

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

ARNOLD JABLON
ZONING COMMISSIONER

Joseph P. Alcarese, Esq.
Division Counsel
Martin Marietta Aerospace
Baltimore Division
103 Chesapeake Park Plaza
Baltimore, Maryland 21220

Re: Rolling Road Facility

Dear Mr. Alcarese:

As you are aware, a complaint has been received by my office that the above-captioned facility is operating in contradiction to the Baltimore County Zoning Regulations. Specifically, the complaint made states that the facility is operating as a "laboratory", which requires a special exception in the particular zone that the facility is located, rather than as a "research institute" which does not.

The particular issue was made part of an appeal to the County Board of Appeals from a decision of the Deputy Zoning Commissioner which granted a variance to Martin Marietta for that site. Briefs were filed by both Martin Marietta and the Protestants to the variance, and who in fact are the complainants here. At the time of the complaint, the appeal was pending and subsequently briefs filed with the Board. I then decided to withhold any determination as to the validity of the complaint until such time as the Board of Appeals rendered its decision. I have recently received a copy of the decision of the Board, and although the Board elected not to give its opinion as to this issue, I have come to a decision based on the information and facts presented to the Board by both sides, i.e., the briefs filed and evidence presented.

I have carefully read both briefs, and after due consideration, I have determined that no violation of the zoning regulations exist. The facility is in fact a research institute within the meaning of the regulations. I am, therefore, convinced that both the intent and meaning of the regulations are being complied with.

Please be advised that pursuant to the Baltimore County Code, a private cause of action exists to any party who wishes to apply for injunctive relief from the Courts. However, this office will take no further action.

Sincerely,

Arnold Jablon
Arnold Jablon

83-210-SPHA

14 November 1983

cc: Ms. Mary Jane Macgill
President of Gun Road Historical and Protection Assoc.
319 Gun Road
Baltimore, Maryland 21227

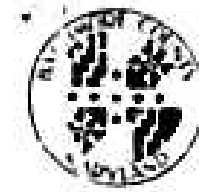
Hon. Ronald B. Hickernell
County Council
First District

Jean M. H. Jung
Deputy Zoning Commissioner

Edward Seibert, Esq.
Assistant County Attorney

Mr. James E. Dyer
Zoning Supervisor

Case Nos. 81-205-A
83-210-SPHA ✓
C-83-963



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

ARNOLD JABLON
ZONING COMMISSIONER

July 30, 1984

Ms. Mary Jane Macgill
Vice President
The Gun Road Historical and
Protective Association
319 Gun Road
Baltimore, Maryland 21227

Re: Martin Marietta
Rolling Road Facility
13th Election District

Dear Ms. Macgill:

I am in receipt of your letter dated July 25, 1984 requesting a hearing on alleged zoning violations by Martin Marietta.

I am aware of the "admissions" to which you refer, but I do not believe that either warrant a hearing. As I have indicated to you and others before, there must be some evidence that the public health, safety, and general welfare are being endangered, in this case by the existence of toxic chemicals on the site. The mere presence does not in and of itself represent a violation of Section 418.1, Baltimore County Zoning Regulations (BCZR). It could be expected that a research institute or laboratory would need to possess toxic chemicals to perform its functions. The same is true for the existence of a machine shop for prototype development. They are an integral part of the operation. However, if you have any evidence that either is a danger, then I would hold a hearing to determine the validity of the allegations. I do not believe it is fair to any party to conduct a hearing on mere supposition unsupported by facts. By this, I mean potential or real danger to the surrounding community created by the existence of the toxic chemicals.

If you want, I will request that the Health Department investigate your complaint to determine if a public danger exists. If such an investigation would find credible evidence that a danger does exist, I will have a hearing immediately.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ/vrl

cc: Joseph P. Alcarese, Esquire

83-210-SPHA

The Gun Road Historical and Protective Association

July 25 1984

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Based on new evidence presented by Martin Marietta Laboratories and Baltimore County, it is apparent that Martin Marietta Laboratories has violated the intent of Section 418.1 of Baltimore County Zoning Regulations as follows:

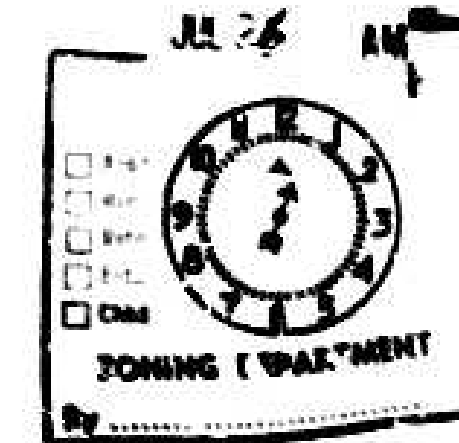
1. By operating a machine shop for prototype development in a residential zone.
2. By the handling, use and disposal of toxic chemicals in a residential zone.

Under the present zoning regulations allowing Martin Marietta Laboratories to coexist in a residential zone, it specifically restricts conditions that may "create any dangerous, injurious, noxious or otherwise objectionable fire, electrical, explosive, radioactive, or other hazardous condition affecting adversely the surrounding area."

Therefore, we are submitting a zoning complaint against Martin Marietta Laboratories, and request a public hearing.

Sincerely,

Mary Jane Macgill
Mary Jane Macgill
Vice President



33-210-SPHA 33-210-SPHA

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.2B (V.B.2 & 102.2) to permit a distance between buildings of 40' in lieu of the required 90'; 80' in lieu of the required 110'; and 35' in lieu of the required 80'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Petitioner requires erection of a combination office/work shop building 50' X 125'. The variances are required to avoid moving the building site closer than the required 100' from a neighboring property line and to avoid excessive excavation and foundation which would ensue from placing the building closer to the property line.

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

I, or we, agree to pay expenses of above Variance 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: (Type or Print Name) Signature Address City and State

Legal Owner(s): (Type or Print Name) Signature Address City and State

Attorney for Petitioner: (Type or Print Name) Signature Address City and State

Attorney's Telephone No.: 338-5130

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of January 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of March 1983, at 9:15 o'clock A.M.

Zoning Commissioner of Baltimore County.

MARTIN MARIETTA CORPORATION - #83-210-SPHA

4. Approval of the aforementioned site plan by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Robert C. Prutz, Acting Chairman

Diana K. Vincent

Date: November 23, 1983

33-210-SPHA 33-210-SPHA

The undersigned, legal owner(s) of the property situated 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 1007 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to the site plan in Zoning Case #81-208-A to allow the construction of an additional building and to revise the parking layout.

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: (Type or Print Name) Signature Address City and State

Legal Owner(s): (Type or Print Name) Signature Address City and State

Attorney for Petitioner: (Type or Print Name) Signature Address City and State

Attorney's Telephone No.: 338-5130

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of January 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of March 1983, at 9:15 o'clock A.M.

Zoning Commissioner of Baltimore County.

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCES : OF BALTIMORE COUNTY
W/S Rolling Rd., 1,635' S of Gun Rd., 13th District :
MARTIN MARIETTA CORPORATION, : Case No. 83-210-SPHA
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
Deputy People's Counsel

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

I HEREBY CERTIFY that on this 18th day of February, 1983, a copy of the foregoing Order was mailed to Joseph P. Alcares, Esquire, 103 Chesapeake Park Plaza, Baltimore, MD 21220, Attorney for Petitioner.

John W. Messian, III

IN THE MATTER OF THE APPLICATION OF MARTIN MARIETTA CORPORATION FOR SPECIAL HEARING TO APPROVE AN AMENDMENT TO SITE PLAN IN CASE #8-208-A, AND A VARIANCE FROM SECTION 1802.2B (V.B.2 and 102.2) OF THE BALTIMORE COUNTY ZONING REGULATIONS W/S ROLLING ROAD 1635' S. GUN ROAD 13th DISTRICT

AMENDED DECISION

Amending the Opinion and Order of this Board dated November 2, 1983, the record revealed that the Deputy Zoning Commissioner approved the Petitioner's petition for a special hearing with restrictions. However, no appeal from that Order was taken by Petitioner or Proponents in this matter. As such, though not specifically before the Board for determination, the Board notes its affirmation of the Deputy Zoning Commissioner's Order approving the petition for special hearing with restrictions.

ORDER

For the reasons set forth in this Amended Opinion, the Order of this Board, dated November 2, 1983, is hereby AMENDED to add that the petition for special hearing requested by Petitioner be approved with the following restrictions:

- No toxic or volatile chemicals shall be used and stringent precautions shall be taken with conventional solvents.
- The proposed building shall not be used in any manner that will create dangerous, injurious, noxious, or otherwise objectionable fire, electrical, explosive, radioactive, or other hazardous conditions that could adversely affect adjacent properties. Additionally, said building shall be screened from view of the main house of the Oblate Sisters of Providence.
- Compliance with all requirements of the EPA, MSDHA, OSHA, and Maryland State Department of Health and Mental Hygiene, as well as Section 416 of the Baltimore County Zoning Regulations.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 1, 1983

Joseph P. Alcares, Esquire
103 Chesapeake Park Plaza
Baltimore, Maryland 21220

RE: Item No. 132 - Case No. 83-210-SPHA
Petitioner - Martin Marietta Corp.
Special Hearing & Variance Petitions

Dear Mr. Alcares:

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 assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning, may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This combination hearing is required as a result of your client's proposal to amend the site plan for the previous hearing (Case No. 81-208-A) by constructing an additional building closer to the existing structures than allowed.

For additional information on the comments from the Department of Permits and Licenses, you may contact Mr. Charles Burnham at 494-3987.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
Nicholas R. Commodari, Chairman
Zoning Plans Advisory Committee

NBC:bse
Enclosure
cc: Meyers and D'Aleo Inc.
108 Water Street
Baltimore, Md. 21202

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

March 3, 1983

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

Re: Item #132 (1982-1983)
Property Owner: Martin Marietta Corporation
E/S Rolling Rd. 1635' S. of Gun Rd.
Access: 23.9 District: 13th

Dear Mr. Hammond:

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

General:

The comments supplied in conjunction with the Zoning Advisory Committee review of this property in connection with Item 181 (1980-1981) are referred to for your consideration.

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.

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.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 132 (1982-1983).

Very truly yours,
Robert A. Morrison, P.E., Chief
Bureau of Public Services

RAN:EAM:FWH:iss

Attachment

C-W Key Sheet
23 & 24 S 19 & 20 Pos. Sheets
SW 6 E Topo
108 Tax Map

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/should result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/would not adversely affect the health, safety, and general welfare of the community, the variance(s) should/should not be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 6th day of April, 1983, that the Petition for Variance(s) to permit distances between buildings of 40 feet in lieu of the required 20 feet, 80 feet in lieu of the required 110 feet, and 35 feet in lieu of the required 80 feet, in accordance with the site plan filed herein, is hereby GRANTED, from and after the date of this Order, subject, however, to the terms, provisions, and conditions contained in the accompanying Special Hearing Order.

Jan M. H. Jones
Deputy Zoning Commissioner of
Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the following listing of facts that to amend the site plan filed in Case No. 81-208-A to permit the construction of an additional building and to revise the parking layout would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations and would not be detrimental to the health, safety, and general welfare of the community, and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 6th day of April, 1983, that the amendments to the site plan filed in Case No. 81-208-A to permit the construction of an additional building and to revise the parking layout, in accordance with the site plan prepared by Meyers and D'Aleo, Inc., dated December 13, 1982, is approved 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. No toxic or volatile chemicals shall be used and stringent precautions shall be taken with conventional solvents.
2. The proposed building shall not be used in any manner that will create dangerous, injurious, noxious, or otherwise objectionable fire, electrical, explosive, radioactive, or other hazardous conditions that could adversely affect adjacent properties. Additionally, said building shall be screened from view of the main house of the Oblate Sisters of Providence.
3. Compliance with all requirements of the EPA, MOSHA, OSHA, and Maryland State Department of Health and Mental Hygiene, as well as Section 418 of the Baltimore County Zoning Regulations.

Approval of the aforementioned site plan by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

Jan M. H. Jones
Deputy Zoning Commissioner of
Baltimore County

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

May 4, 1981

Re: Item #181 (1980-1981)
Property Owner: Martin Marietta Corporation
6000 Rolling Rd. 1,635' S. of Gun Rd.
Acres: 23.9 District: 13th

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.

Highways:

Rolling Road (MD. 166) and I-95 are State Roads; therefore, all improvements, intersections, and drainage requirements as they affect the roads 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.

Storm Drainage:

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.

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.

Water and Sanitary Sewer:

This property is served from the 8-inch public water main and 16-inch public sanitary sewerage near Rolling Road at the northwest quadrant of the I-95 - Metropolitan Boulevard interchange. This public sanitary sewerage, constructed under Job Order 1-52-46, S.R.C. Contract 8723-7-472, was extended and connected to the Woodland Sewage Pumping Station per Directive 5697 and Job Order 1-2-731, Drawing 800-0360, P11: 1.

Item #181 (1980-1981)
Property Owner: Martin Marietta Corporation
Page 2
May 4, 1981

Water and Sanitary Sewer (Cont'd)

The Baltimore County Water and Sewerage Plans W & S-22 & S, as amended, indicate "Planned Service" in 11 to 30 years.

This property is tributary to the Patapsco Sewage Pumping Station subject to State Health Department allocations and regulations.

Very truly yours,

ROBERT A. HENSON, P.E., Chief
Bureau of Public Services

RRH:RHH/PJH

cc: Jack Winkley
John Gast

C-99 Key Sheet
23 & 24 SW 19 & 20 Pce. Sheets
23 & 24 Topo
100 Top Map

 Maryland Department of Transportation
State Highway Administration

Levitt H. Brinkman
Secretary
M. A. Calhoun
Assistant

January 19, 1983

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

Attention: Mr. N. Commodari

Re: ZAC Meeting of Jan. 18, 1983
ITEM: #132.
Property Owner: Martin Marietta Corporation
Location: E/S Rolling Road
Route 166, 1635' S. of Gun Rd.
Existing Zoning: D.R. 1
Proposed Zoning: Special
Hearing to amend the site plan in Case #81-208-A to allow the construction of an additional building and to revise the parking layout.
Acres: 23.9
District: 13th

Dear Mr. Hammond:

On review of the site plan of December 13, 1982 and field inspection, the State Highway Administration finds the plan generally acceptable.

Very truly yours,

Charles L. Chief
Charles L., Chief
Bureau of Engineering
Access Permits

By: George Wittman

CLC:mas

cc: Mr. J. Ogle

 BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

January 25, 1983

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

ZAC - January 18, 1983
Item No. 132, 133, 134, 135, 136, 137, 138, 139, and 140.

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for item numbers 132, 133, 134, 135, 136, 137, 138, 139, and 140.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/LLC

BALTIMORE COUNTY DEPARTMENT OF HEALTH

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

Zoning Item # 132, Zoning Advisory Committee Meeting of Jan. 18, 1983

Property Owner: Martin Marietta Corporation

Location: E/S Rolling Rd. 1635' S. of Gun Rd. District 13

Water Supply: Public Sewage disposal: Public

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- (X) Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any chaffertiller operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

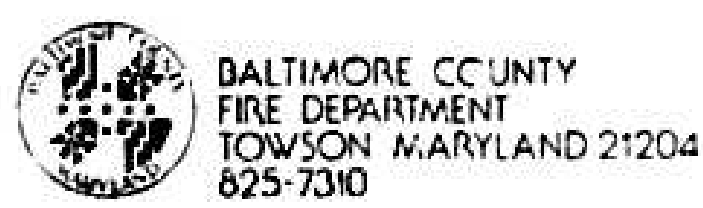
Feb 15 1983
Date

Zoning Item # 132
Page 2

- () Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- () Soil percolation tests have been conducted.
() The results are valid until _____
Revised plans must be submitted prior to approval of the percolation tests.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
() shall be valid until _____
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.
- () All roads and parking areas should be surfaced with a dustless, bonding material.
- () No health hazards are anticipated.
- (X) Other: 1) Any waste oil generated by the machine shop must be properly disposed of in accordance with Water Resources Administration requirements.

Jan J. Forrest
Jan J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)



PAUL H. REINCKE
CHIEF

January 21, 1983

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: Martin Marietta Corporation

Location: E/S Rolling Road 1635' S. of Gun Road

Item No.: 132 Zoning Agenda: Meeting of January 18, 1983

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 of _____ 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 head 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.

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

() 6. Site plans are approved, as drawn.

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

REVIEWED: *[Signature]* 1-24-83
Planning Group
Special Inspection Division

Noted and
Approved: *[Signature]*
Fire Prevention Bureau

JV /mb/cw

IN THE MATTER OF
THE APPLICATION OF
MARTIN MARIETTA CORPORATION
For Special Hearing to approve an
amendment to the site plan in
Zoning Case #81-208-A and a
Variance from Sec. 1802.28
(V.B.2 & 102.2)
On property located on the west
side of Rolling Rd., 1,635' south
of Gun Rd. - 13th District

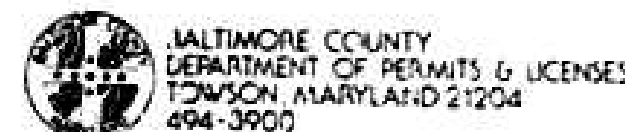
OPINION

This case comes before this Board on petition for a variance to permit the distance between buildings of 40 feet in lieu of 90 feet, 80 feet in lieu of 110 feet, and 35 feet in lieu of 80 feet. The petition for variance was granted with restrictions by the Deputy Zoning Commissioner in an Order dated April 1, 1983.

The Protestants in this case appealed the Deputy Zoning Commissioner's decision on the basis that the Petitioner was in violation of a number of health regulations governing the use, handling, manufacturing and shipping of toxic chemicals. Residents of the neighboring community produced testimony, including expert testimony, attesting to these alleged violations.

