

35 82-157-SPH **PETITION FOR SPECIAL HEARING** TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the extension of the special exception granted to the Petitioner in case No. 65-378-RX to continue controlled excavation with explosives.

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

I, or we, agree to pay expenses of the above Special Hearing 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
N/A
(Type or Print Name)

Signature
DAVID P. SCHEFF-MACKER,
(Type or Print Name) Vice President

Address
110 West Road
Towson, Maryland 21204

City and State
Towson, Maryland 21204

Attorney for Petitioner:
GARY C. DUVALL
(Type or Print Name)
Signature
401 Washington Avenue
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 821-6565
TOWSON, MARYLAND 21204 296-6400
Address

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of December, 1981, 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 14th day of January, 1982, at 10:00 o'clock A.M.

[Signature]
Zoning Commissioner of Baltimore County.

Z.C.O.-No.1

(over)

Thursday 1/14/82
9:00

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
SW/S Nicodemus Rd., 3155.6'
SE of Barrymans Lane, 4th District : OF BALTIMORE COUNTY

THE ARUNDEL CORPORATION, : Case No. 82-157-SPH
Petitioner

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 therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 7th day of January, 1982, a copy of the foregoing Order was mailed to Gary C. Duvall, Esquire, 401 Washington Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hession, III
John W. Hession, III

- Mined products may not be brought from other locations to be stockpiled on the property.
- The woodland buffer between the quarry operation and adjacent properties shall be maintained.
- The stockpiles and entrance ways may be relocated only as required by the Maryland Department of Transportation for the relocation of Nicodemus Road and the construction of the Northwest Expressway and shall be reflected on a revised site plan.
- The revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

John W. Hession, III
John W. Hession, III
Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE *January 14, 1982*
BY *John W. Hession, III*
Administrative Assistant

BALTIMORE COUNTY **ZONING PLANS** **ADVISORY COMMITTEE**



PETITION AND SITE PLAN **EVALUATION COMMENTS**

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 30, 1981

Gary C. Duvall, Esquire
401 Washington Avenue
Towson, Maryland 21204

RE: Item No. 35
Petitioner - The Arundel Corporation
Special Hearing Petition

Dear Mr. Duvall:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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 petition originates as a result of your client's proposal to continue the existing quarrying operation with the use of explosives that was granted on July 3, 1969, (Case #65-378-RX). This hearing approved the operation for a period of fifteen years from the above date and in order to extend the time for utilization, this special hearing has been requested.

After this petition was scheduled, the status of the agreement that is in the aforementioned case file was questioned. Since the Board of Appeals made no reference to said agreement in their order, it was never discussed in our conversations on this petition. I suggest that at the hearing you discuss this matter in order to avoid any future questions.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was scheduled for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,

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

NEC:bac
Enclosures



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

September 15, 1981

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

Re: Item #35 (1981-1982)
Property Owner: The Arundel Corporation
S/WS Nicodemus Rd. 3155.6' S/E of Barrymans Lane
Acres: 54.197 District: 4th

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 in connection with the Zoning Advisory Committee review for Reclassification Petition in April 1981, aka 65-378 RX.

Highways:

The proposed Northwest Expressway is a State Highway Administration project; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Berryman Lane, Cherry Hill and Nicodemus Roads, existing public roads, are proposed to be improved in the future on 70-foot rights-of-way.

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

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.

Storm Drains:

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

Item #35 (1981-1982)
Property Owner: The Arundel Corporation
Page 2
September 15, 1981
Storm Drains: (cont'd.)

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

As shown, several tributaries traverse this property.

The above 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.

Water and Sanitary Sewers:

Public water supply and sanitary sewerage are not available to serve this property, which is beyond the Baltimore County Metropolitan District and the Urban-Rural Demarcation Line. Baltimore County Water and Sewerage Plans W and S-16A, as amended, respectively indicate "Immediate Priority" and "Planned Service in 11 to 30 Years" for portions of this property; and, "Planned Service in 11 to 30 Years".

Very truly yours,

Robert A. Norton
ROBERT A. NORTON, Chief
Bureau of Public Services

RJN:RAM:FWB:ee

cc: Jack Wisley

Y-NE & T-W Lay Sheets
51-54 NW 40-42 Pos. Sheets
NW 13 & 14 J & K Tops
57 Tax Map



Maryland Department of Transportation
State Highway Administration

James J. O'Donnell
Secretary
N.S. Galtier
Administrator

August 28, 1981

Mr. William Hammond
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: Z.A.C. Meeting of 8/18/81
ITEM: #35.
Property Owner: The Arundel Corporation
Location: SW/S Nicodemus Rd. 3155.6' S/E of Barrymans Lane
Existing Zoning: RC-3
Proposed Zoning: Special Hearing to approve the extension by right of the Special Hearing to approve a non-conforming use status of the subject property and of the buildings and appurtenances thereon.
Acres: 54.197
District: 4th

Dear Mr. Hammond:

As best as can be determined at this time, the plat correctly indicates the right of way for the proposed highway improvements.

Very truly yours,

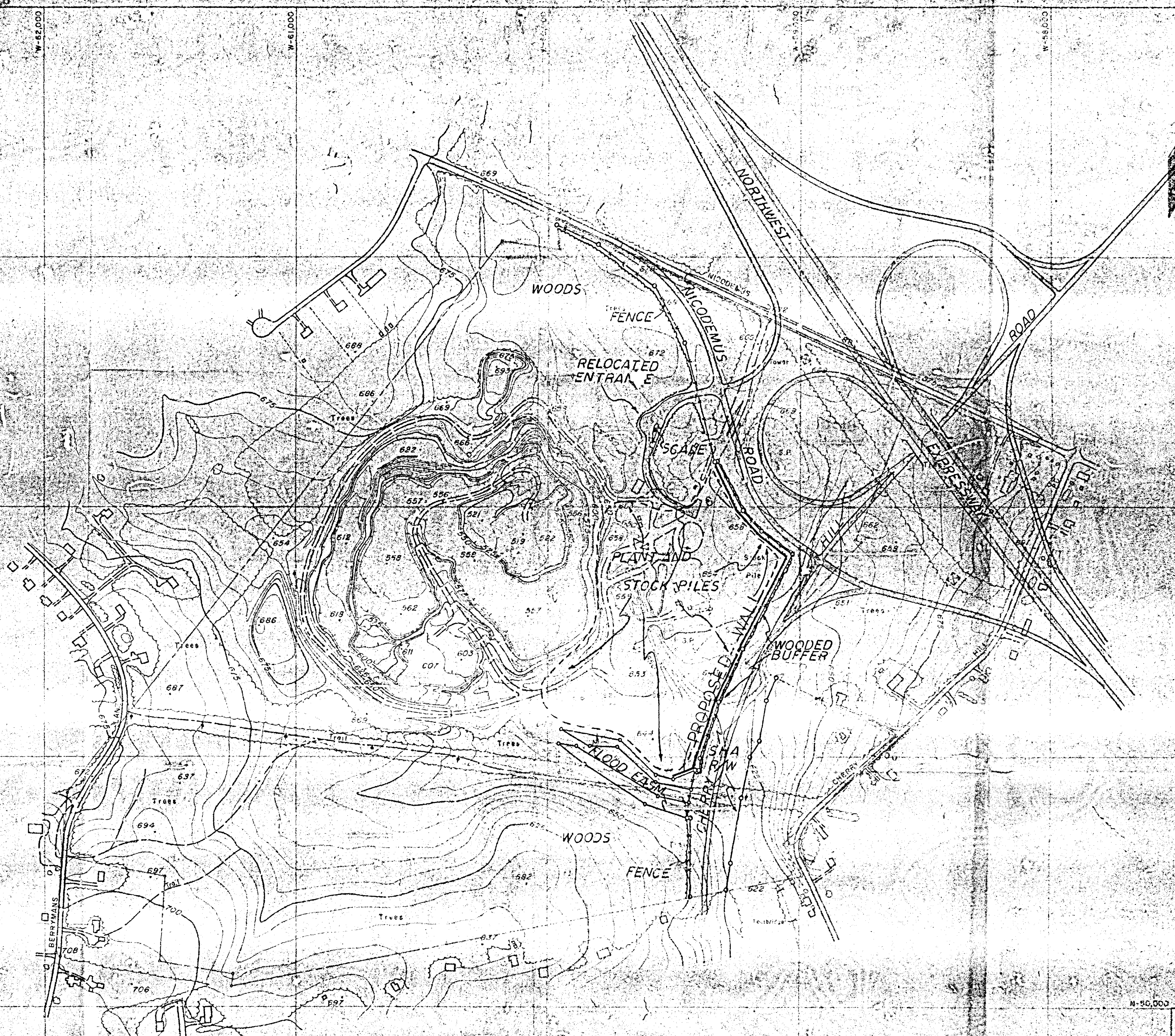
Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:JEM:maw

John E. Meyers
By: John E. Meyers

My telephone number is (301) 659-1350

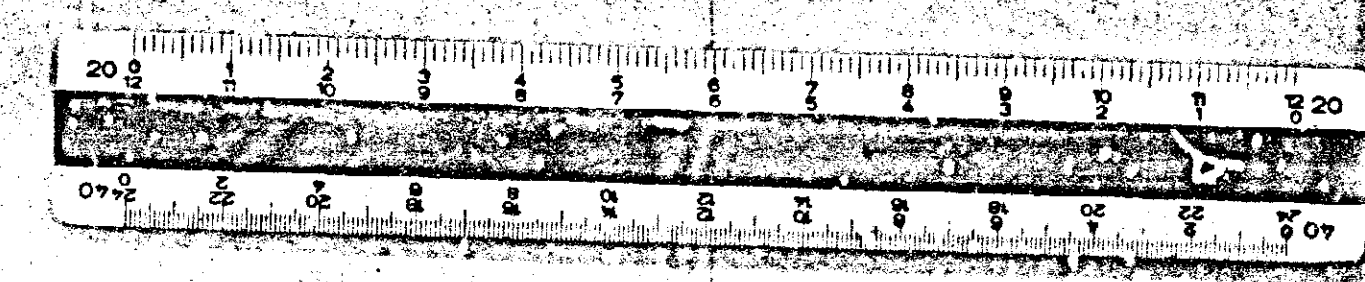
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203



REVISED SITE PLAN

TOPOGRAPHIC MAP
OF
THE DELIGHT QUARRY
FOR
THE ARUNDEL CORPORATION
TOWSON, MARYLAND

DATE OF PHOTOGRAPHY: MARCH 22, 1985
SCALE: 1" = 200' CONTOUR INTERVAL: 5'



PHOTOGRAMMETRY BY
HARFORD AERIAL SURVEYS, INC.
3903 EATON DRIVE
JANNETTSTOWN, MD 21084

NOV 6, 1985. ARUNDEL WALL PROPOSAL

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:

1. The herein petition seeks to extend the special exception granted in Case No. 65-378-RX to continue controlled excavation by means of explosives, in accordance with the site plan filed herein, revised January 27, 1982.
2. The Delight Quarry, owned by The Arundel Corporation since 1969, has been in operation for over 75 years. The petitioner intends to excavate in a vertical direction only in the areas designated on the site plan. Extensive testimony was presented during the operation, the absence of asbestos, and the lack of effect that blasting will have on the water table.
3. Testimony by area residents expressed concerns regarding asbestos dust, vibrations, the possible increase of the draw down on the ground water, noise, and traffic.
4. To continue controlled excavation by means of explosives would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations and would not adversely affect the health, safety, and general welfare of the community.

and, thus, the public hearing is required.

Without reviewing the evidence further in detail but based on an on-site field inspection and the evidence and testimony presented at the hearing, as well as a detailed review regarding asbestos in the vicinity and any potential health hazards, in the opinion of the Deputy Zoning Commissioner, the request to continue should be granted.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 7th day of January, 1983, that the special exception granted in Case No. 65-378-RX to continue controlled excavation by means of explosives, in accordance with the aforementioned site plan, is extended and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The petitioner shall file a Petition for Special Hearing on or before the 15th anniversary of this Order to extend the use beyond 1998.
2. Compliance with the Baltimore County Code and Section 403 of the Baltimore County Zoning Regulations.
3. Compliance with the requirements of the United States Bureau of Mines, the Maryland Department of Natural Resources, and the State and County Departments of Health.
4. No explosives shall be stored on the property, and a blast shall occur no more than two times per week and only between the hours of 7:30 a.m. and 4:00 p.m.



Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN E. COLLINS
DIRECTOR

September 25, 1981

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

RE: ZAC Meeting of August 18, 1981

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for items number 33 through 40.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Associate II

MSF/r1j

35



BALTIMORE COUNTY
DEPARTMENT OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
(301) 494-3550

DECEMBER 22, 1981

December 22, 1981

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 #35, Zoning Advisory Committee Meeting, August 18, 1981, are as follows:

Property Owner: The Arundel Corporation
Location: SW/S Nicodemus Road 3155.6' S/E of Barrymans Lane
Acre: 54.197
District: 4th

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.

This petition meets the requirements of the Division of Current Planning and Development.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development

JLW/wh



BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

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

September 22, 1981

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

Dear Mr. Hammond:

Comments on Item #35, Zoning Advisory Committee Meeting of August 18, 1981, are as follows:

Property Owner: The Arundel Corporation
Location: SW/S Nicodemus Road 3155.6' S/E of Barrymans Lane
Existing Zoning: RC-3
Proposed Zoning: Special Hearing to approve the extension by right of the Special Exception granted in case No. 65-378 RX and Special Hearing to approve a non-conforming use status of the subject property and of the buildings and appurtenances thereon.
Acre: 54.197
District: 4th

The existing offices are presently served by a drilled well and private sewage disposal system, both of which appear to be functioning properly.

The Division of Air Pollution Control has reviewed the existing quarrying operation onsite and has no specific comments regarding the special hearing.

Very truly yours,

Ian J. Forrest
Ian J. Forrest
Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/rth

ORDER RECEIVED FOR FILING

DATE January 21, 1983

BY *John L. Wimbley*

ADMINISTRATIVE ASSISTANT



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7010

PAUL H. REINCKE
CHIEF

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204
Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: The Arundel Corporation

Location: SW/S Nicodemus Road 3155.6' S/E of Barrymans Lane

Item No.: 35 Zoning Agenda: Meeting of August 18, 1981

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 operation.

- () 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.

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

REVIEWED BY: *Paul H. Reincke* Noted and Approved: *George M. Hegardt*
Special Inspection Division Fire Prevention Bureau

/mb



BALTIMORE COUNTY
DEPARTMENT OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
824-3010

TED ZAKESKI JR.
DIRECTOR

August 17, 1981

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

Dear Mr. Hammond:

Comments on Item #35 Zoning Advisory Committee Meeting, August 18, 1981, are as follows:

Property Owner: The Arundel Corporation
Location: SW/S Nicodemus Road 3155.6' S/E of Barrymans Lane
Existing Zoning: RC-3
Proposed Zoning: Special Hearing to approve the extension by right of the Special Exception granted in case No. 65-378 RX and Special Hearing to approve a non-conforming use status of the subject property and of the buildings and appurtenances thereon.
Acre: 54.197
District: 4th

The following comments are applicable:

- A. All structures shall conform to the Baltimore County Building Code 1976, the State of Maryland Code for the Building and Code and other applicable Code.

- B. A building/ permit shall be required before beginning construction.

- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required.

- D. Commercial: Three sets of construction drawings with a Maryland registered Architect or Engineer shall be required to file a permit application.

- E. In a 4 frame construction an exterior wall located within 6' 8" of an adjacent lot line shall be of one half fire resistance construction, an exterior wall located within 1' 8" of lot line, a minimum 8" masonry firewall is required if construction is on the lot line.

- F. Requested variance conflicts with the Baltimore County Building Code, Section .

- G. A change of occupancy shall be applied for, along with an exterior permit application, and upon required notification of adjacent lot owner and the Bureau will meet the Code requirements for the proposed change. Interior fire requirements shall be met.

- H. Before the office can comment on the above information, please have the owner obtain the services of a registered Architect or Engineer and file the application with the office. The owner shall also obtain a proposed change in use if proposed and comply with the health and safety requirements of Table 35 and the proposed construction classification of Table 35.

- X 1. Comments It should be noted Sections 320.2 (1) of Bill 159-79 applicable here.

NOTE: These comments reflect only on the information provided by the Planning submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit.
If additional information can be obtained by visiting Room 207 (Planning Bureau), at 111 West Chesapeake Avenue, Towson.

Charles E. Burrows
Charles E. Burrows, Chief of Planning Bureau

CEB/r1j

BALTIMORE COUNTY PUBLIC SCHOOLS

Property Owner: Superintendent

Towson, Maryland - 21204

Date: August 13, 1981

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

Z.A.C. Meeting of: August 18, 1981

RE: Item No: 33, 34, 35, 36, 37, 38, 39, 40

Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

1047 Mr. Hammond.

All of the above have no bearing on student population.

Very truly yours,

William E. Hammond
William E. Hammond, Assistant
Department of Planning

WEP/bp

PETITION FOR SPECIAL HEARING

4th DISTRICT

ZONING: Petition for Special Hearing
LOCATION: 300' South of Nicodemus Road, 2,855.48 ft. Southeast of Barrymans Lane
DATE & TIME: Thursday, January 14, 1982 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:

