating buses and carpools, making needed phone calls, getting the word around--you know who you are. We all owe deep appreciation to Mr. A Gordon Boone, Jr., who stepped in when help was sorely needed.

One more session lies ahead, Monday, February 11 at noon; and after this stage rest assured, the battle will not be over- it is just beginning. We know this from past experience. For this reason, we can not afford to let up. Let's show them the Freeland Community Association is alive and well. Let no one cast doubt upon our existence, our drive and our determination.

"The Committee"



Petitioners Exh #2a 2/11/80

National Foundation Engineering, Inc. NFE

9303 HARFORD ROAD • BALTIMORE, MARYLAND 21234 • TELEPHONE 661-7100

GEORGE W. FIELDS, PRESIDENT
ALFRED E. MYERS, VICE PRESIDENT
JOHN P. MARSHALL, P.E., VICE PRESIDENT

February 4, 1980

Mr. Dennis G. Smith
Condo Unit 2410
28 W. Allegheny Avenue
Towson, Maryland 21204

Re: Proposed Recreational Area
Middletown Road & Gores Mill Rd.
Baltimore County, Maryland

Dear Mr. Smith,

This letter will confirm that we are in the process of preparing for you a Hydrogeological Study and Environmental Effects Report for the above referenced property.

As you are aware, this study requires extensive research and field time, including digging test pits with a backhoe. Due to the amount of work and time involved, it is impossible for us to have the report ready for February 11, 1980. We hope to schedule the field work for the later part of this week, and will begin final preparation of the report after that work is completed and the information is available for our final analysis. We hope to have the report ready by about March 1, 1980.

Very truly yours,

NATIONAL FOUNDATION ENGINEERING, INC.

George W. Fields
President

GWF/ea

Pet. Exh 6
2/11/80

SOIL TEST BORINGS - PLANNING - ANALYSIS - GEOPHYSICAL INSTRUMENTATION - DESIGN - INSPECTION - LABORATORY TESTING



1

~~Attendance~~ & Survey Sheet - Petition 80-141-X

Name & Address	Favor? YES	UN	NO	Would you join a swim club? YES	UN	NO	Would you use golf course? YES	UN	NO
John V. Fausto 140 Walker Rd			✓			✓			✓
Helen Bourley 19713 Middletown Rd			✓			✓			✓
Sandy Offerman 19712 Middletown RD.			✓			✓			✓
~~Robert Fraser 19720 Middletown Rd~~			✓			✓			✓
Edward S. Thompson			✓			✓			✓
Joseph C & Virginia Smith (19600 Middletown Rd)			✓			✓			✓
Frances M. Hoeer			✓			✓			✓
Mark Lee Jordan (19629 Middletown Rd)			✓			✓			✓
Regina Ann Jordan (19629 Middletown Rd)			✓			✓			✓
Dorothy E. Fagans			✓			✓			✓
Lewis R. Fagans			✓			✓			✓

12 NO NO NO

Attendance & Survey Sheet - Petition 80-141-X

Name & Address	Favor? YES	UN	NO	Would you join a swim club? YES	UN	NO	Would you use golf course? YES	UN	NO
Astrid R Andersen 19621 Middleto			NO			No			No
Robert J + Shirley ALTHOFF, 19712 MT			NO			NO			NO
LeRoy Novotny 19634 Gore Mill Rd			No			No			No
Robert + Alice Tramontana 19611 Walker			No			No			No
William R Burton 19704 Middletown Rd			No			No			No
FRANK L PARSON JR WALKER RD			NO			NO			NO
J. W. Hauck Middleto wn Rd			No			No			No
A. ROBOS CARLE Middleto wn Rd			No			No			No
Gladys O'KEEFE WALKER RD			No			No			No
Dorothy Eakle Walker Rd			No			No			No
Julia Thacker Middletown			No			No			No
Chas. Thacker 19588 Middletown Rd			No			No			No
Clarence + Helen Lintz			No			No			No
L Ray Jordan 19693 Middletown			NO			NO			NO
Carl E. Miller 2736 West Rd Rd			NO			NO			NO
Henry C Lopez 19707 Valley Mill			No			No			No
Wesley A Jones 19707 Valley Mill			NO			NO			NO
Diana Nemchilla 1151 Freeland Rd.			No			No			No
DONALD & BONNIE ARMENT 1622 WALNUT RD			NO			NO			NO
Richard & Debra Ingles 19720 Bulls Sawmill			✓			✓			✓

25 NO NO NO

Attendance Survey Sheet - Petition 80-141-X

Name & Address	Favor? YES	UN	NO	Would you join a swim club? YES	UN	NO	Would you use golf course? YES	UN	NO
Richard Rush 19711 Middletown Rd			✓			✓			✓
[redacted] Steve Myer 1709 Walker Rd.			✓			✓	Jr 3rd pp		✓
MARY ANN MYER 1709 Walker Rd			✓			✓			✓
Peter Palmer 19937 Gore Mill Rd			✓			✓			✓
Robert Palmer 19937 Gore Mill Rd			✓			✓			✓
Laura Rush 19709 Middletown			✓			✓			✓
DON LEASE 1913 BULLS SAWMILL RD			✓			✓			✓
T.H. COX JR 2598 MIDDLETOWN RD			✓			✓			✓
Beatrice Mansfield Wellard			✓			✓			✓

9 - NO NO NO

PROTESTANTS IN THE CASE OF

Prot. Exh. 2 — 80-141-X.

NAME	ADDRESS
Terri Lynne Teelemeyer	20345 Gore Mill Rd. Freeland, Md.
Marie C. Fera	1928 Bull's Sawmill Rd., Freeland, Md. - 21053
Shirley Party	19614 Spook Hill Rd. Freeland, Md - 21053
Ray G. Anchors Jr	2324 Bulls Saw Mill Rd 21053
Mrs Ruth Frayer	19846 Gore Mill Rd 21053
Mrs Charles Frayers	19846 Gore Mill Rd 21053
Mrs Lee Novotny	19834 Gore Mill Rd. 21053
Mr Lee Novotny	19834 Gore Mill Rd. 21053
Mrs. Mary E Harris	1407 Walker Rd Freeland Md 21053
Mrs Donna Dreta	1601 Walker Rd Freeland, Md 21053
Mr Robert Dawson	1712 Walker Rd Freeland MD 21053
Mrs Janet Dawson	1712 Walker Rd Freeland MD
Miss Dona J. Smith	19904 Middletown Rd Freeland 21053
Mrs Virginia Smith	1925 Bulls saw mill rd Freeland 21053
Mr. Leroy L. Novotny	19834 Gore Mill Rd Freeland Md 21053
Mr. + Mrs Gary Lynne	1410 Armacost Rd Parkton 21120
Mr. + Mrs Robert Palmer	19937 Gore Mill Rd Freeland Md 21053
Mr. Allen Thompson	19842 Gore Mill Rd Freeland Md 21053
Wife & Mrs James F. Perry	19708 Middleton Rd Freeland Md 21053
Mrs. Elizabeth A. Kerr	1245 Laurel Ridge Dr., Parkton, Md 21120
Miss Barbara K. Tebalan	19920 Gore Mill Rd. Freeland 21053
Mrs Loretta Kirkhoff	1211 Freeland Rd. Freeland, Md 21053
Mr John W Kirkhoff	1211 Freeland Rd. Freeland Md 21053
Miss Joan Hill	14 Old Fable Ct, Freeland, Md
Mrs Barbara Parrish	Freeland, Md.
Mr Melvin Brandt	Freeland, Md.
Mrs. H Hammond	Freeland Md.
Astrid R Andersen	c/A Middletown Rd Freeland Md.
C.A. Lintz	Freeland Md.
Clarence G. Lintz	20301 Gore Mill Rd
Helen K Lintz	" " "
Shirley Althoff	4 Knorr Pl Freeland Md.

DO YOU WISH TO TESTIFY?

CASE 80-141 X
Protestants

NAME	ADDRESS
Kitty Huggins	20434 Gore Mill Road
Mrs. Albert Lintz	20339 Gore Mill Rd.
Carol Leftwich	1300 Freeland Rd.
Boots Blevins	Freeland, Md 21053
Edward S. Thompson	19716 Middletown Rd. Freeland, MD
Mr & Mrs Richard C Dair	19625 Middletown Rd Freeland 21053
Mr. & Mrs L. Novotny	19834 Gore Mill Rd. Freeland 21053
Mr. Mrs. C. Frayers	Gore Mill Rd. Freeland 21053
Christine Blevins	Mt Zion Rd
Elizabeth Eastman	Mt Zion Rd
Margaret Lehr	Mt Zion Rd
Dawn Dreta	1601 Walker Rd Freeland, Md 21053
Mary E Harris	1407 Walker Rd., Freeland md 21053
Janet L Wagner	1712 Walker Rd, Freeland, MD 21053
Judy Kruz	the Free Press - Shrewsbury, PA
Mr Robert Dawson	1712 WALKER RD FREELAND MD 21053
E Bonnie Harris	1407 walker Rd. Freeland, Md. 21053
Dorman Fessenden	20345 Gore Mill Rd Freeland 2053
Charles Frayers	19846 Gore Mill Rd
Ruth Frayers	" "
Joseph E Smith	1925 Bulls Saw Mill Rd Freeland Md
Cecil N Kidd	1968 Freeland Rd Freeland, Md.
Evelyn R Kidd	1968 Freeland Rd Freeland, Md 21053
Barbara A. Capan	1900 Freeland Rd. Freeland Md 21053
Terri L Teelemeyer	20345 Gore Mill Rd Freeland 21053
Wayne Barnes	1404 Walker Rd Freeland Md 21053
Mr & Mrs R. Seamon	20230 Middletown Rd Freeland 21053
Richard O. Ingles	19691 Bulls Sawmill Rd Freeland 21053
Linda Kendall	20023 Bollinger Rd - Hydes 21107
Peggy Cole	19825 Bollinger Rd. - Millers, 21107
Shirley A Walter	20034 Bollinger Rd. Millers, 21107
Janet D'Ammanzo	20413 Gore Mill Rd. Freeland 21053
Mary E. Carey	20039 Gore Mill Rd. Freeland 21053
John R Buffington	1222 Walker Rd Freeland 21053
Robert Fraser	19720 Middletown Rd Freeland 21053

DO YOU WISH TO TESTIFY?