The fact is that, while the Protestants may have reason to be concerned regarding health violations, the matter at hand is one of zoning. The Petitioner is asking for variances in distances between existing and proposed buildings for the convenience of the employees, to avoid considerable additional cost which would be necessary to reroute public facilities, and to utilize topography conducive to the new buildings design and planned use.

The evidence shows that the Petitioner has taken all the required steps, both in the development of the site, according to the Baltimore County Zoning Regulations, and the application for the variances. Granting of this petition would not, in the opinion of this Board, be detrimental to the health, safety, or welfare of the neighboring community.



TED ZALLSKI JR.
DIRECTOR

February 2, 1983

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

Dear Mr. Hammond:

Comments on Item #132 Zoning Advisory Committee Meeting January 18, 1983

Property Owner: Martin Marietta Corporation
Location: E/S Rolling Road 1635' S. of Gun Road
Shifting Building: D.R. 1
Proposed Building: Special Hearing to amend the site plan in Case #81-208-A to allow the construction of an additional building and to revise the parking layout.

Area: 23.9
District: 13th

The items checked below are applicable:

- X A. All structures shall conform to the Baltimore County Building Code 1981/ Council Bill 1-82 State of Maryland Code for the Unincorporated and Aged and other applicable Codes.
- X P. A building and other miscellaneous permits shall be required before beginning construction.
- C. B. 1-1-82: Three sets of construction drawings are required to file a permit application. Architect/engineer seal is/is not required.
- X D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 1'0" of lot lines. A fire wall is required if construction is on the lot line. See Table 101, Line 2. Section 1807 and Table 1802.
- F. Segmented variance conflicts with the Baltimore County Building Code, Section/s _____.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed complies with the height/area requirements of Table 505 and the required construction classification of Table 101.
- I. Comments: Show compliance to state handicapped code on plans: parking, signs, walks, ramps, building access, etc. The variance plot indicates this as an addition, however, it appears to be a completely individual new structure.

NOTES: These comments reflect only the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room #122 (Plan Review) at 111 West Chesapeake Avenue, 21204.

Very truly yours,

[Signature]
Charles E. Burnham, Chief
Plan Review

CEB:rtj
FOM 01-82

Martin Marietta Corporation
Case No. 83-210-SPHA

ORDER

For the reasons set forth in the foregoing Opinion, it is this 2nd day of November, 1983, by the County Board of Appeals, ORDERED that the Petition for Variances to permit the distance between buildings of 40 feet in lieu of 90 feet, 80 feet in lieu of 110 feet, and 35 feet in lieu of 80 feet, according to the Baltimore County Zoning Regulations, Section 1802.28, be GRANTED and that the decision of the Deputy Zoning Commissioner be upheld.

Any appeal from this decision must be in accordance with Rule: B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

[Signature]
Keith S. Franz, Acting Chairman

[Signature]
Diana K. Vincent

[Signature]
Joanne L. Suder

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dube, Superintendent

Towson, Maryland 21204

Dated: January 17, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: January 16, 1983

RE: Item No.: 132, 133, 134, 135, 136, 137, 138, 139, 140
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

DISTRICT:
No. Address:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

[Signature]
Mr. Nick Petrovich, Assistant
Department of Planning

WNP/bp

MARTIN MARIETTA AEROSPACE

BALTIMORE DIVISION
100 CHESAPEAKE PARK PLAZA
BALTIMORE, MARYLAND 21204
TELEPHONE (707) 888-8888

August 21, 1983

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

Attn: Mrs. June Holmen, Secretary

Re: Case No. 83-210-SPHA
Martin Marietta Corporation

Dear Mrs. Holmen:

In accordance with the instructions of the Board, there is submitted herewith the Memorandum of the Petitioner.

As specified by the Board, the Appellants' copy will be transmitted to the People's Counsel.

Very truly yours,

MARTIN MARIETTA CORPORATION
[Signature]
Joseph P. Alcarese
Attorney for the Petitioner

jpd
enclosure

RESIDENTS AND MEMBERS OF THE GUN ROAD HISTORICAL AND PROTECTIVE ASSOCIATION

Mary Jane Macgill (Pres.)
319 Gun Road
Baltimore, Maryland 21227

APPEAL

Harold E. Hedeman (Vice Pres.)
408 Gun Road
Baltimore, Maryland 21227

IN

Kaye White (Secretary)
409 Gun Road
Baltimore, Maryland 21227

THE

Lucy Merrill (Treasurer)
403 Gun Road
Baltimore, Maryland 21227

BOARD

Charles G. Macgill
319 Gun Road
Baltimore, Maryland 21227

OF

Frank Lindberg
511 Gun Road
Baltimore, Maryland 21227

APPEALS

Gloria S. Watson
422 Gun Road
Baltimore, Maryland 21227

vs.
BALTIMORE COUNTY, a body
Corporate Chartered under the
Laws of the State of Maryland

BALTIMORE COUNTY

Appellee Case No. 83-210-SPHA

ORDER FOR APPEAL

DEAR MR/MS. CLERK:

Please note the appeal of Mrs. Mary Jane Macgill, Mrs. Harold E. Hedeman, Mrs. Kaye White, Mrs. Lucy Merrill, Mr. Charles G. Macgill, Mr. Frank Lindberg, and Mrs. Gloria S. Watson from the decision of the Zoning Commissioner, made on March 17, 1983 in regard to the approval of the Martin Marietta Laboratories, Inc. variance.

Mary Jane Macgill
319 Gun Road
Baltimore, Maryland 21227 (242-3027)

Harold E. Hedeman
408 Gun Road
Baltimore, Maryland 21227 (242-3137)

Kaye White
409 Gun Road
Baltimore, Maryland 21227 (242-8431)

Lucy Merrill
403 Gun Road
Baltimore, Maryland 21227 (242-8854)

Charles G. Macgill
319 Gun Road
Baltimore, Maryland 21227 (242-3027)

Frank Lindberg
511 Gun Road
Baltimore, Maryland 21227 (242-2186)

Gloria S. Watson
422 Gun Road
Baltimore, Maryland 21227 (242-8431)

I hereby certify that on this 3rd day of May, 1983, a copy of the foregoing order was delivered to the Baltimore County Board of Appeals.

MARTIN MARIETTA AEROSPACE

BALTIMORE DIVISION
100 CHESAPEAKE PARK PLAZA
BALTIMORE, MARYLAND 21204
TELEPHONE (707) 888-8888

August 24, 1983

J. W. Hessian, Esq.
People's Counsel
Room 223 Court House
Towson, Maryland 21204

Re: Case No. 83-210-SPHA
Martin Marietta Corporation

Dear Mr. Hessian:

In accordance with the directions of the Board of Appeals, there is enclosed a copy of the Memorandum of the Petitioner.

I would appreciate you obtaining and transmitting to me a copy of the Memorandum of the Appellants.

Very truly yours,

MARTIN MARIETTA CORPORATION
[Signature]
Joseph P. Alcarese
Attorney for the Petitioner

jpd
enclosure

COUNTY BOARD OF APPEALS

CASE NO. 83-210-SPHA
MARTIN MARIETTA CORPORATION

MEMORANDUM
OF
PETITIONER

In accordance with the request of the Board, the Petitioner, Martin Marietta Corporation, herewith submits its Memorandum in connection with the above referenced case.

The Petitioner has operated a research institute on a 23+ acre tract, at Rolling Road and 195, since 1965. Similar to any research institute, the facility houses laboratories, offices, storage area, a small workshop area, etc. The facility employs approximately 250 people, the majority of which are scientific personnel.

The Petitioner requires additional space and plans to build on its premises a new one-story building 50' X 125'. In this connection, the Petitioner has requested three distance variances which would permit the placing of the new building closer to its existing buildings than is usual. The Petitioner filed the necessary Petition for the three variances. At the same time the Office of Planning and Zoning requested Martin Marietta to file a Petition to update its site plan, and this was accomplished.

The Deputy Zoning Commissioner granted the requested variances and approved the revised site plan, however, the Deputy Zoning Commissioner's decision imposed the following restriction upon use of the new building:

"no toxic or volatile chemicals shall be used..."

An appeal from the Deputy Zoning Commissioner's decision was taken to the County Board of Appeals.

- 1 -

3. DOES THE PETITIONER PROPERLY HANDLE TOXIC SUBSTANCES
AND HAZARDOUS WASTES IN ITS OPERATIONS?

In the Hearing with respect to the requested variances, the Appellants raised the issue of toxic substances and hazardous wastes related to the Petitioner's operations. In view of the recent horror stories concerning dioxins, etc., it is apparent that every community should have sufficient concern to inquire and determine the nature of any potential danger to its environment. Rather than concerned inquiry, which could generate mutual investigation, disclosure and discussions, the Appellants' concerns were expressed in accusations, some rather ludicrous, punctuated by placards and television.

The Petitioner established that, as is the case with any research operation, it does use some substances classified as toxic, and any waste must, therefore, be handled and disposed of as a hazardous waste.

So that the Board is not misled, the Petitioner must point out that the Appellants' concerns about toxics, hazardous wastes and the environment arose only in connection with these requested variances; and this is not a case of the neighbors having been ignored or stonewalled by the big corporation. The Appellants introduced no evidence of any expressed concerns about Martin Marietta operations prior to this zoning matter -- and that's because there were none -- they are all tied to the requested variances; although the variances have nothing to do with, and are completely unrelated to any question concerning toxic substances and hazardous wastes.

Specifically, the Appellants alleged the following:

Mr. Merrill alleged that Martin Marietta was storing drums of dangerous material in the open, on its property, and, to substantiate his allegation, he introduced into evidence a police report concerning a drum found at Rolling Road. However, in rebuttal, Mr. Tunney of Martin Marietta testified that he was the person who discovered the drum on the Martin

The Petitioner believes that in rendering a decision upon this matter, the Board must consider and decide the following issues:

1. WILL GRANTING OF THE REQUESTED VARIANCES CAUSE SUBSTANTIAL
INJURY TO PUBLIC HEALTH, SAFETY AND GENERAL WELFARE?

The Baltimore County Zoning Regulations provide that the County Board of Appeals shall have the power to grant variances only in such manner to grant relief without substantial injury to public health, safety and general welfare. The Petitioner contends that granting of the requested variances will not cause any injury to public health, safety or general welfare.

The Petitioner must emphasize that its request involves distance variances, not a use variance. Its request is to place a building closer to its existing buildings than is usual. The Petitioner is not requesting anything which would change the nature or character of the neighborhood or which would be inconsistent with the zoning laws or regulations. The Petitioner is not requesting permission to operate a hog rendering or similar plant on its premises -- it operates a research institute there, and it has strived to create a university atmosphere. The pictures introduced into evidence show architecturally pleasing buildings and well landscaped and maintained grounds. The Martin Marietta Corporation has a substantial investment in the community and a substantial interest in maintaining the nature and character of the neighborhood.

The evidence shows that the Petitioner's tract is bordered on the south and east by 195 and the 195 access road, and on the north by the 30 acre tract of the Oblate Sisters. The evidence also shows that the area is hilly and very wooded, and the Appellants, who are residents of the Gun Road community, are far removed from the Petitioner's property. In these circumstances, the impact of the requested distance variances upon the Gun Road community must be next to zero. The Appellants never addressed themselves to the merits or impact of the requested variances, and that is because they are not

property at the edge of Rolling Road; that he called both the police and the fire department; that the drum was found to contain the residue of a chemical used to manufacture narcotics; and that he had been informed by the police that they found such drums discarded all over the County.

Mr. Merrill also testified that hazardous wastes were being shipped through his neighborhood to the Martin Marietta facility for testing, and he speculated that nuclear waste from closed power plants would also be shipped to the Petitioner's facility. Since Mr. Merrill lives on Gun Road; since Gun Road is a dead end road; and since all traffic moving to Martin Marietta uses Rolling Road, and not Gun Road, it is obvious that nothing moving to the Martin Marietta premises can go through Mr. Merrill's neighborhood. In addition, as testified by Mr. Goldheim, in rebuttal, the only materials sent to the Martin Marietta premises for testing are marine life samples for test in connection with the Chesapeake Bay ecology studies and material from air samples taken in environmental studies. This is a far cry from the hazardous and nuclear wastes about which Mr. Merrill speculated.

Mr. Macgill pointed out that the Petitioner had a permit for one outfall, but did not have a permit for three additional outfalls. Mr. Macgill was correct. However, as testified by Mr. Tunney, the failure to have the three additional permits was due to a misunderstanding with the State representative, and an application for those permits has been made. In any event, the failure to have a permit for an outfall is not evidence that hazardous wastes are being improperly handled or disposed of. Since the outfall permit showed floor drains going to the outfall, Mr. Macgill speculated that a spill in a lab could carry toxic substances into the floor drains, into the outfall and into the stream. This type of statement arises from lack of knowledge, brought about by an adversary, accusatory atmosphere which prevents mutual discussion and disclosure. As testified by Mr. Tunney, in rebuttal, only the floor drains to the boiler room go to the outfall. None of the floor drains from the labs go to the outfall; they all go into the sanitary sewer

- 6 -

opposed to the variances. As a number of them testified, and as their public statements reflect, what they are opposed to is any further building by Martin Marietta; which they refer to as "expansion". The Appellants obviously believe that the Petitioner's use of its property should be by plebiscite and special dispensation of the community, and, therefore, the merits and impact of the requested variances becomes, in their minds, quite academic.

As the Petitioner testified, its need for the additional building, which is relatively small, is for added space to relieve cramped quarters. The building has not been planned to house major new programs or efforts. There is, therefore, no indication of traffic increase which might be argued to affect safety. Additionally, since Gun Road is a dead end road, none of the traffic to and from the Martin Marietta facility moves through the Gun Road community -- it all uses Rolling Road.

It was established that the operations in the new building will not create any pollution, dust, glare, noise, odors, abnormal heat, fire or radiation danger. The evidence also shows that there will be adequate access for fire equipment and that the new building will be equipped with an automatic sprinkler system. Granting of the requested variances will not, therefore, create a safety problem from the point of view of fire hazard.

The Appellants have raised the issue of toxic substances and hazardous wastes, and that is dealt with in Item 3 below. Suffice it to say at this point that the issue of toxic substances and hazardous wastes has to do with the conduct of operations of the total complex and is not related to the nature of the variances requested or the granting of such variances.

The Petitioner, therefore, asserts that granting of the requested distance variances will not cause any injury to public health, safety or general welfare.

system. Thus, if one is to speculate a spill into a lab floor drain, such spill would go into the sanitary sewer system. The County and State do not permit anyone to connect a floor drain from a laboratory, manufacturing, etc. type area into an outfall, which could endanger our streams and the environment.

Mr. Macgill also referred to a State slide report, which was introduced as an exhibit, to note that certain chemical trace readings were higher on the north side of 195 than on the south side. The report attempted no analysis of source. In rebuttal testimony, Dr. Banks noted that none of the readings were high in terms of what one would expect to find in ground samples most anywhere; that some of the trace chemicals were obviously from farm fertilizer and insecticides and the iron readings probably resulted from iron mining operations which used to be performed in the area.

Mr. Kline testified that he analyzed a sample from the stream into which the Martin Marietta outfall flows, and he found it to be low in insect life, except for midges. Although he made no specific determination as to the cause, he stated that one of the causes could be chlorine in the water.

On cross examination he acknowledged that City tap water is high in chlorine content. It is noted that the Petitioner's outfall carries storm water and non-contact cooling water into the stream. The non-contact cooling water is City tap water, which would be high in chlorine. Mr. Kline made no other findings and could not identify where he took the sample, from a stream which is several miles long.

Mr. Wheeler, who resides on the south side of 195, alleged that the Martin Marietta sewerage system under 195 was leaking. It is common knowledge that private parties do not own public sanitary sewer lines, and Martin Marietta, of course, did not install, and does not own, control or maintain the public sanitary sewer line under 195. In addition, on rebuttal, Mr. Tunney read into the record an excerpt from the State slide report which stated that they had conducted tests on the line and found no leakage.

- 7 -

2. WILL STRICT COMPLIANCE WITH THE ZONING REGULATIONS
RESULT IN PRACTICAL DIFFICULTY OR UNREASONABLE
HARDSHIP TO PETITIONER?

The Petitioner contends that failure to grant the requested distance variances and requiring strict compliance with the Zoning Regulations, will result in practical difficulty and unreasonable hardship to the Petitioner.

As established in the testimony of Mr. Goldheim, at the proposed location, the proposed new building could only be moved back and this would not eliminate the need for the side variances. It would also place the building closer to the Oblate Sisters property than is usual. This also would require a variance, and the Petitioner would prefer not to so impose upon its neighbor. Failure to grant the requested distance variances would, therefore, mean that the building could not be erected at that proposed location. Alternative sites involve substantial practical difficulty and unreasonable hardship. All of the alternate sites would involve locating the personnel who would occupy the new building away from those with whom they have to work and coordinate, and this would create a very impractical situation and a hardship, especially for the scientific personnel involved. In addition to the problem of separating the people; because of the hilly nature of the property, the alternative sites would require extensive excavation and grading or, as an alternative, the construction of a two-story building with an elevator which would present an expensive and impractical working situation. Such alternate sites would also require construction of additional parking facilities and the running of added utilities. Thus, in addition to separation of the people, alternate sites will involve the hardship of substantial added expense in the event the requested variances are not granted.

The Petitioner, therefore, asserts that failure to grant the requested variances and requiring strict compliance with the zoning regulations will result in practical difficulty and unreasonable hardship to the Petitioner.