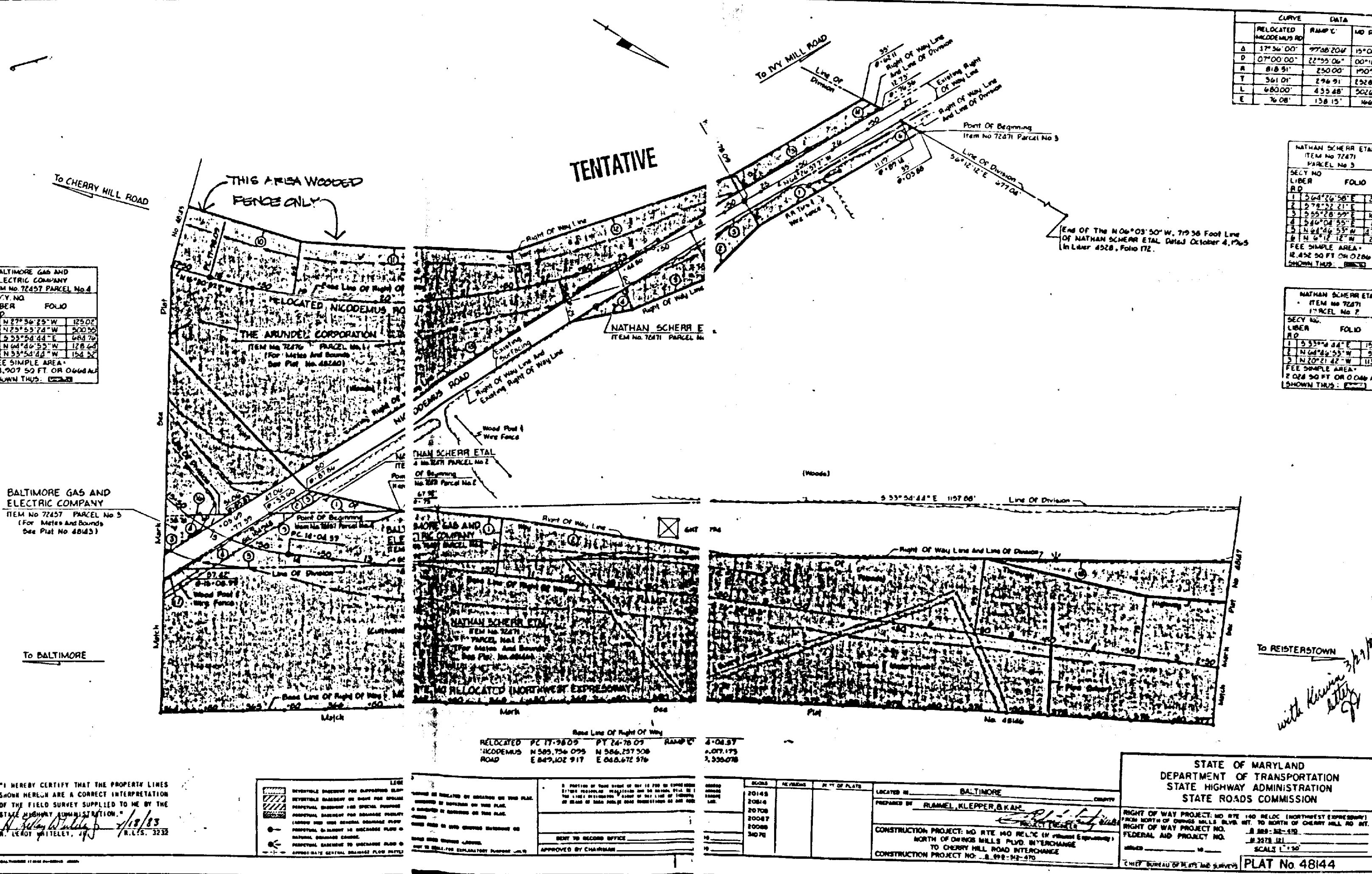
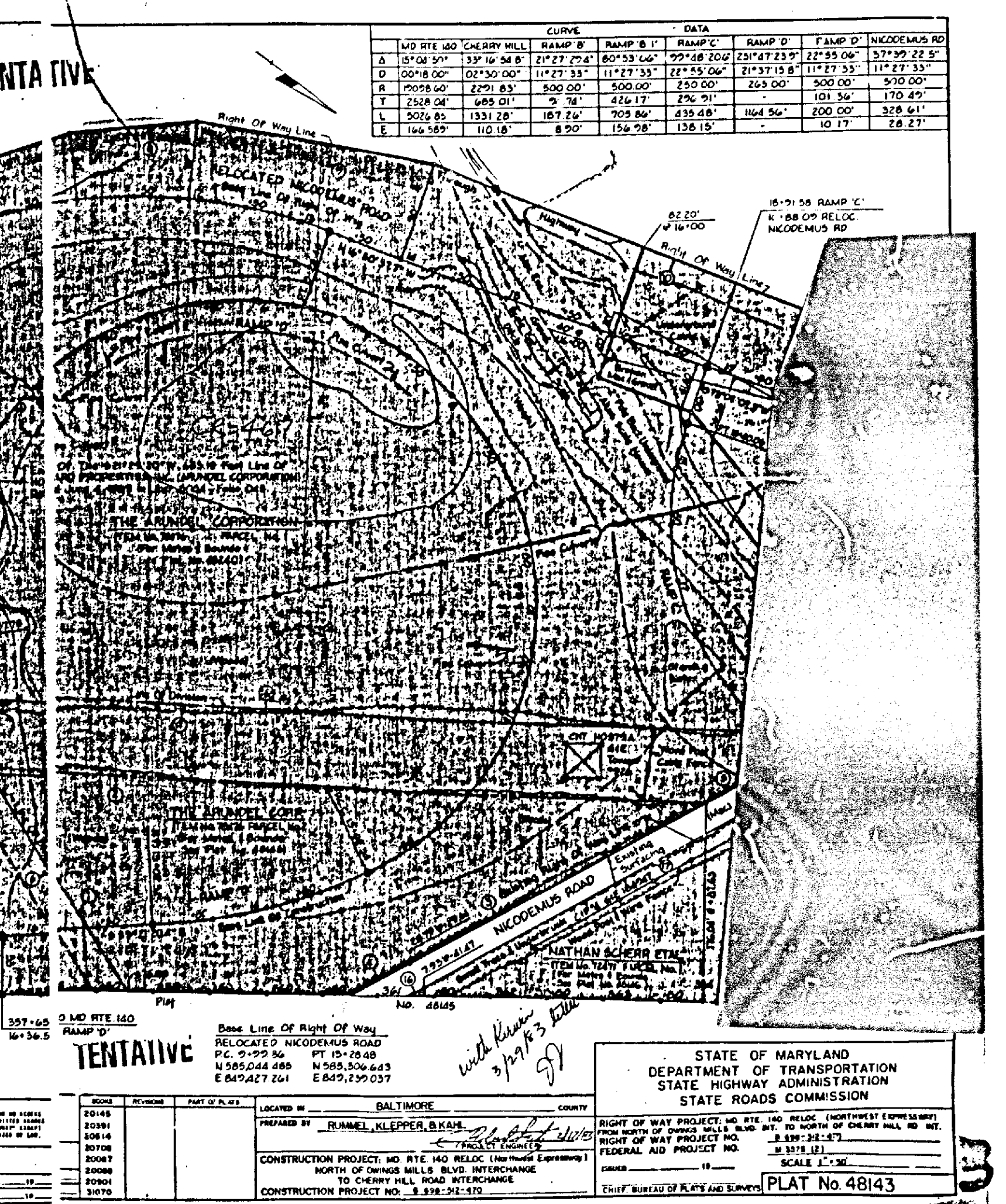
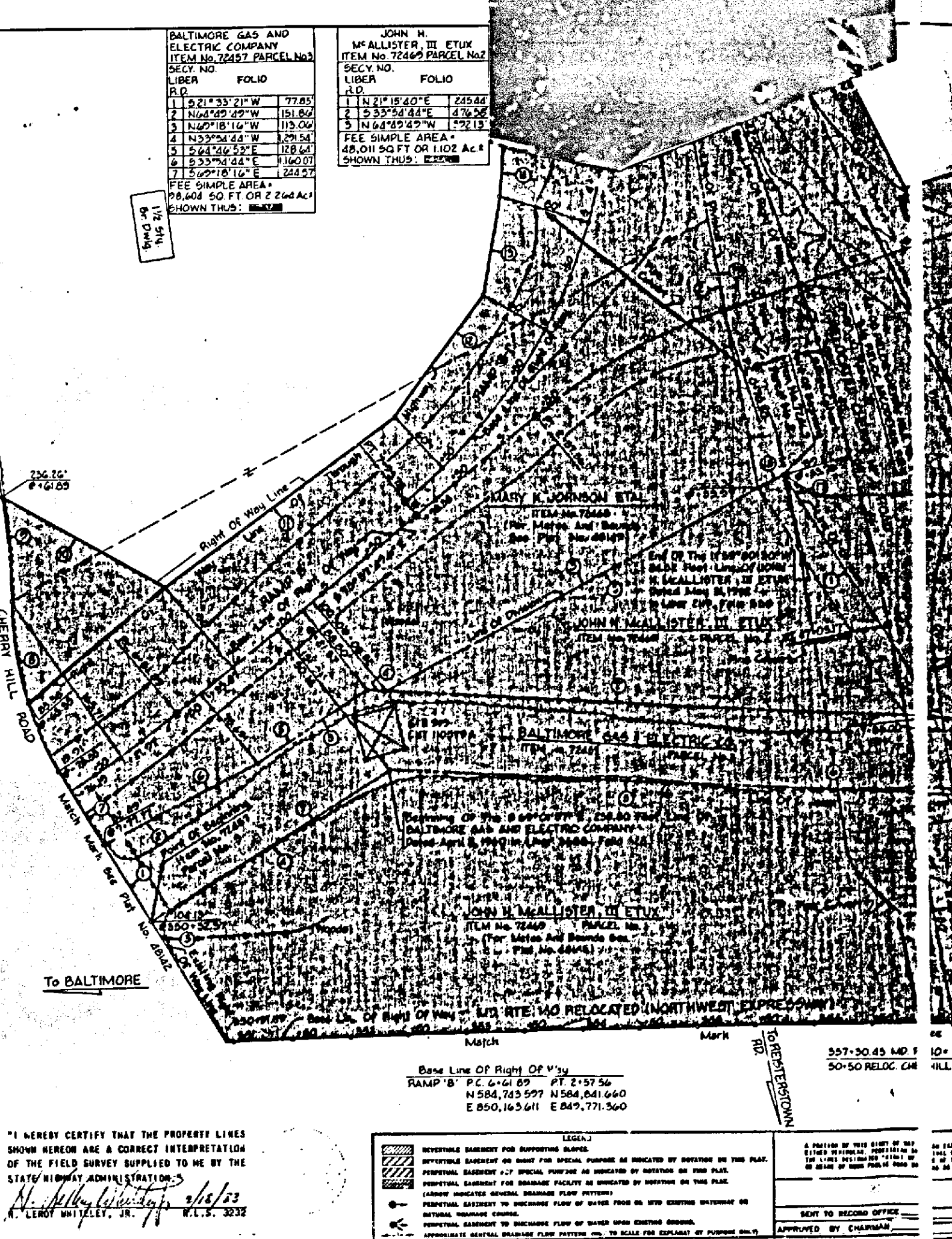
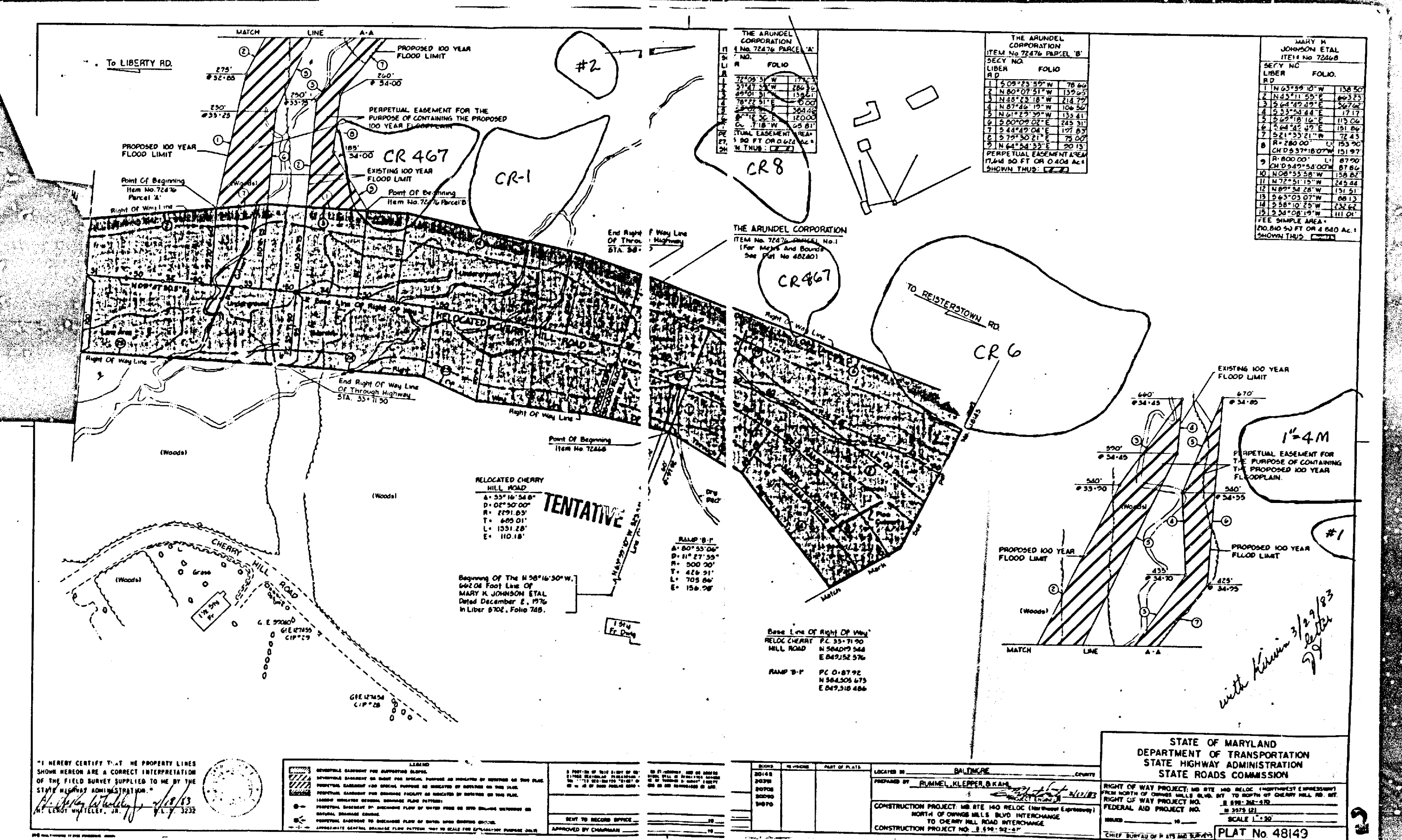
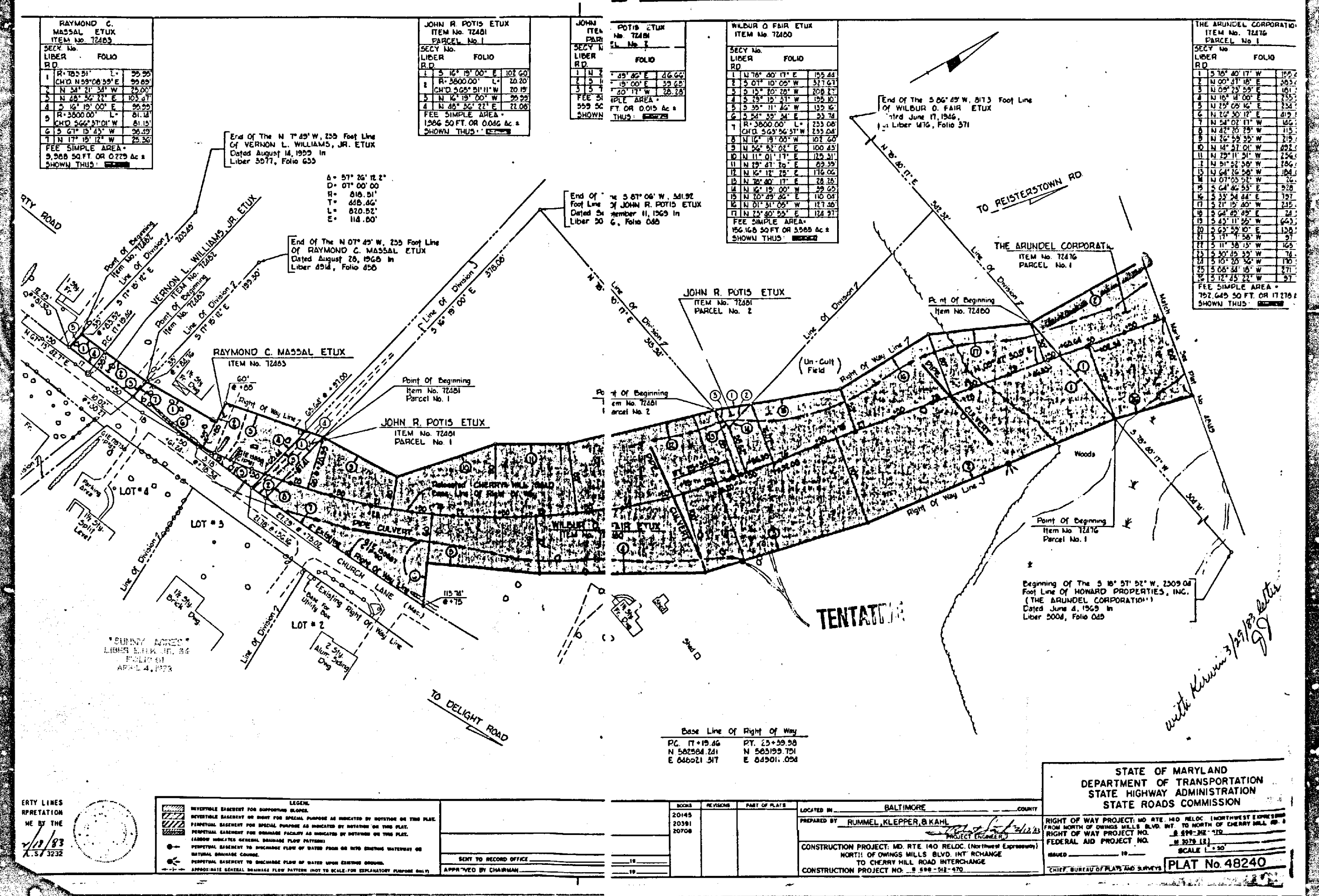
Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the extension of the special exception granted to the petitioner in case #65-378-RX to continue controlled excavation with explosives

All that parcel of land in the Fourth District of Baltimore County

Being the property of The Arundel Corporation, as shown on plat plan filed with the Zoning Department

Hearing Date: Thursday, January 14, 1982, 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



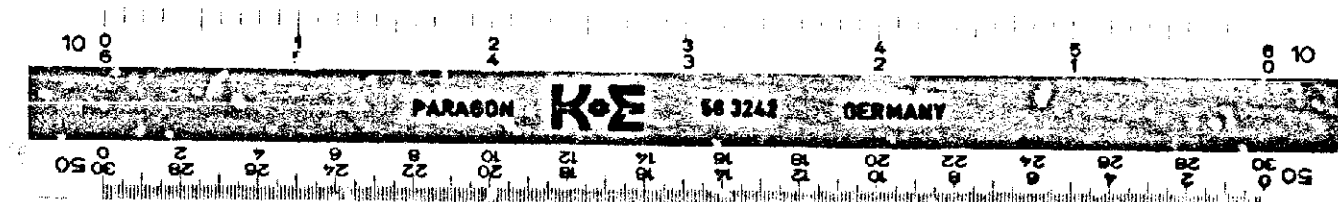


TYPICAL 50' SCREEN PLANTING ADJACENT
TO ARUNDEL CORPORATION PROPERTY

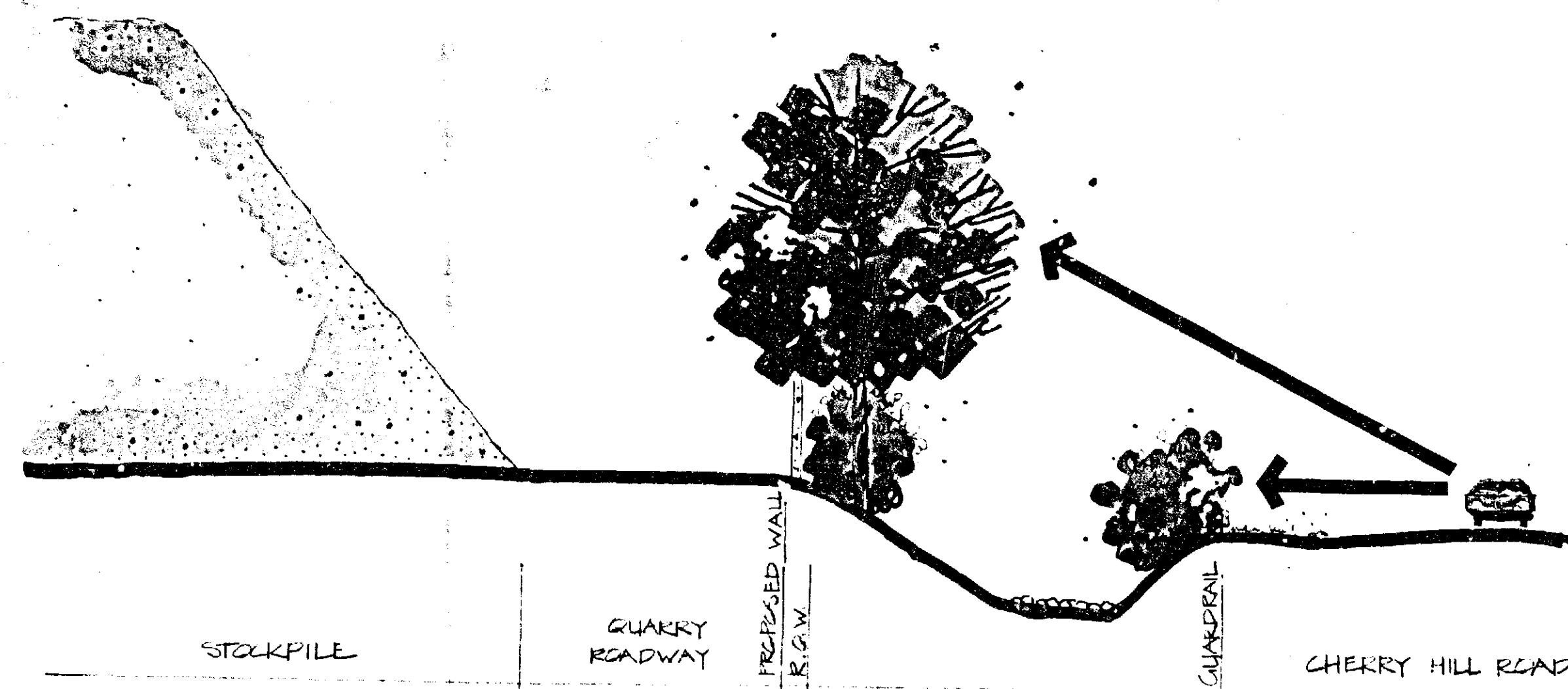
SCALE 1" = 5'