CASE 80-141 X

NAME	ADDRESS
Yes	Harry W. Wheeler, Jr. — 1715 Walker Road, Freeland Md 21053
	John W Offerman — 19712 Middletown Rd, Freeland, Md 21053
	Sandy Offerman — " " "
YES	A. Rocco Carey — 20039 GORE MILL RD FREELAND MD 21053
	Cecilia L. O'Cuffe — 1703 WALKER RD FREELAND MD 21053
	Tiffany Mazepinski — 19959 Gore Mill Rd Freeland MD 21053
	Randall D Lehr Sr — 19912 Middletown Rd Freeland MD 21053
	Richard Davis — 2701 Beckleysville Rd Hydes Md 21107
	Anne Scornavacca — 2119 Freeland Rd. 21053
	Helen Eschkoff — 21005 Keeney Mill Rd 21053
	Margaret B. Gwin — 19593 Middletown Rd. 21053
	Kelly Purdum — 1503 Walker Rd 21053
	Rose E Dykes — 20450 Middletown Rd 21053
	Gladys Rauch — 2823 Flintstone 21107
	Becky Mussell — Gunpowder Rd 21107
	Pat Leonard — Eagle Nest Rd 21120
	Michael Walchuck — 21425 Middletown Rd 21053
	Sallie Walchuck — 21425 Middletown Rd 21053
	Patricia Norris — 18706 Middletown Rd 21120
	Eva Wood — 21031 Mellon Mill Rd 21053
	Charles Wood — 21031 Mellon Mill Rd 21053
NO	Mr. Joseph Snell — 21095 Mt. Zion Road 21053
	Audra Kirkhoff — R11 Freeland Rd. 21053
	Honore Fullem — 11 Old Fable Ct 21053
	Mike Beck — 1200 Middletown Rd Parkton 21053
	Walter E Beck — 1704 Walker Rd Freeland 21053
	Beulah Beck — 1704 Walker Rd. Freeland 21053
	Geraldine Johnson — 1700 Walker Rd Freeland 21053
	Harriet Tilley — 21005 Keeney Mill Rd Freeland 21053
	Nancy Grotsch — 19527 Middletown Rd 21053
	Frank Heller — 19515 " " " "
	James Johnson — 1700 Walker Rd. Freeland, Md 21053
	Teresa Faughey — 1937 Bulls Saw Mill Rd Freeland
	Richard Rush — 19709 Middletown Rd Freeland 21053

DO YOU WISH TO TESTIFY?

CASE 80-141 X

NAME	ADDRESS
RONALD N. DEBUS	2000 BULLS SAWMILL RD
FELICIA M. DEBUS	2000 BULL'S SAWMILL RD.
Robert J. Mansfield	1706 Walker Road Freeland Md 21053
Cathy Mansfield	1706 WALKER Rd. FREELAND, Md. 21053
Thaddeus M. Cox Jr.	2598 MIDDLETOWN RD FREELAND 21053
Yes — Dorothy Grinnell	18105 Beach Rd Parkton
	NBCC
John W Mech	1119 RAVILLE RD PARKTON MD 21120
Gloria J Mech	RD 6 ROAD MFEELAND MD
John E Roslosky	1934 Bulls Sawmill RD Freeland MD
Elaine C. Wagner	19713 Valley Mill Rd Freeland 21053
Wesley A. Jones	19707 Valley Mill Rd. Freeland
Sara Schleicher	2915 Fields Schloss Rd Parkton Md 21120
Edward F. Sellman	19809 Valley Mill Rd Freeland
Frank Faughey	1937 Bulls Saw Mill Rd Freeland
William M Higgins	20430 Gore Mill Rd
Rogers Blevins	20134 Valley Mill Rd, FREELAND
Joseph L. Harvey	20134 Valley Mill Rd.
Charles J Burke	1416 Rogers Rd Parkton
Judy Ann Boone	16 KIRSH CT. FREELAND MD.
Stephen P Myer	1709 Walker Rd. Freeland Md 21053
Yes — Ronald Wayne	3816 Beckleysville Rd. Hydes MD
	20116 VALLEY MILL RD FREELAND MD
	21319 MIDDLETOWN RD. FREELAND
Fred J. Wallace	

DO YOU WISH TO TESTIFY?

CASE 80-141 X

NAME	ADDRESS
Howard Blevins	20001 Gore mill Rd Freeland
Doris Blevins	20001 Gore Mill Rd. Freeland
Joyce Estanizo	1805 Bulls Sawmill Rd., Freeland.
Wesley Sanford	21002 Keeney mill rd freeland, md
Angela Heady	1926 Rossmoor Rd Parkton md.
John W Mech	1201 Raville Road Parkton Md 21120
Celeste Black	Beckley Spring, WV. (2019)
Conrad Schmaus	3707 Richdale Rd. 21107
Barbara Grové	3700 Beckleysville Rd. 211
Mary Anne Meill	20519 Keeney Mill Rd. 21053
Paul J. Bailey	19633 Middletown Rd. 21053
C.R. Snell Jr.	21095 Mt. Zion Rd. 21053
R.R. Cummings	1305 Molesworth RD. 21120
Mrs. Helen L. Huggins	20434 Gore Mill Rd 21053
William L. Huggins	20434 Gore Mill Rd.
Alvina Bell	1300 Freeland Rd
James Bell	1300 Freeland Rd.
Tonia Harris	20414 Gore Mill Rd
Robert Morris	1400 Morris Rd.
Robert E. Reesey	1916 Bulls Sawmill Rd. 21053
J. David Lamm	3027 Beckleysville Rd Parkton 2112
Carl E. Miller	2736 West Rudd Rd. Freeland, Md. 2105
Betty J. Miller	2736 West Rudd Rd Freeland, Md 2105
Mark White	1810 Panorama Rd. Parkton, Md. 21120
Ronald L. Gillet	2000 Mt. Zion Rd Freeland, Md.
Richard F. Lof	1609 Walker Rd Freeland Md 2105
Sue Ann Borrelli	19920 Middletown Road 21120

80-140-X

JEAN H. TOELLER

January 21, 1980

Mr. William E. Hammond
Zoning Commissioner of Balt County
County Office Building
111 West Chesapeake Ave.
Towson, Md. 21204

Dear Mr. Hammond,

I am strongly opposed to the proposed zoning for the northeast corner of Middletown Road and Gore Mill Road, Case# 80-141-X.

Respectfully,

Theresa R. Faughey
1937 Bull Sawmill Rd.
Freeland, Md. 21053

JAN 23 '80 AM

80-193-X

JEAN H. TOELLER

Jan 21, 1980

Dear Sirs,

In regard to the request for zoning reclassification on the parcel of land located at Middletown and Gore Mill Roads zoning no. 80-141-X I would like to go on record as being firmly opposed. I feel that the present roads are not capable of handling any further increase in traffic. Police and fire protection in this area are minimal and overburdened already and a commercial interprise would only add to this problem.

This area is dependent upon private water systems which recently have been showing signs of difficiencies and reduced productions. Commercial zoning would be extremely detrimental to the existing wells in this area.

In these days of dwindling resources, I feel it would be a crime to remove the land from agricultural use and "destroy" it with commercialization.

Thanking you for your considerations of these points, I am sincerely,

E. Bruce Harris
and
Mary S. Harris

JAN 23 '80 AM

80-141-X

JEAN H. TOELLER

19720 Middletown Road
Freeland, Maryland 21053
January 22, 1980

JAN 23 '80 AM

Mr. William E. Hammond
Zoning Commissioner of Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson Maryland 21204

Dear Mr. Hammond:

It is with the utmost concern that I write you concerning the proposed rezoning of the property located in Freeland Maryland, at the corner of Middletown Road and Gore Mill Road.

It was our intention when we moved here three years ago, (We live directly across the street from the above mentioned property) to live in a nice peaceful residential community. This we have had for three great years. Now, to my dismay, I find that this environment may change.

This past Sunday I received a visit from a Mr. Dennis Smith, the prospective owner and developer of this property. His visit, he said, was to inform me that there were going to be soil impact test made along the perimeter of my property adjoining Middletown Road. This was necessary, he said, because Middletown Road was going to be widened to accomodate future traffic, meaning his development across the street. He then proceeded to show me his plans for developing this land that is up for rezoning consideration before the zoning commission.

According to his plans, and Mr. Smith himself, he intends to put on this tract of land a Country Club with a clubhouse and restaurant, swimming pool, tennis courts, golf course and an amphitheater for holding large outdoor events. It is his wish that he be allowed to keep his establishment open from 10:AM to 2:AM and that this area be allowed to accomadate 2000 people at anytime.

It is my contention, sir, that the usage of this land for such a purpose would be a gross injustice to the people that live next to and near this property. My reasons are as follows:

1.) Most of the people that have moved up here in the time frame that we did and the people that have lived here most of their lives reside here for the same reason. The peace and serenity of a quite country side community. I, and most of the community, feel that the building of such an establishment would not be cohesive with the community we plan to raise our families and spend the rest of our lives in.

2.) It is Mr. Smith's intention to obtain a liquor license for his establishment. The property on which he wants to utilize this license is directly across the street from Prettyboy Elementary School. I personally do not feel that it is appropriate to have a drinking establishment across the street from a school. I can just picture May Day on one side of the street and a fellow teeing off on the ninth hole across the street with a dry Martini in his hand. Need I say more about this.

3.) Middletown Roadway is adequate for the amount of people that use it to commute back and forth to their homes. Because we respect the idea that it is still mostly farmland up here we do not mind traveling behind a tractor for several miles at a very low rate of speed. I can imagine the chaos that would occur if the proposed amount of clientel of the future establishment, were traveling along Middletown at a time when a farm Vehicle had to use the roadway. The ensuing traffic jam would be monstrous. I feel that county planners didn't envision this roadway accomodating 2000 more cars on a Saturday or Sunday.

In conclusion, Mr. Hammond, I don't believe, as many people do, that regardless of how many little people voice their opinion in opposition, big money win out. I firmly believe that most public officials are honest and fair minded and that is what I ask of you. I ask that you listen to the majority of the people in this community and help to turn down the rezoning of the property located at Middletown Road and Gore Mill Road.

Respectfully,

Robert J. Feeser

RJF/pms

BALTIMORE COUNTY
OFFICE OF CENTRAL SERVICES
TOWSON, MARYLAND 21204
494-2230

HARRY A. EMMERMANN
DIRECTOR

February 4, 1980

Mr. Robert Feeser
19720 Middletown Road
Freeland, Maryland 21053

Dear Mr. Feeser:

As per our phone conversation of February 4, 1980, attached is the information you requested.

I am in charge of mapping the new growth in Baltimore County and establishing running assignments for the emergency equipment into these areas.

The area of Middletown Road and Gores Mill Road is in the Maryland Line Vol. F.C. district. However, they do not have an ambulance. Therefore, the closest ambulance service is the Hereford ambulance which is approximately 8 to 10 minutes away. If the Hereford ambulance is not available, the Hampstead Vol. F.C. of Carroll County is the next closest. They are approximately 15 to 20 minutes away.

The Hereford ambulance covers the largest area of any ambulance in Baltimore County - approximately 150 square miles - last year they handled 500 ambulance calls, spending 1 hour and 30 minutes on the road per call.

If I can be of any further assistance, please contact me.