- 8 -

This is the sum and substance of the Appellant's facts and evidence to support their allegations with respect to toxic substances and hazardous wastes. In contrast, the Petitioner established that in its research operations it does handle toxic and volatile substances, and does, of course, have wastes to dispose of, which under State and Federal law are classified as hazardous wastes and are required to be disposed of in a controlled manner. The Petitioner also established that it understands and is well qualified to handle such substances, being a research leader and educator in environmental, health and safety matters; that its operations are monitored, inspected and licensed by a number of Federal, State and County agencies, including the Federal Environmental Protection Agency (EPA), the Federal Occupational Safety and Health Agency (OSHA), the Maryland Occupational Safety and Health Agency (MOSHA), the Maryland State and Baltimore County Departments of Health and Hygiene and the Maryland State Department of Natural Resources; that it handles such substances and such matters properly and has never been cited for an environmental violation or for any violation in connection with the use and control of toxic or volatile substances or the handling, storage and disposal of wastes, hazardous or otherwise; that the substances which Petitioner uses are used by most research facilities, including college and university labs; and that the use of such substances is inherent in and essential to the operation of a research institute.

Dr. Banks appeared as a witness for the Petitioner. He is a toxicologist and, by virtue of his educational and experience background, he was qualified as an expert witness in toxic and hazardous substances and in environmental, safety and health matters. Dr. Banks testified that he visited the Martin Marietta research facility, inspected and reviewed its operations, and tested its emissions. Dr. Banks also testified that he found the materials being used to be the same as found in any research institute, including colleges and universities, and that he found the Petitioner's operations to be competently run and in compliance with

- 8 -

Federal, State and County requirements for the handling of toxics and volatiles and the disposal of hazardous wastes.

The Petitioner, therefore, asserts that the evidence clearly establishes that the Petitioner conducts a competent operation; is knowledgeable and qualified in the matter of toxic, volatile and hazardous wastes; is knowledgeable and qualified in environmental, safety and health matters; does in fact comply with Federal, State and County requirements with respect thereto; is not endangering any aspect of the environment or public health, safety or welfare; and that the Appellants' allegations are unfounded, without merit, and in some instances, irresponsible and ludicrous.

4. IS THE PETITIONER'S OPERATION A RESEARCH INSTITUTE OR A LABORATORY?

Under the Baltimore County Zoning Regulations, a Research Institute is, under certain prescribed circumstances, permitted in a residential area as a matter of right, in contrast to a Laboratory which is permitted only by way of a special exception.

Under the regulations a Research Institute is defined as:

"Research Institute: A building or group of buildings used primarily for basic and applied research wherein the scientific inquiry process is conducted in a manner similar to that of institutions of higher learning, and where all parts of the operation involving the development research process, e.g., product testing, are incidental to the above."

In contrast, a Laboratory is defined as:

"Laboratory: A building or group of buildings used primarily for applied and development research where

the product testing process is a major function of the operation but where the operation does not involve any mass manufacturing."

The Appellants have tried to make the case that the Petitioner's operation is a laboratory and not a research institute, and on several occasions referred to the Martin Marietta facility as a "non-conforming use". Mr. Lindberg specifically made the point that a brochure published by the Petitioner used the word "laboratory" more than the words "research institute". In addition, Mr. Lindberg alleged that the Petitioner's operation is primarily routine testing and not research.

Although the Baltimore County Zoning Regulations make a valid distinction between "Research Institute" and "Laboratory", as Mr. Goldheim testified, in the science world, the words "lab" or "laboratory" and "research institute" are generally used interchangeably. He cited, for example, "Bell Laboratories", one of this country's renowned research institutes, and college and university research facilities which are generally referred to as "labs" or "laboratories". However, regardless of what the Petitioner calls its operation, or how the Appellants try to characterize it, the basic question is: "What is the nature of the actual operation and how does it stack up against the definitions of the Baltimore County Zoning Regulations?"

The Zoning Regulations describe a laboratory as being involved in applied and development research -- where product testing is a major function or part of its activity. This is distinguished from a research institute which is involved in basic and applied research, where the scientific inquiry process is similar to institutions of higher learning, and where the development research process (e.g. product testing) is incidental. Thus the emphasis of activity of a research institute should be basic and applied research, similar to an institution of higher learning; where product testing is incidental, contrasted to a laboratory where the emphasis of activity is

applied and development research, where product testing is a major function. It is, therefore, clear that some analysis and testing does not make a research institute a laboratory. Recognizing that some analysis and testing is a necessary facet of any research, the Zoning Regulations recognize that the emphasis of activity of research institutes, similar to institutions of higher learning, will be basic and applied research, but necessarily will involve, as an incidental aspect of that research, some analysis and testing.

Contrary to the contention of the Appellants, Mr. Goldheim, who is an Associate Director of the Martin Marietta Facility, testified that they are not involved in routine testing and that their analytical work is performed in support of studies being performed. As testified by Mr. Goldheim, a major number of the personnel employed at the Martin Marietta research facility are scientific personnel holding Ph.D. Masters and Bachelor degrees. One who operates a laboratory, where product testing is the major function, would have little or no need for, and would not afford to employ, numbers of scientists holding Ph.D. Masters and Bachelor degrees. Their employment emphasis would be on lab technicians with either no degree or a Bachelor's degree. It is the research institute, which is involved in fundamental knowledge, studies of the basic laws of nature and research which will produce a better understanding of the universe, which requires a cadre consisting of the Ph.D. the Masters and Bachelors and which utilizes the lab technician for incidental testing.

Mr. Goldheim described some of the research being conducted by the Petitioner. He described the bio-technology work being performed in the agricultural area, the results of which could contribute to development of new and better crops and food products. This research involves the basic laws of nature, similar to the photosynthesis work described in the Martin Marietta brochure, introduced into evidence by the Appellants as Exhibit L. He also described the Chesapeake Bay Studies being performed for the State of Maryland. In this connection, pages 22 and 23 of the

Martin Marietta brochure (Exhibit L) describe the study of the effects of dredging on aquatic habitats performed for the U.S. Corps of Engineers; the study of the effect of industry and population on Hudson River fisheries performed for the National Oceanic and Atmospheric Administration; and the ecology studies for the State of Maryland involving the Chesapeake Bay and its tributaries and effects of fossil and nuclear fueled generating plants on plant and marine life. This type of research cannot realistically be described as routine testing that could be performed by a laboratory. Mr. Goldheim also described in some detail the research being conducted by their scientists in semiconductor physics which is advancing the state of the technology in the growth, characterization and passivation of crystals involved in infrared sensor science. In addition to the environmental seminars conducted by the Martin Marietta research facility, discussed by Mr. Goldheim; page 23 of the Martin Marietta brochure (Exhibit L) discusses the prize-winning "Environmental Atlas of the Potomac Estuary", published by their Environmental Center, which is a major contribution to understanding the ecology of Maryland. Thus the Martin Marietta facility is more than a research institute. It is an educator in environmental sciences and, because it also creates new knowledge that explains basic physical phenomena, it is in a sense a center of higher learning. This obviously, is not the type of activity conducted by a laboratory, where product testing is the major function; nor is it "routine testing", as characterized by the Appellants.

The Petitioner asserts that the record shows that the work performed by its research facility is that of a research institute, as defined by the Baltimore County Zoning Regulations, and that the allegations of the Appellants to the contrary are erroneous.

5. SHOULD THE BOARD SET ASIDE CERTAIN RESTRICTIONS IMPOSED BY THE DEPUTY ZONING COMMISSIONER?

At the Zoning Commissioner level, the Deputy Zoning Commissioner granted the requested variances for construction of the new building but

imposed a number of restrictions in connection with use of the building. Most of the restrictions impose no particular problem or hardship because they involve things which are already being done and with which any well run business operation should comply. However, one restriction of the Deputy Zoning Commissioner provides that:

No toxic or volatile chemicals shall be used..."

and the Petitioner asserts that such restriction should be set aside by the Board.

The Petitioner established that the use of toxic and volatile chemicals is inherent in and essential to the operation of research, and a research institution; that it is well qualified to use and properly handle such substances; that its operations are monitored, inspected, licensed and controlled by EPA, OSHA, MSHA, the State and County Health and Hygiene Departments and the Maryland Department of Natural Resources; that it does in fact handle such substances properly; and that it has never been cited for an environmental violation or for any violation in connection with the use and control of toxic or volatile substances or the handling or disposal of wastes, hazardous or otherwise. The Petitioner also established that the research to be conducted in the new building is not new, different or added research. The work is presently being performed at the site and the Petitioner is simply looking for additional space to relieve the congestion and perform more efficiently.

It is obvious that the public welfare requires governmental oversight and control of the method of use and handling of toxic and volatile substances. But, it is also obvious that it does not require indiscriminate prohibition of use. That type of action would shut down research and industries and would be detrimental to the public welfare.

In general, the Petitioner believes that logic mitigates against imposition of any of the restrictions. However, specifically, the

Petitioner asserts that the restriction against the use of toxic or volatile chemicals/substances in the new building is unwarranted, is improper and is detrimental to the operation of a research facility.

The Petitioner also asserts that it is the province of OSHA, MSHA, EPA, the State and County Health Departments and the State Department of Natural Resources to see to the proper use and control of toxic and volatile substances; and that, in absence of a nuisance which violates zoning laws, the restriction imposed by the Deputy Zoning Commissioner is an unwarranted impingement upon a lawfully operated business, and should be set aside by the Board.

CONCLUSION

In conclusion, the Petitioner states that the facts and evidence show that the Petitioner conducts a Research Institute, and not a Laboratory, as defined by the Baltimore County Zoning Regulations; that the Petitioner properly handles toxic and volatile substances and hazardous wastes in its operations, and that its operations comply with all the requirements of the law in connection therewith; that the granting of the requested variances will not cause substantial injury to the public health, safety and/or general welfare; and that failure to grant the variances and requiring strict compliance with the zoning regulations will result in practical difficulty and unreasonable hardship to the Petitioner.

The Petitioner, therefore, requests the Board to grant the requested variances and approve the revised site plan, without any restriction upon the proper use of toxic or volatile substances in the new building.

Date: August 24, 1983

Joseph P. Alcarese
Attorney for the Petitioner

511 Gun Road
Baltimore, MD 21227
August 23, 1983

County Board of Appeals
Room 200, Court House
Towson, Maryland 21204

To Whom It May Concern:

We respectfully request that the members of the Board of Appeals, Mr. Frans, Mr. Vincent and Mr. Suttic, fully review our testimony and exhibits presented on August 3, 1983.

We feel that we have proven without a doubt that:

1. There is no need for a variance due to the fact that Martin Marietta has a substantial amount of property on which to build, all of which is basically of the same topographical nature.
2. No economic hardship would be created.
3. A machine shop is not in compliance with the zoning.

We thank the Board for their time.

Very truly yours,

Frank Lindberg
Frank Lindberg, Spokesman for the Protestants
Ms. Mary Jane Magill
Frank Lindberg
Harold E. Hedeman
Kaye White
Lucy Merrill
Charles G. Macgill
Gloria S. Watson

1a

cc: Congresswoman Barbara Mikulski
County Executive Donald Hutchinson
Senator John Coolahan
Councilman Ronald Hickernell

Rec'd. 8/29/83
3:45 P.M.

August 23, 1983

Summary of Testimony and Arguments by the Protestants

Mary Jane Macgill
Charles G. Macgill
Gloria S. Watson
Lucy Merrill

Dick Merrill
Herold E. Hedeman
Kaye White
Frances Moser

Berchy Manley
Richard Kline
Stephen Wheeler
Frank Lindberg

Item 1: Change of Use

Exhibit

The neighborhood in which Martin Marietta is located is very old and well established. Gun Road dates back to before the American Revolution. Some of the houses on Gun Road were built before the American Civil War and several were on recent house and garden tours. The last two houses which sold on Gun Road were sold for an average price of \$201,500. This indicates an extremely well maintained and desirable residential area. An expanding industrial activity challenges this long standing residential use by changing the character of the neighborhood and establishing a new use which can be used as an example to argue in favor of even greater industrial related use.

In 1964 when Martin Marietta first applied for a special exception to establish their operation in a residential zone, their intentions were genuine. They referred to other "institutions" in that area which they perceived themselves as being compatible with or similar to such as: various churches, the YMCA, Catonsville Community College, Rolling Road Country Club, Catonsville Senior High School, etc. They argued, at the time, that this use which is open and spacious "provides vitally needed open area complementing the more densely populated areas in the immediate proximity."

In 1969 there was a proposed zoning reclassification to change some of the area to MCR classification. Martin Marietta, under the direction of Mr. E.H. Parkison, joined the community in opposing the reclassification. He wrote a letter to the Baltimore County Planning Board expressing his reasons why the neighborhood should remain residential in character. He said Martin Marietta made a commitment to the community to be good neighbors and to keep Relay a beautiful community. He went into detail about their expensive building architecture and landscaping. He said the peaceful setting was conducive to doing basic research and that their organization was one of the few in the country which was supported by their parent company

(O) Petition for
Special Exception

(X) Letter from RIAS
dated Nov 18, 1969

Item 1: Change of Use (Cont'd)

Exhibit

to do basic research without any product development. He went on to say, "We cannot visualize the utilization of the Gun Road/South Rolling Road area by any manufacturing or commercial organization without foreseeing the destruction of the basic character of the neighborhood." "We fail to see the importance of including industrial land in this part of the county as being essential to the industrial and economic growth of Baltimore County in view of the available land located in the eastern and north-central part of the county which already possess excellent access."

Obviously, the Martin Marietta facility had a desire to maintain the neighborhood in a desirable residential condition but, unfortunately, administrations and goals have changed. The laboratory is not an independent, autonomous organization but rather is wholly owned by Martin Marietta Corporation which is a multi-national, \$4 Billion per year profit, motivated company. The zoning laws governing land use should provide stability to the residential areas so that the land use is not determined by a large multi-national company who has no interest in preserving residential uses. It is ironic that Martin Marietta is providing the threat of industrial reclassification by their expansion of a non-conforming use when this is what they argued against in 1969 under their previous administration.

Martin Marietta Labs is well under their maximum permitted floor area ratio of 20%. Their present floor area is 8.5% of their total land area so the natural question that arises is why do they need a variance to allow close spacing between buildings? The answer is that they have bigger plans for the open area they have for bigger buildings in the future. By clustering the proposed building into an otherwise unusable section of their property, they will achieve greater density in that area than is provided for by present building and fire regulations. This will provide more free space for their real expansion plans which are to at least double their present floor space. If the variance is denied, they can build on another section of their 91.5% vacant land anyway without a variance.

Martin Marietta's argument that the variance is needed because of topography is not true. If they were to locate the building closer to the Giliate Sisters, it would require more excavation because the building would be placed deeper into a hillside but there are many other places on their property where the building could be built without additional earthmoving.

Variance Restriction No. 3 (Cont'd)

Exhibit

b.2) Bill 76 and section 418 define a research institute as: "A building or group of buildings used primarily for basic and applied research wherein the scientific inquiry process is conducted in a manner similar to that of institutions of higher learning, and where all parts of the operation involving the development research process, e.g., product testing, are incidental to the above."

b.3) When Martin Marietta applied for a special exception in 1964 (before Bill 76) they fit the description of a research institute because they defined the term "research institute". They used the term RIAS (Research Institute for Advanced Studies) as the name they originally called the operation. They defined their work as follows: They were "studying pure science", they had about 100 people with many Ph.D. degrees. They were doing "fundamental research" and "fundamental studies of a scientific nature". They did not build or test anything. Because there was a public hearing nothing was mentioned about the use of any toxic materials. The description of the activity was similar to that of a college. Out of these descriptions the term "Research Institute" carried over into Bill 76 and then into Section 418.

b.4) The Martin Marietta Lab complex carries out research, development, and even engineering programs for government agencies and other organizations.

b.5) The Martin Marietta Laboratory does routine testing of toxic materials for all of the Martin Marietta plants located in 41 states and on a contract basis for others. This is not a research activity but rather a business activity which fits the description of a testing laboratory. The degree of hazard is not known until they bring it to the residential area and analyze it. This creates a potentially severe hazard for the community.

b.6) The Martin Marietta booklet uses the word "Laboratory" 34 times in describing the activity but does not use the term "research institute" at all.

b.7) They have coined other names of activities that go on at the Lab complex such as:

Environmental Center

Center for Occupational Health Engineering

(O) Petition for
Special
Exception

(L) MM booklet
Page 24

(U) MM national
booklet
Page 25

(L) MM booklet

(L) MM booklet
Page 18 & 23
(L) Page 16 & 17

Item 1: Change of Use (Cont'd)

Exhibit

If Martin Marietta is successful in persuading the zoning appeal board that this one spot on their property is the only one suitable to put another building, and that the topography of the rest of the property is not suitable for putting any buildings, then the approval of this variance should be accompanied by an order that no other buildings will be allowed by variance, special exception, or otherwise in the future because the petitioner's arguments in favor of this variance are based on the premise that no other land on their property is suitable for building. If other areas of their land are suitable for building but a greater expense, then the variance should be denied because financial or profit goals on the part of the petitioner should not be allowed as considerations for the approval of a variance.

The employment at Martin Marietta Labs represents about .7% of the total population of the parent company so the expansion of this facility will not make or break Martin Marietta but it could easily break the residential character of the neighborhood. The Martin Marietta Labs should be made to conform to their original character of operation (a research institute) which they argued so forcefully for in the beginning. The other, more industrial aspects of their operation can easily be handled by their other plants located in industrial parks which are zoned properly for that type of activity.

None of the reasons stated by Martin Marietta for the need to place the building where they want it are valid; i.e., extra utility lines, walking distance, communication, etc. Martin Marietta has yet to prove why they cannot locate the building where there is room for it.

Item 2: Restrictions Placed on the Variance

The zoning law apparently makes no provision for restrictions to be placed on a variance, unlike the law for special exceptions which do have provisions for restrictions. Restrictions on a variance then appear to be a matter of policy and not law. A variance should not be given if the restrictions are not enforceable under law. Since the zoning commissioner did approve the subject variance with restrictions, the restrictions must have been thought to be necessary.

Variance Restriction No. 3 (Cont'd)

Exhibit

Analytical Center

These operations are apparently the ones which do the routine and regular testing of toxic materials. These three extra activities are not defined in Section 418 or anywhere else as uses permitted in a residential zone without a special exception.