WILLIAM T. KIRWIN INC.
LANDSCAPE ARCHITECTURE/LAND PLANNING

28 E. Susquehanna Ave. Suite 2
Towson MD 21204

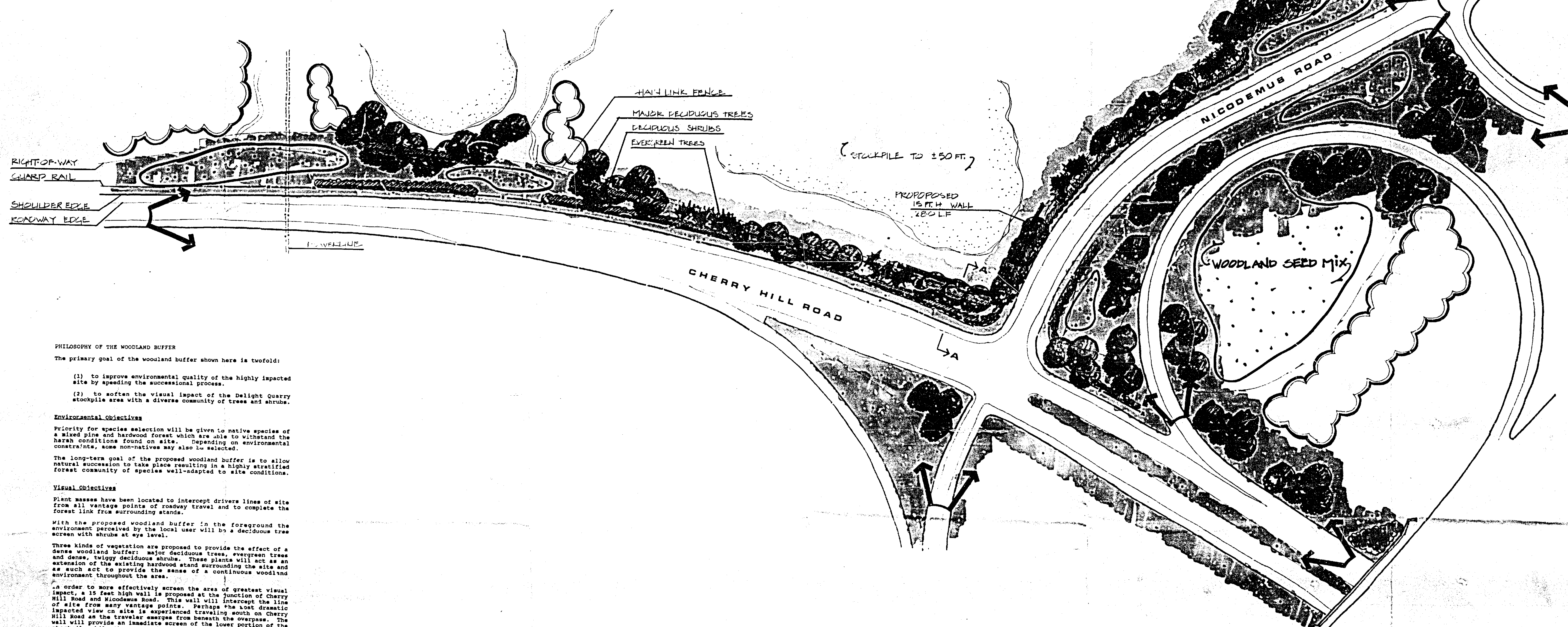


with Kirwin 3/29/83



SECTION A - A

SCALE 1" = 10'



PHILOSOPHY OF THE WOODLAND BUFFER

The primary goal of the woodland buffer shown here is twofold:

- (1) to improve environmental quality of the highly impacted site by speeding the successional process.
- (2) to soften the visual impact of the Delight Quarry stockpile area with a diverse community of trees and shrubs.

Environmental Objectives

Priority for species selection will be given to native species of a mixed pine and hardwood forest which are able to withstand the harsh conditions found on site. Depending on environmental constraints, some non-natives may also be selected.

The long-term goal of the proposed woodland buffer is to allow natural succession to take place resulting in a highly stratified forest community of species well-adapted to site conditions.

Visual Objectives

Plant masses have been located to intercept drivers' lines of sight from all vantage points of roadway travel and to complete the forest link from surrounding stands.

With the proposed woodland buffer in the foreground the environment perceived by the local user will be a deciduous tree screen with shrubs at eye level.

Three kinds of vegetation are proposed to provide the effect of a dense woodland buffer: major deciduous trees, evergreen trees and dense, twiggy deciduous shrubs. These plants will act as an extension of the existing hardwood stand surrounding the site and as such act to provide the sense of a continuous woodland environment throughout the area.

In order to more effectively screen the area of greatest visual impact, a 15-foot high wall is proposed at the junction of Cherry Hill Road and Nicodemus Road. This wall will intercept the line of sight from many vantage points. Perhaps the most dramatic impacted view on site is experienced traveling south on Cherry Hill Road as the traveler emerges from beneath the overpass. The wall will provide an immediate screen of the lower portion of the stockpile while the proposed trees and shrubs grow to a denser screen.

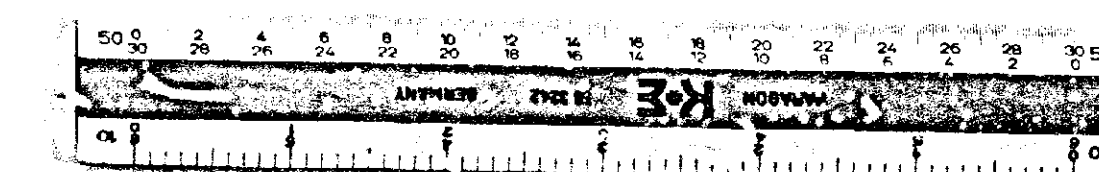
WOODLAND BUFFER

DELIGHT QUARRY - ARUNDEL CORPORATION

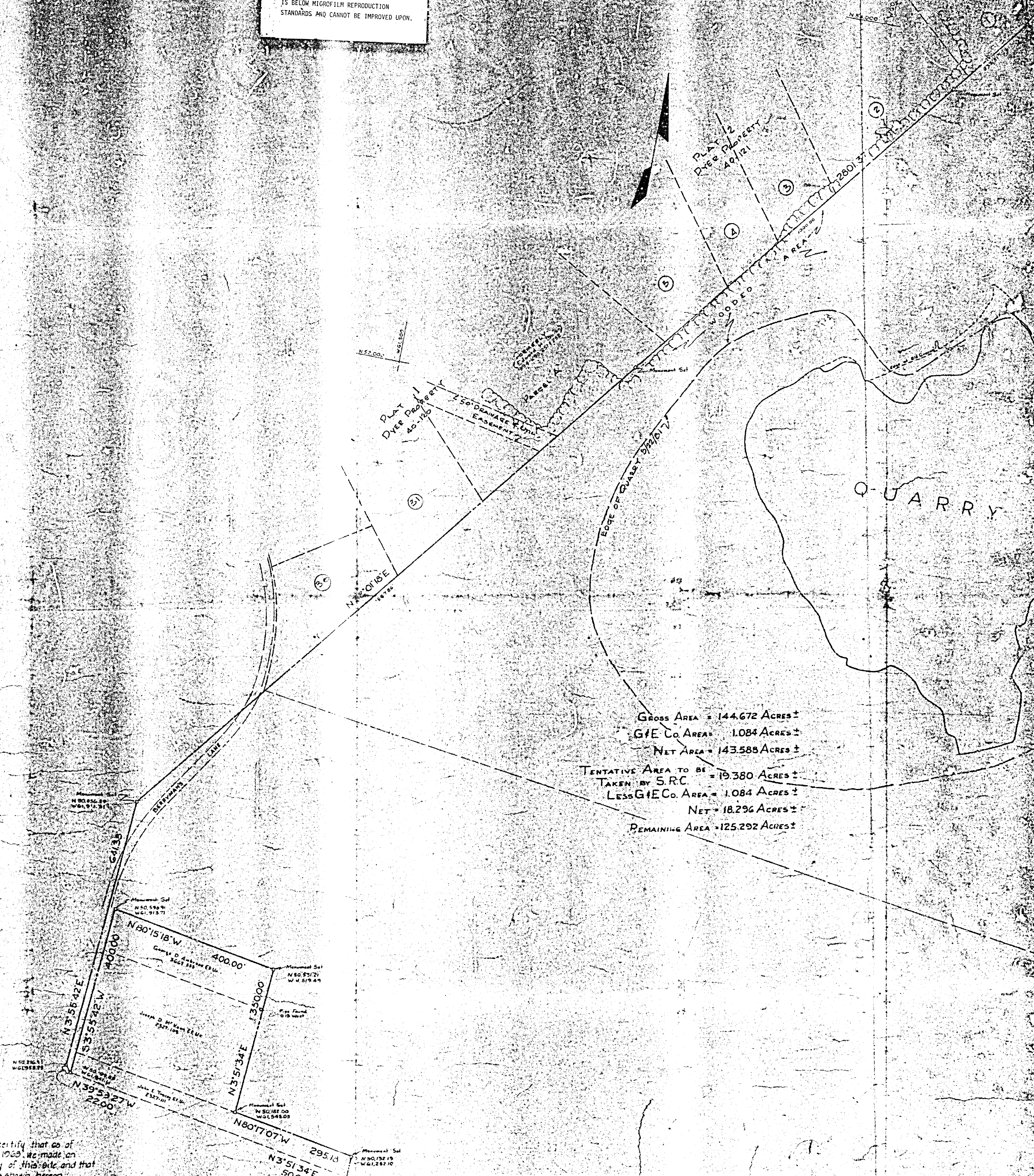
WFK WILLIAM F. KIRWIN, INC.
Landscape Architecture
25 C. Cunningham Avenue
Towson, MD 21204
Phone 301-227-0873



SCALE 1" = 50'



THIS DOCUMENT IS PHOTOGRAPHED AS RECEIVED. ITS CONTRAST OR CONDITION IS BELOW MICROFILM REPRODUCTION STANDARDS AND CANNOT BE IMPROVED UPON.



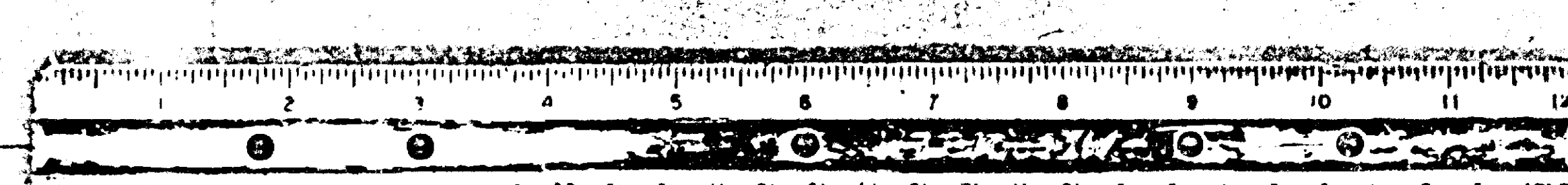
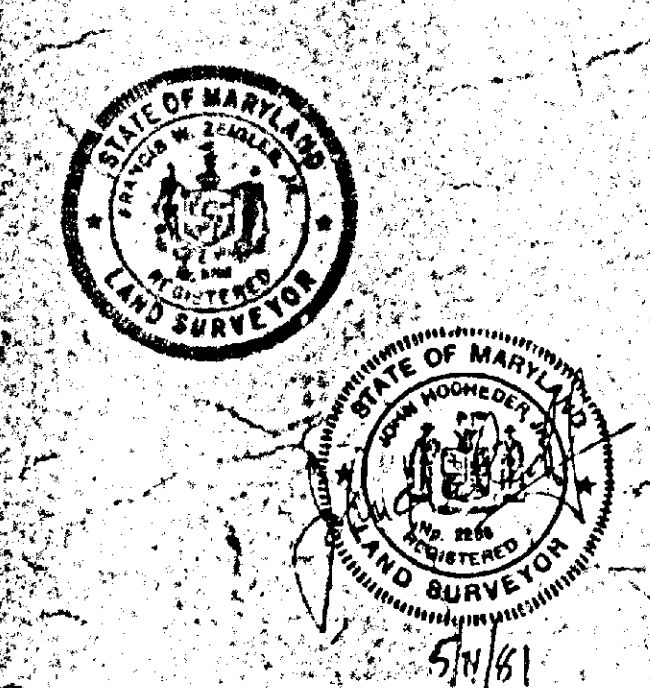
GROSS AREA = 144.672 ACRES ±
G+E Co. AREA = 1.084 ACRES ±
NET AREA = 143.588 ACRES ±
TENTATIVE AREA TO BE
TAKEN BY S.R.C. = 19.380 ACRES ±
LESS G+E Co. AREA = 1.084 ACRES ±
NET = 18.296 ACRES ±
REMAINING AREA = 125.292 ACRES ±

This is to certify that as of September 12, 1969, we made an Outline Survey of this site and that it is located as shown hereon.

George William Stephens, Jr.
ASSOCIATE

253. N.E. 10-26-70
DATE

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
ENGINEERS
303 ALLEGHEE AVE.
TOWNSHIP 4, HARTLAND



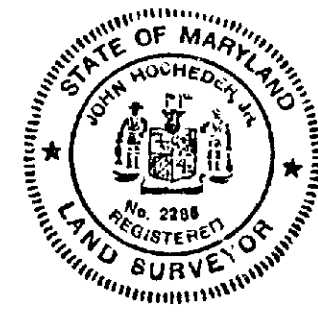


4/29/81

Description to Accompany
Zoning Petition for Renewal of
Special Exception for Controlled Excavation
Delight Quarry Property
Case # 65-378RR

Beginning for the same at the end of the three following courses from the intersection formed by the southwest side of Nicodemus Road and the centerline of Berrymans Lane S 70° 55' 54" E 315.48 feet, S 67° 59' 54" E 2540.00 feet, and S 23° 39' 36" W 300.15 feet and running thence (1) S 64° 30' 54" E parallel to and distant 300 feet southwesterly from said Nicodemus Road 210.00 feet, thence (2) southeasterly along a curve to the right with a radius of 500 feet for a distance of 595.00 feet, said curve being subtended by a chord bearing S 30° 25' 27" E 560.51 feet, thence (3) S 3° 40' 01" W parallel to and distant 300 feet westerly from the Northwestern Expressway Interchange 1345.00 feet, thence (4) N 82° 24' 36" W parallel to and distant 57.2 feet northeasterly from the centerline of the Gas and Electric Company transmission line 1660.00 feet, thence (5) northerly and distant 330 feet easterly from the centerline of Berrymans Lane along a curve to the left with a radius of 1000.00 feet for a distance of 312.88 feet, said curve being subtended by a chord bearing N 12° 25' 52" W 311.60 feet, thence (6) N 38° 01' 18" E 1859.64 feet, thence (7) parallel to and distant 300 feet southwesterly from the above mentioned Nicodemus Road S 67° 59' 54" E 193.80 feet to the place of beginning.

Containing 54.197 acres of land more or less.



4/28/81

PROPERTY DESCRIPTION
DELIGHT QUARRY

Beginning for the same at a stone found at the beginning of the first or South 74° 21' East 232.5 foot line of that first parcel of land conveyed by The A. A. Dyer Company to Frank P. Dyer et al by deed dated May 8, 1964 and recorded among the Land Records of Baltimore County in Liber R.R.G. 4303, Folio 376 and running thence binding on the above described line and also binding on the second or North 1° 39' East 127 foot line of the above described deed the two following courses as now surveyed, and also binding on the South and East sides of a drainage and utility easement area being part of Lot 1 as shown on a plat entitled "Plat 2, Final Subdivision Plat Dyer Property" dated September 27, 1976, and now recorded among the Land Records of Baltimore County in Plat Book E.H.K.Jr. 40, Folio 121 viz: first South 82° 21' 04" East 232.83 feet to a stone found, and second North 6° 44' 02" West 126.47 feet to a monument set on the south side of Nicodemus Road; thence binding on the south side of Nicodemus Road, binding for part of the distance on the third or South 56° 21' East 935 foot line of the first parcel of the above described deed and binding for the remainder of the distance on part of the fourth or South 57° 40' East 40 perch line of the second parcel of land of the above described deed, in all as now surveyed South 64° 30' 54" East 1583.22 feet to a monument set; thence leaving Nicodemus Road and binding reversely on the third or North 26° 53' 30" East 654.10 foot line of that parcel of land conveyed by Henry Hempfling et al to John H. McAllister, III et ux by deed dated May 31, 1952 and recorded

OLD
CANCER



4/28/81

PAGE TWO
PROPERTY DESCRIPTION - DELIGHT QUARRY

among the Land Records of Baltimore County in Liber G.L.B. 2119, Folio 538, as now surveyed, South 21° 29' 20" West 653.19 feet to a monument set; thence binding reversely on the second or North 59° 50' 30" West 24.52 foot line of said last described deed, as now surveyed, South 65° 14' 40" East 24.52 feet to a stone found at the end of the fifth or South 56° 21' East 660 foot line of the first parcel of the above first described deed to Frank P. Dyer et al; thence binding for all of the distance on the sixth or South 50° 09' West 660 foot line of the first parcel of said first described deed to Frank P. Dyer et al, binding reversely for part of the distance on the fourth or North 48° 52' 20" East 232.27 foot line of that parcel of land conveyed by Robert Russell Keyes, Jr. et ux to Flora A. Keyes et vir by deed dated September 25, 1959 and recorded among the Land Records of Baltimore County in Liber W.J.R. 3606, Folio 636 and binding reversely for the remainder of the distance on the fifty or North 48° 52' 20" East 431.01 foot line of that parcel of land conveyed by Donald L. Allewalt et ux to Flora A. Keyes et al by deed dated April 30, 1963 and recorded among the Land Records of Baltimore County in Liber R.R.G. 4142, Folio 478, in all as now surveyed, South 43° 28' 10" West 663.28 feet to a monument set; thence binding on the seventh or South 56° 21' East 660 foot line of the first parcel of the above first described deed to Frank P. Dyer, et al and binding reversely on the fourth or North 58° 16' 30" West 662.04 foot line of the last described parcel conveyed to Flora A. Keyes et al, in all as now surveyed, South 61° 40' 40" East passing over a monument set 10 feet from the end thereof 662.04 feet to a pipe set in the bed of Cherry Hill