Sincerely,

Capt. Kenneth R. Atwell

Captain Kenneth R. Atwell
Baltimore County Fire Department

KRA/ls

Protestants Pet. exh 4 as 2/11/80

Protestants Exhibit 5 — Adjacent Residents

Survey Sheet - Petition 80-141-X

Name & Address	Favor? YES	UN	NO	Would you join country club? YES	UN	NO	Would you use golf course? YES	UN	NO
Howard Blevins 20001 Gore Mill Rd			✓			✓			✓
Robert Mountella 1700 Walker Rd			✓			✓			✓
Madeline M Johnson 1700 Walker Rd			✓			✓			✓
Mark Mezgrich 19959 Gore Mill RD			✓			✓			✓
[illegible] 1712 WALKER RD			✓			✓			✓
Thos E. Hunt 19543 MIDDLETOWN RD			✓			✓			✓
Janet L. Wagner 1712 Walker Rd			✓			—			—
Margaret Grieb 19543 Middletown Rd.			✓			✓			✓
Stephen J. Arata 1601 Walker Rd.			✓			✓			✓
Ronald R. Debus 2000 Bull's Sawmill			✓			✓			✓
Felicia Debus 2000 Bull Sawmill			✓			✓			✓

80-307

January 22, 1980

Baltimore County Zoning Commission
Room 109
Courthouse
Towson, Maryland 21204

Re: Case No. 80-141-X

Attn: Mr. William E. Hammond

Dear Mr. Hammond:

Upon turning onto my road (Gore Mill Rd.), I noticed a Zoning Appeal notice which stated that the surrounding land could become a "Golf Course, Country Club and other related uses". It was the "other related uses" which gave me concern and, as it turns out, rightly so.

It was hard to believe that a golf course of any size with an accompanying country club (precise definition unknown) and support facilities could be built on this parcel. Upon examination of the proposed plot plan, it is apparent that the "other related uses" is really what is contemplated and that the "country club" is a ruse and if I may say so, a gross misrepresentation of the ultimate use of this property. What we find is this:

A.) a 2,000 seat ampitheatre
B.) parking for 500 cars
C.) a nine hole miniature golf course
D.) a restaurant and other support facilities

It is the sheer magnitude of the traffic and its routing, congestion and quantity of people all in an extremely rural environment, which gives good cause for concern. The roads upon which traffic must be routed (particularly Gore Mill Rd.) are marginal for the normal neighborhood vehicular traffic, because of numerous places where only one car at a time can safely pass. This, combined with the blind nature of the curves and corners, make this a dangerous road under the best of conditions.

A recent case will serve to illustrate. Several couples renting a farm just up the road held a rock concert this past summer. The traffic on the road was tremendous and coupled with the rowdyism attendant with this type of event (regardless of age) was hard to take. The attendees ended their evening by driving off the road into fields and onto lawns. They also drove into the Little Gunpowder River (from which a neighbor had to tow several vehicles)and one car smashed into the telephone pole in front of my house. He or she hit the pole so hard it cracked and was hanging by the wires. Their vehicle was still running as they backed up and drove off before I could get a license number (this happened at approximately 3 A.M.)

There were reportedly only a couple of hundred people at this gathering. I shudder to think what it might be like with 2,000 people in attendance.

JAN 24 '80 AM
ZONING DEPARTMENT

Lest it be said that I am not for progress, let me add that if the "golf course" and "country club" were the sole intent I would be for the change. These, however, are a far cry from the 500 car parking and 2,000 seat ampitheatre shown on the proposed plans.

It is for theaforementioned reasons that I felt compelled to write you and request that you deny this re-zoning petition.

Very truly yours,

A. Norman Feelemyer, Jr.
20345 Gore Mill Road
Freeland, Maryland 21053
Phone: 343-0347

80-322 Jan. 24

JAN 25 '80 AM
ZONING DEPARTMENT

MR WILLIAM HAMMOND
BALTIMORE COUNTY ZONING COMMISSIONER
RM 109, COUNTY OFFICE BLDG.
TOWSON, MD 21204

January 22, 1980

DEAR MR. HAMMOND:

I AM WRITING TO EXPRESS MY CONCERN OVER A PROPOSED ZONING EXCEPTION IN MY NEIGHBORHOOD. I REFER TO THE 44 ACRE PLOT AT THE INTERSECTION OF MIDDLETOWN RD AND GORE MILL Rd, FOR WHICH DENNIS SMITH HAS FILED A PROPOSAL TO BUILD A "GOLF COURSE WITH RELATED ACTIVITIES". AS A POINT OF INTEREST, THIS LOCATION IS LESS THAN A MILE FROM THE PLACE WHERE, 2 YEARS AGO, HE WAS GOING TO BUILD US A "RECREATION CENTER WITH FACILITIES FOR CAMPING AND Rock Concerts". IN THIS ENDEAVOR HE WAS DENIED RIGHT UP TO AND INCLUDING STATE APPELLATE LEVEL, HOWEVER THIS WAS EXPENSIVE AND NONE OF US HAVE THE STOMACH TO DO IT AGAIN.

I AM A HOMEOWNER AND AN 11-YEAR RESIDENT OF FREELAND. THE PROPOSED "GOLF COURSE" WOULD BE TOTALLY INCONSISTANT WITH THE CHARACTER OF OUR NEIGHBORHOOD, AND IS OPPOSED BY EVERYONE I KNOW. THE LOCATION DIRECTLY ACROSS THE STREET FROM PRETTYBOY ELEMENTARY SCHOOL WOULD BRING UNWANTED AND DANGEROUS TRAFFIC NEAR SMALL CHILDREN.

II

COMMUNITY ORGANIZATIONS AND LOCAL GROUPS USE SCHOOL FACILITIES AT NIGHT AND ON WEEKENDS. SPORTS ACTIVITIES ARE HELD ON SUNDAY AFTERNOONS, FOR WHICH ADDED TRAFFIC WOULD CAUSE A HAZARD.

I LOOK ON THIS AS A TEST OF THE HUTCHINSON ADMINISTRATION'S STATED COMMITMENT TO THE VOTERS OF NORTH BALTIMORE COUNTY TO DEFEND THE PRESENT CHARACTER OF THE AREA. PLEASE ADVISE ME OF ALL HEARINGS OR PROPOSALS CONCERNING THE STATUS OF THIS APPLICATION.

THANK YOU VERY MUCH;

SINCERELY,

MICHAEL A. VAN BIBBER
1225 HARRIS RD.
FREELAND, MD. 21053

80-324 Jan 24

21031 Millers Mill Road
Freeland, Md. 21053
January 24, 1980

Mr. William E. Hammond
Zoning Commissioner of Baltimore County
111 W. Chesapeake Avenue
Towson, Md. 21204

Dear Sir:

We are very much opposed to the proposed special exception on 44.17 acres located at the northeast corner of Middletown Road and Gore Mill Road, Case #80-141-X.

We haved lived in this area 20 years, we own 42 acres of farm land. The area is very rural, farm land and residential only, and the proposed site would be bounded on every side by a private residences. It would be unthinkable to live next door to the noise, activity, etc, and the roads would never be able to carry all the traffic. We have only two policemen assigned to this very large area above Cockeysville, and one volunteer fire company, no way is this sufficient for the land use proposed. What about water supply, sewage, noise level, has all this been taken into consideration. If so, there is no way anyone could say "yes" this this land use request for a "countr club, golf course, and related uses".

Thank you for giving our letter your kind attention.

Sincerely,

Charles Wood
Eva Wood

Charles and Eva Wood

JAN 25 '80 AM
ZONING DEPARTMENT

80-323 Jan 24

ASTRID R. ANDERSEN
M.S. TAXATION
CERTIFIED PUBLIC ACCOUNTANT
19621 MIDDLETOWN ROAD
FREELAND, MARYLAND 21053
(301) 343-0554

January 23, 1980

William E. Hammond,
Zoning Commissioner,
Baltimore County,
Towson, Md. 21204

Dear Mr. Hammond,

It has been brought to my attention that rezoning has been applied for under application #80-141-X to allow for a golf course, parking, arena for rock concerts on the property located accross from Pretty Boy Elementary School on Middletown Road.

The site selected is less than one mile from my house and I am against the project for the following reasons:

1. There is no community need
2. We already incur sufficient property damage without bringing thousands of 'kids' out to our area for midnight concerts.
3. It would increase our tax liability for property tax without increasing the resale value of our homes.
4. This is a rural residential community and was intended to remain that way during Baltimore County Planning for this area.
5. The land is currently used for farming purposes and should remain as such.

I thank you for your concern and interest in not permitting Commercial Interests to ruin our homes.

Sincerely,

Astrid R. Andersen, M.S.,CPA

JAN 25 '80 AM
ZONING DEPARTMENT

80-147

JEAN M. TOELLER
80-141-X Jan. 22, 1980

Dear Mr. Hammond,

My husband, 3 children and I are very much concerned over the proposed zoning for special exception at the Northeast corner of Middletown Rd and Gore mill Rd. We have seen the proposed plot and strongly object on the grounds of noise pollution, traffic and fire safety, overcrowding of land use in this area and interfering with school activities. We fel that this proposal will not add to or help our community and surrounding areas in anyway. We live a short distance from the proposed sight and the noise alone from such things as an amphitheatre would disturb the peace that we so richly enjoy and moved to the area for. We know that most of us up here moved here in Northern Balto County for a rural setting and this proposal just completely doesn't not lend itself to the area in which we live.

Your utmost consideration on this matter will be greatly appreciated.

Sincerly,
Virginia Joe Smith

1928 Bulls Saw mill Rd
Freland Md 21053

80-146 Jan 24

January 15, 1980

Honorable William E. Hammond
Zoning Commissioner for Baltimore County
Baltimore County Office Building
100 W. Chesapeake Avenue
Towson, Maryland 21204

JEAN M.
Re: Toeller, Special Exception Request
Middletown Road opposite Prettyboy
Elementary School
80-141-X

Dear Commissioner Hammond:

As one of a number of concerned neighbors we would appreciate your entry of our names in the above file.

It is our understanding that this case is scheduled for hearing on January 29, 1980, 10:00 A.M. It is our plan for a number of interested neighbors to attend, and we will appreciate being sent a copy of any Opinion and Order which you or your Deputy may enter in the matter.

Thanking you and your staff, we are,

Sincerely,

J. Martin O'Neill, President
Freeland Community Association
20519 Keeney Mill Road
Freeland, Maryland 21053

JMO:ir?

JAN 21 '80 AM
ZONING DEPARTMENT

accepted means as specified by the Soil Conservation Service, can be used below the discharge point to slow discharge velocity and allow infiltration of run-off prior to its discharge into the pond area.

The quantity of surface run-off from the site will not change significantly from existing conditions. This is based on the fact that about 75 percent of the site is presently cultivated and the balance in pasture or range land condition and future conditions where about 25 percent of the site is paved and the balance is in open space condition. Using curve numbers (CN), published by the Soil Conservation Service, a composite CN of 68 was computed for the existing conditions and a CN of 69 for the proposed conditions.