Environmental Center - Hazardous wastes are identified (analyzed).

Center for Occupational Health Engineering -

This laboratory is accredited by the Industrial Hygiene Association and regularly analyzes samples for such diverse contaminants as silica, zinc, lead, asbestos, cadmium, and a variety of organic vapors.

Analytical Center - provides technical service for the laboratories and the environmental center and for the rest of the corporation. This capability includes elemental and compound characterization and mineralogical and petrographic analysis.

b.8) Martin Marietta wants to build a building to house a machine shop and an electronics lab, neither of which is allowed in a residential zone without a special exception. Martin Marietta does not have a special exception so it would be impossible for this new building to comply with Section 418. Also, the fact that Martin Marietta wants to either establish or relocate a machine shop shows that their activity fits the description of a laboratory rather than a research institute. A research institute would have such infrequent need for machine shop service that it would not be worthwhile to establish their own when they could subcontract all of their machining requirements to many local machine shops.

There are three reasons why the proposed variance cannot comply with Section 418 of the Baltimore County zoning regulations. 1) The right of way of the street by which access is possible is thirty feet instead of the required sixty feet. 2) The complex is being used as a laboratory according to Martin Marietta's own descriptive literature. This is a nonconforming use (violation) according to Section 418. 3) The use of highly toxic materials in a residential zone was never intended by the wording of Bill 76 and Section 418. They (Bill 76 and Section 418)

Exhibit

(L) Page 11

(L) Page 18 & 23

(L) Page 16 & 17

(L) Page 11

(V) Letter by
Martin Marietta
dated 2/20/81

Item 2: Restrictions Placed on the Variance (Cont'd)

Exhibit

Mr. Goldheim of Martin Marietta Labs testified that these restrictions would create a hardship that they couldn't live with. He went on to state that they would seek an appeal to have the restrictions removed.

Variance restriction No. 1

The first of four restrictions placed on the variance is: "No toxic or volatile chemicals shall be used and stringent precautions shall be taken with conventional solvents".

a) This restriction is vague in that it does not specifically state if it refers only to the new building or if it pertains to the whole laboratory complex located at 1450 S. Rolling Rd. If it was intended to refer only to the new building and if there were a reason for restricting the chemical activity in the new building as it pertains to the health or well being of the employees or surrounding community then it should apply to the entire complex as well. Any reasons why the restriction should apply only to the new building and not to the entire complex are not stated.

b) This restriction is ambiguous because it states that toxic or volatile chemicals shall not be used but also states that stringent precautions shall be taken with conventional solvents. All conventional solvents (with the exception of water) are both toxic and volatile.

c) This restriction is not broad enough in its mention of categories of dangerous materials. Other categories of dangerous materials handled on the Martin Marietta Lab complex are: Ignitable, Reactive, Corrosive, and RCRA listed.

d) Other classifications of materials which might be considered for future use by Martin Marietta should be listed in the restriction along with a ruling as to whether they are allowed. Such other classifications include radioactive and explosive.

(J) Restriction No. 1
of petition
83-210-SPMA

(K) Dangerous Properties of Industrial Materials

(B) EPA regulations for the identification and listing of hazardous waste.

(D) DHS inspection form.

(L) Laboratory information booklet.
P. 11, reference to quarry blasting.
P. 22, reference to nuclear generating plants.

Variance Restriction No. 3

The third restriction placed on the variance is: "Compliance with all requirements of the EPA, MOSHA, OSHA, and the Maryland Dept of Health and Mental Hygiene, as well as Section 418 of the Baltimore County Zoning Regulations."

It is impossible to comply with these stated requirements for several reasons which are listed as follows:

a) Section 418.2a(2) requires that "access to the site is possible entirely by way of existing or proposed streets with rights of way not less than sixty feet in width". The right of way of the section of Rolling Road which provides the only access to the Martin Marietta property has a right of way of thirty feet.

b) Section 418 allows research institutes in a IRI zone without a special exception but requires a special exception for a laboratory to be in a IRI zone. The Martin Marietta Labs (originally called RIAS for "Research Institute for Advanced Study") petitioned for a special exception in 1964 which was granted with restrictions. The special exception was withdrawn after Bill 76 was enacted so they would not be bound by the restrictions imposed with the special exception. The main restriction which was avoided was one which said that no change in the plat plan would be allowed without another special exception. Without that restriction to hamper them, Martin Marietta expanded the size and scope of their operation to the point where they were a laboratory rather than a research institute. Their employment has risen from 100 in 1964 to 300 in 1983. Their building space has grown from 20,000 square feet in 1964 to 80,000 square feet in 1983. Their long range plans are to double their present employment of 300 and increase their floor space to about 160,000 square feet. Since they have no special exception they are already in violation of section 418. The reasons they are a laboratory rather than a research institute are developed as follows:

b.1) Bill 76 and section 418 define a laboratory as: "A building or group of buildings used primarily for applied and development research where the product testing process is a major function of the operation but where the operation does not involve any mass manufacturing".

(J) Restriction 3
of petition
83-210-SPMA

(M) Section 418

(N) Baltimore County engineering drawing showing 30 foot right of way.

(O) Petition for
Special Exception.

(P) Order of Withdrawal

(Q) Bill 76

(K) Letter from
Martin Marietta
dated 5/18/76

(S) 1964 Site
drawing.

(T) 1983 Site
drawing.

(U) Bill 76

(M) Sect. 418

Variance Restriction No. 3 (Cont'd)

Exhibit

say that the research institute or laboratory shall not create any dangerous or hazardous condition adversely affecting the surrounding area. If Martin Marietta originally proposed that they wanted to use a residential zoned area to locate a testing business for testing toxic materials from all of their operating plants and on contract for other companies, it never would have passed.

Item 2: Toxic Material Zoning Requirements

Exhibit

The issue of hazardous materials relates directly to zoning decisions by the wording used in Section 418 of the Baltimore County Zoning Regulations, i.e. (418.1): "It is the intent of these regulations that land or buildings occupied by research institutes or laboratories shall not be used in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, electrical, explosive, radioactive, or other hazardous condition affecting adversely the surrounding area. It is further the intent that there shall be no objectionable or offensive increase over normal residential conditions of noise, dust, odors, vibrations, glare, heat or other emanations at or outside the boundary of the research institute property line."

The words "toxic or poisonous" do not appear specifically anywhere in the wording of Section 418; only the words "dangerous, injurious, noxious, objectionable, and offensive" are used. The interpretation of whether "toxic or poisonous" fits these categories could set a precedent for Baltimore County policy with respect to chemical activities of this kind operating in a residential zone.

At the zoning variance appeal hearing on July 28, 1983 Martin Marietta Labs, 1450 S. Rolling Road, presented their arguments in favor of the variance to build a 6200 square foot building with less than the required spacings to their existing buildings. At that time, they volunteered a great deal of testimony that had to do with their use of toxic materials on the site and how safe they perceived their handling procedures to be. The inclusion of all this testimony probably resulted from the fact that they denied that they used any toxic materials at the original zoning hearing on March 17, 1983 which prompted the protestants to point out, at that time, their use of several extremely toxic materials described in their own descriptive literature.

(M) P. 212

(L) P. 7, 17, 25

Item 3: Toxic Material Zoning Requirements (Cont'd)

The important points of the protestant's testimony with regard to the toxic materials used at the laboratory complex are listed as follows:

a) On the first day of testimony (on July 28, 1983) the petitioners admitted to handling toxic materials measured in gram quantities or "chibble" amounts. The hazardous waste report for 1982 filed with the EPA by Martin Marietta adds up to 5,039 lb of toxic materials.

b) In the absence of an expert witness to discuss the relative toxicity of the materials listed, the protestants had to rely on handbooks such as "Dangerous Properties of Industrial Materials" by Irving Sax. This manual is in its fifth printing and is written by thirteen authors and six consultants with a total of five Ph.D. degrees and five M.D. degrees among them. Some of the materials listed on the 1982 Hazardous Waste Report in large quantities (6 lb of mercury and 300 lb of chromic acid) are 100 times more toxic than cyanide according to Sax's manual.

c) Most of the materials listed in Exhibit A are also listed in the Federal Register, "Identification and Listing of Hazardous Waste"

d) The Designated Hazardous Substances Form, filled out by an DEP inspector indicated the following:

d.1) The categories of wastes generated are ignitable, BP toxic, Reactive, RCRA listed, and corrosive.

d.2) Waste containers are not marked as to when accumulation began.

d.3) Containers are not properly labeled.

d.4) Martin Marietta does not have an approved emergency contingency plan.

d.5) Martin Marietta does not have a DHS permit for its activity nor has it applied for one.

Exhibit

(A) P 2, 3, 4, 5

(E) Sax's Manual of Dangerous Materials

(K) P 13

(A) P 2, 3, 4
(K) P 16, 17, 4 19

(B) Pages 33152
& 33153

(D) DHS Form

511 Gun Road
Baltimore, MD 21227

September 13, 1983

Chairman, County Board of Appeals
Room 219, Court House
Towson, MD 21204

RE: Case No. 83-210-SPHA
Martin Marietta Corporation

Dear Mr. Chairman:

The appellants in the above case wish to accomplish two things with this letter. a) We wish to respond to the rebuttal remarks offered by Mr. Alcarese in his letter to you dated August 30, 1983. These rebuttal remarks (numbered 1 through 5) pertain to the document entitled, "Summary of Testimony and Arguments by the Protestants", dated August 23, 1983 and b) We wish to offer our rebuttal pertaining to the document entitled, "Memorandum of Petitioner" stamped as received August 25, 1983.

In as much as no rebuttal remarks were authorized by you, and since the petitioner has submitted rebuttal anyway, we have written this letter. If your decision is to disallow all unrequested rebuttal remarks from both parties, we will concur with your decision.

The remarks contained in the rebuttal letter dated August 30, 1983 are as follows:

1. At the 2nd page, 3rd paragraph, the Appellants state, "This will provide more free space for their real expansion plans which are to at least double their present floor space." And at the 9th page, paragraph b), the Appellants state, "Their long range plans are to double their present employment of 300 and increase their floor space to about 160,000 square feet."

The Petitioner asserts that there was no discussion of and no matter introduced into evidence, either at the Zoning Commissioner level or at the Board hearing as to "expansion" or long range plans of Martin Marietta.

A review of the transcript will reveal that this was discussed toward the end of the hearing, on August 3, 1983 by Mr. Merrill.

9/14/83-4:30 PM

Item 3: Toxic Material Zoning Requirements (Cont'd)

e) Martin Marietta has a discharge permit for one outfall to empty into Soapstone Run. They received a site complaint for having three illegal outfalls. The site complaint required that they apply for a permit to incorporate their three extra outfalls within five working days. Two months after the site complaint they applied for the permit for the three extra outfalls.

f) Questioning of Martin Marietta's plant manager indicated the lack of accounting procedures which could be checked by an outside agency (or even an internal auditor) to determine the amount of toxic materials purchased or brought in for analysis with the amount held in inventory and waste storage so that the amounts which evaporated into the air and which went into the sanitary sewer could be determined.

g) A document submitted by Martin Marietta, which was drafted for the purpose of the hearing, indicated that they had accumulated about 500 lbs. of toxic material in their toxic waste storeroom from January 1, 1983 -- August 1, 1983. The Federal Register (Exhibit B), requires that they have a permit as a waste storage facility if they store toxic waste more than 90 days. They have shown no such permit. Their hazardous waste report for 1982, which adds up to 5,039 lbs., indicates one of several possibilities.

1) Their present inventory sheet was falsified to show small amounts, or

2) Their present waste inventory was reduced by illegal dumping into the sanitary sewer or their old septic system, or

3) The toxic materials are located in other parts of the laboratory in different classifications such as unused inventory, or inventory in use. In either case, the material is just as toxic as when it is finally taken to the waste storage area. It is still being used and stored in a residential zone.

h) In any laboratory, the proper disposal of unwanted chemical materials is largely dependent on the honor system. Many different holding containers have to be located at various places on the laboratory complex so that improper combinations of waste materials are not inadvertently mixed. The temptation to pour a small amount of a chemical down the drain to save a walk down the hall can be great. Since there is no inventory procedure to compare the official incoming and outgoing chemical

2. At the 6th page, paragraph b.5) the Appellants state, "The Martin Marietta Laboratory does routine testing of toxic materials for all of the Martin Marietta plants located in 41 states and on a contract basis for others." And the Appellants cite Exhibit U, page 25.

The Petitioner asserts that page 25 of Exhibit U does not, in any sense, state that the Petitioner "does routine testing of toxic materials" for anyone. And, there was no other evidence introduced at the hearing which would justify such a statement.

Exhibit U is a copy of several pages of a booklet entitled, "Diversified World of Martin Marietta" which describes the overall company. There is one paragraph (on page 25) out of 31 pages devoted to the Martin Marietta Laboratory located on Rolling Road so this description is necessarily brief. The paragraph on page 25 of exhibit U states:

Martin Marietta Laboratories is the Corporation's central research and development organization. With its associated environmental and occupational health centers, the laboratories also provides testing and analytical services for Martin Marietta's operating companies and, under contract, for other organizations in industry and government. Its sophisticated technical facilities, located near Baltimore, are staffed with specialists in mechanics, physics, mathematics, metallurgy, chemistry, biology, and mineralogy. Their studies and field work are dedicated to product improvement, new product development, and increased productivity.

The cover page (page 1) of exhibit U states:

Martin Marietta Corporation is a diversified multi-industry enterprise, providing products and services basic to the nation's economic well-being, technological advancement and security. The Corporation employs approximately 40,000 persons in 41 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Canada, and 13 other countries. Principal products include aerospace systems, aluminum, specialty chemicals, cement, construction aggregates, and data systems.

Exhibit

(C) Discharge Permit

(F) Site Complaint
(H) Application for three more outfalls

(B) EPA Regulations

(A) Hazardous waste report for Martin Marietta, 1982

Item 3: Toxic Material Zoning Requirements (Cont'd)

flow or outfall water analysis it puts the local residents in a very uncomfortable position of relying on Martin Marietta's honor system to properly handle and dispose of their toxic chemicals, especially in light of their demonstrated credibility problem with respect to admitting the amount and potential hazards of the materials they use.

From 1964 until about 1981, Martin Marietta had a septic system with ten seepage pits 10 feet in diameter and 15 feet deep. From their beginning in 1964 there was a gradual change in their activity from a purely theoretical organization to an applied organization dealing routinely in chemical analysis and experimentation. In 1980, Martin Marietta became registered as a toxic waste generator. Their chemical activity most likely did not begin instantaneously in 1980. From 1964 to 1980 an unknown amount of chemicals went into their septic system and over their outfalls. The land around the Martin Marietta site has many springs and underground water activity as seen by the mud slide report on the land downstream from Martin Marietta. A surface stream passes through the property of the Oblate Sisters of Providence (next to Martin Marietta), then through the Martin Marietta property, then under Route 195 and into Relay. Testimony by Mr. Richard Kline of Save Our Streams and Mr. Stephen Wheeler, a lifelong resident of Relay, indicated that this water is contaminated as evidenced by a disappearance of normal aquatic life.

i) The testimony on both sides about the use of toxic materials raised many questions which probably are not strictly in the domain of zoning regulations. The testimony raised some issues which should be addressed by other regulatory agencies to provide for a reliable procedure to account for the various hazardous materials used and to monitor the outfall water, sewer water, and septic system contents.

(j) Dr. Banks, the expert witness for Martin Marietta, testified that the dangers to the community from the storage and use of toxics at MML were small compared to the much greater hazards from chemical spillage at truck accidents on I-95.

"We would like to point out that all toxics at Martin Marietta are shipped in and out by trucks going through our residential community, and that their route is much closer than I-95."

On behalf of the Protestants

Frank A. Lindberg Aug 25, 1983
Frank A. Lindberg
511 Gun Road
Baltimore, Maryland 21227

A more detailed description of the toxic testing aspects of the laboratory are described on page 17 of exhibit U which is a booklet detailing the Martin Marietta Laboratory on Rolling Road. This exhibit should have also been cited by the appellants in support of this particular claim. Page 17 states:

COME's Laboratory is accredited by the American Industrial Hygiene Association and regularly analyzes samples for such diverse contaminants as silica, zinc, lead, cadmium, asbestos, and a variety of organic vapors.

These three paragraphs from exhibits U and V support the claim that, "The Martin Marietta Laboratory does routine testing of toxic materials for all of the Martin Marietta plants located in 41 states and on a contract basis for others."

3. At the 8th page, last paragraph, the Appellants state, "The inclusion of all this testimony probably resulted from the fact that they denied that they used any toxic materials at the original zoning hearing March 17, 1980"

The Petitioner asserts that this is a misstatement of the facts. The record of the Zoning Commissioner hearing will show that the Petitioner did not deny that it used toxic materials. The record will show that was not an item of discussion at the Zoning Commissioner hearing. The record will show that the question was whether the Petitioner planned to use toxic or volatile materials in the proposed new building. Mr. Goldstein stated in his testimony that either he misunderstood the question or his answer was misunderstood, because he understood that the Zoning Commissioner's record indicated that he said that no toxic substances would be used in the proposed new building.

A review of the tape recording of the hearing held on March 17, 1983 should reveal that one of the first questions asked of Martin Marietta was whether they handled any toxic materials on their lab site; not whether they planned to handle any in the proposed building. The answer was hard to misunderstand since it was a one-word answer, "No." This answer prompted the protestants to point out the listing of several extremely toxic substances in their descriptive information booklet later identified as exhibit L by the protestants. This booklet describes past and ongoing work, and not proposed work for their new building. Even if Mr. Goldstein misunderstood the question, the discussion of past and ongoing work should have clarified it enough for him to realize that the discussion was not about the new building. The above rebuttal remarks by Martin Marietta states that they testified that, "no toxic substances would be used in the proposed new building." This statement is inconsistent with Martin Marietta's position as stated by them on two different occasions. a) At the hearing on July 28, 1983 Mr. Goldstein stated

Exhibit

(O) Page 3

(1)



DEPARTMENT OF NATURAL RESOURCES
TOWSON STATE OFFICE BUILDING
TOWSON, MARYLAND 21204

September 13, 1983

Ms. Kaye White
The Gun Road Historical & Protective Assn.
409 Gun Road
Baltimore, Maryland 21227

Dear Kaye:

In the early part of July of this year I examined the macroinvertebrate life in an unnamed tributary to the Patapsco River at two points. This tributary enters the Patapsco River from the north side and approximately 1/2 mile upstream of Route 1. The samples were collected just upstream and downstream of the I-95 crossing.