4/28/81

PAGE THREE
PROPERTY DESCRIPTION - DELIGHT QUARRY

Road; thence along Cherry Hill Road binding on the eighth or South 53° 01' West 623 foot line of the first parcel of the above first described deed to Frank P. Dyer et al, as now surveyed South 45° 36' 20" West 618.90 feet to a monument set; thence binding on the ninth or South 26° 47' East 139.4 foot line of the first parcel of the above first described deed to Frank P. Dyer et al, as now surveyed, South 30° 13' 02" East 146.47 feet to a monument set; thence binding on the tenth or South 87° 28' West 2214.7 foot line of the first parcel of the above first described deed to Frank P. Dyer et al binding for part of the distance on the second or South 86° 49' West 192 foot 10 inch line of that parcel of land conveyed by Allan C. Girdwood et al to Erle J. Linthicum et ux by deed dated March 14, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. 1442, Folio 277, binding for part of the distance on part of the second or South 86° 49' West 817.3 foot line of that parcel of land conveyed by Edward Fritch to Wilbur O. Fair et ux by deed dated June 17, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. 1476, Folio 371, binding reversely for part of the distance on the second or North 87° 06' East 362 foot line of that parcel of land conveyed by Wilbur O. Fair et ux to Maurice J. Van Horn, Jr. by deed dated June 23, 1955, and recorded among the Land Records of Baltimore County in Liber G.L.B. 2721, Folio 529, binding reversely for part of the distance on the second or North 85° 46' East 279 foot more or less, line of that parcel of land conveyed by Clarence E. Beard et ux to Vernon L. Williams, Jr. et ux by deed dated June 29, 1954 and recorded among the Land Records of Baltimore County in Liber G.L.B. 2538, Folio 1, binding reversely for part of the distance on the



PAGE FOUR
PROPERTY DESCRIPTION - DELIGHT QUARRY

4/28/81

second or North 88° 15' East 324.6 foot line of the second parcel and binding reversely for part of the distance on the second or North 89° 15' East 246.9 foot line of the first parcel of land conveyed by John C. Whitaker to George P. Holland et ux by deed dated September 10, 1948 and recorded among the Land Records of Baltimore County in Liber T.B.S. 1689, Folio 151, binding reversely for part of the distance on the third or North 88° 15' East 77.2 foot line of the second parcel and binding reversely for part of the distance on the third or North 84° 15' East 77.2 foot line of the first parcel of land conveyed by Irene M. Schaeffer, widow, to Kenneth L. Rayner et ux by deed dated March 4, 1963 and recorded among the Land Records of Baltimore County in Liber R.R.G. 4114, Folio 401, binding reversely for part of the distance on the third or North 88° 15' East 77.2 foot line of that parcel of land conveyed by Robert Hall Gray Woodyear to Billy Richard Kagey et ux by deed dated April 26, 1951 and recorded among the Land Records of Baltimore County in Liber G.L.B. 1963, Folio 325, binding for part of the distance on the fourth or South 88° 15' West 216.1 foot line of that parcel of land conveyed by John S. Long et ux to Edward J. Beck et ux by deed dated September 4, 1947 and recorded among the Land Records of Baltimore County in Liber J.W.B. 1599, Folio 578, in all as now surveyed, South 78° 57' 52" West 2309.04 feet to a pipe found at the end of the above described tenth or South 87° 28' West 2214.7 foot line of the above first described deed to Frank P. Dyer et al; thence binding reversely on the fifth or South 13° 38' West 50 foot line of that parcel of land conveyed by The A.A. Dyer Company to John E. Tracey



4/28/81

PAGE FIVE
PROPERTY DESCRIPTION - DELIGHT QUARRY

et ux by deed dated July 10, 1953 and recorded among the Land Records of Baltimore County in Liber G.L.B. 2327, Folio 111 as now surveyed, North 3° 51' 34" East 50.00 feet to a monument set; thence binding reversely on the fourth or South 70° 33' East 100 foot line of the last described deed, as now surveyed, North 80° 17' 07" West 295.18 feet to a monument set; thence binding reversely for part of the distance on the third or South 13° 38' West 250 foot line of that parcel of land conveyed by The A.A. Dyer Company to Joseph D. McKeon et ux by deed dated July 10, 1953 and recorded among the Land Records of Baltimore County in Liber G.L.B. 2327, Folio 109 and binding for the remainder of the distance on the second or North 13° 38' East 100.00 foot line of that parcel of land conveyed by Louis E. Lawrence et ux to George D. Ambrose et ux by deed dated February 1, 1960 and recorded among the Land Records of Baltimore County in Liber W.J.R. 3663, Folio 533, in all as now surveyed, North 3° 51' 34" East 350.00 feet to a monument set; thence binding on the third or North 70° 33' West 400.00 foot line of the last described deed, as now surveyed, North 80° 15' 18" West 400.00 feet to a monument set on the east side of Berryman's Lane, thence southerly along the east side of Berryman's Lane binding for part of the distance on the fourth or South 13° 38' West 100.00 foot line of the last described deed, binding reversely for part of the distance on the first or North 13° 38' East 200 foot line of the above described deed to Joseph D. McKeon et ux and binding reversely for the remainder of the distance on the second or North 13° 38' East 50 foot line of the above described deed to John E. Tracey et ux, in all as now surveyed, South 3° 55' 42" West



4/28/81

PAGE SIX
PROPERTY DESCRIPTION - DELIGHT QUARRY

400.00 feet; thence binding on the twelfth or North 31° 30" West 22 foot line, binding on the thirteenth or North 12° 15' East 644.3 foot line and binding on the fourteenth or North 46° 17' East 2793 foot line all of the above first described deed to Frank P. Dyer et al, the three following courses as now surveyed, viz: first, North 32° 59' 27" West 22.00 feet to Berryman's Lane, second along Berryman's Lane North 3° 55' 42" East 641.38 feet to a monument set, and third North 34° 01' 18" East binding for part of the distance along the east side of a plat entitled "Plat 1, Final Subdivision Plat, Dyer Property" dated September 17, 1976 and now recorded among the Land Records of Baltimore County in Plat Book E.H.K.Jr. 40, Folio 120 and continuing along the east side of a plat entitled "Plat 2 Final Subdivision Plat, Dyer Property" dated September 27, 1976, and now recorded among the Land Records of Baltimore County in Plat Book E.H.K.Jr. 40, Folio 121, in all 2801.37 feet to the place of beginning.

Containing 144.672 acres of land, more or less.

Saving and excepting that parcel of land conveyed by The A.A. Dyer Company to the Baltimore Gas and Electric Company et al by deed dated March 18, 1960 and recorded among the Land Records of Baltimore County in Liber W.J.R. 3682, Folio 413.

Containing 1.084 acres of land, more or less.

Subject to the rights granted by George L. Stockdale et ux to The Consolidated Gas Electric Light and Power Company of Baltimore by deed dated December 2, 1924 and recorded among the Land Records of



4/28/81

PAGE SEVEN
PROPERTY DESCRIPTION - DELIGHT QUARRY

Baltimore County in Liber W.P.C. 607, Folio 63, and the rights granted by Alexius A. Dyer et ux to The Consolidated Gas Electric Light and Power Company of Baltimore by deed dated June 1, 1937 and recorded among the Land Records of Baltimore County in Liber C.W.B. JR 1004, Folio 397.

10-25-87
11/22 AM
LAW OFFICES
MILES & STOCKBRIDGE
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 301-621-0505
CABLE MILBRIDGE
TELEX 87-51
November 30, 1982

Ms. Jean M. Jung
Deputy Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: The Arundel Corporation
Delight Quarry
Petition No. 82-157-SPH

Dear Ms. Jung:

It is now ten months since the above-captioned matter was heard by you. As I have explained in prior correspondence, your decision is vitally important to negotiations presently on-going with the State Roads Commission for the condemnation of portions of The Arundel Delight Quarry for the extension of the Northwest Expressway.

Since Arundel does not have your decision in hand as of yet, it cannot undertake meaningful negotiations with the State Roads Commission which in turn delays the timeable for the Northwest Expressway. As I explained in prior correspondence, the State Roads Commission is about to finalize its right-of-way plans for the relocation of Nicodemus Road through The Arundel property. I have personally examined the site and seen the stockpiles which will be effected and require relocation. Also, entranceways will likewise be relocated. I will have to assure that they will be within the special exception area but cannot make any determinations until I have your decision.

The Arundel Corporation would greatly appreciate it if a decision could be forthcoming shortly.

Very truly yours,

Gary C. Duvall
Gary C. Duvall

GCD:ld
cc: Mr. Walter Duncan
Mr. David P. Scheffenacker

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353
WILLIAM E. HAMMOND
ZONING COMMISSIONER

September 28, 1982

Gary C. Duvall, Esquire
Miles & Stockbridge
401 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
The Arundel Corporation
No. 82-157-SPH

Dear Mr. Duvall:

Your letter of September 13th has been referred to me for reply. I appreciate your difficulties relative to the expiration of the special exception and the condemnation discussions with the State Highway Administration. On the other hand, serious issues, including but not limited to environmental matters, were raised and must be studied in depth.

An Order will be forthcoming.

Very truly yours,

Jean M.H. Jung
JEAN M.H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

cc: William E. Hammond
Zoning Commissioner

10-16-82
11/22 AM
LAW OFFICES
MILES & STOCKBRIDGE
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 301-621-0505
CABLE MILBRIDGE
TELEX 87-51
July 30, 1982

Ms. Jean M. Jung
Deputy Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: The Arundel Corporation
Delight Quarry
Petition No. 82-157-SPH

Dear Ms. Jung:

I realize I have expressed my concern to you before regarding the decision to be rendered by you in the above-captioned Petition. However, I am most concerned about the time factors involved with this Petition. As I know you are aware, the Special Exception will expire for this property on July 3, 1984.

The Arundel Corporation purposely undertook an early special hearing so as to assure that any proceedings relative to the Special Exception could be concluded before the expiration of the present Special Exception.

It has now been almost eight months since we presented our Petition before you. My concern is that no one knows what the future course of the present Petition will be and the more time that passes, the greater the dilemma for The Arundel Corporation. Furthermore, as I explained in my May 5, 1982 letter, the State Roads Commission is staking out the northwest expressway as well as the relocation of Nicodemus Road which fronts along the Delight Quarry. The zoning status of the property is important for condemnation negotiations with the State.

I would greatly appreciate it if you could let me know when we might expect an opinion in this matter. Thank you for your kind attention and cooperation.

Very truly yours,

Gary C. Duvall
Gary C. Duvall

GCD:ld
cc: Mr. John Starr

10-16-82
11/22 AM
LAW OFFICES
MILES & STOCKBRIDGE
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 301-621-0505
CABLE MILBRIDGE
TELEX 87-51
May 5, 1982

Ms. Jean M. Jung
Deputy Zoning Commissioner
County Office Building
111 W. Chesapeake Ave. ue
Towson, Maryland 21204

RE: The Arundel Corporation
Delight Quarry
Petition No. 82-157-SPH

Dear Ms. Jung:

I have been advised by my client, The Arundel Corporation, that the State Roads Commission has staked out the Northwest Expressway and intends to commence condemnation proceedings in the near future. Accordingly, it is most important to The Arundel Corporation to know the status of its Zoning Petition in order to discuss intelligently the condemnation intent of the State.

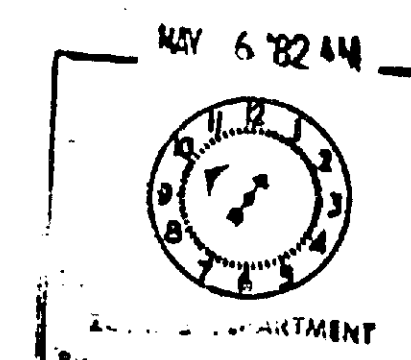
I would appreciate it if you could let me know when we might expect an opinion in the above matter.

Thank you for your kind cooperation.

Very truly yours,

Gary C. Duvall
Gary C. Duvall

GCD:ld
cc: Mr. John Starr



10-16-82
11/22 AM
LAW OFFICES
MILES & STOCKBRIDGE
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 301-621-0505
CABLE MILBRIDGE
TELEX 87-51
March 3, 1982

Ms. Jean M. Jung
Deputy Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: The Arundel Corporation
Delight Quarry
Petition No. 82-157-SPH

Dear Ms. Jung:

I realize the Special Hearing on the above-captioned matter took some time and covered various areas when it was presented to you on January 14th and January 26th. However, I was wondering if we might anticipate a decision sometime in the next month.

If there is any need for any additional evidence by either the Petitioner or the Protestants, I will be more than happy to contact my client, as well as the Protestants, to request the same. One reason I am interested in having a decision is due to the time constraints which I mentioned at the hearing. I realize you have a very busy schedule and a very heavy case load, but would appreciate any consideration you could give this request for an early decision.

Thank you for your kind cooperation.

Very truly yours,

Gary C. Duvall
Gary C. Duvall

GCD:ld
cc: Mr. John R. Starr, Jr.
President

10-16-82
11/22 AM
LAW OFFICES
MILES & STOCKBRIDGE
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 301-621-0505
CABLE MILBRIDGE
TELEX 87-51
February 10, 1982

HAND DELIVERED

Ms. Jean M. Jung
Deputy Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: The Arundel Corporation
Delight Quarry
Petition No. 82-157-SPH

Dear Ms. Jung:

Enclosed please find the response of Mr. McCoy on behalf of The Arundel Corporation to the submission made to you by the Protestants last week. If there are any questions or you would like further information from The Arundel Corporation, please contact me and I will make arrangements to provide you with any clarification or material information as may be needed.

Thank you for your consideration.

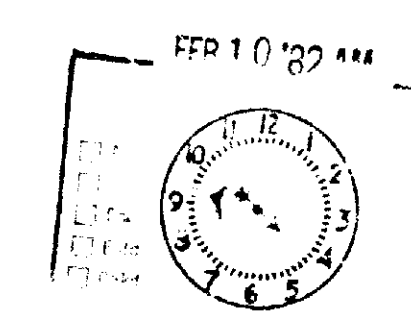
Very truly yours,

Gary C. Duvall
Gary C. Duvall

GCD:ld

Encl.

cc: Mr. John Starr



THE ARUNDEL CORPORATION
110 West Road
Baltimore, Maryland 21204
301-296-6400
February 9, 1982

Ms. J. M. Jung
Deputy Zoning Commissioner
Baltimore County
111 W. Chesapeake Avenue
Towson, MD 21204

RE: The Arundel Corporation
Delight Quarry
Petition #65-378-RX

Dear Ms. Jung:

Relative to the testimony given at the public hearing on the captioned petition we have received copies of subsequent information submitted by the protestants for your consideration. We take this opportunity to comment upon these submittals and, for sake of clarity, shall do so in the chronological order as listed in the cover letter presented by the Soldiers Delight Conservation, Inc.

However, in light of the contents of the various communications, a preface of our comments with a statement on the occurrence of mineral compounds is appropriate. Many rocks, while having similar or identical chemical composition, exhibit entirely different physical form. This anomaly is caused in part by the environment in which the compound was formed.

This phenomena is particularly relevant in these considerations as the inference has been drawn that the rocks in the Soldiers Delight area have the potential to cause health problems because they may contain asbestos. Potential health problems have been associated with the respiration of asbestos fibres in areas where fibrous asbestos is mined and milled and where humans are exposed to abnormal dust conditions.

The fact that a mineral is associated with a particular rock formation does not necessarily dictate that it is universally present throughout the area. As stated in my testimony, the fibrous forms of asbestos have not been identified in the Delight Quarry rock, and the geologic description provided by Dr. Emory Cleaves in protestants submittal #1 highlights the reason. At the end of paragraph one he lists the minerals that can be found in the type of rock quarried at Delight but qualifies their occurrence by the phrase "in places". Obviously the inference is that they do not occur everywhere.

Page 2
Ms. J. M. Jung
Deputy Zoning Commissioner
Baltimore County
February 9, 1982

In submittal #2 the Bureau of Mines has listed petrographic analysis of rocks from six locales within the State. In samples 7, 8, 9, and 10 identified as from the Arundel quarry, the principal asbestiform constituent is antigorite. This mineral is one of those anomalies that is similar chemically to fibrous asbestos but is entirely different physically. Antigorite occurs as a flat, platy mineral and is not, to the best of my knowledge, associated with the health hazards generally attributed to asbestos.

In item #3, a 24-hour concentration of airborne asbestos is presented. This analysis is completely irrelevant to this case as the determinations were made on Quince Orchard Road in Montgomery County, Maryland, and concern a rock type that, for reasons previously outlined, could be mineralogically different from that present in Baltimore County.

The dust analysis is highly misleading as there is insufficient information to determine any potential effect. At face value the report states that 31 percent of the dust passing the 100 mesh screen is chrysotile asbestos. However, it has been established that only fibres of less than five microns in length can be inhaled and therefore pose a potential health hazard. To make a just determination, one cannot base an opinion on only one sample and one must determine the size of the fibres in question.

The representative levels of fibres in the survey are nice to know but do not relate to any information presented. The survey is expressed in nanograms per cubic meter of air sampled through a sampling device. This does not relate to the previous page where a mass sample was ground to provide a dust sample to be passed over a set of screens.

Finally, while the work of Dr. Mielke is very informative, it does contain some inferences that should be clarified. This work was done relative to the denuding of the area and subsequent dust generation by off-road vehicles in the Chimney Branch area. I can share his concern as this use often leads to drastic erosion and abnormal amounts of dust from cycle traffic. However, the dust generated by this type of use far exceeds that generated in a quarry operation as definitive steps are taken to control the dust in a quarry. Nonetheless his classifications of asbestos infer that all types are fibrous and potentially hazardous. As previously pointed out, antigorite is not a fibre; anthophyllite may, or may not, be fibrous; and sepiolite is not an asbestos mineral. Sepiolite is a clay mineral generally associated with meerschaum from which smoking pipes are manufactured.

1. Special Conditions

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

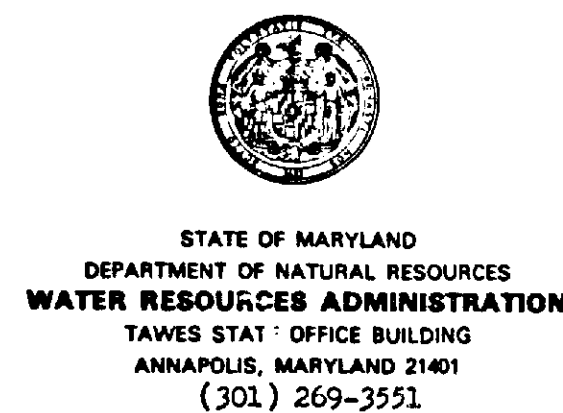
Beginning on the effective date of this permit, the permittee is authorized to discharge from outfall(s) serial number(s) 001 consisting of quarry pit pumpage. Such discharges shall be limited and monitored at outfall pipe from steel holding tank by the permittee as specified below:

Constituent	Effluent Limitations		Other Units (Specify)		Monitoring Requirements	
	kg/day (lbs/day)	Daily Max.	Monthly Avg.	Daily Max.	Frequency	Sample Type
Flow-kg/day (lbs/day)	N/A	N/A	N/A	N/A	1/month	Estimate
Total Suspended Solids	N/A	N/A	25 mg/l	45 mg/l	1/month	Grab

The pH shall not be less than 6.0 nor greater than 8.8 and shall be monitored once/month by grab sample.

There shall be no discharge of floating solids or persistent foam in other than the stream. The permittee shall be responsible for any discharge of quarry pit pumpage within one-half hour of point of discharge.

Permit No. 80-00-0975
Page No. 2



April 30, 1980

The Arundel Corporation
110 West Road
Baltimore, Maryland 21204

Re: Permit Renewal
77-SP-0030

Gentlemen:

This office has been advised that you have submitted all necessary information and fees to renew your Surface Mine Permit 77-SP-0030 which expires on April 30, 1981.

Please be advised that Surface Mine Permit 77-SP-0030 issued to you on April 15, 1977, for the Delight Quarry located on the southwest side of Nicodemus Road, 6,000 feet northwest of Reisterstown Road in Baltimore, Maryland, is hereby renewed and will now expire on June 30, 1990. All conditions and requirements of your original permit and mining and reclamation plan will remain unchanged unless otherwise modified.

Should you have any questions regarding this matter, contact me at 269-3551.