Principal sources of pollution to storm water run-off will include nutrients from soil particles, vegetation prices, fertilizers, de-icing salts, oil deposits and debris not discarded in appropriate containers. The magnitude of pollutents from soil particles and fertilizers should be less than existing due to the fact about 75 percent of the site has been farmed in the past and, therefore, fertilized and cultivated. Future conditions will results in about 75 percent of the site becoming grass-covered with trees, shrubs and other landscaping. Although the area will likely be fertilized, the degree of application should not be much different than present and surface run-off conditions will be more desireable under future conditions than present due to the fact the run-off will be reduced in those areas outside the paved areas and areas under roof. Pollutents resulting from vegetation prices such as leaves, de-icing salt, waste not deposited in containers and other sources can be minimized by best management practices which are discussed in a following

section of this report.

In addition to the above, all run-off will collect in the pond in the north-east corner where natural sedimentation of any solids will occur and where dilution of run-off with natural spring water will occur. Discharge from the pond will flow into an existing stream that meanders over a distance of about 4,000 ft. before discharging into Little Falls.

Traffic

Reference is made to a traffic study made by Street Traffic Studies Limited of Gaithersburg, Maryland and included in the Appendix. As can be seen in that report, the results of their analysis indicate that the existing road system can adequately handle the traffic that would be generated as the result of the use of the 2100-seat amphitheatre which would be the maximum traffic load that could occur in connection with use of the site.

Air Quality

The only significant source of air pollution related to usage of the site is carbon monoxide emmissions from vehicles going to and leaving the area. Carbon monoxide levels resulting from traffic generated by maximum usage of the site will obviously increase above existing conditions. However, the levels should be substantially below minimum standards. This conclusion is based on the results of measured air quality reported earlier in this report which indicated carbon monoxide levels of about one-half standards at the Garrison Station which monitors air quality along Reisterstown Road near Owings Mills. Air pollution resulting from traffic would obviously be sub-

stantially more severe at that location than under maximum usage conditions at the site. Due to limited research and information available to date concerning other pollutents such as ozone and hydrocartons, no analysis could be made concerning increases in their levels resulting from maximum operation of the site. However, since the maximum traffic conditions would only occur at a few limited times during the summer months, the effects should be minimal.

Noise

Routine activities at the site such as golf, tennis, activities within the clubhouse, use of the swimming pool, etc. will obviously not create noise levels of a magnitude to be a nuisance to the surrounding area. Noise generated from usage of the amphitheatre will be evaluated by others separate from this report.

Other

Based on comparison of existing to proposed conditions, there should be no adverse effect on wildlife in the area. Any wildlife displaced from the site will have more than adequate habitat immediately to the north. In addition, future landscaping which will include trees, shrubs and grasses over much of the site will likely increase the population of some forms of wildlife.

RECOMMENDATIONS

The following is recommended in connection with design and construction of this project to minimize the effects of this project on the surrounding

environment.

1. Based on the results of the test pits made for this study, it appears that the proposed septic area as shown to the west side of the swale will have to be shifted somewhat in location. This is due to the fact that the surface layer of clayey silt is considered too impervious for absorption of sewage effluent and the fact that bedrock is rather shallow. Most of the site outside of the area of Test Pits 1 and 2 should be suitable for sewage disposal with the exception of the low area in the northeast corner and the base of the swale.

2. The best management practices possible should be followed in connection with the general operation of the project. Listed below are some of these practices considered important.

   (a) Streeting Cleaning. It is recommended that the project road and parking areas be cleaned periodically to remove soil particles, dust, trash, debris and all other pollution sources deposited on all paved surfaces. The frequency of this cleaning operation will depend on the need, being more frequent after high density activities.

   (b) Trash and Litter Disposal. Suitable containers should be placed strategically throughout the site and should be emptied as necessary to avoid any overflow and spillage. Trash removal from the site for off-site disposal should be scheduled as necessary to avoid overflow or spillage. Signs should be posted throughout the site to encourage proper disposal of trash and litter by people using the

facilities.

   (c) Snow and Ice Removal. Snow removal should be by plowing and use of de-icing salts should be avoided, if at all possible. As an alternate to use of salts, sand or cinders is recommended.

   (d) Chemical Use. Use of fertilizers and herbicides should be in minimum amounts. Application rates for fertilizers should not exceed those recommended by the Soil Conservation Service. Use of herbicides should be avoided, if at all possible.

   (e) Other. Periodic collection of leaves and grass clippings should be scheduled as necessary. It is important that leaves and other debris not be allowed to collect at the storm drain inlets. Periodic inspection of the storm drain system should also be made to determine if cleaning is necessary.

CONCLUSIONS

It is concluded that development of the project and use of all facilities discussed in this report will have no significant effect on the existing hydrogeologic or environmental conditions in the area. This conclusion is based on design, development and use of the site as discussed; use of accepted and approved sediment control and storm water management; and use of best management practices.

APPENDIX

TEST PIT SUMMARY

Dennis Smith Property
Middletown Road
Baltimore County, Maryland

TEST PIT NO	STRATA DEPTH, FT A	STRATA DEPTH, FT B	TEST PIT DEPTH, FT	REMARKS
1	0-9	-	9	Boulders below 6', rock @ 9', no water
2	0-4	-	4	Boulders below 1', rock @ 4', no water
3	0-6	6-18	18	Boulders 1'-5', rock @ 18', no water
4	0-2	2-15	15	Boulders to 2', rock @ 15', no water
5	0-3	3-13	13	No boulders, rock @ 13', no water
6	0-3	3-7	7	Boulders to 3', rock @ 7', no water
7	0-3	3-16	16	No boulders, no rock, no water
8	0-2	2-12	12	No boulders, rock @ 12', no water
9	0-2	2-15	15	No boulders, no rock, no water
10	0-3	3-6	6	No boulders, no rock, water @ 6'

STRATA "A" = Red, clayey silt with gravel

STRATA "B" = Tan, sandy silt with gravel and rock fragments, siliceous

STREET TRAFFIC STUDIES, LTD. 18620 S. Westland Drive, Gaithersburg, Maryland 20760 Tel. 301/948-1754

September 5, 1979

MEMORANDUM

TO: Dennis Smith

FROM: Wes Guckert

SUBJECT: Recreation Site
Middletown Road and Bulls Sawmill Road
Baltimore County

As requested, we have completed a traffic engineering analysis related to the development of a recreation complex along Middletown Road in northern Baltimore County, Maryland.

The preliminary site plan includes a swimming pool, tennis courts, par 3 golf course and the primary concern of this report, an amphitheatre. The site is comprised of approximately 45 acres and will include other ancilliary recreational uses in addition to those listed above. The amphitheatre is of primary concern since it is likely to generate the largest amount of traffic within a short period of time prior to and immediately after a concert or gathering. The results of the analysis show that the road system can adequately handle traffic generated as a result of a 2100 seat amphitheatre.

The base conditions and existing traffic volumes are described first. This is followed by the procedures used to determine

trip distribution and trip generation rates. The traffic analysis, permitted uses, recommendations and conclusions are then presented.

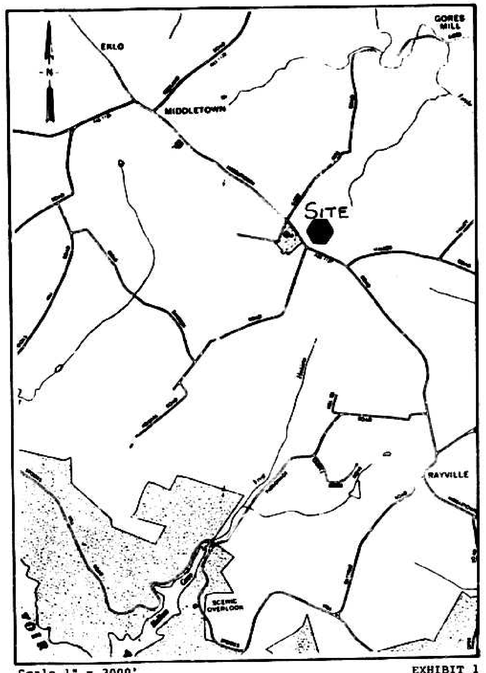
Base Conditions

The site is located along the east side of Middletown Road as shown on Exhibit 2. The site plans to have primary access along Middletown Road opposite Bulls Sawmill Road and secondary access along Gore Mill Road approximately 600 feet east of Middletown Road. Middletown Road in the vicinity of the site is a 21 foot two lane north-south County maintained roadway posted for 40 MPH. There is generally four feet of side clearance along both sides of Middletown Road. The sight distance from the proposed access along Middletown Road at Bulls Sawmill Road is more than 800 feet to the north and 700 feet to the south. The sight distance from Gore Mill Road at Middletown Road is more than 560 feet to the north and more than 800 feet to the south.

The primary uses of the site will be as a swimming/recreation area. A 2100 seat amphitheatre is planned to be used for concerts, etc. similar to the Oregon Ridge Complex in Hunt Valley.

Traffic Volumes

The Baltimore County Department of Traffic Engineering made portable traffic counts along Middletown Road west of I-83 on August 30 and September 1, 1976 showing a 24 hour traffic volume of 3090. The consultant also made portable traffic counts west of I-83 from Thursday, August 23, 1979 to Tuesday



Scale 1" = 2000'

EXHIBIT 1
SITE LOCATION

August 28, 1979 resulting in an average daily traffic of 3956. We also made a turning movement count from 6 PM - 10 PM on Friday, August 24, 1979 at Middletown Road and Bulls Sawmill Road. These volumes show 18 percent less traffic along Middletown Road at Bulls Sawmill Road than at I-83. The total vehicles counted and observed are shown in the Appendix.

In addition to the traffic counts taken to determine existing volumes along Middletown Road, traffic counts were taken at three recreational locations in northern Baltimore County to determine trip generation rates and vehicle occupancy.

LOCATION	DATE	DAY	HOURS COUNTED
Padonia Club (Padonia Road near Jennifer Road)	8-4-79 8-5-79	Saturday Sunday	10 AM - 4 PM 10 AM - 4 PM
Kiwanis Club (Baublitz Road, East of Greenspring Valley Drive)	8-4-79 8-5-79	Saturday Sunday	10 AM - 4 PM 10 AM - 4 PM
Oregan Ridge (Beaver Dam Road)	8-4-79 8-5-79 8-16-79	Saturday Sunday Thursday	6:30 PM - 9:30 PM 6:30 PM - 9:30 PM 6:30 PM - 10:00 PM

Although the above counts at the three recreational sites are not shown in this report, they are available upon request.

Trip Distribution

The turning movement count taken at Middletown Road/Bulls Sawmill Road shows that the directional split at that intersection is 58 percent from the south and 42 percent from the north. For purposes of our analysis we decided to use a 80/20 split from the south/from the north. It is our opinion that

the distribution from the north is conservative (less than likely to occur) since Middletown Road provides access to residential areas in Pennsylvania such as New Freedom.