At both points the stream was uniformly degraded. Both samples were dominated by Chironomids. Trichoptera larvae were present but few in numbers and Ephemeroptera nymphs were absent. These findings indicate that the stream is in poor condition. Based upon the abundance of Chironomids the most likely cause is a toxic material or a physical impact originating somewhere upstream of I-95. Possible sources which you might wish to pursue is the Martin-Marietta facility or any other industrial operation, the convent or other institutions and any other facility which might handle, store or use toxic substances

If I can be of any further assistance please do not hesitate to call. Best of luck with your efforts to protect the stream.

Respectfully,

Richard B. Klein, Coordinator
Save Our Streams

Telephone: (301) 269-2103

TTY: (301) 269-2103

that Martin Marietta would seek to have the restriction removed from the variance which disallowed toxic or volatile materials. The People's Counsel (Mr. Hession) questioned his sincerity on this since Martin Marietta allowed the appeal deadline to pass without seeking an appeal. b) In the memorandum submitted by Martin Marietta (pages 12, 13, and 14) their position was restated and amplified that the restriction on toxic materials should be set aside.

4. At the 10th page, (paragraph g), the Appellants state, "Their hazardous waste report for 1982, which adds up to 5,039 lbs., indicates one of several possibilities. 1) Their present inventory sheet was falsified to show small amounts, or 2) Their present waste inventory was reduced by illegal dumping into the sanitary sewer or their old septic system."

The Petitioner asserts that there was no evidence as to falsification or illegal dumping into a sanitary sewer or septic system, and such statements by the Appellants are grossly improper.

The appellants agree that no evidence was submitted to prove that either of the above two possibilities actually happened, but also asserts that the statement made by the appellants is true without any evidence. The statement simply said that there were several possibilities to explain the discrepancy in the two waste reports.

5. At the 11th page, 2nd paragraph, the Appellants state, "From 1964 to 1980 an unknown amount of chemicals went into their septic system or over their outfalls."

The Petitioner asserts that there was not a scintilla of evidence indicating that the Petitioner ever discharged any chemicals in their septic system or over their outfalls." The Appellants cite as substantiation of their statement page 3 of Exhibit G. Page 3 of Exhibit G shows nothing relevant. Page 4 of Exhibit G shows:

"#1 - 5000 gallon septic tank"
"#9 - Laboratory wastes to be discharged into a separate system . . ."

From 1964 until 1981 Martin Marietta had a septic system. In 1981 they connected to the county sewer system and stopped using their septic system. In Martin Marietta's memorandum they state on pages 6 and 7:

None of the floor drains from the labs go to the outfall; they all go into the sanitary sewer system. Thus, if one is to speculate a spill into a lab floor drain, such spill would go into the sanitary sewer system.

Before 1964, the sewer line was still connected to their septic system and so from 1964 until 1980 it is reasonable to state that an unknown amount of laboratory spills, either into the sinks or into the floor drains, went into their septic tank and then into the seepage pits where they were absorbed into the ground and entered underground streams.

The site complaint (exhibit F) describes the three illegal outfalls and also describes an "unidentified gray substance" at one of the outfalls.

Rebuttal to Martin Marietta's Memorandum

Item 1. Will granting of the Requested Variances Cause Substantial Injury to Public Health, Safety and General Welfare?

On Page 2 the petitioner states:

The Baltimore County Zoning Regulations provide that the County Board of Appeals shall have the power to grant variances only in such manner to grant relief without substantial injury to public health, safety and general welfare. The Petitioner contends that granting of the requested variances will not cause any injury to public health, safety or general welfare.

The appellants contend that the issues of public health, safety, and welfare, although important, are not the only issues to be considered in the decision to grant a variance. A variance should not be used to accomplish preplanned expansion or to create or contribute to a change of use of a residential zone. A single variance considered by itself may not appear to have a great deal of impact on anything but when considered as a part of an overall plan to create a new use not originally intended by zoning regulations, then the variance should be disallowed.

On page 2 the petitioner continues:

The Petitioner must emphasize that its request involves distance variances, not a use variance.

The appellants agree that the subject variance is not a use variance but the appellants also contend that the petitioner has already created a change in use over the years unofficially without calling attention to it by expanding the scope of their operation from a research institute definition to a laboratory definition.

In addition, as testified by Mr. Goldstein, in rebuttal, the only materials sent to the Martin Marietta premises for testing are marine life samples for test in connection with the Chesapeake Bay ecology studies and material from air samples taken in environment studies. This is a far cry from the hazardous and nuclear wastes about which Mr. Merrill speculated.

This statement reflects their present testing activity. The fact still remains that their present charter includes doing testing of toxic materials for their operating companies and on a contract basis for others (Exhibits L and U).

On page 7 the petitioner states:

Mr. Kline made no other findings and could not identify where he took the sample, from a stream which is several miles long.

The record will indicate that Mr. Kline testified that he took two samples from the stream; one was as close as he could get to Martin Marietta's property where the stream ran under a chain link fence (up stream of I-95) and at another location downstream of I-95 to determine if the runoff from I-95 would make a difference in his findings of the two samples. He said there were no differences in the two samples with respect to the loss of normal aquatic life. All but a few hundred feet of this stream are located downstream of Martin Marietta. The few hundred feet upstream are on the property of the Oblate Sisters of Providence, which is a convent and not an industrial activity.

Item 4. Is the Petitioner's Operation a Research Institute or a Laboratory?

On page 10 the petitioner states:

Although the Baltimore County Zoning Regulations make a valid distinction between "Research Institute" and "Laboratory", as Mr. Goldstein testified, in the science world, the words "lab" or "laboratory" and "research institute" are generally used interchangeably. He cited, for example, "Bell Laboratories," one of this country's renowned research institutes, and college and university research facilities which are generally referred to as "labs" or "laboratories".

There was nothing introduced as evidence to support the claim that Bell Laboratories is a research institute instead of a laboratory. The comparison between Bell Labs and Martin Marietta Labs is rather far fetched since Bell Labs is located in Murray Hill, New Jersey with different zoning regulations and definitions and it is not in a residential zone. If this analogy is taken seriously, and we doubt that it will, we can supply information that would show that Bell Labs in Murray Hill, New Jersey would fit the Baltimore County Zoning definition of a laboratory if such a comparison would have any bearing on the case.

On page 2 the petitioner continues:

The Martin Marietta Corporation has a substantial investment in the community and a substantial reason for maintaining the nature and character of the neighborhood.

This statement is misleading. Actually, what Martin Marietta means is that they have a substantial investment in their laboratory complex and its equipment, and not a substantial investment in the community. There is really no reason for them to try to maintain the nature and character of the neighborhood. There is a substantial reason for them to maintain the profitability of the laboratory complex however. The present charter of the complex is for them to be the main research and development organization of Martin Marietta and to enhance and improve the parent company's profitability, productivity, and competitive posture. (Exhibit L, page 3). This was not their original charter as set forth by them in Exhibit O.

The charter of the laboratory on Rolling Road is dictated by the parent company and is, therefore, subject to change. The reasons to maintain the residential character of the neighborhood should be set and preserved by law and not entrusted to an organization who has limited control over its own charter.

On page 2 the petitioner continues:

The evidence also shows that the area is hilly and very wooded, and the Appellants, who are residents of the Gun Road community, are far removed from the Petitioner's property. In these circumstances, the impact of the requested distance variances upon the Gun Road community must be next to zero.

This statement misses the point entirely. Although most of the appellants would not be able to see the new building they are opposed to the variance because it represents a gradual increase in the level of industrial related activity going on in a residential area which sets a precedent for more of the same. Eventually, the new established use provides the basis for officially changing the classification to an industrial classification and thereby permanently destroying the character of the neighborhood to the detriment of the families living in the area.

On page 3 the petitioner states:

As the Petitioner testified, its need for the additional building, which is relatively small, is for added space to relieve cramped quarters. The building has not been planned to house major new programs or efforts. There is, therefore, no indication of traffic increase which might be argued to affect safety.

Starting on page 11, the petitioner lists some selected research work with an ecologically oriented humanitarian flavor. It should be pointed out that the results of these kinds of studies are made available to the public at large to the extent specified by the procuring agency. The procuring agency, not the contractor, determines the scope of the work and the distribution of the reports. Work that is done on Martin Marietta's strategic funds, however, is company proprietary if its purpose is to maintain a competitive posture. This is a business related effort and is not related to the needs of the residential community members nor is it intended for community participation like the other institutions cited by the petitioner originally in Exhibit O.

Item 5. Should the Board Set Aside Certain Restrictions Imposed by the Deputy Zoning Commissioner?

In part 5 the petitioner presents arguments in favor of setting aside any restrictions about the use of toxic materials even though the people's council reminded them that if they really wanted that they should have appealed before the appeal deadline passed. This is in conflict with Martin Marietta's position as stated in their letter of August 30, 1983:

Item 3: "Mr. Goldstein stated in his testimony that he either misunderstood the question or his answer was misunderstood, because he understood that the Zoning Commissioner's record indicated that he said that no toxic substances would be used in the proposed new building."

On behalf of the appellants

Frank A. Lindberg
Frank A. Lindberg
511 Gun Road
Baltimore, MD 21227

This statement is inconsistent with other statements made by the petitioner such as in Exhibit V:

"We have projects (some for the Department of Defense and some for our operating plants) that must be started by mid-year to meet contract obligations. We will be hiring some scientific and administrative staff for this work but cannot do so until we have offices and labs in which to place them."

Item 2. Will Strict Compliance With the Zoning Regulations Result in Practical Difficulty or Unreasonable Hardship to Petitioner?

On page 4 the petitioner states:

Alternative sites involve substantial practical difficulty and unreasonable hardship. All of the alternate sites would involve locating the personnel who would occupy the new building away from those with whom they have to work and coordinate, and this would create a very impractical situation and a hardship, especially for the scientific personnel involved.

This statement implies that the extra walking distance would create a hardship. Actually, on a 28 acre site there would not be excessive walking distance no matter where the buildings were located. Most colleges and universities, which Martin Marietta compares themselves with, are located on much larger sites than 28 acres and walking distance is not a problem. If the new building will really house a machine shop, as they say it will, then there is no real need for constant interfacing with it anyway since many companies subcontract machining work to machine shops located across town.

On page 4 the petitioner continues:

In addition to the problem of separating the people; because of the hilly nature of the property, the alternative sites would require extensive excavation and grading or, as an alternative, the construction of a two-story building with an elevator which would present an expensive and impractical working situation.

We contend that there are plenty of alternative sites that would require less grading than the site they plan to use. These sites are their present parking lots which could be relocated to areas less suitable for buildings. If this plan to use the parking lot space is declared to be unacceptable by Martin Marietta then it should not be allowed as an option for them in the future. Even if they did build a two story building there was no evidence submitted as to why an elevator would be required or why a two-story building would be impractical since they already have three story buildings without elevators.

MARTIN MARIETTA AEROSPACE

BALTIMORE DIVISION
103 CHESAPEAKE PARK PLAZA
BALTIMORE, MARYLAND 21220
TELEPHONE (301) 538-6000

August 30, 1983

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

Re: Case No. 83-210-SPHA
Martin Marietta Corporation

Dear Mr. Chairman:

At the conclusion of the hearing in the subject case, the Board ordered Memoranda be submitted by the parties. The Board did not order or authorize rebuttal memoranda, and it is with some caution that the Petitioner approaches this matter so that it will not take on any aspects of rebuttal.

The Petitioner realizes that considerable latitude should be allowed in the expression of opinion and argument in the Memoranda summing up the position of the respective parties. However, it is incumbent upon both parties, in their argument, to not misstate the facts and, also, to not state as "fact" that which is not established at the hearing or is not, otherwise, part of the record.

It is with some reluctance that the Petitioner must point out the following misstatements of facts and also statements made as "fact" which were not established at the hearing, and request that they be stricken from the "Summary of Testimony and Arguments by the Protestants":

1. At the 2nd page, 3rd paragraph, the Appellants state, "This will provide more free space for their real expansion plans which are to at least double their present floor space". And at the 5th page, paragraph b), the Appellants state, "Their long range plans are to double their present employment of 300 and increase their floor space to about 160,000 square feet".

The Petitioner asserts that there was no discussion of and no matter introduced into evidence, either at the Zoning Commissioner level or at the Board hearing as to "expansion" or long range plans of Martin Marietta.

The appellants realize that the petitioner could build the building at another site on their property without a variance. Bill 76, which was enacted the year after Martin Marietta applied for a special exception, provided a limitation of a 20% floor area ratio which, in their use, allowed a maximum floor space of 200,000 square feet. This was a rather extreme departure from the wording of their special exception which limited them to their stated size at the time of 20,000 square feet.

Beside the 200,000 square foot limitation there are many other zoning and building regulations which should be adhered to such as road set backs, property line setbacks, distances between buildings, etc. The present 200,000 square foot limit should not be considered as a goal of primary importance to be used as an argument to allow variances so that the maximum allowed floor space can be reached. The only hardship that would result in denying the variance is that it would be more difficult for the petitioner to attain their maximum allowed floor space which is ten times the amount they had when they presented their original arguments of residential compatibility which were based, in part, on their small size (Exhibit O).

Item 3. Does the Petitioner Properly Handle Toxic Substances and Hazardous Wastes in its Operations?

On page 5 the petitioner states:

In view of the recent horror stories concerning dioxins, etc., it is apparent that every community should have sufficient concern to inquire and determine the nature of any potential danger to its environment. Rather than concerned inquiry, which could generate mutual investigation, disclosure and discussions, the Appellant's concerns were expressed in accusations, some rather ludicrous, punctuated by placards and television.

The tape recording of the zoning hearing on March 17 should reveal that Mr. Goldstein denied that Martin Marietta used any toxic materials. At the Appeal Hearing on July 28 he admitted to handling them in gram quantities or "trickle-full" amounts. At the continuation of the hearing on August 3, Martin Marietta's plant manager was brought in by them to testify about the toxic material handling and the inventory system used at the site. When cross-examined by the People's Counsel, he was unable to provide satisfactory answers about inventory control and how to determine the amount, kind, and locations of various toxic materials located at the site at any given time. After stating that he was not the one to answer these questions, the People's Counsel asked Mr. Alcareese why he did not bring in the right person to provide satisfactory answers. His reply was, on the record, "You run your case and I'll run mine." This kind of evasive and arrogant attitude and the general lack of credibility and responsiveness to the zoning board and the community makes it difficult to imagine any "concerned inquiry" to Martin Marietta by a random group of citizens which would generate "mutual investigation, disclosure, and discussion."

On page 6 the petitioner states:

SUBJ: Case No. 83-210-SPHA Page 7 August 30, 1983
Martin Marietta Corporation

2. At the 6th page, paragraph b.5) the Appellants state, "The Martin Marietta Laboratory does routine testing of toxic materials for all of the Martin Marietta plants located in the area and on a contract basis for others". And the Appellants cite Exhibit U, page 25.

The Petitioner asserts that page 25 of Exhibit U does not, in any sense, state that the Petitioner "does routine testing of toxic materials" for anyone. And, there was no other evidence introduced at the hearing which would justify such a statement.

3. At the 8th page, last paragraph, the Appellants state, "The inclusion of all this testimony probably resulted from the fact that they denied that they used any toxic materials at the original zoning hearing March 17, 1983".

The Petitioner asserts that this is a misstatement of the facts. The record of the Zoning Commissioner hearing will show that the Petitioner did not deny that it used toxic materials. The record will show that was not an item of discussion at the Zoning Commissioner hearing. The record will show that the question was whether the Petitioner planned to use toxic or volatile materials in the proposed new building. Mr. Goldstein stated in his testimony that either he misunderstood the question or his answer was misunderstood, because he understood that the Zoning Commissioner's record indicated that he said that no toxic substances would be used in the proposed new building.

4. At the 10th page, paragraph g), the Appellants state, "Their hazardous waste report for 1982, which adds up to 5,039 lbs., indicates one of several possibilities. 1) Their present inventory sheet was falsified to show small amounts, or 2) Their present waste inventory was reduced by illegal dumping into the sanitary sewer or their old septic system".

The Petitioner asserts that there was no evidence as to falsification or illegal dumping into a sanitary sewer or septic system, and such statements by the Appellants are grossly improper.

5. At the 11th page, 2nd paragraph, the Appellants state, "From 1964 to 1980 an unknown amount of chemicals went into their septic system or over their outfalls".

*Bill 9-2-83
9:15 am*

The Petitioner asserts that there was not a scintilla of evidence indicating that the Petitioner ever discharged any chemicals in their septic system or "over their outfalls". The Appellants cite as substantiation of their statements page 3 of Exhibit O. Page 3 of Exhibit O shows nothing relevant. Page of Exhibit O shows:

"#1 - 5000 gallon septic tank"
"#9 - Laboratory wastes to be discharged into a separate system...."

For the reasons stated, the Petitioner moves that the above-cited statements of the Appellants be stricken as being inconsistent with and/or not substantiated by the evidence.

Very truly yours,

MARTIN MARIETTA CORPORATION

Joseph P. Alcarese
Counsel for Petitioner

cc: J. W. Hession, Esq.