Sincerely,

G. Eamon Larrimore
G. Eamon Larrimore
Surface Mining Coordinator
Enforcement Division

CEL:mm

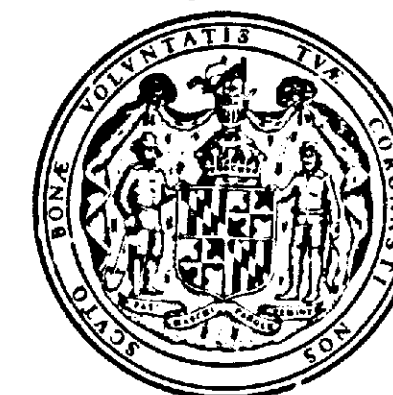
cc: Timothy J. Schmidt, WRA

STATE OF MARYLAND
Water Resources Administration

No. 021

Permit to Surface Mine

Surface Mine Permit Number	77-SP-0030
Effective Date	April 15, 1977
Expiration Date	April 30, 1981



Pursuant to Title 7, Subtitle 6A of the Natural Resources Article, Annotated Code of Maryland (1974 Volume as amended), the Water Resources Administration hereinafter referred to as "the Administration" hereby authorizes:

The Arundel Corporation
110 West Road
Baltimore, Maryland 21204

to engage in a Surface Mine Operation located at:

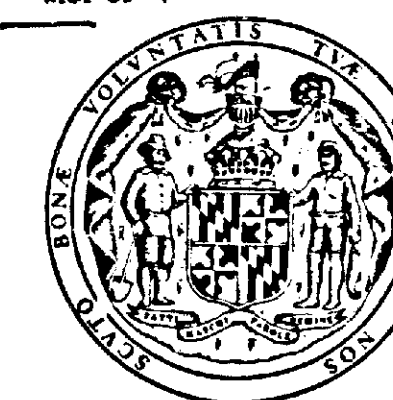
Delight Quarry, located on the southwest side of Nicodemus Road, 6000 feet northwest of Reisterstown Road in Baltimore County.

as shown on Mining and Reclamation Plan and map dated January 1, 1977 and prepared by The Arundel Corp. and in accordance with the special and general conditions attached hereto as part of this Permit.

CONDITIONS

1. This Surface Mining Permit is issued in addition to, and not in substitution of, the requirements of other permits or authorizations granted for this facility.
2. This permit is valid only for use by the Permittee and may not be transferred to another unless written permission for such transfer is obtained from this Administration.
3. This Permit shall become null and void if the mining activity authorized under this Permit has not begun within two years from the date of this Permit.

WRA-OP-4



STATE OF MARYLAND

OIL OPERATIONS PERMIT

OIL OPERATIONS
PERMIT NUMBER: 77-OP-0438

EFFECTIVE DATE: April 1, 1977

EXPIRATION DATE: April 1, 1977 4/1/82 - Per Telephone 4/4/77

Pursuant to the provisions of Subtitle 14, Water Pollution Control and Abatement, of Title 8 of the Natural Resources Article, Annotated Code of Maryland (1974 Volume as amended), and the provisions of the State of Maryland Water Pollution Control Regulations 08.05.04.01 - 08.05.04.12, the Water Resources Administration, hereinafter referred to as the "Administration", hereby authorizes:

The Arundel Corporation
110 West Road
Baltimore, Maryland 21204

to operate an oil handling facility

located at
Delight Quarry
Nicodemus Road
Reisterstown, Maryland

in accordance with the special and general conditions imposed by this permit.

This Oil Operations Permit is issued in addition to, and not in substitution of, the requirements of other permits or authorizations granted for this facility.

REPORT ANY SPILL OR DISCHARGE OF OIL IMMEDIATELY
TO THE WATER RESOURCES ADMINISTRATION
(301) 269-3551 (OFFICE HOURS) (301) 269-3181 (OTHER TIMES)
AND THE APPROPRIATE FEDERAL AUTHORITY

POST IN CONSPICUOUS PLACE



Charles R. Buck, Jr., Sc.D.
Secretary

William M. Eichbaum
Assistant Secretary for
Environmental Programs

☐ Construction Permit ☒ Operating Permit ☐ DHS Facility Permit

AIR QUALITY PROGRAMS

PERMIT NO. C-00253-00113 Date Issued May 1, 1981
PERMIT FEE None Expiration Date April 30, 1982

LEGAL OWNER & ADDRESS

The Arundel Corporation
110 West Road
Towson, Maryland 21204
Attn: Brian McCoy

SITE

Delight Quarry
Baltimore County

INSTALLATION DESCRIPTION

200-ton/hour stone disintegration plant.

George P. Ferrelli
George P. Ferrelli
Acting Director, Air Management
Administration

William H. Sell
William H. Sell
Assistant Secretary for Environmental Programs

(NOT TRANSFERABLE)

AD-1 (Rev. 2-1-79) DHMH 1580



Certificate of Laboratory Analysis

Martel Laboratory Services, Inc. 1025 Cromwell Drive Road Baltimore, Maryland 21204 (301) 825-7790

Invoice Number 4333 Page 1 of 1 page(s)

Sample: W-1240 Water sample taken from the premises of Delight Quarry on 1/15/82. PO# 19792

Arundel Corp.
Attn: Mr. E. McCoy
110 West Road
Towson, MD. 21204

January 20, 1982

BACTERIOLOGICAL:

	USEPA DRINKING WATER STANDARDS	TEST RESULTS
Standard Plate Count (organisms/ml)	500 maximum	1
MPN Total Coliforms (organisms/100ml)	less than 2	<2
MPN Fecal Coliforms (organisms/100ml)	less than 2	<2

Water sample is potable according to APHA/EPA Standards, based on the analyses performed.

Robert G. Edwards
Robert G. Edwards, Ph.D.
Vice President

bah

Martel is a member of the American Society for Testing and Materials

LAW OFFICES
MILES & STOCKBRIDGE
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

TELEPHONE (301) 881-8805
CABLE MILEBRIDGE
TELEX 87 81

January 29, 1982

Mrs. Jean M. Jung
Deputy Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Petition for Special
Hearing - 300' S of
Nicodemus Rd., 2,855.48' SE
of Berryman's Lane
The Arundel Corp.-Petitioner
Case No. 82-157-SPH

Dear Mrs. Jung:

Enclosed please find the following documents as requested in the January 27th hearing:

1. Dust Control Procedures utilized by the Arundel Corp. at the Delight Quarry
2. The detailed site plan
3. The two master theses done on the asbestos question raised at the hearing.

I have forwarded copies of these documents to Mr. Starr as the representative of the Protestants. If you feel you need any further information or clarification of any issues raised at the hearing, please let me know.

Very truly yours,

Cary C. Duvall
Cary C. Duvall

GCD:ld

cc: Mr. John R. Starr, Jr.
President

A PRELIMINARY STUDY: THE CONTRIBUTION OF
ASBESTOS IN SURFACE WATERS THROUGH THE WEATHERING OF
THE SOLDIERS DELIGHT SEPIMENTITE.

MARGARET MANKIN
APRIL, 1980.

Gary C. Duvall, Esquire
401 Washington Avenue
Towson, Maryland 21204

December 16, 1981

NOTICE OF HEARING

RE: Petition for Special Hearing
300' S of Nicodemus Rd., 2,855.48' SE of
Berryman's Ln.
The Arundel Corporation - Petitioner
Case #82-157-SPH

TIME: 10:00 A.M.

DATE: Thursday, January 14, 1982

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,
TOWSON, MARYLAND

cc: The Arundel Corporation
David P. Schaffnacker,
Vice President
110 West Road
Towson, Maryland 21204

[Signature]
ZONING COMMISSIONER OF
BALTIMORE COUNTY

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. William E. Hammond
TO: Zoning Commissioner
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 82-157-SPH

Date: January 8, 1982

This office has reviewed the request for a special hearing to approve an extension of the special exception granted by zoning Petition No. 65-378-RX. If this request is granted and if the operations are to be extended, consideration should be given to the provision of a woodland buffer between the quarrying operations and the adjacent residential properties. A mining reclamation plan, a dust abatement plan and a detailed site plan, including existing and proposed access and location of all structures and parking spaces should be required, and it is suggested that these items be made a part of the order.

If the use of explosives has been a problem, consideration could be given to limiting either the hours or the frequency of blasting.

[Signature]
Norman E. Gerber
Director of Planning and Zoning

NEG:JGH:dme

MICROFILMED

January 20, 1982
803 Nicodemus Road
Reisterstown, Md. 21136

Dear Deputy,

I am writing in reference to the Arundel Corporation's request to continue and increase rock blasting activity at their Nicodemus Road plant. I am a resident of 803 Nicodemus Road and past-president of the Berryman Farms Community Association, whose membership spans the Nicodemus Road/Berryman's Lane area.

My concerns regarding the Arundel Corporation's zoning request are several:

1. Is the permit requested to continue activities in the same quarry pits or to begin on the surface again with new pits? I oppose new surface pits because of the subsequent effect blasting will have on fragile wells and septic systems located in the adjacent area. Considering the problems of well contamination that many wells in our community have experienced, I feel that new site blasting would create stress on the bedrock that may lead to additional ground water pollution. Ground water pollution is a very real problem in this area.
2. Will hours of operation and blasting be restricted? My concern is that large trucks are not operating during hours of heavy school bus use when many children will be on the roads. We have no sidewalks in our area.
3. Will the roads adjacent to the quarry be given additional consideration for repair and maintenance due to the heavy truck traffic use? Is Arundel planning any new access routes in and out of the quarry? I oppose any new access routes.
4. What is the projected number of years of stone left in the quarry? What are future plans for this property when it's usefulness is depleted?
5. In the past Arundel has been before the zoning board and other agencies for violations of designated permit uses. This tendency toward violations must be considered when future uses are planned and approved.

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-2-

In conclusion, my husband Allan H. Schwartz and myself wish to be informed of the zoning boards present position on the permit continuance requested by Mrs. P. Lazel. We could not attend the hearing due to the snow conditions.

The courtesy of a reply is requested. Our home phone is 833-2096 if a call is more convenient.

Sincerely,

[Signature]
Allan H. Schwartz

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Berryman's Farm
Community Association
P.O. Box 443
Reisterstown, Md. 21136
January 9, 1982

R.O.G.

Attn: Pat Lazelle
Ref.: Quarry Zoning Appeal

Dear R.O.G.:
The Berryman's Farm Community Association requests R.O.G. to testify on our behalf at the Baltimore County zoning office on January 14, 1982 at 10:00 A.M. regarding the Arundel zoning hearing. I will be at the hearing, and all support from your organization will be appreciated.

Sincerely,
[Signature]
John R. Starr, Jr.
President

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HATHAWAY COMMUNITY ASSOCIATION

JANUARY 11, 1982

Re: 82-157 SPH
Item #35
Arundel Corporation

Mr. William Hammond
Zoning Commissioner of Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Hammond:

On January 14, 1982, the Arundel Corporation will have a hearing concerning its request to continue excavating at 1 Nicodemus Road site. The Hathaway Community Association would like to take this opportunity to express its concerns pertaining to the hearing.

At present, there is a truck ban in effect on both Nicodemus and Cherry Valley Roads. This ban was granted by the zoning commission because of Cedarwre Elementary School on Nicodemus and the residential nature of Cherry Valley. Since the situation is the same now, the Hathaway Community Association is requesting a continuation of the ban.

If there is any additional information you need, we will be happy to have a representative meet with you.

Sincerely Yours,
Jane Smith (833-2254)
[Signature]
President
Hathaway Community Association

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SOLDIERS DELIGHT CONSERVATION, INC.

February 3, 1982

Ms. Jean Marie Jung
Deputy Zoning Commissioner
Baltimore County Zoning
111 W. Chesapeake Avenue
Towson, Maryland - 21204

RE: Arundel Quarry Petition
for Special Exception at
Delight Quarry.
Case No. 65-378-RX

Dear Ms. Jung:

We are enclosing herewith information pertinent to the case now under consideration, including:

1. Letter of Maryland Geological Survey by Dr. Emery T. Cleaves dated February 1, 1982 concerning the composition of rock in the Delight Quarry of the Arundel Corporation.
2. Letter from Bureau of Mines, United States Department of the Interior by Charles W. Huggins, Research Chemist, dated November 10, 1976.
3. Environmental Protection Agency Sampling Data including a description of sample obtained from the Arundel Corporation's Delight Quarry.
4. Report on the potential health hazards arising from the Serpentine Outcrops of Soldiers Delight by Dr. Howard W. Mielke in which he refers to Chrysotile as a carcinogen.

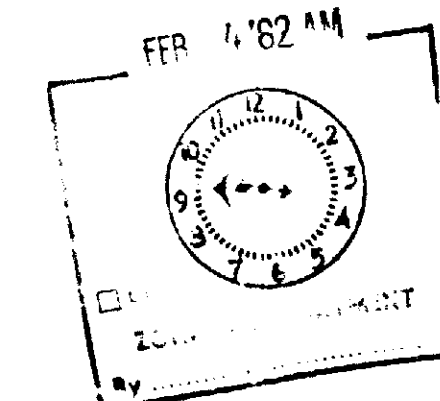
We submit this material for your consideration in reviewing the petition.

Sincerely yours,

[Signature]
Robert B. Lyons, President
Soldiers Delight Conservation, Inc.
[Signature]
Mary A. Vincett, President
United Reisterstown Residents

CC: Mr. Gary C. Duvall
with enclosures
CC: Mr. John Starr
with enclosures

MICROFILMED



COMMISSIONER
M. GORDON WOLMAN
CHAIRMAN
B. JAMES CAMPBELL
RICHARD W. COOPER
JOHN C. BEYER
JAMES M. COFFIN

STATE OF MARYLAND



MARYLAND GEOLOGICAL SURVEY
THE JOHNS HOPKINS UNIVERSITY
BERRYMAN HALL
BALTIMORE, MARYLAND 21218

1 February 1982

Miss Mary A. Vincett
1029 Chrome Mine Road
Reisterstown, Maryland 21136

Dear Miss Vincett:

In response to your query, the Dyer Quarry is located in rock identified as serpentinite (Geologic Map of the Reisterstown Quadrangle, Md., Maryland Geological Survey, QA No. 7, Atlas Map No. 1, 1977). The Geologic Map shows that the serpentinite is part of the Loch Raven Schist, and the map explanation describes the serpentinite as "blue green to grey weathering, dark green to bluish-black, schistose to massive serpentine rock, locally picrolitic, commonly bearing relict olivine and pyroxene, and in places, chromite. Intricately and irregularly fractured and slickensided. Veined in places by white magnesite, chalcocite, calcite, deweyite, chrysotile, and corundum. Soil cover very thin or absent."

Minerals described in the literature prior to 1976 for quarries in Maryland have been compiled by The Geological Survey. In part, this list overlaps the minerals enumerated in the explanation of the Reisterstown Geologic Map. The minerals listed in the literature are: chromite, olivine, bronzite, serpentinite, williamsite, deweyite, chalcocite, calcite, picrolite, baltimoreite (a variety of picrolite), antigorite, magnesite, jasper, moss agate, wad, dolomite, and garnierite.

If I can provide you with additional information concerning the mineralogy or geology of the area, please feel free to call me.

Sincerely yours,

[Signature]
Emery T. Cleaves
Principal Geologist and
Deputy Director

ETC:pt

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United States Department of the Interior

BUREAU OF MINES

COLLEGE PARK, MARYLAND 20740

November 10, 1978

Walter W. Cooney
Maryland Bureau of Air Quality Control
201 West Preston Street
Baltimore, Maryland 21201

Dear Mr. Cooney:

Your rock samples were examined by Bob Virta using the petrographic microscope and also by X-ray diffraction. We looked at the fibrous veins of the samples and those samples which had no fiber veins we simply broke off a chunk of the rock and ground it in a mortar. The following phases were seen in your samples.

Sample Location	Phases Detected
1. Rockville Crushed Stone Co.	Chrysotile (major) Chlorite (minor)
2. Rockville Crushed Stone Co.	Chrysotile (major) Chlorite (minor)
3. Rockville Crushed Stone Co.	Chlorite (major)
4. Rockville Crushed Stone Co.	Tremolite (major) Chlorite (minor)
5. Rockville Crushed Stone Co.	Chrysotile (major) Chlorite (minor)
6. Rockville Crushed Stone Co.	Tremolite (major) Chlorite (major)
7. Arundel	Antigorite (major) Magnesite (intermediate) Dolomite (minor)
8. Arundel	Antigorite (major) Magnesite (intermediate) Dolomite (minor)
9. Arundel	Antigorite (major) Chrysotile (major)

10. Arundel	Antigorite
11. Hanford Talc Co.	Antigorite (major) Magnesite (intermediate)
12. Hanford Talc Co.	Talc (major) Chlorite (minor)
13. Blue Mount	Antigorite (major) Magnesite (minor)
14. Blue Mount	Actinolite (major) Chlorite (minor)
15. L. Agnew	Antigorite (major) Chlorite (intermediate) Dolomite (minor)
16-1. Blue Marble	Antigorite
16-2. Blue Marble	Antigorite (major) Dolomite (intermediate) Talc (minor)

The major phase is >50 percent, intermediate is 10-40 percent, and minor is <10 percent. These are only rough approximations that I have listed for your benefit as some of the samples have three phases present.

Sincerely yours,

Charles W. Muggia
Research Chemist

EPA Sampling Data 24-Hour Concentrations of Airborne Chrysotile Near a Gravel Road^a Electron Microscope Analyses by ERL-Duluth,^b U.S. EPA

Sample	Fiber Count (10 ³ fibers/m ³)	Mass (ng/m ³)	MassC (ng/m ³)
A	2,520	2,494	53
B	> 720	6,277	1,108
C	2,640	16	16
D	11,440	3,711	489

^aSite 1 of protocol - Mullinix residence on Quince Orchard Road

^bWilliam M. Coci, Ph. D., Project Leader, Fine Particle Research, ERL-Duluth.

^cCalculated mass of chrysotile fibers with the exclusion of the largest chrysotile bundle or clump

^dNo large clumps or bundles were observed

EPA Rock Samples Chrysotile Content of Sieved Dust

Sample No.	Percent Chrysotile by Weight ^a	Fibers per Gram of Dust
I. Rockville Quarry		
A Md # 10 stone	0.42	5.1 x 10 ¹⁰
C Md # 10 stone	0.51b	7.8 x 10 ¹⁰
E Md # 7 stone	0.70	6.1 x 10 ¹⁰
E Md # 3 stone	0.25	4.1 x 10 ¹⁰
Average Rockville Quarry	0.5	6 x 10 ¹⁰
II. Quince Orchard Road - Site 1 - Mullinix Residence		
G Dust-Center of Road	0.08	3.4 x 10 ¹⁰
H Dust-Side of Road	0.12	-
Average	0.1	-
III. South Lake Elementary School, Montgomery County		
Md-BAQC # 15 Playground Dust	0.59	3.8 x 10 ¹¹
IV. Arundel Quarry, Delight, Maryland		
S-4 Md # 10 stone	0.31	3.07 x 10 ¹¹

a. Each sample was thoroughly dried at 100°C, sieved through a standard 100 mesh screen. The percent and the fiber count are for the dust that passed through the sieve, not the total sample. The dust was examined in a transmission electron microscope by John Miller, Environmental Sciences Research Laboratory Research Triangle Park, North Carolina, U. S. EPA.

b. 17 percent of the minus 100 mesh dust did not pass a 140-mesh sieve.

IV. Representative Levels

- A. 20-City Survey
1. Urban: 0.5 - 15 ng/m³
 2. Non-Urban: 0.1 ng/m³
 3. Remote: 0.01 ng/m³
 4. Point Source: 2,000 ng/m³
- B. Reserve Mining Company Litigation
1. St. Paul: 7 X 10³ fibers/m³
 2. Silver Bay: 166 X 10³ fibers/m³
 3. Near a Reserve stack: 11,000 X 10³ fibers/m³

POTENTIAL HEALTH HAZARDS ARISING FROM THE MINERAL OUTCROPS OF SOLDIERS DELIGHT

Soldiers Delight is a natural area located about fifteen miles west of the city of Baltimore. It is defined primarily by its serpentine rock outcrop and its locally distinctive soil and flora. Soldiers Delight is the location of outcrops of rare serpentine outcrops of the Eastern Piedmont. Among the other outcrops in the area are: rare boulders, boulders, boulders, boulders, and the Washington County district.