Trip Generation

The traffic counts taken at the recreational areas provided a basis for determining approximate trip rates for the subject site.

PADONIA CLUB

	PEAK HOUR Saturday 2:30-3:30 PM			PEAK HOUR Sunday 2:15-3:15 PM		
	IN	OUT	TOTAL	IN	OUT	TOTAL
TRIPS/29.36 ACRES	77	86	163	94	63	157
TRIPS/ACRE	2.62	2.93	5.55	3.20	2.15	5.35

KIWANIS CLUB

	PEAK HOUR Saturday 12:15-1:15 PM			PEAK HOUR Sunday 12:30-1:30 PM		
	IN	OUT	TOTAL	IN	OUT	TOTAL
TRIPS/24 ACRES	62	9	71	76	14	90
TRIPS/ACRE	2.58	0.38	2.96	3.16	0.17	3.29

The peak entering volumes at the two clubs which have a pool and tennis courts are very similar. The exiting volumes differ greatly, possibly due to the fact that at Padonia Club, parents may "drop-off" youngsters, and at the Kiwanis Club, families go to the area and stay for the day.

Approximately 40 percent of the proposed site, or 18 acres, are planned to be used in the same fashion as the two sites

shown above. The trip rate/acre used in our analysis of the subject site is slightly greater than the rates found for either the Padonia Club or the Kiwanis Club.

PROPOSED SITE
MIDDLETOWN ROAD

	PEAK HOUR ON SATURDAY			PEAK HOUR ON SUNDAY		
	IN	OUT	TOTAL	IN	OUT	TOTAL
TRIPS/ACRE	2.65	2.95	5.60	3.25	2.20	5.45
TRIPS/18 ACRES	48	53	101	59	40	99

The following table shows the results of the study made to determine occupancy of vehicles entering Oregon Ridge, the Padonia Club and the Kiwanis Club.

OCCUPANCY DATA

Oregon Ridge

DATE	DAY	TIME	TOTAL # PERSONS IN CARS	TOTAL # CARS	OCCUPANCY # PERSONS/ CAR
8/16/79	Thursday	6:30-10:00 PM	272 Out	117-Out	2.32
8/4/79	Saturday	6:30-9:30 PM	1713-In	682-In	2.51
8/5/79	Sunday	6:30-9:30 PM	1149-In	445-In	2.58
		AVERAGE			2.52

Padonia Swim Club

DATE	DAY	TIME	TOTAL # PERSONS IN CARS	TOTAL # CARS	OCCUPANCY # PERSONS/ CAR
8/4/79	Saturday	10:00AM-4:00PM	1092	439	2.49
8/5/79	Sunday	10:00AM-4:00PM	1276	503	2.54
		AVERAGE			2.51

Kiwanis Club

DATE DATE	DATE TIME	TOTAL # PERSONS IN CARS	TOTAL # CARS	OCCUPANCY # PERSONS/ CAR
8/4/79	Saturday 10:00 AM-4:00 PM	501	185	2.70
8/5/79	Sunday 10:00 AM-4:00 PM	624	235	2.66
	AVERAGE			2.68

Traffic Analysis

Capacity analyses of Middletown Road were made during several times to determine the effect of the proposed site on traffic operations. The traffic counts show that the volumes along Middletown Road west of I-83 (near Molesworth Road) are approximately 18 percent higher than the volumes at Bulls Sawmill Road. We used the higher volumes at I-83 for our analysis of the site at Bulls Sawmill Road.

The service volume of Middletown Road at Level of Service "D" was computed based upon the following information

Posted Speed Limit - 40 MPH
Average Highway Speed (Design Speed) - 50 MPH
Lane Width - 11 Feet
Side Clearance - 4 Feet
Passing Sight Distance Greater than 1500 Feet - 35 Percent (Measured from Site to I-83)
Trucks - 3 Percent (Estimated)
Rolling Terrain

$$\text{Service Volume at Level of Service "D"} = 2000 \times V/C \times W_D \times T_D$$

$$960 \text{ VPH} = 2000 \times .65 \times .83 \times .89$$

We first considered the effect of the site on a Saturday and Sunday afternoon when the peak use of the pool and related facilities would occur. The existing two way peak volume of 284 vehicles occurs from 4-5 PM on Sunday. If all the traffic generated (shown on Page 6) occurs south of Bulls Sawmill Road

the resulting two way volume would be 383 VPH, well below the service volume for Level of Service "D".

Since the volume of traffic generated by the pools can be easily accommodated the next situation to be analyzed is the effect of the 2100 seat amphitheatre. It is likely that most events at the amphitheatre would occur on a Saturday or Sunday evening as is the case with Oregon Ridge. The peak two way volume on Saturday and Sunday between 6:00 PM and 10:00 PM occurs from 6:00-7:00 PM with a volume of 296 vehicles. The average vehicle occupancy for three concerts at Oregon Ridge was found to be 2.52 persons/vehicle. When using the 80/20 distribution, the following increase in traffic south of the site was computed:

$$\frac{\text{No. of Persons}}{2.52} = \text{No. of Vehicles} \times .80 = \text{No. of Vehicles from the South}$$

$$\frac{2100}{2.52} = 833 \times .80 = 666 \text{ Vehicles}$$

This volume was then added to the peak volume of 296, resulting in a total two way volume of 963 VPH which is at the limit of the service volume for Level of Service "D". This total volume would occur before the scheduled event (6:00-7:00 PM) and 886 VPH would occur from 9:00-10:00 PM when the concert would end.

The two way volume along Middletown Road at Bulls Sawmill Road from 9:00-10:00 PM on a Friday is 114 VPH. This is an average of 1 vehicle/32 seconds passing the site. If each through vehicle is given five seconds to clear the site then there is 3030 seconds/hour left to clear 666 vehicles going southbound. The result is an average of 4.5 seconds/waiting vehicle. This analysis indicates there should be sufficient gaps in the Middletown Road traffic stream to clear the vehicles from the site.

Conclusions

The analysis shows that the traffic that could be generated by the proposed uses is within acceptable operational limits for the existing roads. In the one instance where the generated volume plus existing volume reaches the service volume limit for Level of Service "D" it must be noted that a conversatively high estimate of 80 percent of the generated traffic was added to this direction of approach. Based on the analyses, it is our opinion that the proposed use of the site will not adversely affect traffic operations in the area. The peak traffic for the proposed use of the site would be on the weekends only during warm weather. It would be essentially inactive during cold weather.

However, to further alleviate any problems we would recommend the following improvements:

1. Right turn deceleration lane be constructed at the entrance along Middletown Road.
2. Internal signing to direct northbound motorists leaving the site (from the Amphitheatre) to use Gore Mill Road to proceed north on Middletown Road and vehicles destined southbound to use the Middletown Road access.

baltimore county
department of permits and licenses
TOWSON, MARYLAND 21204
(301) 494-3610

JOHN D. SEYFFERT
DIRECTOR

October 15, 1979

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 64, Zoning Advisory Committee Meeting, September 25, 1979 are as follows:

Property Owner: Joan H. Toeller
Location: NEC Middletown Road & Goren Mill Road
Existing Zoning: R.C. 2
Proposed Zoning: Special Exception for community building, swimming pool, or other uses of a civic, social, recreational or educational nature. Gold courses, country clubs, or other similar outdoor recreational clubs. (ILCA 79-31-X)

Acres: 44.17
District: 6th

The items checked below are applicable:

X A. Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes.

X B. A building permit shall be required before construction can begin.

X C. Additional miscellaneous Permits shall be required.

D. Building shall be upgraded to new use - requires alteration permit.

E. Three sets of construction drawings will be required to file an application for a building permit.

X F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.

G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.

H. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

I. Comment: Permits are required for any structures, buildings, or improvements to the property permanent or temporary. Buildings shall

J. Comment: comply with Table 6 of the building Code for height and area and Table 5 for type of construction.

NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not to be construed as the full extent of any permit.

Very truly yours,

Charles E. Burnham

Charles E. Burnham, Chief
Plans Review

CEBurn

January 9, 1980

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #64, Zoning Advisory Committee Meeting of September 25, 1979, are as follows:

Property Owner: Joan H. Toeller
Location: NE/C Middletown Rd. & Goren Mill Rd.
Existing Zoning: R.C. 2
Proposed Zoning: Special Exception for community building, swimming pool, or other uses of a civic, social, recreational or educational nature, golf courses, country clubs, or other similar outdoor recreational clubs. (ILCA 79-31-X)
Acres: 44.17
District: 6th

This department has been in contact with the property owner, engineer and attorney regarding the proposed special exception and has yet to receive the additional information and/or site plans requested. The site plan, as submitted, does not contain sufficient information; therefore, this department cannot adequately review and/or comment on the proposed special exception.

Very truly yours,

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/fth

baltimore county
fire department
TOWSON, MARYLAND 21204
(301) 825-7310

Paul H. Reincke
CHIEF

October 8, 1979

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee

Re: Property Owner Joan H. Toeller

Location: NE/C Middletown Rd. & Goren Mill Rd.

Item No. 64 Zoning Agenda: Meeting of 9/25/79

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at _____

_____ EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code" 1976 Edition prior to occupancy.

( ) 6. Site plans are approved as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER Capt. Joseph Kelly 10/8/79 Noted and Approved: George M. Weigand

Planning Group
Special Inspection Division

Fire Prevention Bureau

APPENDIX

VEHICLE TURNING MOVEMENT COUNT—SUMMARY
INTERSECTION OF Middletown Road AND Bald Eagle Drive
COUNTED BY Don Hayes
LOCATION Baltimore, Maryland
DATE 10/24/79 DAY Friday
WEATHER Rain MACHINE NO.
SUMMARIZED BY John Boling

STREET TRAFFIC STUDIES LTD.