RELAY IMPROVEMENT ASSOCIATION

CONFIDENTIAL

5128 S. Rolling Road
Baltimore, MD 21227
December 13, 1983

Dear Sir:

I invite you to a discussion concerning a likely relationship between the Relay mudslide and the Martin-Marietta Laboratory. Apparently sewage from Martin-Marietta Lab is entering the County's sewage pumping installation on Woodland Drive at a rate about four times greater than the facility was intended to handle when it was installed; and the overflow has been entering the ground close to the mudslide and adding to the water table.

I have a scenario to suggest as to how to handle this situation with a minimum of adverse publicity, and I will offer those suggestions at this discussion.

Those invited are: up to 3 representatives from Martin-Marietta, Harry Pistel, Donald Hutchinson, Don Dickernell, Arnold Vaulon, William Siebman and Slade Caltrider. Nobody from this community besides me will attend, nor have they been informed - even the affected landowners.

The discussion will take place at the Relay Town Hall on Arlington Avenue at 1 PM on Sunday, Dec. 18th. (Laboratories do not operate in the fall or winter, but there will be heat.)

If meanwhile you can show that there is no connection between Martin-Marietta Lab's sewage and the mudslide, please let me know as soon as possible before the 18th.

Sincerely yours,

Thurston Riggs
President

MICROFILMED

P.S. Since this was written, I have received your letter with enclosures, both of which were informative and helpful.

In this situation I believe the "violation" was caused by the County, which failed to carry out its obligation to conduct suitable engineering management of the sewer system. The fact remains, however, as I described on the phone, that Martin-Marietta's being there originated the offending sewage. I wrote to the State Health Department for help in this matter but heard nothing - telephone call not returned, either.

Your proposal for handling this matter is not based on filing a zoning complaint. It is not clear, however, whether the parties involved will accept my solution - and even then, whether it will work independent of official zoning considerations. Indeed the affected property owners, in their struggle to reach settlements with Martin-Marietta and the County, might insist upon a more public handling of the matter than I expect to propose - they might insist on zoning enforcement. I leave it to your discretion to determine whether or not you will due to the discussion in relay.

In re: Martin Marietta Corp.
Petition for Zoning Variance
Case No.: 81-208-A

Before the County
Board of Appeals
of Baltimore County

APPLICATION FOR THE ISSUANCE OF
SUBPOENA AND SUBPOENA DUCES TECUM

Pursuant to Rule 5 of the Rules of Practice and Procedure of the County Board of Appeals, the protestant, the Gun Rd. Historic and Protective Assoc. hereby request that a subpoena be issued to the following person, requiring that he appear to testify at the hearing in this case on August 3, 1983 at 9:15 a.m., Room 218, Courthouse, 400 Washington Ave., Towson, MD and requiring that he bring with him the records described:

Mr. Thomas Pattle
Dept. of Health and Mental Hygiene
Office of Environmental Programs
Hazardous Waste Division, 201 W. Preston Street
Baltimore, MD 21207

to be required to bring with him all writings, documents and records of any kind whatsoever in his possession or custody or in possession or custody of the Dept. of Health and Mental Hygiene pertaining to the:

(A) Martin Marietta Corp. for the years of 1981, 1982 to present,

Mr. Sheriff:

Please issue the above subpoena.

John Holman, Board of Appeals
of Baltimore County

In re: Martin Marietta Corp.
Petition for Zoning Variance
Case No.: 81-208-A

Before the County
Board of Appeals
of Baltimore County

APPLICATION FOR THE ISSUANCE OF
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Mr. M. Slade Caltrider
State Highway Administration
Division of Materials & Research
2323 West Joppa Road
Brooklandville, MD 21022

to be required to bring with him all writings, documents and records of any kind whatsoever in his possession or custody of the State Highway Administration, Division of Materials & Research pertaining to:

(A) Slide Area

Bradley T. Johnson Property
Relay, Maryland

Mr. Sheriff:

Please issue the above subpoena.

John Holman, Board of Appeals

In re: Martin Marietta Corp.
Petition for Zoning Variance
Case No.: 81-208-A

Before the County
Board of Appeals
of Baltimore County

APPLICATION FOR THE ISSUANCE OF
SUBPOENA AND SUBPOENA DUCES TECUM

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(A) Martin Marietta Corp. for the years of 1981, 1982 to present,

Mr. Sheriff:

Please issue the above subpoena.

John Holman, Board of Appeals
of Baltimore County

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

May 18, 1983

NOTICE OF ASSIGNMENT

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

CASE NO. 83-210-SPHA MARTIN MARIETTA CORP.

W/S Rolling Rd., 1635' S of Gun Rd.

13th District

SM-Grandment to site plan
Var - to permit distance between buildings
or 40' in lieu of 90' and 80' in lieu of
110', 35' and 80'-Sec. 1802.28
(V.6.2 & 102.2)

4/6/83 - D.Z.C.'s Order-GRANTED w/
restrictions

ASSIGNED FOR:
CONTINUED ON -
cc: Joseph P. Alcarese, Esq.

THURSDAY, JULY 28, 1983, at 10 a.m. 4:15
WEDNESDAY, AUG. 3, 1983, at 9:15 AM
Counsel for Petitioner

William Balfour, Esq. Counsel for Protestants - see letter

Martin Marietta Corp. Petitioner

Ms. Mary Jane McGill, et al Protestants
Frank Lindberg
Harold E. Mademan
Kaye White
Lucy Merrill
Charles G. McGill
Glorio S. Wahan
J. E. Dyer
J. Jung
N. Gerber
J. Howell

W. Hammond
J. W. Hession, Esq. People's Counsel
Dr. Paul Becker (sent notice 5/24/83 - per phone call)

John Holman, Secretary

In re: Martin Marietta Corp.
Petition for Zoning Variance
Case No.: 81-208-A

Before the County
Board of Appeals
of Baltimore County

APPLICATION FOR THE ISSUANCE OF
SUBPOENA AND SUBPOENA DUCES TECUM

Pursuant to Rule 5 of the Rules of Practice and Procedure of the County Board of Appeals, the protestant, the Gun Rd. Historic and Protective Assoc. hereby request that a subpoena be issued to the following person, requiring that he appear to testify at the hearing in this case on August 3, 1983 at 9:15 a.m., Room 218, Courthouse, 400 Washington Ave., Towson, MD and requiring that he bring with him the records described:

Mr. M. Slade Caltrider
State Highway Administration
Division of Materials & Research
2323 West Joppa Road
Brooklandville, MD 21022

to be required to bring with him all writings, documents and records of any kind whatsoever in his possession or custody of the State Highway Administration, Division of Materials & Research pertaining to:

(A) Slide Area

Bradley T. Johnson Property
Relay, Maryland

Mr. Sheriff:

Please issue the above subpoena.

John Holman, Board of Appeals

In re: Martin Marietta Corp.
Petition for Zoning Variance.
Case No.: 83-208-A

Before the County
Board of Appeals
of Baltimore County

APPLICATION FOR THE ISSUANCE OF
SUBPOENA AND SUBPOENA DUCES TECUM

Pursuant to Rule 5 of the Rules of Practice and Procedure of the
County Board of Appeals, the protestant, the Gun Rd. Historic and Protective
Assoc. hereby request that a subpoena be issued to the following person,
requiring that he appear to testify at the hearing in this case on
August 3, 1983 at 9:15 a.m., Room 218, Courthouse, 400 Washington Ave.,
Towson, MD and requiring that he bring with him the records described.

Mr. M. Stale Caltrider
State Highway Administration
Division of Materials & Research
2323 West Joppa Road
Brooklandville, MD 21022

to be required to bring with him all writings, documents and records of any
kind whatsoever in his possession or custody of the State Highway Administration,
Division of Materials & Research pertaining to:

- (A) Slide Area
Bradley T. Johnson Property
Relay, Maryland

Mr. Sheriff:

Please issue the above summons.

June Holman
June Holman, Board of Appeals



BALTIMORE COUNTY, MARYLAND
EXECUTIVE OFFICE
TOWSON, MARYLAND 21204

Donald P. Hutchinson
County Executive

September 1, 1983

File # 83-210-SPHA

Mr. Frank Lindberg
511 Ozi Road
Baltimore, MD 21227

Dear Mr. Lindberg:

Thank you for your recent letter regarding the Zoning
Board of Appeals review of your testimony in the Martin
Marietta Corporation.

Since the Board of Appeals is under the auspices of the
Baltimore County Council, I have referred your letter to
Councilwoman Barbara Bachur and to Mr. William Hackett,
Chairman of the Board of Appeals.

If I can be of further assistance, please do not hesitate
to contact my office.

Sincerely,

Donald P. Hutchinson
County Executive

hm

cc: Barbara Bachur
William Hackett



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

November 2, 1983

Ms. Mary Jane Macgill, et al
319 Gun Road
Baltimore, Maryland 21227

Dear Ms. Macgill:

Re: Case No. 83-210-SPHA
Martin Marietta Corp.

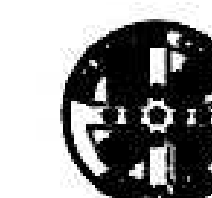
Enclosed herewith is a copy of the Opinion and Order
passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holman
June Holman, Secretary

Encl.

cc: Joseph P. Alcarese, Esq.
Frank Lindberg
Martin Marietta Corp.
Dr. Paul Becker
J. E. Dyer
J. Jung
N. Gerber
J. Hoswell
A. Jablon
J. W. Hession, Esq.



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

November 23, 1983

Ms. Mary Jane Macgill, et al
319 Gun Road
Baltimore, Maryland 21227

Re: Case No. 83-210-SPHA
Martin Marietta Corp.

Dear Ms. Macgill:

Enclosed herewith is a copy of the Amended Opinion
and Order passed today by the County Board of Appeals in the above
entitled case.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Encl.

cc: Frank Lindberg
Joseph P. Alcarese, Esq.
David Goldheim
Dr. Paul Becker
John W. Hession, III, Esq.
A. Jablon
J. Jung
J. E. Dyer
N. E. Gerber
J. G. Hoswell

MARTIN MARIETTA AEROSPACE

BALTIMORE DIVISION
103 CHESAPEAKE PARK PLAZA
BALTIMORE, MARYLAND 21204
TELEPHONE (301) 326-8800

August 5, 1983

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

Attn: Mrs. Edith Eisenhart

Re: Case No. 83-210-SPHA Martin Marietta Corp.

Dear Mrs. Eisenhart:

In accordance with your request, I am enclosing a copy
of Petitioner's Exhibit No. 5 entitled, "Variance Map."

Please let me know if we can be of any further assistance

Very truly yours,

MARTIN MARIETTA CORPORATION

Joseph P. Alcarese
Joseph P. Alcarese
Division Counsel
Martin Marietta Aerospace
Baltimore Division

13d
enclosure

*Rec'd 8-8-83
11:15 am*

MARTIN MARIETTA AEROSPACE

BALTIMORE DIVISION
103 CHESAPEAKE PARK PLAZA
BALTIMORE, MARYLAND 21204
TELEPHONE (301) 326-8800

May 12, 1983

Mr. William T. Hackett
Chairman, Baltimore County Board of Appeals
Room 200 Courthouse
Towson, MD 21204

Re: Petitions for Special Hearing and
Variances W/S of Rolling Rd., 1,
635' S of Gun Rd.
Martin Marietta Corporation - Petitioner
Case No. 83-210-SPHA

Dear Mr. Hackett:

The Martin Marietta Corporation has been advised by the Office
of Zoning, Commissioner that an appeal has been filed from their
decision with respect to Martin Marietta's petitions for Special
Hearing and Variances.

The variances were requested in connection with a proposed 6,200
square foot building. We have projects - some for the Department of
Defense - which must be started as soon as possible in order to be
able to meet contract performance and schedule obligations. The
additional space is urgently required for these projects and the
additional employment which will be involved.

We, therefore, request that the Board of Appeals schedule this
matter for hearing as soon as reasonably possible.

Very truly yours,

MARTIN MARIETTA CORPORATION

Joseph P. Alcarese
Joseph P. Alcarese
Division Counsel
Martin Marietta Aerospace
Baltimore Division

*Rec'd 5/16/83
11:45 am*

Set for this 7/28/83

OBER, GRIMES & SHRIVER
ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
1600 MARYLAND NATIONAL BANK BUILDING
BALTIMORE, MARYLAND 21202

TELEPHONE (301) 326-8800
FACSIMILE (301) 326-8800
TELEX 8-1714

WASHINGTON, D. C. OFFICE
1140 FOUNDRY STREET, N.W.
WASHINGTON, D. C. 20004
TELEPHONE (202) 898-2298

ORLANDO, FLORIDA OFFICE
105 WEST PALM BLVD.
ORLANDO, FLORIDA 32801
TELEPHONE (305) 841-1971

NEW YORK, NEW YORK OFFICE
77 WALTER STREET
NEW YORK, NEW YORK 10005
TELEPHONE (212) 343-1800
CABLE: OBERGRIM

May 23, 1983

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

RE: Case No. 83-210-SPHA
Martin Marietta Corp.

Gentlemen:

I received a Notice of Assignment in the above matter in
which I was listed as counsel for Protestants. In fact I
represent only the Oblate Sisters of Providence which have
determined not to participate in the appeal.

Very truly yours,

William L. Balfour
William L. Balfour

WLB:cw

cc: Sister Mary Paul
Joseph P. Alcarese, Esquire

*Rec'd 5-24-83
9:10 am*

494-3190

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204
July 13, 1983

Mrs. Charles Macgill, President
The Gun Road Historical and Protective Assoc.
319 Gun Road
Baltimore, Md. 21227

Dear Mrs. Macgill:

Re: Case No. 83-210-SPHA
Martin Marietta Corp.

In answer to your letter to the Board of July 11, 1983,
requesting a postponement in case #83-210-SPHA, the Board must deny
your request for the postponement of the above case.

Hopefully you can designate someone in your organiza-
tion to present your testimony. Please also be aware that if they wish
to testify as representing the Gun Road Historical and Protective Associa-
tion, compliance with Rule 8 of the Board's Rules must be followed.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman

WHh

The Gun Road Historical and Protective Association
319 Gun Road
Baltimore, Maryland 21227

July 11, 1983

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

Re: Case No. 83-210-SPHA Martin Marietta Corp.

Dear Sirs:

As President of the Gun Road Historical and Protective Association and one of its spokespersons, I find it necessary to request a postponement of the above case, presently assigned for Thursday, July 28, 1983, at 10 a.m.

Because of family responsibilities it will be necessary for me to be out of the state until August 5th.

Very truly yours,

Mary Ann Magill
(Mrs. C. E. Magill)
President

1a

7/12/83
11:15 P.M.

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
July 14, 1983

Mr. Harold E. Hedeman, Vice President
The Gun Road Historical and Protective Assoc.
408 Gun Road
Baltimore, Md. 21227

Dear Mr. Hedeman:

In answer to your letter of July 12, 1983, requesting a postponement in Case No. 83-210-SPHA, the Board will deny your request for postponement.

If the information you claim as vital to your case would not be available at the time of the hearing, the Board will then consider receiving such testimony at a later date.

Very truly yours,

William T. Hockett
William T. Hockett, Chairman

WHJh

The Gun Road Historical and Protective Association
408 Gun Road
Baltimore, Maryland 21227

July 12, 1983

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

Re: Case No. 83-210-SPHA Martin Marietta Corp.

Dear Sirs:

I hereby request a postponement of the above case because the state cannot provide information in regards to this case in a timely manner. In view of this fact we shall be unable to present a technically and scientifically intelligent statement before the Board.

We therefore request that a hearing not be held until at least two weeks after we receive the requested information.

Very truly yours,

Harold E. Hedeman
Harold E. Hedeman
Vice-President

1a

Be 7/15/83
2:05 P.M.

5/18/83 - Following were notified of hearing set for Thurs. July 28, 1983, at 10 a.m.:

Joseph Alconese, Esq.
Wm. B. Bower, Esq.
Martin Marietta Corp.
Mary J. Macgill, et al
F. Lindberg
H. Hedeman
Kaye White
Lucy Merrill
C. Macgill
G. Watson
J. Dye
J. Ang
N. Garber
J. Howell
W. Hammond
J. W. Hession
Dr. P. Becker - 5/24/83

7/28/83 - Continued Hearing set for: WEDNESDAY, AUGUST 3, 1983 at hearing of 7/28/83

MARTIN MARIETTA LABORATORIES

1450 SOUTH ROLLING ROAD
BALTIMORE, MARYLAND 21227
TELEPHONE: (703) 247-0700
TWX: 710-236-3076

December 7, 1983

Mr. Arnold Jablon
Zoning Commissioner
of Baltimore County
Baltimore County Office of Planning & Zoning
Towson, Maryland 21204

Re: Zoning Case #83-210-SPHA

Dear Mr. Jablon,

We hereby request that Baltimore County review construction plans for a building permit for Building M - Shop Addition at the site of Martin Marietta's research institute at 1450 South Rolling Road. We understand the period for appeal has not yet lapsed and we assume responsibility for permit fees in the event a permit cannot be issued at this time. We also understand that if the order is reversed, Martin Marietta will return and be responsible for returning said property to its original condition.

Very truly yours,

MARTIN MARIETTA CORPORATION

Joseph P. Alconese
Joseph P. Alconese
Division Counsel
Martin Marietta Aerospace
Baltimore Division

skf

Enclosures

MARTIN MARIETTA LABORATORIES

February 10, 1983

Mr. James D. Lucas, Jr.
Director - Economic Development
Commission
Baltimore County
Room 311
County Office Building
Towson, Maryland 21204

Dear Jim:

The building proposed for construction on our site is a one story 6,200 sq ft structure of brick and wood trim finish consistent with our existing building (see Figure 2). It will be used to house a machine shop in one section and offices and electronics-type laboratories in the other section. The building will be placed behind our main building, visible only from the property owned by the Oblate Sisters of Providence, (Figure 1).