Serpentine rocks bear several fibrous forms of hydrous magnesium silicate minerals collectively known as "asbestos." The asbestos minerals most frequently reported in Serpentine of the Eastern Piedmont of the Appalachians include Chrysotile and Antigorite, although several other forms of fibrous asbestos are also present such as Tremolite and Anthophyllite. It is these naturally occurring asbestos minerals which present a potential health hazard to the citizens of Maryland. Health problems arising from asbestos are very well documented within the asbestos industry.

Within occupational groups of the asbestos industry, proven and suspected human health effects include non-malignant changes, such as pulmonary and pleural fibrosis (asbestosis), and several malignancies, especially lung, pleura, and peritoneum tumors. Chrysotile is the major form (90%) of asbestos used commercially. To illustrate the severity of the health hazard in industry, during a four year period from 1967 to 1971, the observed death rate from lung cancer among 17,800 asbestos insulation workers in the United States and Canada was almost five times greater than expected. Furthermore, a synergistic effect was observed which showed that asbestos workers who smoke cigarettes have about 82 times greater risk of dying from lung cancer than men who neither worked with asbestos nor smoked. Like many forms of cancer, health problems are rarely apparent until twenty years after initial exposure.

The potential health hazards arising from asbestos of serpentine outcrops and soils are less well demonstrated. One problem in establishing a causal relationship has been the inability of researchers to routinely identify and quantify the level of airborne asbestos particles. Research done in Bulgaria, however, has demonstrated that endemic pleural asbestosis occurs among a farming population of an area which has a serpentine outcrop and soils containing Anthophyllite, Tremolite, and Serpentine forms of asbestos.

In the course of my research on the soils of Soldiers Delight, analysis has been done on the fibrous minerals. The preliminary findings have revealed the presence of Chrysotile, Tremolite, and Antigorite within the soils. (Further studies will be completed during January, 1978, to clarify the distribution of the various types of fibrous asbestos minerals within Soldiers Delight.) These results are supported by findings in Montgomery County where crushed serpentine rock has been found to include Antigorite, Chrysotile, and Tremolite and poses a potential health problem when used as a road paving material. In Soldiers Delight, the Chrysotile mineral has been found in Chimney Branch.

Unfortunately, Chimney Branch is the site of intensive ORV (Off the Road Vehicle) activity. The main vehicle is dirt bikes although on a visit in mid-December, 1977, I also saw four wheel vehicle use. The conjunction of the spinning wheels of ORVs as they climb over the unvegetated rough Serpentine soil and rock terrain leads to the production of an enormous amount of dust which is presumably laden with several forms of asbestos minerals. Dirt bike riders have stripped away the vegetation and soil cover on a large network of trails that include a significant part of the Natural Area of Soldiers Delight. As of mid-December, 1977, a new series of trails criss-cross both streams of Chimney Branch and extend about a mile as far into the park as they did in 1974. Not only are the trail bike riders stripping away the vegetation but the hazard extends to the neighboring community. The potential community hazard is exacerbated by the large surface that has been exposed, the number of ORVs using the site (I have observed 25 dirt bike riders at one time), and the fact that the exposed soils and bedrock erode and wash directly into the liberty reservoir which is a source of drinking water for the metropolitan area.

In view of the fact that asbestos minerals are among the best documented human carcinogens, it seems prudent to protect the serpentine outcrops of Soldiers Delight which contain these minerals from further incursion that would break up the plant cover and lead to increased wind and water erosion of the soils and minerals. In addition to preventing further erosion, steps should be taken to re-vegetate the damaged areas and retard the present rate of erosion within Soldiers Delight. Several of the literature suggests that Serpentine outcrops are a natural resource which must be treated with utmost respect and caution.

Respectfully submitted,

Howard W. Mielke
Member, NAEP
December 20, 1977

References:

1. Pearce, R.C. and A.V. Heyl, Jr. 1960. Chromite and Other Mineral Deposits in Serpentine Rocks of the Piedmont Upland Maryland, Pennsylvania and Delaware. U.S. Geol. Survey Bull. 1082-A. GPO Washington, D.C.
2. Nagy, B. and G.T. Faust. 1956. Serpentine: Natural Mixtures of Chrysotile and Antigorite. The American Mineralogist 41:817-838.
3. Committee on Biological Effects of Atmospheric Pollutants. 1971. Asbestos; The Need for and Feasibility of Air Pollution Controls. Nat. Acad. Sciences, Washington, D.C.
4. Selikoff et al in: A.K. Ahmed, D.F. MacLeod and J. Connolly. 1972. Control for Asbestos. Env. 14(10):16-28.
5. Burillo, T. and L. Michailova. 1970. Asbestos Content of the Soil and Endemic Pleural Asbestosis. Env. Res. 3:443-451.
6. Rohl, A.W., A.M. Langer and I.J. Selikoff. 1977. Environmental Asbestos Pollution Related to Use of Quarried Serpentine Rock. Science 196:1319-1322.

Protestants attending 1/14/82 hearing

Robert B. Lyon, Pres. 8948 Reisterstown Rd
Soldiers Delight Conservation, Inc.
Mary G. Vincent
Under Reisterstown Resident
Charles Merrill
711 Berryman's Lane Reister Md.
Agnes Manual
709 Berryman's Lane Reisterstown Md.
Paul A. Sokolowski
717 Berryman's Lane Reisterstown Md.
John R. Starr Jr
513 Berryman's Lane Reisterstown MD
Joseph S. Valentini
6418 Deer Park Rd Reisterstown, MD 21136

1/27/82

John Star

Pres. Berrymans Farm Co
513 Berrymans Lane 21136

Pat Lazzelle

PO Box 117
Reisterstown, Md 21136
833-3014

Robert E. Lyon

SOLDIER'S DELIGHT CONSTRUCTION INC
2448 REISTERSTOWN ROAD
BALTIMORE, MD 21208
363-0549

Allen Schwartz

803 Nicodemus Rd. 21136
833-2046

William P. Lombardi

Community Times Newspaper
Reisterstown, Md. 21136

Paul C. Lattford

Berrymans Farm
Soldiers Delight Construction, Inc.
United Reisterstown Residents

James W. Poulton

January 11, 1982

5. When the special exception was granted in 1969 it was reported that there remained approximately 20 years more mining to be done. Based on that assessment, quarrying should be completed before 1990. For what period of time is the petitioner requesting an extension?

In addition to the violation previously mentioned, the Arundel Corporation was compelled to stop an illegal blacktop operation by a permanent injunction of the Circuit Court of Baltimore County on September 13, 1974.

Before an extension is granted, the residents in this area wish to have these questions answered following thorough investigation.

Sincerely yours,

Mary A. Vincett, President
United Reisterstown Residents
1029 Chrome Mine Road
Reisterstown, Md. - 21136

12/12/82

To: Baltimore County, Zoning Commission
From: J. A. Curley
Subject: Special Exception
22-157-324

On behalf of our family, and our neighbors, we are writing to you to request a special exception for the use of the property at 801 Nicodemus Road, Reisterstown, Maryland, for the purpose of quarrying and processing of stone.

As you are no doubt aware, many of the wells in the area adjacent to the quarry have been contaminated and numerous official investigations of contamination have expressed concern about the water in the area. In light of this information it seems only reasonable to suspend the right to continue the quarrying.

Thank you for your consideration of these who are able to attend the hearing.

Sincerely,

J. A. Curley

801 Nicodemus Road
Reisterstown, Md. 21136
301-33-1123
cc: RKA

February 8, 1982

The Honorable Jean M.H. Jung
Deputy Zoning Commissioner
Zoning Commission for Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing -
The Arundel Corp.
22-157-324

Dear Deputy Commissioner Jung:

The members of the Berrymans Farm Community Association wish to take this opportunity to thank you for allowing its representatives to speak before the Zoning Commission concerning the Petition for Special Hearing as applied for by the Arundel Corporation. The Arundel Corporation, by applying to the Zoning Commission, is requesting that it be granted an additional 15-year special exception to continue operations at its Delight Quarry facilities located on Nicodemus Road in Reisterstown.

The Berrymans Farm Community Association recognizes that the Delight Quarry was in existence and operation prior to the development of the Berrymans Farm Community. Despite this, the Zoning Commission must take into consideration the health and welfare of the residents of the Berrymans Farm Community.

It is well documented that, before any Special Exceptions shall be granted, it must appear that the use for which the Special Exception is requested will not in any way be detrimental to the health, safety or general welfare of the locality involved. As you know, the residents of the Berrymans Farm Community have had some serious problems with the water used for drinking and bathing. As testified at the Hearing, the Community gets its water supply from wells and not from the City water system. For years, the Community has had to be subjected to severe problems due to the presence of bacteria in its water supply. Although it can not be completely documented, it can also be argued to some degree that the blasting within the Delight Quarry could cause serious vibrations and tremors to peralt a striding in the sub-soil, allowing waste products to pass down into the water table. In addition to this concern, it is the feeling of the residents that any additional blasting would be a nuisance to the Community due to the vibrations felt within the homes of the residents.

The Honorable Jean M.H. Jung
Jung Two
February 8, 1982

At the time of the Hearing, the representatives of the Berrymans Farm Community Association were afforded the opportunity to summarize their feeling and concerns. In addition, the representatives were given the opportunity to set forth recommendations to you to take into consideration when rendering your final decision regarding the granting of a Special Exception and what limitations would be placed on such permit, if granted.

We would like to again request that the proposals proffered by Mr. Latchford at the Hearing be recognized: that is, the poundage per delay, the number of delays per day and per week, and the length of the permit. In addition, we ask that you consider having the Baltimore County Health Department test the water and air supplies for contamination. In addition, we would ask that the Zoning Commission consult the State Department of Natural Resources to discuss whether asbestos crystallization is found in the serpentine rock in the Delight Quarry.

I trust that, in the final opinion of the Zoning Commission, the health, welfare and safety of the families of the Berrymans Farm Community, being the residents closest to the Delight Quarry, will be taken into consideration.

Yours truly,

John Star

John Star, President
Berrymans Farm Community Association
Paul C. Lattford
Attorney at Law
Attorney for Berrymans Farm Community Association



Reisterstown-Owings Mills-Glyndon
Coordinating Council

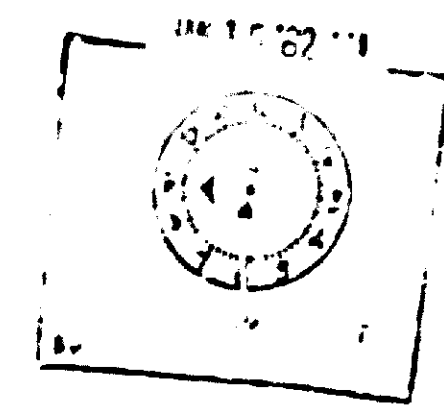
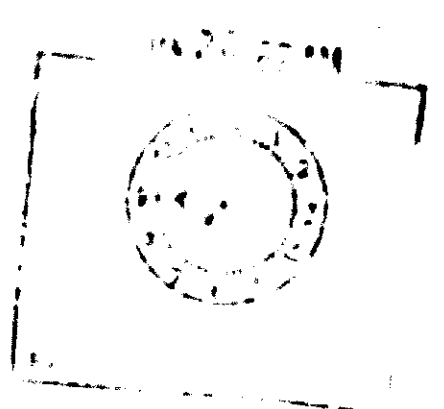
January 13, 1982

The Arundel Corp.
22-157-324

As you are no doubt aware, many of the wells in the area adjacent to the quarry have been contaminated and numerous official investigations of contamination have expressed concern about the water in the area. In light of this information it seems only reasonable to suspend the right to continue the quarrying.

Very truly yours,

Patricia Lazzelle
Planning and Zoning
Chairman



PO Box 117 Reisterstown, Maryland 21136

January 11, 1982

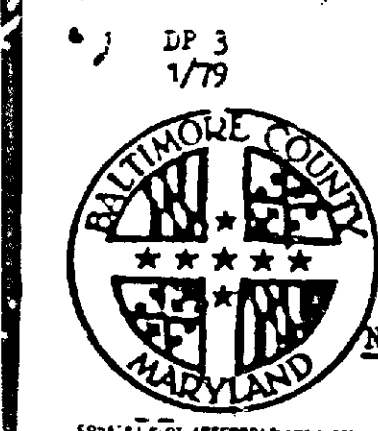
RE: Case No. 65-378-RX
Petition for Special
Hearing.

Mr. William E. Hammond
Zoning Commissioner
Baltimore County
Towson, Maryland

Dear Mr. Hammond:

I am writing in behalf of members of the United Reisterstown Residents regarding the petition of the Arundel Corporation to be granted an extension of their special exception. We have a number of concerns and questions regarding their operation of the Delight Quarry and believe they warrant investigation. I am listing them below.

1. What is the potential health hazard from the serpentine rock being quarried? "Serpentine rock quarried in Maryland contains small quantities of asbestos, (a known human carcinogen)." State of Maryland Department of Health and Mental Hygiene, February, 1978.
2. What effect could the blasting have on the water table? There are a large number of private wells in the area within the vicinity of the quarry and others some distance away that still might be affected.
3. The terms of the special exception granted in 1969 specified that only the rock in the Delight Quarry was to be processed and sold, and yet we understand that rock is being imported for processing from outside. (At a hearing September 5, 1975 the Zoning Commissioner ruled that the importation of stone from elsewhere to the quarry for the purpose of resale was in violation. See attached paper.)
4. Whereas when the Board granted the special exception in 1969 they found that "it would not create congestion in the roads", the size of the trucks has increased. Damage to the roads is obvious. What limit is permissible on such small roads as Cherry Hill, Nicodemus and Berrymans Lane?



Permit

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

B L A S T I N G		APPLICATION FOR PERMIT BALTIMORE COUNTY MARYLAND OFFICE OF THE BUILDING ENGINEER TOWSON, MARYLAND 21204									
BUILDING ADDRESS NICODEMUS ROAD DELIGHT QUARRY		OWNER'S NAME ARUNDEL CORPORATION									
MAILING ADDRESS 110 WEST ROAD, TOWSON, MD. 21204		DATE JAN 13 1982									
TENANT		EXPLOSIVES ENGINEERS, INC. SPARKS, MD. 21152 666-0200 #4910									
ENGINEER OR ARCHITECT EVANS BILDSTEIN SUPERINTENDENT 666-0200 2-59		TRANSFER DESCRIPTION AETNA CASUALTY AND SURETY CO. 98AL801587									
A. TYPE OF IMPROVEMENT 1. NEW BUILDING CONSTRUCTION 2. ADDITION 3. ALTERATION 4. REPAIR 5. REMOVAL 6. IMPROVING EXISTING UNITS REDUCED 7. MOVING 8. OTHER - <u>BLASTING</u>				RESIDENTIAL 1. ONE FAMILY 2. TWO FAMILY 3. THREE AND FOUR FAMILY 4. FIVE OR MORE FAMILY ENTER UNITS 5. SWIMMING POOL 6. GARAGE 7. OTHER				C. TYPE OF USE NON-RESIDENTIAL 1. AMUSEMENT, RECREATION, ICE OF ASS. 2. CHURCH, OTHER RELIGIOUS BUILDING 3. FENCE, RAILROAD, HIGHWAY 4. INDUSTRIAL STORAGE BUILDING 5. PARKING GARAGE 6. SERVICE STATION, REPAIR GARAGE 7. HOSPITAL, INSTITUTIONAL, NURS. HOME 8. OFFICE, BANK, PROFESSIONAL 9. PUBLIC UTILITY 10. SCHOOL, COLLEGE, OTHER EDUCATION 11. STORE 12. OFFICE 13. RESTAURANT 14. OTHER			
B. OWNERSHIP 1. PRIVATELY OWNED 2. PUBLICLY OWNED				ESTIMATED COST OF MATERIAL & LABOR				ESTIMATED COST OF MATERIAL & LABOR			

THIS PERMIT MUST BE POSTED
ON OTHER SIDE FOR INSPECTIONS

WHEREAS, the Party of the First Part as lessee and optionee has heretofore caused to be filed with the Zoning Authorities of Baltimore County, Maryland, a petition to reclassify a portion of the two tracts, so leased to it and subject to the aforesaid options to buy, from an R-40 zoning classification to an M. H. zoning classification with respect to 180.64 acres, more or less thereof, lying on the southwesterly side of Nicodemus Road and lying on the northeasterly side of Berryman's Lane together with an application for a special exception for controlled excavation for 6 to 50 acres, more or less thereof, which said petition is known and identified as Petition No. 65-378-1 among the zoning records for Baltimore County, Maryland, to which procedure

NOW THEREFORE, in consideration of the sum of \$2.00 in hand paid by the Party of the First Part unto the Parties of the Second Part, in consideration of the sum of \$2.00 in hand paid by the Parties of the Second Part unto the Party of the First Part, the receipt of which sums being hereby mutually acknowledged from each to the other, and in full consideration of the mutual covenants, agreements, forewarranties and covenants hereinafter set forth and between them, the aforesaid Parties of the First Part and Second Part do hereby agree as follows:

5. That for a period of ten years from the effective date hereof the Party of the First Part will erect the improvements within an area inside the said quarry property that is less than 300 feet from the corners of said quarry property and the said 300 foot area will be maintained in its present natural condition except for any clearing of undergrowth, brush and debris as may be desired by the Party of the First Part. In particular, the Party of the First Part covenants and agrees that all trees greater than undergrowth and saplings within the said 300 foot area shall be left and stored for the aforesaid period of ten years. Upon the expiration of said ten years, the Party of the First Part shall be entitled to use the said 300 foot area in accordance with its then zoning classification and the zoning regulations that in

10. The Party of the First Part does hereby covenant and agree that in the event of the occurrence and events aforesaid, neither party shall acquire any interest directly or indirectly in the remaining property of Puma.

1. The above information was obtained from the Clerk of the Court for Baltimore County
2. The information was obtained from the Clerk of the Court for Baltimore County
3. The information was obtained from the Clerk of the Court for Baltimore County
4. The information was obtained from the Clerk of the Court for Baltimore County
5. The information was obtained from the Clerk of the Court for Baltimore County
6. The information was obtained from the Clerk of the Court for Baltimore County
7. The information was obtained from the Clerk of the Court for Baltimore County
8. The information was obtained from the Clerk of the Court for Baltimore County
9. The information was obtained from the Clerk of the Court for Baltimore County
10. The information was obtained from the Clerk of the Court for Baltimore County

THIS DOCUMENT IS PHOTOGRAPHED AS
RECEIVED. ITS CONTRAST OR CONDITION
IS BELOW MICROFILM REPRODUCTION
STANDARDS AND CANNOT BE IMPROVED UPON

WITNESSED AND SIGNED: The Parties have caused this Agreement to be executed
by their duly authorized officers.

THE OTHER SYLON CONGREGATION
OF BALTIMORE CITY

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:
I HEREBY CERTIFY that on this _____ day of June, 1968, before me
the undersigned, a Notary Public for the State and County aforesaid personal-
ly appeared James M. [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
and they each acknowledged the foregoing agreement to be binding on them.

TO Red Run which is classified for water contact recreation, for fish (natural trout waters), other aquatic life and wildlife in accordance with the following special and general condition and map made a part hereof.

MICROFILMED

MICROFILMED

UNCLASSIFIED

MICROFILMS

UNFILMED

NOTARY PUBLIC

PRELIMINARY DATA ON "ASBESTOS"
FROM NATURAL SOURCES IN
MARYLAND GROUNDWATER

Guillermo Accame
Geology 399
Spring 1980

THE ARUNDEL CORPORATION

DUST CONTROL PROCEDURES

DELIGHT QUARRY

JANUARY 1982

Brian McCoy
Environmental Control Manager

As is the case with any operating quarry, the control of fugitive dust emissions is a prime factor in both regulatory compliance and with general acceptability to the surrounding community. Annual operating permits are issued by the local Health Department and this issuance is based solely on the maintenance procedures instituted during the year preceding the permit term.

At Delight the areas with which we must be concerned are the roadway surfaces, the crushing plant operation, and, to a lesser degree, the explosive detonations and shipments via truck to our customers. As has been past practice and as is to continue, the following is a statement of the dust abatement practice at this location.