TIME	TRAFFIC FROM NORTH on Middletown Road			TRAFFIC FROM SOUTH on Middletown Road			TRAFFIC FROM EAST			TRAFFIC FROM WEST on Bald Eagle Drive			TOTAL INTERSECTION EAST, WEST
	RIGHT	THRU	LEFT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	
6:00-6:15	1	25		26	4	54		58					89
6:15-6:30	0	21		21	6	36		42					64
6:30-6:45	1	15		16	1	55		56					73
6:45-7:00	0	29		29	1	31		32					64
7:00-7:15	1	22		23	1	32		33					57
7:15-7:30	3	35		38	1	33		34					75
7:30-7:45	1	24		25	0	23		23					51
7:45-8:00	2	14		16	0	18		18					35
8:00-8:15	2	17		19	1	31		32					54
8:15-8:30	3	27		30	0	29		29					59
8:30-8:45	1	19		20	1	25		26					48
8:45-9:00	0	12		12	0	21		21					36
9:00-9:15	1	15		16	1	16		17					34
9:15-9:30	0	13		13	0	18		18					32
9:30-9:45	1	10		11	0	13		13					25
9:45-10:00	0	12		12	1	11		12					24
PEAK HOUR TOTAL	2	90		92	12	176		188					290
1 HOUR	17	310		327	18	446		464					821

PEAK HOUR

TIME	TRAFFIC FROM BALD EAGLE DRIVE				TRAFFIC FROM MIDDLETOWN ROAD				TRAFFIC FROM GORES MILL ROAD				TOTAL INTERSECTION
	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	
6:00-6:15	1										4	5	89
6:15-6:30	0										1	1	64
6:30-6:45	1										0	1	73
6:45-7:00	0										3	3	64
7:00-7:15	1										0	1	57
7:15-7:30	1										2	3	75
7:30-7:45	0										3	3	51
7:45-8:00	0										1	1	35
8:00-8:15	1										2	3	54
8:15-8:30	0										0	0	59
8:30-8:45	0										2	2	48
8:45-9:00	1										2	3	36
9:00-9:15	0										1	1	34
9:15-9:30	1										0	1	32
9:30-9:45	0										1	1	25
9:45-10:00	0										1	1	25
PEAK HOUR TOTAL	2										7	10	290
1 HOUR TOTAL	7										23	30	821

VEHICLE COUNT—MACHINE SUMMARY
ALONG Middletown Road AND Holesworth Road
BETWEEN Bald Eagle Drive MACHINE NO. 7822
SET UP BY J. Boling TABULATED BY C.W. Duckert

STREET TRAFFIC STUDIES LTD.

LOCATION Baltimore County
DATES 10/24/79 DAYS Thurs.-Tuesday
WEATHER Good

TIME	MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		5 DAY TOTAL	AVG. WEEK DAY		FEBRERO VOL.			AVG DAILY VOL.
	VOL.	%	VOL.	%	VOL.	%	VOL.	%	VOL.	%		VOL.	%	SAT.	SUN	7 DAY TOTAL	
12 AM	41		49						52					125	139		
1-2	29		37						26					77	62		
2-3	13		13						22					46	61		
3-4	13		12						8					27	29		
4-5	8		14						23					13	19		
5-6	34		36						52					41	29		
6-7	125		107						243					87	24		
7-8	355		324						354					103	33		
8-9	318		295						222					133	49		
9-10	193		192						150					158	128		
10-11	148		143						144					186	159		
11-12	138		131						148					203	207		
12 PM	139		134						166					241	257		
1-2	152								145					247	285		
2-3	156								176					239	279		
3-4	205								202					277	280		
4-5	275								333					265	284		
5-6	354								447					255	264		
6-7	328				245				348					296	243		250
7-8	222				188				255		221			251	248		198
8-9	177				142				223		180			161	234		180
9-10	115				118				159		130			140	220		179
10-11	130				108				123		120			130	127		129
11-12	85				78				131		98			101	106		104
24 HOUR TOTAL	3751								4161		3956			3808	3736		3772

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS

DATE: August 13, 1979

FROM: Ellsworth N. Diver, P.E.
Chief, Bureau of Engineering

PROJECT NAME:	Smith Property
PROJECT NUMBER:	PIP NO. 79-31X
LOCATION:	N/S of Middletown Rd. E/S of Gores Mills Rd.
DISTRICT:	6C3

PIP PLAN X
PRELIMINARY PLAN
TENTATIVE PLAN
DEVELOPMENT PLAN
FINAL PLAT

This application for special exception (No. 79-31X) was received by the Developers Design Approval Section on July 27, 1979, and we comment as follows:

Water and Sanitary Sewer: Non-Urban Area

Public water supply and sanitary sewerage are not available to serve this property, which proposes to utilize private onsite water supply and sewage disposal systems (well and septic). This property is beyond the Baltimore County Metropolitan District and the Urban-Rural Demarcation Line; and in an area designated "No Planned Service" on Baltimore County Water and Sewerage Plans W-4A and 4B, and S-4A and 4B, as amended, respectively.

As this 44.17± acre property, zoned RC-2, per Section 22-15.1 (e)-(3)-b-(1) of Bill 12-77 (IDCA) is not subject to the provisions of Sections 1-(e)-(1)-A and 1-(e)-(1)-B, this project is recommended for approval.

Storm Drains: (Little Falls - Gunpowder Falls - Loch Raven Reservoir - Gunpowder Falls - Bird River - Gunpowder River -Chesapeake Bay)

There are known flooding problems downstream. The Petitioner indicates a proposed increase of onsite impervious area of approximately 1.13 acres. As this project, subject to Baltimore County Storm Water Management Policy, will present no additional impact downstream from the proposed development/use of this property, this project is recommended for approval. Estimated 100-year design storm runoff increase of 6.76 cfs.

(SIGNED) EDWARD A. MCDONOUGH

ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

THORNTON M. MOURING
DIRECTOR

November 16, 1979

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #64 (1979-1980)
Property Owner: Jean H. Toeller
N/E cor. Middletown Rd. & Gores Mill Rd.
Existing Zoning: RC 2
Proposed Zoning: Special Exception for community building, swimming pool, or other uses of a civic, social, recreational or educational nature. Golf courses, country clubs, or other similar outdoor recreational clubs. (IDCA 79-31X)
Acres: 44.17 District: 6th

Dear Mr. Hammond:

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.

General:

Comments were supplied for this property for Project PIP 79-31X.

Highways:

Gores Mill and Middletown Roads, existing public roads, are proposed to be improved in the future; Gores Mill Road as a 30-foot closed section roadway on a 50-foot right-of-way; and, Middletown Road as a 50-foot closed section roadway on a 70-foot right-of-way with moderate horizontal realignment in this vicinity. Highway rights-of-way widenings, including a fillet area for sight distance at the intersection and any necessary revertible easements for slopes, will be required in connection with any grading or building permit application.

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

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.

...979-1980)
...wner: Jean H. Toeller

...r 16, 1979

...ment Control: (Cont'd)

Drainage studies, storm water management drawings 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:

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water runoff through the property to be developed to a suitable outfall.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

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 and reservations are required through this property.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are not available to serve this property, which is tributary to Loch Raven Reservoir and proposes to utilize private onsite water supply and sewage disposal systems. This property is beyond the Baltimore County Metropolitan District and the Urban-Rural Demarcation Line; and in an area designated "No Planned Service" on Baltimore County Water and Sewerage Plans W-4A and 4B, and S-4A and 4B, as amended, respectively.

Very truly yours,

ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Trenner
J. Somers
J. Wimbley
D. rise

KK-NW Key Sheet
134-136 NW 18 & 19 Pos. Sheets
NW 34 E Topo
11 Tax Map

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. W. E. Hammond, Zoning Commissioner — Date: January 10, 1980
FROM: John D. Seyffert, Director, Office of Planning and Zoning
SUBJECT: Petition No. 80-141-X Item 64

Petition for Special Exception
Northeast corner of Middletown Road and Gore Mill Road
Petitioner - Jean H. Toeller

6th District

HEARING: Tuesday January ~~29~~ 31, 1980 (10:00 A.M.)

The subject property is currently farmed, the soils are excellent for agricultural use, and agricultural use would be the preferred use here. Additionally, community buildings and swimming pools were specifically deleted from the uses permitted by special exception in an RC 2 zone.

Furthermore, it should be noted that restrictions set forth in Section 406.A-2 of the Baltimore County Zoning Regulations include a provision limiting the number of tennis courts to 8 for a 9-hole country club; it appears that the petitioner's plat indicates a proposed 8 (?) hole golf course.

John D. Seyffert, Director
Office of Planning and Zoning

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3211

JOHN D. SEYFFERT
DIRECTOR

December 28, 1979

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #64, Zoning Advisory Committee Meeting, September 25, 1979, are as follows:

Property Owner: Jean H. Toeller
Location: NE/C Middletown Road and Gores Mill Road
Existing Zoning: RC-2
Proposed Zoning: Special Exception for community building, swimming pool, or other uses of a civic, social, recreational or educational nature. Golf courses, country clubs, or other similar outdoor recreational clubs. (IDCA 79-31-X)
Acres: 44.17
District: 6th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

All parking areas must be paved and screened.

All free standing lighting must be shown and should be of the cut-off type.

The amphitheater should be limited to the number shown unless a revised site plan is presented to this office.