Insofar as zoning regulations are concerned, the only issue is access by fire fighting equipment due to proximity to our main building and to a brick storage building. Driveways in front of the building assure accessibility and a fire hydrant is located at the entrance to the road to this building (blueprint). We consulted with the Baltimore County Fire Department's Fire Protection Engineer, Mr. John Bryan, Jr., during the design of the building and my understanding is that he found the plan acceptable.

The Oblate Sisters, our only neighbors who could see the building from their property, were invited here to review our plans and to examine the construction site. The building will be set into the hillside and thus only the roof and the uppermost 5 feet of brick wall will be visible from their property. Sister Mary Paul, representing the Order, believed the plan to be acceptable.

As we discussed, we are now anxious to begin construction. The funds approved will not be adequate if construction is delayed beyond April 1 -- the last date on which our general contractor is obligated to hold a firm price. Additional funds are not available, therefore, if approval is not received, the entire project is in jeopardy for this year. If that happens, the associated jobs for construction workers will not be available. Of even greater concern is the fact that

Page 2
February 10, 1983

we have projects (some for the Department of Defense and some for our operating plants) that must be started by mid-year to meet contract obligations. We will be hiring some scientific and administrative staff for this work but cannot do so until we have offices and labs in which to place them.

For all of these reasons, I urgently request an early March hearing before the Zoning Commission. We do not expect opposition, we believe the issue of fire protection is adequately addressed and we believe productivity and employment in Baltimore County will be enhanced if we are able to begin expanding our facilities during the next month.

Thank you for your help.

Sincerely,

David L. Goldheim
David L. Goldheim
Associate Director

DLG:kk

PROTESTANT'S
EXHIBIT 3

[illegible]

THE SUN ROAD HIGH RISE AND OFFICE USE ALLOTMENT

319 Sun Road
Baltimore, Maryland 21207

March 10,

Mr. William Raymond
Zoning Commissioner
Baltimore County
Planning and Zoning
Baltimore County Office Building
111 W. Chesapeake Ave.
Baltimore, Maryland 21204

Re. Order of Appearance

Dear Mr. Raymond:

Re, the undersigned residents of Sun Road, Baltimore County, Maryland, submit this letter as an order of appearance in protest to the variance request and proposed change to the Martin Marietta Labor office development plans.

Sincerely,

Henry MacCall
319 Sun Rd.
Kenneth White
404 Glen Road
Baltimore

PROTESTANT'S
EXHIBIT 4

March 17, 1983

- 3 -

John H. Nelson
406 Gun Rd.

Dorothy H. Nelson - 408 Gun Rd.

Charles W. Bailey 411 Gun Rd.

Clara M. Bailey 411 Gun Road

Blanca H. Spencer 322 Gun Rd.

Mr & Mrs Michael H. Rose 301 Gun Rd.

Dr & Mrs Paul D. Baker 309 Gun Rd.

Carol Spicer 307 Gun Rd.

Keith Spicer " " "

Gene Spicer 307 Gun Rd.

Betty H. Nelson 410 Gun Road

E. H. Clayton 612 Gun Rd.

N. B. Rose 416 Gun Rd.

Ruth H. Nelson 324 Gun Rd.

Ramon A. Sales 42 419 Gun Rd.

Shirley Ann Clayton 612 Gun Rd. - 27-

Eleonora Clayton 612 Gun Rd. - 27-

Shirley Bush 606 Gun Rd. 27

Harry Spicer 604 Gun Rd. 27

Frank Spicer 604 Gun Rd. 2227

March 17, 1983

- 2 -

Hynd E. Nelson 408 Gun Road

W. H. Nelson 410 Gun Road

Gary H. Nelson 324 Gun Road

Blanca H. Nelson 422 Gun Road

Albion J. Clayton 612 Gun Road

A. Bradley & Family 610 Gun Rd.

Frances T. Nooner 508 Gun Road

Ann E. Hanna 508 1/2 Gun Rd.

Bessie Fisher 322 Gun Rd.

Frank A. J. Nelson 511 Gun Rd.

Bryant B. White 409 Gun Rd.

John B. White Jr. 409 Gun Rd.

Jacqueline R. Nelson 408 Gun Road.

Richard J. Nelson 406 Gun Road

John A. Nelson 409 Gun Rd.

John A. Nelson 409 Gun Road

John A. Nelson 303 Gun Road

Charles J. Nelson 319 Gun Rd.

Albert T. Nelson 303 Gun Rd.

Mary E. Anderson 303 Gun Rd.

March 17, 1983

- 3 -

Rosalee F. Clayton
John H. Nelson
518 Gun Rd.

Norman Nelson
518 Gun Road

Jean Boyd - 515 Gun Rd.

E. J. Boyd

Mary White 516 Gun Rd.

Betty L. Nelson 511 Gun Rd.

Sally Sanchez 500 Gun Rd.

Mary Sanchez 500 Gun Rd.

Janet Jones 426 Gun Rd.

Frank E. Nelson 424 Gun Rd.



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

ARNOLD JABLON
ZONING COMMISSIONER

September 22, 1983

Ms. Mary Jane MacGill, President
The Gun Road Historical and Protective Association
319 Gun Road
Baltimore, Maryland 21227

RE: Martin Marietta
Rolling Road Facility
13th Election District

Dear Ms. MacGill:

I am in receipt of your letter dated September 15, 1983.

I fully agree with your interpretation of the Zoning Regulations that the final decision as to the existence of a zoning violation rests with me as Zoning Commissioner, and rest assured that I will assume this obligation. However, the issue was raised at the hearing before the County Board of Appeals, and my understanding is that the issue was raised by your organization. Indeed, the Board requested memoranda from each side addressed to the issue of whether a laboratory or research facility exists at the Rolling Road facility.

It would be ridiculous for me to determine this issue prior to any decision rendered by the Board. Although not binding on me, it will certainly carry great weight. I will make the decision whether a violation notice shall be issued; if I should decide there is a violation, Martin Marietta can correct the situation, pay a fine, or have the right to a trial before the District Court of Maryland, where the Court would decide if a violation exists. If I should decide there is no violation, then the matter shall be put to rest.

I will forward to you any correspondence relating to the issue as described by your organization as I will reciprocally do to Martin Marietta.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

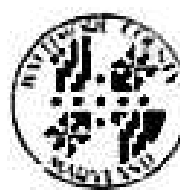
AJ/srl

cc: The Honorable Donald B. Hickernell, County Council

Keith S. Franz, Esquire, County Board of Appeals

Joseph P. Alvarado, Esquire, Martin Marietta Aerospace

Rec'd 9-22-83
1 PM



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

ARNOLD JABLON
ZONING COMMISSIONER

September 2, 1983

Joseph P. Alcarese, Esquire
Division Counsel
Martin Marietta Aerospace
Baltimore Division
103 Chesapeake Park Plaza
Baltimore, Maryland 21220

and

Ms. Mary Jane MacGill, President
Gun Road Historical and Protection Association
319 Gun Road
Baltimore, Maryland 21227

RE: Rolling Road Facility

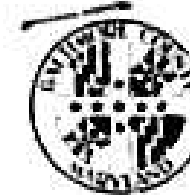
Dear Mr. Alcarese and Ms. MacGill:

I am in receipt of copies of Memoranda filed by Martin Marietta and by Protestants with the Board of Appeals in Case No. 83-210-SPHA. Inasmuch as the issue has been raised before the Board, and comprises the subject matter of the Memoranda, I feel the complaint filed with my office involving the same exact issue should be stayed pending a decision by the Board. After reviewing the decision of the Board, I will at that point make a decision whether a violation exists.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

AJ/srl



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

ARNOLD JABLON
ZONING COMMISSIONER

24 August 1983

Joseph P. Alcarese, Esq.
Division Counsel
Martin Marietta Aerospace
Baltimore Division
103 Chesapeake Park Plaza
Baltimore, Maryland 21220

Re: Rolling Road facility

Dear Mr. Alcarese,

I am writing to you inasmuch as you are counsel to Martin Marietta and perhaps the one to whom I might address the problem which has been brought to my attention.

On or about 17 May 1983, a complaint was received by this office concerning the operation of the Rolling Road Facility. The complaint brought to my attention the possible violation of Section 1801.1 A.11, BCZR, which permits as a matter of right the existence of a "research institute" in a DR 1 zone. It is clear that a "laboratory" is not permitted. The complaint objects to Martin Marietta carrying on a "laboratory" rather than a research institute in this zone. The complaint was based on the fact that there exists a sign identifying the facility as a "laboratory".

Under existing law, I am charged with administering the zoning regulations in order to ensure compliance and enforcement thereof. If, after investigation, I determine that a violation exists, I will cause a citation to be issued to the alleged violator which is returnable before the District Court of Maryland. The alleged violator shall then be given the choice of paying the fine and complying in whatever fashion with the appropriate regulations or appearing for trial. At trial, the alleged violator shall have the right to be represented by counsel, present witnesses on his behalf, and cross examine witnesses presented against him. If adjudged guilty, the violator shall be fined and forced to comply with the regulations. If found not guilty, the Court will, of course, dismiss the complaint.

Therefore, pursuant to the authority vested in me, I am requesting that within fourteen (14) days of the date of this letter, you provide me with

appropriate information why Martin Marietta is not in violation of the Baltimore County Zoning Regulations, i.e., 1801.1 A.11, and the definitions as delineated in the BCZR. If no response is received, or if the information does not convince me, I will have cause to issue the citation as hereinbefore described.

Sincerely,

ARNOLD JABLON
Zoning Commissioner
of Baltimore County

AJW/srl

cc: Ms. Mary Jane MacGill
President of Gun Road Historical and Protection Association
319 Gun Road
Baltimore, Maryland 21227

Edward Seibert, Esquire
County Solicitor

Mrs. Jean M.H. Jung
County Zoning Commissioner

Mr. James E. Dyer
Zoning Supervisor

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

James E. Dyer, Zoning Supervisor
TO: Office of Planning & Zoning
James D. Lucas, Jr., Director,
Economic Development Commission

Date: February 14, 1983

SUBJECT: Martin Marietta Laboratories

83-210-SPHA

As you know, Martin Marietta Labs submitted a request on December 27, 1982 for a hearing on a variance needed in order to construct a 6,200 square foot building to house a machine shop and offices.

When the hearing had not yet been scheduled on January 28th, we intervened and requested an early hearing date. You advised me on February 8th that the hearing could be scheduled the third week in March if they wrote a letter requesting an early hearing.

Frankly, Martin Marietta doesn't feel a hearing 3 months after its requested is an "early hearing", however, enclosed is a letter requesting same.

Please advise us what date is scheduled.

JDL/sb

enclosure

cc: B. Melvin Cole
Norman E. Gerber
David L. Goldheim

JAMES D. LUCAS, JR.
Director

February 10, 1983

Mr. James D. Lucas, Jr.
Director - Economic Development
Commission
Baltimore County
Room 311
County Office Building
Towson, Maryland 21204

Dear Jim,

The building proposed for construction on our site is a one story 6,200 sq ft structure of brick and wood trim finish consistent with our existing building (see Figure 2). It will be used to house a machine shop, in one section and offices and electronics-type laboratories in the other section. The building will be placed behind our main building, visible only from the property owned by the Oblate Sisters of Providence, (Figure 1).

Insofar as zoning regulations are concerned, the only issue is access by fire fighting equipment due to proximity to our main building and to a brick storage building. Driveways in front of the building assure accessibility and a fire hydrant is located at the entrance to the road to this building (blueprint). We consulted with the Baltimore County Fire Department's Fire Protection Engineer, Mr. John Bryan, Jr., during the design of the building and my understanding is that he found the plan acceptable.

The Oblate Sisters, our only neighbors who could see the building from their property, were invited here to review our plans and to examine the construction site. The building will be set into the hillside and thus only the roof and the uppermost 5 feet of brick wall will be visible from their property. Sister Mary Paul, representing the Order, believed the plan to be acceptable.

As we discussed, we are now anxious to begin construction. The funds approved will not be adequate if construction is delayed beyond April 1 - the last date on which our general contractor is obligated to hold a firm price. Additional funds are not available, therefore, if approval is not received, the entire project is in jeopardy for this year. If that happens, the associated jobs for construction workers will not be available. Of even greater concern is the fact that

we have projects (some for the Department of Defense and some for our operating plants) that must be started by mid-year to meet contract obligations. We will be hiring some scientific and administrative staff for this work but cannot do so until we have offices and labs in which to place them.

For all of these reasons, I urgently request an early March hearing before the Zoning Commission. We do not expect opposition, we believe the issue of fire protection is adequately addressed and we believe productivity and employment in Baltimore County will be enhanced if we are able to begin expanding our facilities during the next month.

Thank you for your help.

Sincerely,

David L. Goldheim
David L. Goldheim
Associate Director

DLG:kk



The Gun Road Historical and Protective Association

319 Gun Road
Baltimore, Maryland 21227
September 15, 1983

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

Re: Martin Marietta
Rolling Road Facility

Dear Mr. Jablon:

I'm writing you regarding our conversation of September 6, 1983, referencing your letter dated September 2, 1983 to Mr. Alcarese, of Martin Marietta, and myself. In your letter you stated that the complaint filed with you on the zoning violation will be stayed pending the Board of Appeal's decision. I want to point out that there are two separate issues -- the violation and the variance. I believe the Board is charged with a decision on the variance and is not responsible to decide on the violation. However, I do not feel the Board can decide on the variance if there is a violation on the zoning.

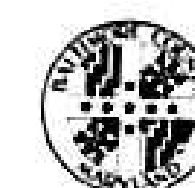
I would appreciate if you would let me know, by letter, whether the final decision on the violation will be made by your office or the Board of Appeal. I also want to request that we are sent copies of all correspondence your office receives from Martin Marietta regarding this violation.

Sincerely,

Mary Jane Macgill
Mary Jane Macgill
President

cc: Joan Suter
Keith Franz
Diana Vincent
Ronald B. Hickernell

*Rec'd 9-22-83
8:56 am*



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

WILLIAM E. HAMMOND
ZONING COMMISSIONER

April 6, 1983

Joseph P. Alcarese, Esquire
103 Chesapeake Park Plaza
Baltimore, Maryland 21220

RE: Petitions for Special Hearing and Variances
W/S of Rolling Road, 1,635' S of Gun Road -
13th Election District
Martin Marietta Corporation - Petitioner
NO. 83-210-SPHA (Item No. 132)

Dear Mr. Alcarese:

I have this date passed my Orders in the above referenced matter in accordance with the attached.

Very truly yours,

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

JMHJ/srl

Attachments:

cc: William Palfour, Esquire
10 Light Street, Suite 1600
Baltimore, Maryland 21202

Ms. Mary Jane Macgill
319 Gun Road
Baltimore, Maryland 21227

Mr. Frank Lindberg
511 Gun Road
Baltimore, Maryland 21227

John W. Hessian, III, Esquire
People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond
TO: Zoning Commissioner
FROM: Norman E. Gerber
Director of Planning and Zoning
SUBJECT: Zoning Petition No. 83-210-SPHA
Martin Marietta Corporation

Date: March 11, 1983

This office is not opposed to the granting of this petition. It is assumed that the wooded, bucolic character of the overall site will be preserved and that none of the improvements will be visible to adjacent properties.

Norman E. Gerber
Norman E. Gerber
Director of Planning and Zoning

NEG:JCH:cm

PETITION FOR SPECIAL HEARING AND VARIANCES

13th Election District

ZONING: Petition for Special Hearing and Variances
LOCATION: West side of Rolling Road, 1,635 ft. South of Gun Road
DATE & TIME: Thursday, March 17, 1983 at 9:15 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 an amendment to the site plan in Zoning Case No. 83-203-A to allow the construction of an additional building and to revise the parking layout and Variances to permit a distance between buildings of 40 ft. in lieu of the required 90 ft., 80 ft. in lieu of the required 110 ft. and 35 ft. in lieu of the required 80 ft.

The Zoning Regulation to be excepted as follows:
Section 1B02.2B (V.B. 2 & 102.2) - distances between other principle buildings in a D.R. 1 zone

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

Being the property of Martin Marietta Corporation, as shown on plat plan filed with the Zoning Department.

Hearing Date: Thursday, March 17, 1983 at 9:15 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

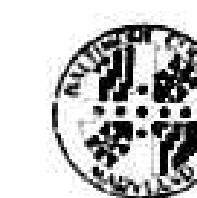
Meyers and D'Aleo Inc. Architects and Planners

Property Description for Variance
Martin Marietta Laboratories
1450 South Rolling Road
Baltimore, Maryland

The property known as 1450 South Rolling Road is located on the southwest side of South Rolling Road, situated in the 13th Election District of Baltimore County, in the State of Maryland and which, according to a description prepared by Heavin Co. Engineers and Surveyors, dated November 3, 1980, is found to be within the following acres, bounds, courses and distances, to wit:

Beginning at the center of Rolling Road, 1,635 feet South of Gun Road, thence running and binding on the centerline of Rolling Road as now surveyed South 31 degrees 15 minutes 23 seconds East 31.68 feet to a point there set; thence still binding on the centerline of Rolling Road South 43 degrees 23 minutes 47 seconds East 216.75 feet to a point set on the centerline of South Rolling Road and continuing south 41 degrees 49 minutes and 08 seconds East 171.99 feet to the edge of a 25' utility easement recorded in the Land Records of Baltimore County as R/W Plat #35671; thence South 28 degrees 43 minutes 33 seconds East 65.86 feet to R/W Plat #35671 at the edge of Interstate 95 Ramp "B" and continuing South 1 degree 51 minutes 25 seconds East 41.87' to a point, thence South 1 degree 51 minutes 25 seconds East 165.11 feet to a 5/8" pin set, thence South 1 degree 2 minutes 4 seconds East 242.14' to a 5/8" pin set, thence South 24 degrees 10 minutes 57 seconds West 279.08 feet along R/W Plat #35658 at the edge of Interstate 95 Ramp "B", thence South 24 degrees 7 minutes 45 seconds West 155.95 feet to a point, South 36 degrees 5 minutes 42 seconds West 109.90 feet to a point and continue South 36 degrees 5 minutes 42 seconds West 109.90 feet, thence North 48 degrees 40 minutes 14 seconds West 816.13 feet to a granite stone found at the end of the eleventh line of the whole tract conveyed by J. Brandt, Jr. and wife to E. A. Read, dated April 1st, 1864 and recorded among the Land Records of Baltimore County in Liber J.W.L. 40, folio 234, being also the beginning point in a deed recorded in Liber 518, folio 371, being the beginning point of the first parcel of the last mentioned deed; thence leaving said point of beginning as now surveyed, bearing referred to Baltimore County Metropolitan District, North 47 degrees 49 minutes 45 seconds West 183.31 feet to a granite stone there found; thence North 43 degrees 26 minutes 43 seconds East 1278.61 feet to the place of beginning. Containing 24.8 acres of land, more or less.