The continuing mining activities at Delight require the removal of surface/subsurface water from the quarry excavation. This removal is via pump to a holding tank and subsequently to Red Run, a tributary of Gwynn. Falls that crosses the property. From the holding tank water is appropriated for dust control activities in this operation.

The crushing plant operation is controlled by a wet suppression spray system. This system requires a set of spray nozzles at each point in the crushing/screening operation where dust is likely to become airborne. These points can be where the stone enters and exits the crushing apparatus, where the stone is transferred from one belt to another, where the stone enters a piece of sizing screen machinery, etc.

The road, where unpaved, are periodically treated with a dust suppressant to prevent vehicular generated dust. Paved areas are periodically swept with a commercial paving sweeper that is maintained at this location specifically for this purpose.

A spray rack is maintained on site so that truck drivers exiting the property can moisten their loads, and we do encourage the practice and maintain the spray rack in operating condition.

Dust generated by explosive detonations is very minimal and settles from the atmosphere within very short distance of the blast locale.

As dust that is generated originates from within the rock as it is shattered, external treatment would have little effect. The best technique for controlling this dust is by utilizing accepted detonation practices as is done at each Arundel operation.

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

January 4, 1982

Gary C. Duval, Esquire
401 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
300' S of Nicodemus Rd., 2,655.48' SE of
Berryman's Lane
The Arundel Corporation - Petitioner
Case #82-157-SPH

Dear Mr. Duval:

This is to advise you that \$92.10 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH:KIR

cc: The Arundel Corporation
Mr. David P. Schaffanack
Vice President
110 West Road
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 104551

DATE 2/3/82 ACCOUNT 01-662

\$92.10

RECEIVED FROM Gary C. Duval, Esquire
FOR Posting & Advertising of Case #82-157-SPH
(Arundel Corp)

3730-18 4 9210

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 82-157-SPH
Towson, Maryland

District 4th Date of Posting Dec 26-81
Posted for Special Hearing
Petitioner: The Arundel Corporation
Location of property: 300' S of Nicodemus Rd. 2,655.48' SE of Berryman's Lane
Location of Signs: Signs South side of Nicodemus Rd. Approx. 2,150' N.W. of Cherry Hill Rd. 1/4 Sec. 300' Back - Highway Centerline of Berryman's Lane. Approx. 200' South of North West Property Line # 2A Block 5301
Remarks:
Posted by J. J. Smith Date of return Dec 30 - 81
Number of Signs 4

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 24, 1981
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of one time successive weeks before the 24th day of January 1982, the 8th publication appearing on the 24th day of December 1981.

THE JEFFERSONIAN
Manager

Cost of Advertisement, \$

Office of The Carroll County Times

(98) Public Notices (98) Public Notices

COMMUNITY

Westminster, Md., Dec. 24, 1981

CERTIFY that the annexed Baltimore Co., Md. one (1) successive weeks previous to the 24th day of January 1982, in The Carroll County Times a daily newspaper published in Westminster, Carroll County, Maryland, COMMUNITY THE CARROLL COUNTY TIMES Per K. S. Calhoun

PETITION FOR SPECIAL HEARING
4th DISTRICT

ZONING: Petition for Special Hearing
LOCATION: 300 South of Nicodemus Road, 2,655.48 ft. Southeast of Berryman's Lane
DATE & TIME: Thursday, January 14, 1982 at 10:00 a.m.
PUBLIC HEARING: Room 108, 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 Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the extension of the special exception granted to the petitioner in case #85-378-RD to continue controlled excavation with explosives.
All that parcel of land in the Fourth District of Baltimore County.

Beginning for the same at the end of the three following courses from the intersection formed by the southwest side of Nicodemus Road and the centerline of Berryman's Lane S 70°55'54" E 315.48 feet, S 67°59'54" E 2540.00 feet, and S 27°30'38" W 300.15 feet and running thence (1) S 64°30'54" E parallel to and distant 300 feet southwesterly from said Nicodemus Road 216.00 feet, thence (2) southwesterly along a curve to the right with a radius of 500 feet for a distance of 565.00 feet, said curve being subtended by a chord bearing S 30°25'27" E 560.51 feet, thence (3) S 34°07'01" W parallel to and distant 300 feet westerly from the Northwestern Expressway Interchange 1345.00 feet, thence (4) N 82°24'24" W parallel to and distant 37.82 feet northwesterly from the centerline of the Gas and Electric Company transmission line 1560.00 feet, thence (5) northerly and distant 330 feet easterly from the centerline of Berryman's Lane along a curve to the left with a radius of 1000.00 feet for a distance of 312.88 feet, said curve being subtended by a chord bearing N 12°25'52" W 211.60 feet, thence (6) N 30°10'18" E 1659.64 feet, thence (7) parallel to and distant 300 feet southwesterly from the above mentioned Nicodemus Road S 67°59'54" E 193.80 feet to the place of beginning.

Containing 54.197 acres of land more or less.
Being the property of The Arundel Corporation, as shown on plan filed with the Zoning Department.
Hearing Date: Thursday, January 14, 1982 at 10:00 a.m.
Public Hearing: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

By Order Of
William E. Hammond
Zoning Commissioner
Of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 102676

DATE 12/16/81 ACCOUNT 01-662

AMOUNT \$25.00

RECEIVED FROM Miles & Stockbridge
FOR Filing Fee for Case #82-157-SPH (Arundel Corp)

3730-18 17 2500

VALIDATION OR SIGNATURE OF CASHIER

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: UCR	Revised Plans: Change in outline or description Yes No									
Previous case: 65-378 RX	Map # 1C, 1D NW AK, 13K 145, 135									

Item # 35

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received this 4 day of August, 1981.

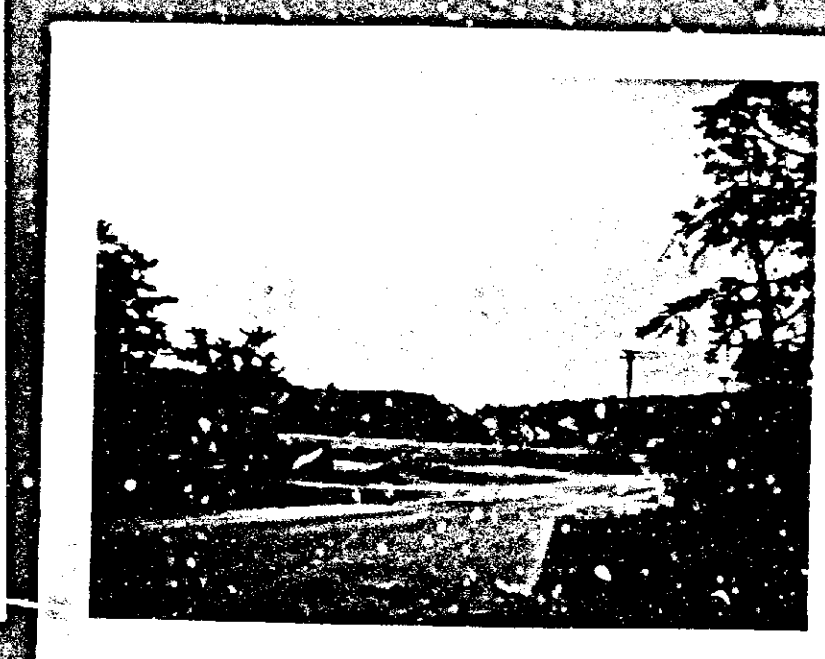
Filing Fee \$ 25.00 Received: ☒ Check

Cash

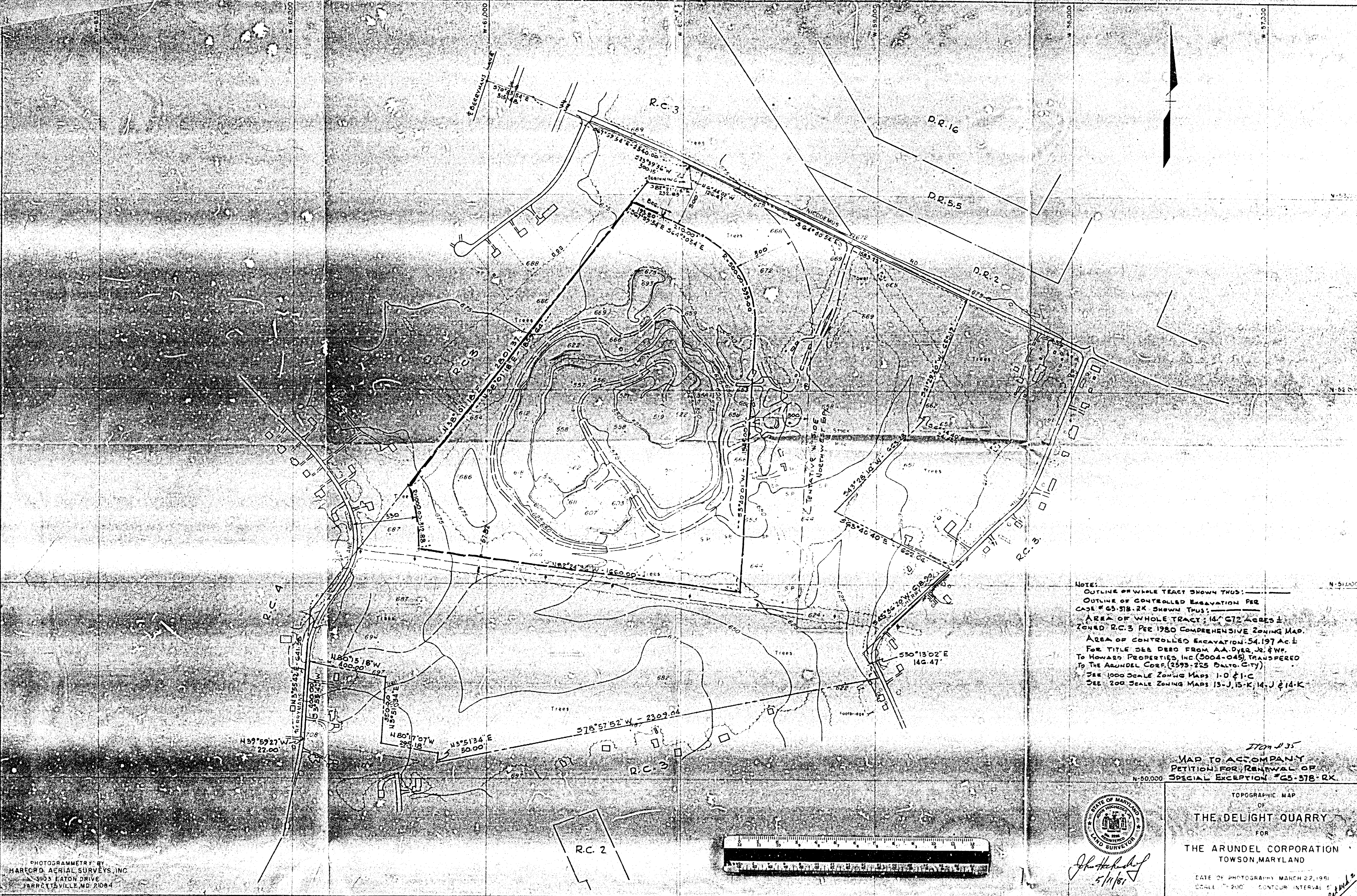
Other

Item # 35
Petitioner: Arundel Corp. Submitted by Gary C. Duval
Petitioner's Attorney: Duval Reviewed by UCR

*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

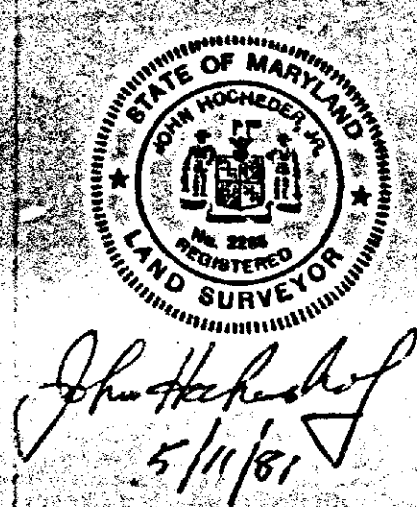


PHOTOGRAMMETRY BY
HARCORD AERIAL SURVEYS, INC.
3903 EATON DRIVE
FARMERSVILLE, MD 21084

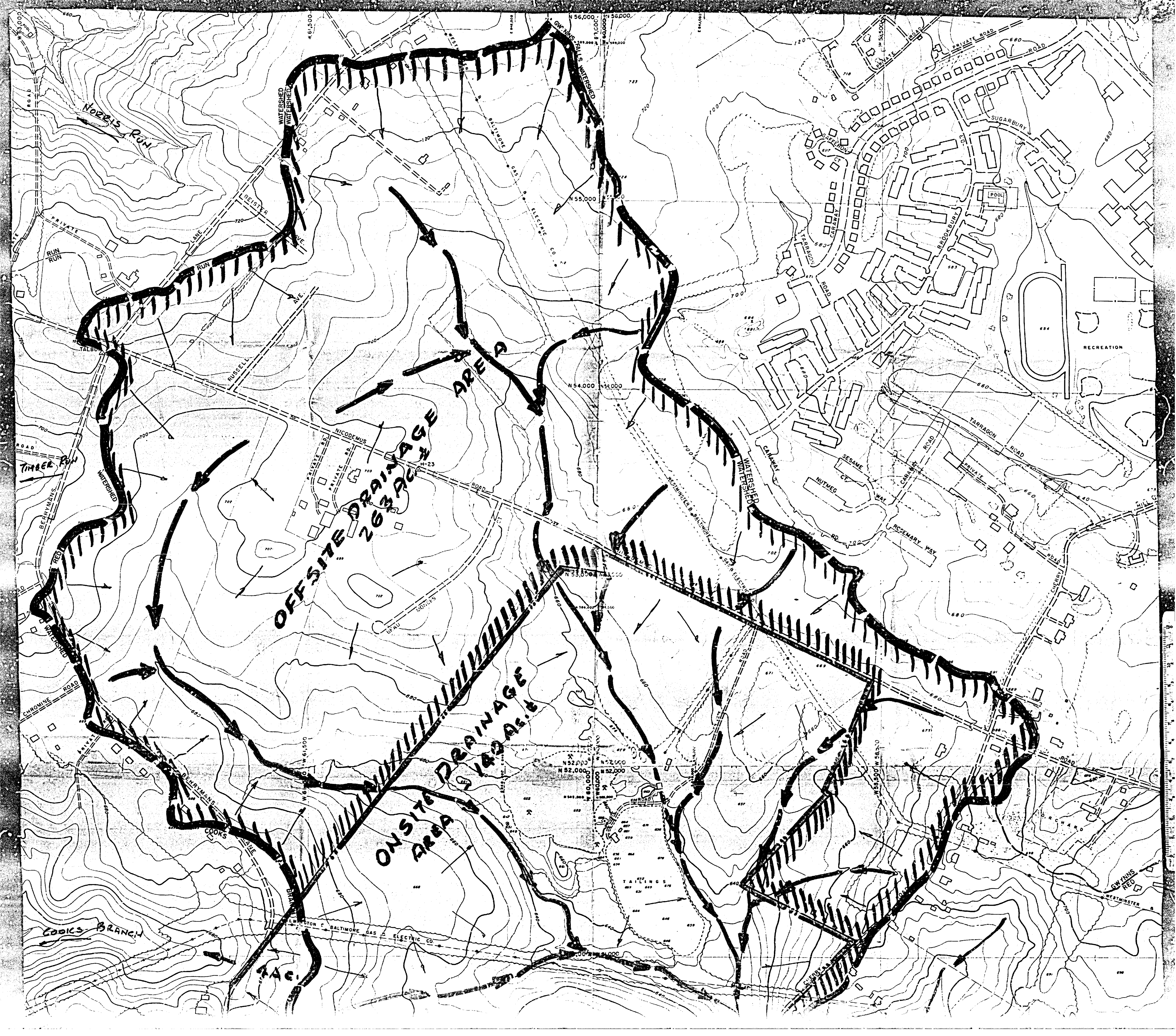


NOTE:
OUTLINE OF WHOLE TRACT SHOWN THUS: ———
OUTLINE OF CONTROLLED EXCAVATION PER
CASE #65-378-RX SHOWN THUS: ———
AREA OF WHOLE TRACT: 14.672 ACRES ±
ZONED R.C. 3 PER 1980 COMPREHENSIVE ZONING MAP.
AREA OF CONTROLLED EXCAVATION: 54.197 AC ±
FOR TITLE SEE DEED FROM A.A. DYER, JR. & W.F.
TO HOWARD PROPERTIES, INC. (3004-045), TRANSFERRED
TO THE ARUNDEL CORP. (2593-225 BALTO. CITY)
SEE 1000 SCALE ZONING MAPS 1-D & 1-C
SEE 200 SCALE ZONING MAPS 13-J, 13-K, 14-J & 14-K

MAP TO ACCOMPANY
PETITION FOR RENEWAL OF
SPECIAL EXCEPTION #65-378-RX



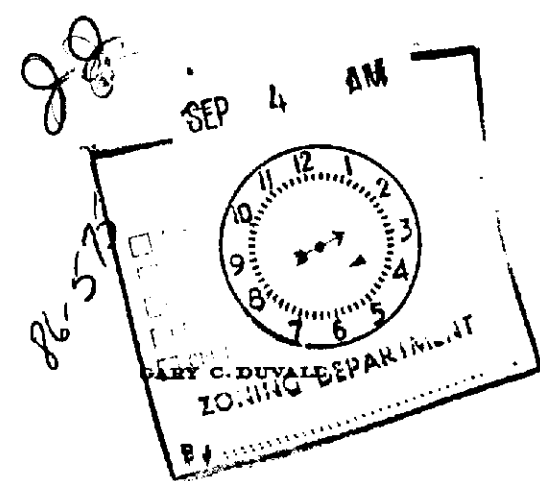
TOPOGRAPHIC MAP
OF
THE DELIGHT QUARRY
FOR
THE ARUNDEL CORPORATION
TOWSON, MARYLAND
DATE OF PHOTOGRAPHY: MARCH 22, 1981
SCALE: 1"=200' CONTOUR INTERVAL: 5'



OFF-SITE DRAINAGE AREA
263 AC ±

ON-SITE DRAINAGE AREA
142 AC ±

82-157-SPH



LAW OFFICES
MILES & STOCKBRIDGE
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 301-961-6000
CABLE HILBRIDGE
TELEX 87-51

September 3, 1985

10 LIGHT STREET
BALTIMORE, MARYLAND 21201
104 NORTH WEST STREET
EASTON, MARYLAND 21829
104 HUNTERFORD COURT
ROCKVILLE, MARYLAND 20850
1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006

Lloyd J. Hammond, Esquire
James R. Avnet, Esquire
Special Counsel
State Highway Administration
Joppa and Falls Roads
Brooklandville, Maryland 21022

Mrs. Pat Lazelle
P. O. Box 117
Reisterstown, Maryland 21136

RE: The Arundel Corporation - Delight Quarry

Dear Ms. Lazelle and Gentlemen:

The construction of the Northwest Expressway and the relocation of Cherry Hill Road have made dramatic changes in the topography of the Delight Quarry owned by The Arundel Corporation.

The State Highway Administration and The Arundel Corporation have requested a meeting with Deputy Zoning Commissioner Jean M. H. Jung to discuss with her the intent and interpretation of her Order dated January 7, 1983 (a copy of which is enclosed herein) in light of the construction changes brought about by the Northwest Expressway.

Deputy Commissioner Jung has indicated that she had available September 16th, 17th or 18th to meet with those interested parties to discuss this matter and for her to have the necessary input regarding the situation before rendering her decision regarding interpretation of her Order. I would request each of you to let me know what date and time would be most convenient for you to meet with Mrs. Jung. Please let me hear at your earliest convenience due to the necessity to resolve this matter before the opening of the Northwest Expressway in October.