Very truly yours,

John L. Wimbley
Planner III
Current Planning and Development



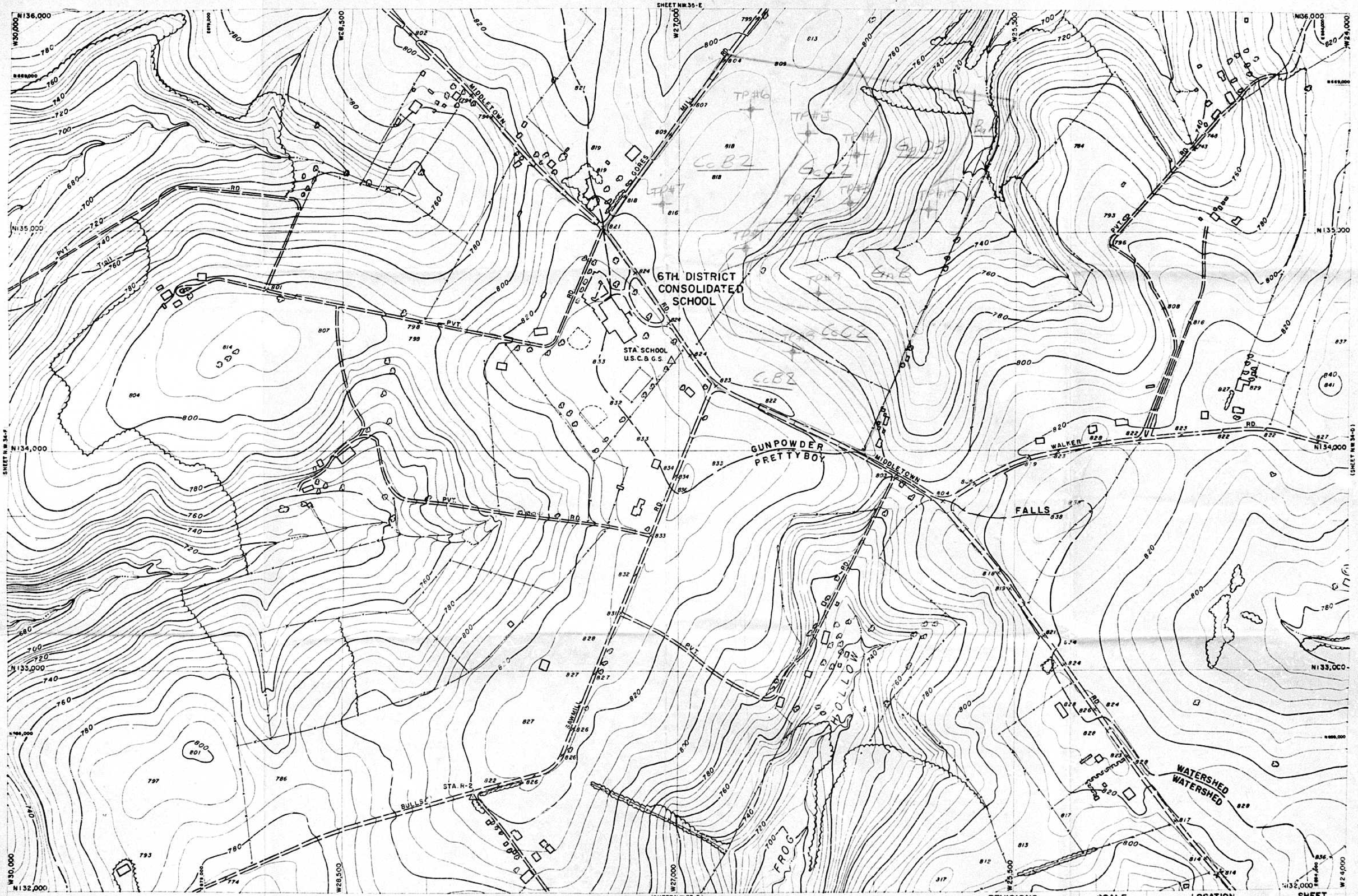



WAGANER

CARPENTERS
SCHOOL
SPEED LIMIT
25
WHEN
FLASHING





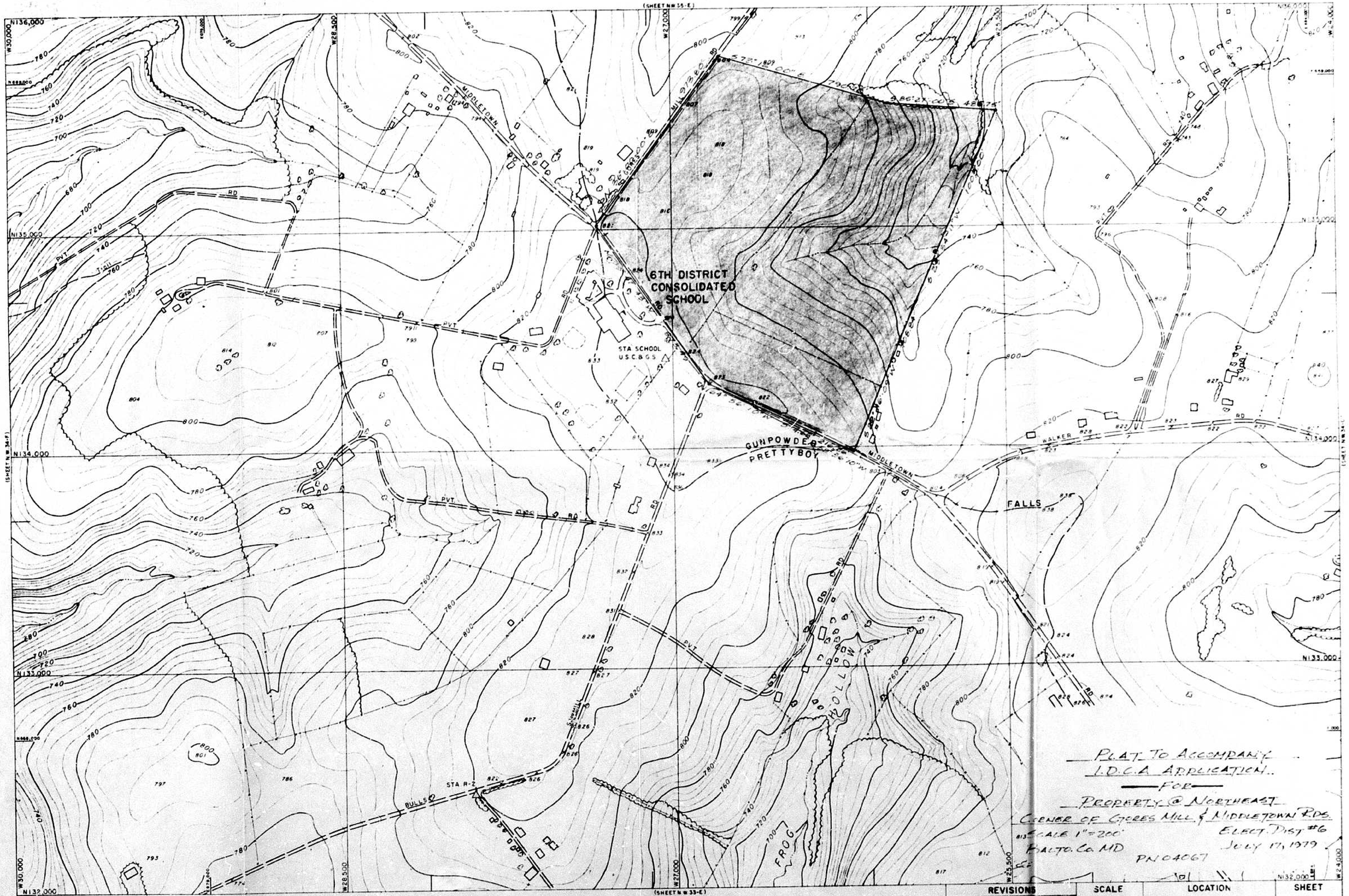


KK-NW

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY, MARYLAND

REVISIONS BY	DATE	SCALE	LOCATION	SHEET
		1" = 200'	6TH. DISTRICT CONSOLIDATED SCHOOL	N.W. 34-E
		DATE OF PHOTOGRAPHY APRIL 1951		

Topography Compiled By Photogrammetric Methods
MAPS, INCORPORATED - BALTIMORE 22, MARYLAND



PLAT TO ACCOMPANY
I.D.C.A APPLICATION
FOR
PROPERTY @ NORTHEAST
CORNER OF CROSS MILL & MIDDLETOWN RDS.
SCALE 1" = 200'
BALTO. CO. MD
ELECT. DIST #6
JULY 17, 1979
PN 04067

KK-NW

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
ENGINEERS & LAND SURVEYORS
303 ALLEGHENY AVE.
TOWSON, MARYLAND 21204

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY, MARYLAND

REVISIONS BY	DATE	SCALE	LOCATION	SHEET
		1" = 200'	6TH. DISTRICT CONSOLIDATED SCHOOL	N.W. 34-E
		DATE OF PHOTOGRAPHY APRIL 1961		
Topography Compiled By Photogrammetric Methods MAPS, INCORPORATED BALTIMORE 22, MARYLAND				

R.C.4.

R.C.4.

R.C.4.

R.C.2.

R.C.2.

R. C. 5.

R. C. 5.

R.C.4.

R.C.5.

R.C.4.

R.C.2.

S 75°-12'-00"E 790.78'

S 85°-27'-00"E 486.75'

S 25°-34'-30"W 1003.26'

S 28°-26'-09"W 457.08'

N 89°-56'-10"W 574.85'

STORES MILL ROAD

MIDDLETOWN

79-154A
M13880
W27580

6TH DISTRICT
CONSOLIDATED
SCHOOL

STA SCHOOL
U.S.C.B.M.

STA 2

BUSH

FROG

KK-NW

1976 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
OCT. 7, 1976 & OCT. 8, 1976
BILL NOS. 108-76, 109-76, 110-76, 111-76,
112-76, 113-76, and 114-76

CHAIRMAN COUNTY COUNCIL

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY, MARYLAND
OFFICIAL ZONING MAP

PLAT TO ACCOMPANY
I.D.C.A. APPLICATION
FOR
PROPERTY @ NORTHEAST CORNER
OF STORES MILL AND MIDDLETOWN RDS.
SCALE: 1"=200' ELECT DIST. #6
BALTO CO., MD. JULY 17, 1979
PN 04067

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
ENGINEERS & LAND SURVEYORS
303 ALLEGHENY AVE.
TOWSON, MARYLAND 21204

REVISIONS	BY	DATE

SCALE	LOCATION	SHEET
1" = 200'	6TH DISTRICT CONSOLIDATED SCHOOL	NW 34-E

DATE OF PHOTOGRAPHY APRIL 1961

Compiled By Photogrammetric Methods
MAPS, INCORPORATED - BALTIMORE, MARYLAND

OVERFLOW PARKING

SOFTBALL FIELD

EXISTING ZONING: RC-2
Present Use: Residential and Agricultural

GORES MILL RD ENTRANCE

POOL COMPLEX
CABANA & TRELLIS
CONCESSIONS
BATHHOUSE
CLUBHOUSE

PLAYGROUND

PADDLEBALL CTS.(4)

TURN AROUND & DROP-OFF

TENNIS COURTS (2)
EARTH BERM ALONG ROAD

EXISTING ZONING RC-5
Present Use- Elementary School

Middletown School
868/523

PARKING & OVERFLOW

FREEPLAY

PICNIC AREA & PAVILLION

AMPHITHEATRE

POND

TRAILS

EXISTING DRAINAGE AREA TO REMAIN

EXISTING ZONING RC-2

PICNIC AREA & PAVILLION
PAVILLION 24'x40' TYP.

EXISTING ZONING RC-2

MINIATURE PAR 3 GOLF COURSE

MIDDLETOWN ROAD ENTRANCE

EXISTING ZONING RC-5
Present Use- Residential

EXISTING ZONING RC-4

Parking Tabulation

Parking Req'd
Prop 2 story clubhouse (40 x 80' = 3200 sq Ft per floor)
First floor (restaurant & kitchen facility 2400 sq ft = 60 @ 40 sq ft per seat) = 48 spaces
Accessory uses such as offices, locker room showers etc. (2400 sq ft ÷ 300) = 8 spaces
Second floor - Banquet hall (4800 sq ft ÷ 50) = 96 spaces
Prop Amphitheater 2000 seats @ 1 sp per 6 seats = 334 spaces
Total Parking Required = 486 spaces

Parking Provided
Bituminous Lot = 146 spaces
Grass on Parking Grades) = 374 spaces
Total Parking Provided* = 520 spaces

*Include 11 spaces for the physically handicapped 24'-8" typ.
Parking spaces 9'x18' typical

General Notes:

1. Area of tract = 44.17 acres ±
2. Present Use: Unimproved Agricultural
3. Prop Use: Civic, Social, and Recreational Activities as shown hereon
4. Sanitary Facilities: Prop. septic systems as shown hereon. When organized events are planned, portable sanitary facilities shall be strategically placed to accomodate the volume of persons anticipated
5. Trash and garbage disposal to be assigned by contract
6. Hours of operation 10 a.m. to 2 p.m. (hours may fluctuate depending upon specific function)
7. Paving: Access roads to be bituminous paving 24' wide open section; main parking area to be bituminous paving Overflow parking shall be on grass where so designated
8. Lighting shall be so designed as not to reflect rays onto adjacent motorways, into the path of oncoming vehicles, or onto any adjacent residential areas.
9. It is to be noted that the prop. amphitheatre will only be in periodic operation during the summer months