I look forward to hearing from each of you at your earliest convenience.

Very truly yours,

Gary C. Duval
Gary C. Duval

GCD:ld

- Plantings shall be made of evergreens, deciduous trees, and shrubs in the area between the wall and the Arundel property line, as well as in the SHA right-of-way, as shown on the "Planting Plan, Delight Quarry, Arundel Corporation" prepared by William F. Kirwin, Inc. and submitted to the case file on February 27, 1986 by James R. Avnet. Said plantings shall be made so as to comply, in the opinion of a registered landscape architect, as closely as possible with aforementioned planting plan.

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

March 5, 1986
Date

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:

- The herein petition seeks to extend the special exception granted in Case No. 65-378-RX to continue controlled excavation by means of explosives, in accordance with the site plan filed herein, revised January 27, 1982.
- The Delight Quarry, owned by The Arundel Corporation since 1969, has been in operation for over 75 years. The petitioner intends to excavate in a vertical direction only in the areas designated on the site plan. Extensive testimony was presented outlining the operation, the absence of asbestos, and the lack of effect that blasting will have on the water table.
- Testimony by area residents expressed concerns regarding asbestos dust, vibrations, the possible increase of the draw down on the ground water, noise and traffic.
- To continue controlled excavation by means of explosives would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations and would not adversely affect the health, safety, and general welfare of the community.

and, thus, the public hearing is required.

Without reviewing the evidence further in detail but based on an on-site field inspection and the evidence and testimony presented at the hearing, as well as a detailed review regarding asbestos in the vicinity and any potential health hazards, in the opinion of the Deputy Zoning Commissioner, the request to continue should be granted.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 7th day of January, 1983, that the special exception granted in Case No. 65-378-RX to continue controlled excavation by means of explosives, in accordance with the aforementioned site plan, is extended and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

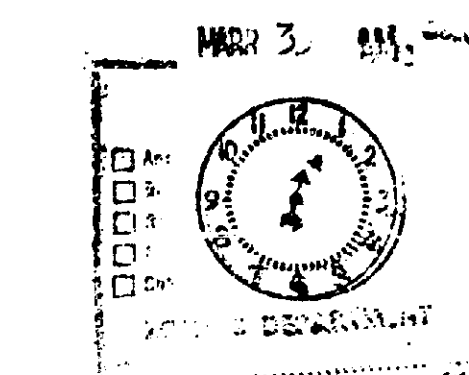
- The petitioner shall file a Petition for Special Hearing on or before the 15th anniversary of this Order to extend the use beyond 1998.
- Compliance with the Baltimore County Code and Section 403 of the Baltimore County Zoning Regulations.
- Compliance with the requirements of the United States Bureau of Mines, the Maryland Department of Natural Resources, and the State and County Departments of Health.
- No explosives shall be stored on the property, and a blast shall occur no more than two times per week and only between the hours of 7:30 a.m. and 4:00 p.m.

STEPHEN H. SACHS
ATTORNEY GENERAL
ELEANOR M. CAREY
CHARLES D. MOORE II
DENNIS M. SWEENEY
DEPUTY ATTORNEYS GENERAL



THE ATTORNEY GENERAL
Department of Transportation
State Highway Administration
707 N. Calvert Street
BALTIMORE, MARYLAND 21202
301-658-1400

Feb. 28, 1986



Mrs. Jean M. H. Jung
Deputy Zoning Commissioner
Room 209 - County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Arundel Corporation
Delight Quarry

Dear Deputy Commissioner Jung:

Per our telephone conversation, I am enclosing herewith copy of the final planting plan for the screening wall at the Delight Quarry, submitted in Case 82-157-SPH.

Inasmuch as the enclosed is my only copy of the plan, Gary Duval made arrangements to secure a copy from Mr. William Kirwin.

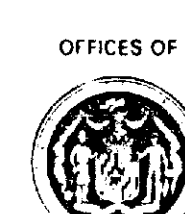
Very truly yours,

James R. Avnet
Special Counsel

JRA/t
Enc.

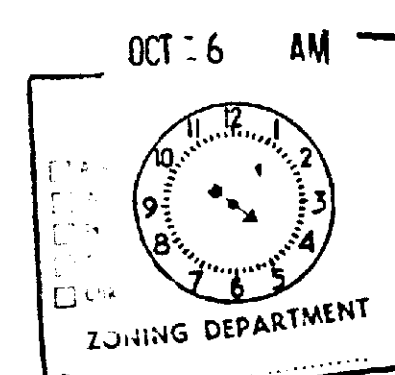
ROBERT B. HARRISON III
ASSISTANT ATTORNEY GENERAL
COUNSEL TO THE DEPARTMENT OF TRANSPORTATION
NOLAN H. ROGERS
ASSISTANT ATTORNEY GENERAL
CHIEF COUNSEL
STATE HIGHWAY ADMINISTRATION

STEPHEN H. SACHS
ATTORNEY GENERAL
ELEANOR M. CAREY
CHARLES D. MOORE II
DENNIS M. SWEENEY
DEPUTY ATTORNEYS GENERAL



THE ATTORNEY GENERAL
Department of Transportation
State Highway Administration
707 N. Calvert Street
BALTIMORE, MARYLAND 21202
301-658-1400

Oct. 15, 1985



Mrs. Jean M. H. Jung
Deputy Zoning Commissioner
Room 209 - County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Re: ARUNDEL CORPORATION
Delight Quarry

Dear Ms. Jung:

Kindly be advised that the State has completed its proposal with respect to the Woodland Buffer, as discussed at our last meeting of Sept. 18, 1985.

By copy of this letter to Mr. Gary Duval, I am asking him to advise me of a time that may be mutually convenient to all to meet at your office. I would appreciate it if you would also advise me of several dates when you might be available.

Thank you for your courtesy.

Very truly yours,

James R. Avnet
Special Counsel

JRA/t
cc: Gary Duval, Esquire

Available Oct 31 11-5
Nov 4 12-4
Nov 5 9-5
Nov 6 11-5-5

IN RE: PETITION SPECIAL HEARING
300' S of Nicodemus Road,
2,855.48' SE of Berrymans
Lane - 4th Election District
The Arundel Corporation,
Petitioner
BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 82-157-SPH

INTERPRETATION OF RESTRICTION
NO. 6 OF JANUARY 7, 1983 ORDER

Due to the construction of the Northwest Expressway in northwestern Baltimore County by the State Highway Administration of the State of Maryland ("SHA") and the taking in furtherance thereof by SHA, pursuant to its condemnation powers, of a portion of The Arundel Corporation's ("Arundel") property (which property is subject to a special exception initially granted in Case No. 65-378-RX and extended in Case No. 82-157-SPH), an interpretation is necessary by the Deputy Zoning Commissioner of Baltimore County of Restriction No. 6 in her January 7, 1983 Order. After review of the proposal submitted following discussions between SHA and Arundel, it is the decision of the Deputy Zoning Commissioner of Baltimore County that Restriction No. 6 of her January 7, 1983 Order will be satisfied and its spirit and intent met if the following conditions are met:

- A "Fanwall" as manufactured by The Fanwall Corporation of Arlington, Virginia, or an equivalent type of wall produced by other manufacturers, shall be installed on Arundel's property where shown on the plat filed in these proceedings, designated as "November 6, 1985 Arundel Wall Proposal"; and,
- Compacted stone and fill material shall be removed between the aforementioned wall and the Arundel property line, as far as is practicable within the opinion of a registered landscape architect, for the purpose of the plantings hereinafter called for. The said material removal, however, shall not interfere with nor undermine the support necessary for the wall called for in Paragraph 1; and,

LAW OFFICES
MILES & STOCKBRIDGE
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 301-961-6000
CABLE HILBRIDGE
TELEX 87-51

December 16, 1985

Mrs. Jean M. H. Jung
Deputy Zoning Commissioner
Room 209 - County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Arundel Corporation
Delight Quarry
82-157-SPH

Dear Deputy Commissioner Jung:

I am enclosing at this time a proposed Interpretation of Restriction No. 6 of your January 7, 1983 Order. I have proved this as to form and forwarded it on to Mr. Avnet for his approval. That was sent to Mr. Avnet on November 7, 1985. Mr. Avnet indicated to me after receiving the Interpretation that the "downtown" office of the State Highway Administration would want the costs involved prior to approving the Interpretation. Although I have tried to comply with this request, both Mr. Kervin and Mr. Shinham of The Arundel Corporation have been unable to get definite figures for Mr. Avnet. This is due to the fact that there are engineering matters which have to be undertaken before final costs can be derived.

I informed Mr. Avnet of this situation by letter of November 26, 1985. I still have not received any approval of the proposed Interpretation. Accordingly, so that this matter does not lie dormant, I am forwarding the Interpretation directly to you with the affirmation that I concur in its form.

If you have any questions, please do not hesitate to call.

Very truly yours,

Gary C. Duval

GCD:ld

cc: James Avnet, Esquire
Lloyd Hammond, Esquire

From: Jean M. H. Jung
Deputy Zoning Commissioner

RE: Memo to files 82-157-SPH
C-85-878

July 1, 1985

In response to Mrs. Rorke's inquiry, I have thoroughly reviewed my Order in the above referenced case, particularly the following restrictions:

6. The woodland buffer between the quarry operation and adjacent properties shall be maintained.
7. The stockpiles and entranceways may be relocated only as required by the Maryland Department of Transportation for the relocation of Nicodemus Road and the construction of The Northwest Expressway and shall be reflected on a revised site plan.
8. The revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

It is absolutely clear in words, as well as in my memory, that the Maryland Department of Transportation was to be intricately involved in and satisfied as to requirements of the Northwest Expressway including, but not limited to, stockpiles, entranceways and buffer. It is the burden of Arundel Corporation to meet those requirements and to submit a revised site plan to Baltimore County showing the approval of the Maryland Department of Transportation and, further, to implement those restrictions in order to exercise the special exception to continue controlled excavations as granted in the Order January 7, 1983.

In addition, I reviewed the file as to William F. Kirwin's letter of January 24, 1983 to former Zoning Commissioner William E. Hammond and his letter of March 29, 1983 to me. In my conversation with Mr. Kirwin on March 25, 1983 the bulk of our conversation related to plantings as reflected in the March 29, 1983 letter because it was mutually understood that there would be a fence, chain link I believe, 6' or 8' high, as I recall. I understand also that BOCA addresses fences at excavations.

Much of the work on the Northwest Expressway is complete. Certainly plantings and fence should be installed prior to the opening of the Expressway.

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

JMHJ:bg

WILLIAM F. KIRWIN, INC.
Land Planning Landscape Architecture Team Design Concepts

January 24, 1983

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

Re: Delight Quarry

Dear Mr. Hammond:

I represent the State Highway Administration for the State of Maryland as a land planner in assessing the land use characteristics for the proposed Northwest Expressway. The project site is the Delight Quarry owned by the Arundel Corporation. On January 7th there was an order granting a special exception, Case 65-378-RX, for Arundel to continue controlled excavation on their site subject to certain restrictions. Restriction #6 indicated the woodland buffer between the quarry operation and adjacent property shall be maintained. My specific questions to you regarding this item are as follows.

1. Is this a requirement based on the residual transition zoning bill or an opinion of a requirement as part of the granting of the petition.
2. Since the Northwest Expressway will require condemnation on a part of this property on the east side, which will take away the existing woodland buffer, is it the interest of this petition requirement that an artificial buffer be created and fencing between the highway's ramps and the residual of Arundel's property.

We would like an answer as soon as possible because if an artificial buffer will have to be created, the potential cost of this must be included in the land values. Insofar as there is the potential for litigation in condemnation cases, I would respectfully ask for a written answer.

Sincerely,

WILLIAM F. KIRWIN, INC.

William F. Kirwin

28 E. Susquehanna Ave. Suite 2 Towson MD 21204 Phone 301/337-0075

WILLIAM F. KIRWIN, INC.
Land Planning Landscape Architecture Team Design Concepts

March 29, 1983

Ms. Jean M. H. Jung
Deputy Zoning Commissioner
Baltimore County
Office of Planning and Zoning
Towson, MD 21204

Re: Delight Quarry Screening Requirements
Case 65-378-RX

Dear Ms. Jung:

Pursuant to your order dated January 7, 1983, we are submitting for your file a series of 4 reductions of the right-of-way plat showing the limitations for screening the subject site and a plan to show a typical planting scheme for 50' length. The actual length of screening will be approximately 1700 feet.

In our meeting Friday, March 25th, with you, Mr. Shinham, and myself, we agreed to this concept for screen planting. You asked me to forward you the schematic plans for inclusion in your files.

As we discussed, the planting will consist of a mixture of deciduous trees, 2 1/2" to 3" caliber, pines 5'-6' height and shrubs 3'-4' height of a type and character that is used as a crash barrier or for headlight glare reduction in the median of the interstate system. We also discussed that the area of planting will be approximately 12' wide measured from the property line toward the highway which will be on state highway right-of-way. The reason is to plant the material in an area not only where screening can be effective but in an area where proper soil can be established. On the Arundel site as you know, the land contains primarily crushed stone which is not considered a good growing medium.

In summary, I would like to thank you for your assistance in helping us establish a reasonable screen planting concept to mandate your order.

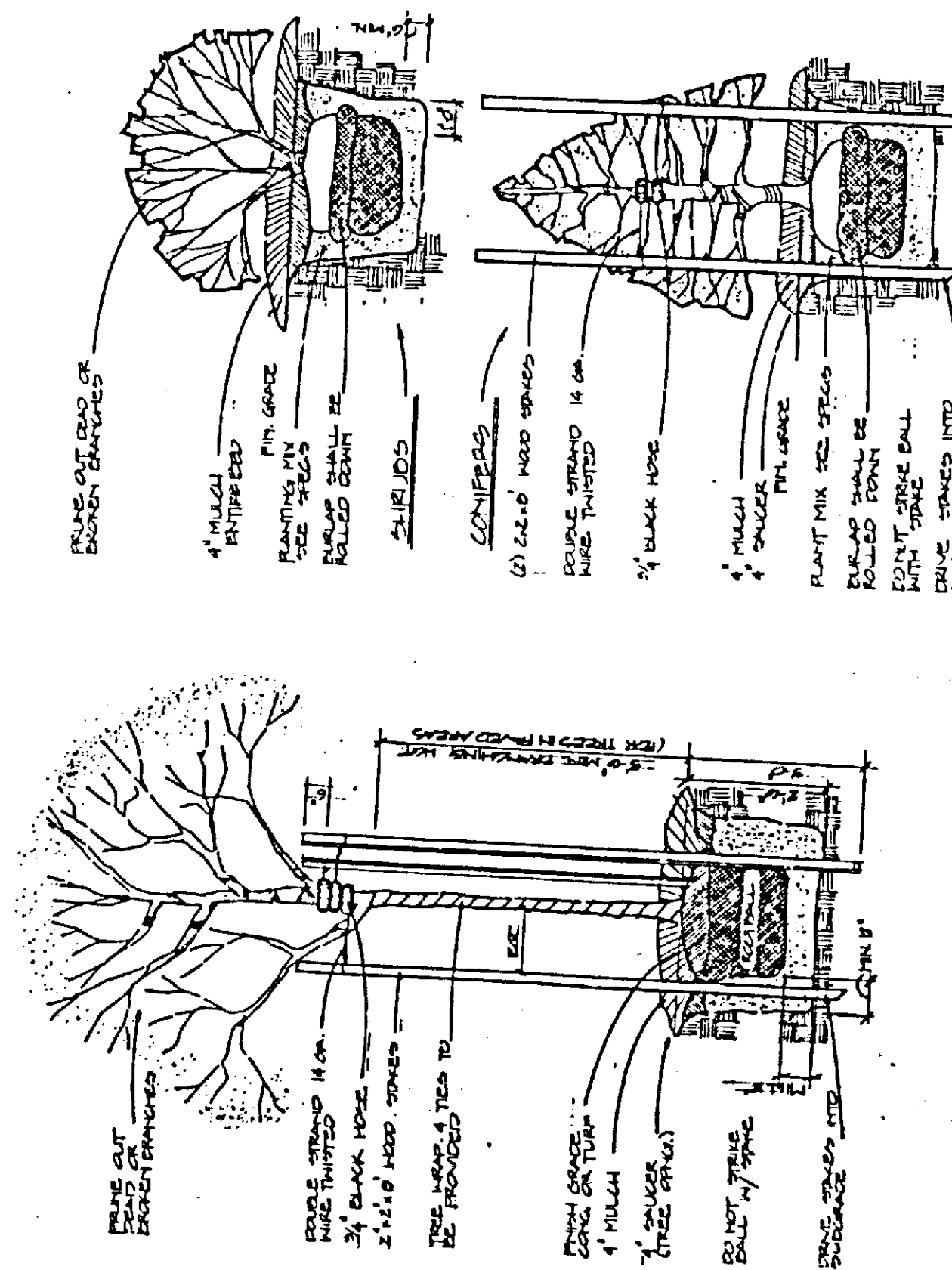
Sincerely,

WILLIAM F. KIRWIN, INC.

William F. Kirwin

WFK/pms
cc. Mr. G. Horvath
Mr. R. Shinham
Mr. G. Duvall

28 E. Susquehanna Ave. Suite 2 Towson MD 21204 Phone 301/337-0075



STATE HIGHWAY ADMINISTRATION		ON INSPECTION RECORD	
George J. Horvath, Jr. REAL ESTATE OFFICER PROJECT MANAGER 2323 W. Joppa Rd. Brooklandville, Md. 21022 (301) 321-3401		No. 85-878 Nicodemus Rd. & New Franklin Blvd.	
Structure: Apartment ☐ Dwelling ☐ Other ☒ Quarry			
Complainant: George J. Horvath, Jr. Address: 2323 W. Joppa Rd. Brooklandville, MD 21022 Phone: 321-3401			
Occupant: Address: Phone:			
Owner: Arundel Corporation Address: Phone:			
Attorney: Address: Phone:			
DETAILS OF COMPLAINT: Screening and landscaping have not been complied with. Gate has already paid for both. - Special Exception 50 ft. or record			
INSPECTOR'S REPORT			
INITIAL INSPECTION	Day: Date: Time:		
Probable Violation: Yes ☐ No ☐ Section(s): Non-Conforming Use Claimed: Yes ☐ No ☐ Year:			
Send Day Card - Correction: No. Photos:			
RE-INSPECTION	Day: Date: Time:		
Close Case () Set for Hearing () No. Photos:			
RE-INSPECTION	Day: Date: Time:		
No. Photos:			



DALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JADON
ZONING COMMISSIONER

March 5, 1985

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

James R. Arnet, Esquire
Legal Department
State Highway Administration
2323 W. Joppa Road
Brooklandville, MD 21022

Gary C. Duvall, Esquire
Miles & Stockbridge
401 Washington Avenue
Towson, MD 21204

RE: Arundel Corporation
Delight Quarry
Case No. 82-157-SPH

Gentlemen:

Enclosed is my interpretation of Restriction No. 6 of my January 7, 1983 Order in the case referenced above.

Sincerely yours,

Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ:bg

cc: Alice LeGrand
25 Olive Lane
Owings Mills, MD 21117
James Thompson, Supervisor
Zoning Enforcement Division

ALLEGED ZONING VIOLATION

CASE NO. C-85-878

LOCATION: Nicodemus Rd. & New Franklin Blvd.

DEAR Mr. Horvath:

PLEASE BE ADVISED THAT YOUR COMPLAINT INVOLVING THE ABOVE REFERENCED PROPERTY, HAS BEEN RECEIVED BY THIS OFFICE. AN INSPECTOR HAS BEEN ASSIGNED AND WILL VISIT THE LOCATION AS SOON AS POSSIBLE. YOU WILL ADDITIONALLY BE ADVISED OF ALL FURTHER DEVELOPMENTS IN OUR INVESTIGATION. SHOULD THIS MATTER BE SCHEDULED FOR A VIOLATION HEARING, YOU WILL BE DULY SUMMONED.

ZONING ENFORCEMENT SECTION

TELEPHONE: 494