VICINITY MAP
SCALE: 1" = 2000'

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
ENGINEERS & LAND SURVEYORS
305 ELLICOTT AVE
TOWSON, MARYLAND 21204

Plat to Accompany Zoning Petition
for Special Exception
To Permit Clubhouse & Swimming Pool Complex
And Other Structures or Land Uses Permitted
To Civic, Social, and Recreational Activities
In An Existing RC-2 Zone
Middletown Road and Gores Mill Rd
Balto Co., MD. Elect. Dist. 6th
Scale 1" = 100' Sept. 14, 1979

PN 4067

PARKING

SOFTBALL FIELD

EXISTING ZONING RC-2
Present Use - Residential and Agricultural

GORES MILL RD ENTRANCE

POOL COMPLEX
CABANA & TRELLIS
CONCESSIONS
BATHHOUSE
CLUBHOUSE 2 story 60'x80'

PLAYGROUND

PADDLEBALL (3)(4)

TURN AROUND & DROP-OFF

TENNIS COURTS (8)
EARTH BERM ALONG ROAD

EXISTING ZONING RC-5
Present Use - Elementary School

Middletown School
868/523

PARKING

FREEPLAY

PICNIC AREA & PAVILLION & REST ROOMS

AMPHITHEATRE

POND

TRAILS

EXISTING DRAINAGE AREA TO REMAIN

EXISTING ZONING RC-2

PICNIC AREA & PAVILLION
PAVILLION 24'x40' TYP.

MINIATURE PAR 3 GOLF COURSE

MIDDLETOWN ROAD ENTRANCE

Setback Line For Principal Structures

Proposed Widening

Future Widening

EXISTING ENTRANCES TO G.M. DIST. ELEM. SCHOOL 24' WIDE

EXISTING 20' DRIVEWAY PRIVATE

Margaret Shealer 5498/197

Robert Palmer 5784/580
Present Use - Agricultural

Pipe Reserve Well Area

Lot #1 14.6 Ac±

Lot #2 170 Ac±

Lot #3 61 Ac±

Board of Education 5266/775

Beginning

Existing zoning line

EXISTING ZONING RC-5
Present Use - Residential

ex dwelling

Robert F. Marshall 5742/121 100/307

Pendale Manor 37/76

EXISTING ZONING RC-4

Setback Line For Principal Structures

S 73° 12' 00" E 790.78'

S 85° 27' 00" 486.75'

S 22° 33' 00" W 1083.50'

N 0° 33' 00" E 1083.50'

N 0° 33' 00" E 1083.50'

N 0° 33' 00" E 1083.50'

Parking Tabulation

Parking Required

Paddleball & Tennis Courts - 12 & 3/ct		36 Spaces
Golf Course - 9 Holes & 3/Hole		27 Spaces
Prop 2 story clubhouse (60 x 80 = 4800 Sq Ft per floor)		
First floor - (restaurant & kitchen facility 2400 Sq Ft - 50 - Accessory uses such as Golf Sh, locker room, showers etc (2400 Sq Ft ÷ 300)	=	48 Spaces
	=	8 Spaces
Second floor - Banquet Hall (4800 Sq Ft ÷ 50)	=	96 Spaces
Prop. Amphitheater 2000 seats @ 1/3 per 2 seats	=	334 Spaces
Total Parking Required	=	549 Spaces
Parking Provided Lot No 1	=	176 Spaces
Lot No 2	=	170 Spaces
Lot No 3	=	250 Spaces
Total Parking Provided*	=	596 Spaces

*Include 12 spaces for the physically handicapped 12' x 8' typ
Parking spaces 9'x18' typical
All parking Areas to have bituminous Concrete Surface
No Parking spaces will be within 8' of Public R/W

VICINITY MAP
SCALE: 1" = 2000'

NORTH

REVISIONS
12-6-79 Moved turn Area, Increased Parking, Indicated R/W Lines.

REVISED PLANS
JAN 11 '80 PM

STATE OF MARYLAND
No. 3483
REGISTERED PROFESSIONAL ENGINEER

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
ENGINEERS & LAND SURVEYORS
303 ALLEGHENY AVE.
TOWSON, MARYLAND 21204

General Notes

1. Area of tract = 44.17 acres ±
2. Present Use - Unimproved Agricultural
3. Prop Use - Country Club, Golf Courses and related uses
4. Sanitary Facilities - Prop. septic systems as shown hereon. When expanded events are planned, portable sanitary facilities shall be strategically placed to accomodate the volume of persons anticipated.
5. Trash and garbage disposal to be accomplished by contract.
6. Hours of operation 10 am. to 2 a.m. (hours may fluctuate depending upon specific function)
7. Paving - Access road to be bituminous paving 24' wide open section; main parking area to be bituminous paving
8. Lighting shall be so erected as not to reflect rays unto adjacent motorways, into the path of oncoming vehicles, or onto any adjacent residential areas. It is to be noted that the prop. amphitheatre will only be a periodic operation during the summer months.

Plat to Accompany Zoning Petition for Special Exception

TO PERMIT: COUNTRY CLUB, GOLF COURSE & RELATED USES
In An Existing RC-2 Zone
Middletown Road and Gores Mill Rd
Balto Co., MD.
Scale: 1" = 100'
Elect District #2
Sept. 14, 1979

PN 4067

PARKING

SOFTBALL FIELD

EXISTING ZONING RC-2
Present Use- Residential and Agricultural

GORES MILL RD ENTRANCE

POOL COMPLEX
CABANA & TRELLIS
CONCESSIONS
BATHHOUSE
CLUBHOUSE 2 STORY 60' x 100'

PLAYGROUND

PADDLEBALL CT'S (4)

TURN AROUND & DROP-OFF

TENNIS COURTS (8)
EARTH BERM ALONG ROAD

EXISTING ZONING RC-5
Present Use- Elementary School

Middletown School
868/523

PARKING

FREE PLAY

PICNIC AREA & PAVILLION & REST ROOMS

AMPHITHEATRE

POND (EMERGENCY FIRE WATER SUPPLY)

TRAILS

EXISTING DRAINAGE AREA TO REMAIN

EXISTING ZONING RC-2

PICNIC AREA & PAVILLION
PAVILLION 24'x40' TYP.

MINIATURE PAR 3 GOLF COURSE

MIDDLETOWN ROAD ENTRANCE

EXISTING ZONING RC-5
Present Use- Residential

EXISTING ZONING RC-4

Margaret Sneeler
5498/497
Future 40' Paving
Future 50' R/W

Proposed Widening
Future Widening

Setback Line For Principal Structures

EXISTING ENTRANCES TO 6TH DIST. ELEM. SCHOOL 24' WIDE

EXISTING ZONING RC-5
Present Use- Elementary School

Middletown School
868/523

ex. zoning line

EXISTING 20' DRIVEWAY PRIVATE

Future 30' Paving
Future 70' R/W

Board of Education
526/178

Beginning

Gilbert & Marshall
1574/121
1001/807

Pericle Homer
371/76

1 ex dwelling

Setback Lines For Principal Structures

Proposed Septic Well Area

Existing Zoning Line

Existing Present Use

GORES MILL RD.

MIDDLETOWN ROAD

BALLS SCHOOL RD

S 73° 12' 00" E 790.78'

S 85° 27' 00" E 486.75'

S 22° 54' 11" W 1026.20'

N 89° 56' 10" W 1626.20'

N 37° 49' 00" E 975.80'

N 37° 49' 00" E 1377.45'

100' R/W

Lot 1 & 2 170 Sec

9,000 S.F.

Lights

Curves

Setback Lines For Principal Structures

Existing Zoning Line

Existing Present Use

760

740

720

700

680

660

640

620

600

580

560

540

520

500

480

460

440

420

400

380

360

340

320

300

280

260

240

220

200

180

160

140

120

100

80

60

40

20

0

PARKING TABULATION

Parking Required

Paddleball @ 1		36 Spaces
Golf Course		27 Spaces
Prop 2 story clubhouse (60 x 80 = 4800 Sq Ft per floor)		
First floor - restaurant & kitchen facility 2400 Sq ft ÷ 60)	=	48 spaces
Accessory uses such as office, locker room, showers, etc. (2400 Sq ft ÷ 300)	=	8 spaces
Second floor - banquet hall (4800 Sq ft ÷ 50)	=	96 spaces
Prop Amphitheater 2000 seats @ 1 sp per 5 seats	=	384 spaces
Total Parking Required	=	569 spaces
Lot No 1	=	6 Spaces
Lot No 2	=	10 Spaces
Lot No 3	=	250 Spaces
Total Parking Provided*	=	366 spaces

*Include 11 spaces for the physically handicapped 9'x18' typ
Parking spaces 9'x18' typical
Parking Areas to have bituminous Concrete Surface
Parking spaces will be within 800' Public R/W

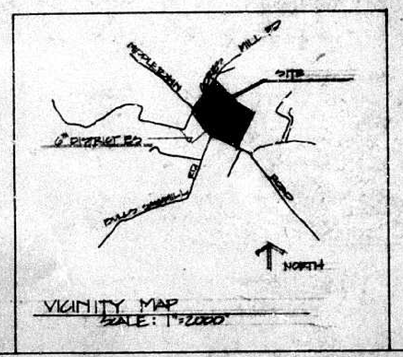
Parking Provided

General Notes

1. Area of tract = 44.17 acres ±
2. Present Use - Unimproved Agricultural
3. Prop Use - Country Club, Golf Courts and related uses
4. Sanitary Facilities - Prop. septic systems as shown hereon
5. Trash and garbage will need to be disposed of by contract
6. Hours of operation 10 a.m. to 2 a.m. (hours may fluctuate depending upon specific function)
7. Paving - Access roading to be bituminous paving 24' wide open section; main parking area to be bituminous paving
8. Lighting shall be so erected as not to reflect rays onto adjacent motorways, into the path of oncoming vehicles, or onto any adjacent residential areas.
9. It is to be noted that the prop. amph. theatre will only be a periodic operation during the summer months.

REVISIONS
12-6-79 Moved Park Area, Increased Parking, Indicated R/W Lines.
1-25-80 Zoning Advisory Committee Comments.

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
ENGINEERS & LAND SURVEYORS
303 ALLEGHENY AVE.
TOWSON, MARYLAND 21204



VICINITY MAP
SCALE: 1"=2000'

1st Sht 1

Plat to Accompany Zoning Petition for Special Exception

TO PERMIT: COUNTRY CLUB, GOLF COURSE & RELATED USES
In An Existing RC-2 Zone
Middletown Road and Gores Mill Rd
Balto Co. MD. 1st Dist 6th
Scale: 1"=100' Sept. 14, 1979

PN 4067