108 W. 1st Street, Baltimore, Md 21202 301-752-7848



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

WILLIAM E. HAMMOND
ZONING COMMISSIONER

May 11, 1983

Joseph P. Alcarese, Esquire
103 Chesapeake Park Plaza
Baltimore, Maryland 21220

Re: Petitions for Special Hearing & Variances
W/S of Rolling Rd., 1,635' S of Gun Rd.
Martin Marietta Corporation - Petitioner
Case No. 83-210-SPHA

Dear Mr. Alcarese:

Please be advised that an appeal has been filed by The Gun Road Historical and Protective Association, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County, in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

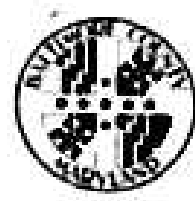
Very truly yours,

William E. Hammond
William E. Hammond
Zoning Commissioner

WEH:aj

cc: William L. Balfour, Esquire
10 Light Street, Suite 1600
Baltimore, Maryland 21202

John W. Hessian, III, Esquire
People's Counsel



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

8 December 1983

ARNOLD JABLON
ZONING COMMISSIONER

Mr. Thurston Griggs
President, Relay Improvement Association
5128 S. Rolling Road
Baltimore, Maryland 21227

Re: Martin Marietta

Dear Mr. Griggs,

I am in receipt of your letter dated 30 November 1983.

I am enclosing herewith copies of the decision of the Board of Appeals of Baltimore County involving Martin Marietta. Also enclosed will be found a copy of my letter to Joseph Alcarese, Esq., counsel to Martin Marietta concluding that the facility on Rolling Road is a research institute.

The only reference to Section 148 is found in the Board's Amended Opinion.

I must clarify some of the points you raised with me in our telephone conversation inasmuch as it appears that indeed there has been some confusion. You must understand that planning and zoning are two distinct functions. It is the responsibility of zoning to insure compliance with the laws as established by the County Council. I am not sure your distinction between tort actions and zoning is material, but let me assure you that the zoning regulations have been, are, and will be enforced in a fair manner to ensure compliance. Any complaint made to my office will be investigated, provided that there is substance to the complaint and it is not made frivolously or with malice. If you have evidence that Martin Marietta has intentionally or otherwise violated the law, I will have an investigation conducted. If found to be true, Martin Marietta will be forced to correct any such violations and comply with the regulations; if found not to be true, the complaint will be closed. Intention to violate is not an issue--if there is a violation, any violation, there must be corrective action taken.

Section 148.1 provides for certain standards to be maintained. If these standards are not being met, then there would be a violation. If a violation exists, it must be corrected. I am sending you, enclosed here, a copy of that section. If you have any evidence to suggest violations of Section 148.1, please let me know and an investigation will be conducted immediately. I did suggest to you in our telephone conversation that if you believe there have been or are hazardous wastes or other pollutants being released into the water table or sewer lines, perhaps you ought to contact the Department of Health and request at its earliest convenience an investigation.

In RE: Martin Marietta Corp.
Petition for Zoning Variance
Case No.: 83-210-SPHA

August 23, 1983

Summary of Testimony and Arguments by the Protestants

Mary Jane McGill	Dick Merrill	Berchy Manley
Charles C. McGill	Harold E. Medeman	Richard Kline
Gloria S. Watson	Kaye White	Stephen Wheeler
Lucy Merrill	Frances Homer	Frank Lindberg

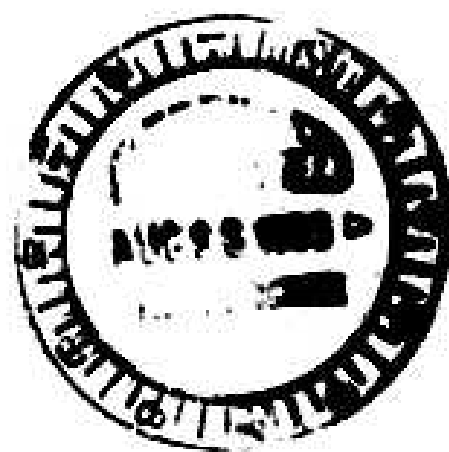
Item 1: Change of Use

Exhibit

The neighborhood in which Martin Marietta is located is very old and well established. Gun Road dates back to before the American Revolution. Some of the houses on Gun Road were built before the American Civil War and several were on rent house and garden tours. The last two houses which sold on Gun Road were sold for an average price of \$201,500. This indicates an extremely well maintained and desirable residential area. An expanding industrial activity challenges this long standing residential use by changing the character of the neighborhood and establishing a new use which can be used as an example to argue in favor of even greater industrial related use.

In 1964 when Martin Marietta first applied for a special exception to establish their operation in a residential zone, their intentions were genuine. They referred to other "institutions" in that area which they perceived themselves as being compatible with or similar to such as: various churches, the YMCA, Catonsville Community College, Rolling Road Country Club, Catonsville Senior High School, etc. They argued, at the time, that this use which is open and spacious "provides vitally needed open area complementing the more densely populated areas in the immediate proximity."

In 1969 there was a proposed zoning reclassification to change some of the area to RIR classification. Martin Marietta, under the direction of Mr. E.H. Parkison, joined the community in opposing the reclassification. He wrote a letter to the Baltimore County Planning Board expressing his reasons why the neighborhood should remain residential in character. He said Martin Marietta made a commitment to the community to be good neighbors and to keep the area a beautiful community. He went into detail about their expensive building architecture and landscaping. He said the peaceful setting was conducive to doing basic research and that their organization was one of the few in the country which was supported by their parent company.



(O) Petition for Special Exception

(X) Letter from RIAS dated Nov 18, 1969

Item 1: Change of Use (Cont'd)

Exhibit

to do basic research without any product development. He went on to say, "We cannot visualize the utilization of the Gun Road/South Rolling Road area by any manufacturing or commercial organization without foreseeing the destruction of the basic character of the neighborhood." "We fail to see the importance of including industrial land in this part of the county as being essential to the industrial and economic growth of Baltimore County in view of the available land located in the eastern and north-central part of the county which already possess excellent access."

Obviously, the Martin Marietta facility had a desire to maintain the neighborhood in a desirable residential condition but, unfortunately, administrative goals have been charged. The laboratory is not an independent, autonomous organization but rather is wholly owned by Martin Marietta Corporation which is a multi-national, \$4 billion per year profit motivated company. The zoning laws governing land use should provide stability to the residential areas so that the land use is not determined by a large multi-national company who has no interest in preserving residential uses. It is ironic that Martin Marietta is providing the threat of industrial reclassification by their expansion of a non-conforming use when this is what they argued against in 1969 under their previous administration.

Martin Marietta Labs is well under their maximum permitted floor area ratio of 204. Their present floor area is 8.5% of their total land area so the natural question that arises is why do they need a variance to allow close spacing between buildings? The answer is that they have bigger plans for the open area they have for bigger buildings in the future. By clustering the proposed building into an otherwise unusable section of their property, they will achieve greater density in that area than is provided for by present building and fire regulations. This will provide more free space for their real expansion plans which are to at least double their present floor space. If the variance is denied, they can build on another section of their 91.54 vacant land anyway without a variance.

Martin Marietta's argument that the variance is needed because of topography is not true. If they were to locate the building closer to the Oblate Sisters, it would require more excavation because the building would be placed deeper into a hillside but there are many other places on their property where the building could be built without additional earthmoving.

83-2659
Relay Improvement Association
2 1 2 3 3 2 2 AM
5128 S. Rolling Road
Baltimore, MD 21227
November 30, 1983

Arnold Jablon
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Commissioner:

Please send us a copy of the ruling or decision that evolved out of the case of the Martin-Marietta rolling road variance action last month, particularly as it bears upon an interpretation of Sec. 418.1.

This association did not oppose the variance and was not involved in that case. So we are simply asking about this for informational reasons.

A telephone inquiry and request for a public statement stepped from a new and different issue, raised in a different context. It was directed against Martin-Marietta. My reference to the installation and to Sec. 418.1 may have given you a mistaken impression that I was trying to follow up the previous variance action. Not so.

As I understood it, the thrust of what you said to me is that interpretation of Sec. 418.1 hinges on intent. Zoning laws, I understand, are intended to be applied in a certain way. If it is not planned by anyone that certain things occur, if there is no intention that is then whatever may occur that was not planned, whether it is incidental to the use that has been authorized or not, is not a zoning violation. It could move into the realm of tort action or perhaps a civil action, but as a zoning violation does not give cause to require the strict enforcement of the law. The law is even more strict when it comes to enforcement. As a zoning violation under the original legislation, the law is such that an instance could be either written over or nullified. The purpose of zoning legislation is not, in fact, a manifestation of punitive intent.

But about when a zoning department is called upon to act, you said to me, the department could go to the point where it is not possible to go through usual means or through other means, the decision of zoning regulations is not the responsibility of zoning, but rather, it is about anywhere else, under some other regulatory agency, or a city, or in that your answer, the question is, trying to see if you can find another question I asked you, as to what the zoning laws are under the initial enactment? What would be the zoning laws, if not through zoning legislation?

Another question I asked you, as to what the zoning laws are under the initial enactment? What would be the zoning laws, if not through zoning legislation?

We believe that clarification of these issues is a very important matter that you, as Zoning Commissioner, should be able to answer. If you are unable to do so, we would like to see the zoning laws, if not through zoning legislation?

Thurston Griggs
President, Relay Improvement Association

MARTIN MARIETTA AEROSPACE

Mr. William E. Hammond
Zoning Commissioner
Room 109, County Office Building
Towson, MD 21204

Re: Case No. 83-210-SPHA
Building Permit Application No.
17th Election District

Dear Mr. Hammond:

We, the undersigned, being the owner of the above mentioned property and the applicant for the above referenced building permit, do hereby acknowledge that we are fully aware of your order being subject to a thirty (30) day appeal period, but wish to go ahead with the permit application prior to the expiration of said appeal period.

We hereby relieve our builder, Baltimore County, Maryland, and you from any liability or responsibility for any consequences which might arise during the appeal period.

Very truly yours,

MARTIN MARIETTA CORPORATION

Joseph P. Alcarese
Division Counsel
Martin Marietta Aerospace
Baltimore Division

BALTIMORE DIVISION
103 CHESTER PARK PLAZA
BALTIMORE, MARYLAND 21202
TELEPHONE (301) 336-6000

April 22, 1983

Baltimore County, Maryland

PEOPLE'S COUNCIL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204

JOHN W. HESSIAN, III
People's Council
PETER MAX ZIMMERMAN
Deputy People's Council

August 24, 1983

Joseph P. Alcarese, Esquire
Division Counsel
Martin Marietta Aerospace
33rd Floor Division
103 Chesapeake Park Plaza
Baltimore, Maryland 21220

RE: Martin Marietta Corp., Petitioner
Zoning Case No. 83-210-SPHA

Dear Mr. Alcarese:

Mr. Hessian has requested that I send you the enclosed copy of "Summary and Arguments by the Protestants".

Sincerely,

Shirley M. Hess
Legal Assistant

Enclosure

sh

Item 1: Change of Use (Cont'd)

Exhibit

If Martin Marietta is successful in persuading the zoning appeal board that this one spot on their property is the only one suitable to put another building, and that the topography of the rest of the property is not suitable for putting any buildings, then the approval of this variance should be accompanied by an order that no other buildings will be allowed by variance, special exception, or otherwise in the future because the petitioner's arguments in favor of this variance are based on the premise that no other land on their property is suitable for building. If other areas of their land are suitable for building but at greater expense, then the variance should be denied because financial or profit goals on the part of the petitioner should not be allowed as considerations for the approval of a variance.

The employment at Martin Marietta Labs represents about .7% of the total population of the parent company so the expansion of this facility will not make or break Martin Marietta but it could easily break the residential character of the neighborhood. The Martin Marietta Labs should be made to conform to their original character of operation (a research institute) which they argued so forcefully for in the beginning. The other, more industrial aspects of their operation can easily be handled by their other plants located in industrial parks which are zoned properly for that type of activity.

None of the reasons stated by Martin Marietta for the need to place the building where they want it are valid; i.e., extra utility lines, walking distance, communication, etc. Martin Marietta has yet to prove why they cannot locate the building where there is room for it.

Item 2: Restrictions Placed on the Variance

The zoning law apparently makes no provision for restrictions to be placed on a variance, unlike the law for special exceptions which do have provisions for restrictions. Restrictions on a variance then appear to be a matter of policy and not law. A variance should not be given if the restrictions are not enforceable under law. Since the zoning commissioner did approve the subject variance with restrictions, the restrictions must have been thought to be necessary.

Item 2: Restrictions Placed on the Variance (Cont'd)

Exhibit

Mr. Goldstein of Martin Marietta Labs testified that these restrictions would create a hardship that they couldn't live with. He went on to state that they would seek an appeal to have the restrictions removed.

Variance restriction No.

The first of four restrictions placed on the variance is: "No toxic or volatile chemicals shall be used and stringent precautions shall be taken with conventional solvents".

a) This restriction is vague in that it does not specifically state if it refers only to the new building or if it pertains to the whole laboratory complex located at 1450 S. Rolling Rd. If it was intended to refer only to the new building and if there were a reason for restricting the chemical activity in the new building as it pertains to the health or well being of the employees or surrounding community then it should apply to the entire complex as well. Any reasons why the restriction should apply only to the new building and not to the entire complex are not stated.

b) This restriction is ambiguous because it states that toxic or volatile chemicals shall not be used but also states that stringent precautions shall be taken with conventional solvents. All conventional solvents (with the exception of water) are both toxic and volatile.

c) This restriction is not broad enough in its mention of categories of dangerous materials. Other categories of dangerous materials handled on the Martin Marietta Lab complex are: Ignitable, Reactive, Corrosive, and RCRA listed.

d) Other classifications of materials which might be considered for future use by Martin Marietta should be listed in the restriction along with a ruling as to whether they are allowed. Such other classifications include radioactive and explosive.

(J) Restriction No. 1 of petition 83-210-SPHA

(K) Dangerous Properties of Industrial Materials

(B) EPA regulations for the identification and listing of hazardous waste.

(D) DPE inspection form.

(L) Laboratory information booklet. P. 11, reference to quarry blasting. P. 22, reference to nuclear generating plants.

Variance Restriction No. 3

The third restriction placed on the variance is: "Compliance with all requirements of the EPA, MSHA, OSHA, and the Maryland Dept of Health and Mental Hygiene, as well as Section 418 of the Baltimore County Zoning Regulations."

It is impossible to comply with these stated requirements for several reasons which are listed as follows:

a) Section 418.2a(2) requires that "access to the site is possible entirely by way of existing or proposed streets with rights of way not less than sixty feet in width". The right of way of the section of Rolling Road which provides the only access to the Martin Marietta property has a right of way of thirty feet.

b) Section 418 allow research institutes in a "R" zone without a special exception but requires a special exception for a laboratory to be in a "RI" zone. The Martin Marietta Labs (originally called RIAS for "Research Institute for Advanced Study") petitioned for a special exception in 1964 which was granted with restrictions. The special exception was withdrawn after Bill 76 was enacted so they would not be bound by the restrictions imposed with the special exception. The main restriction which was avoided was one which said that no change in the plat plan would be allowed without another special exception. Without that restriction to hamper them, Martin Marietta expanded the size and scope of their operation to the point where they were a laboratory rather than a research institute. Their employment has risen from 100 in 1964 to 300 in 1983. Their building space has grown from 20,000 square feet in 1964 to 80,000 square feet in 1983. Their long range plans are to double their present employment of 300 and increase their floor space to about 160,000 square feet. Since they have no special exception they are already in violation of Section 418. The reasons they are a laboratory rather than a research institute are developed as follows:

b.1) Bill 76 and section 418 define a laboratory as: "A building or group of buildings used primarily for applied and development research where the product testing process is a major function of the operation but where the operation does not involve any mass manufacturing".

(J) Restriction 3 of petition 83-210-SPHA

(M) Section 418

(N) Baltimore County engineering drawing showing 30 foot right of way.

(D) Petition for Special Exception.
(P) Order of Withdrawal
(Q) Bill 76

(K) Letter from Martin Marietta dated 5/18/76
(S) 1964 Site drawing.
(T) 1983 Site drawing.

(Q) Bill 76

(M) Sect. 418

Variance Restriction No. 3 (Cont'd)

b.2) Bill 76 and section 418 define a research institute as: "A building or group of buildings used primarily for basic and applied research wherein the scientific inquiry process is conducted in a manner similar to that of institutions of higher learning, and where all parts of the operation involving the development research process, e.g., product testing, are incidental to the above".

b.3) When Martin Marietta applied for a special exception in 1964 (before Bill 76) they fit the description of a research institute because they defined the term "research institute". They used the term RIAS (Research Institute for Advanced Studies) as the name they originally called the operation. They defined their work as follows: They were "studying pure science", they had about 100 people with many Ph.D. degrees. They were doing "fundamental research" and "fundamental studies of a scientific nature". They did not build or test anything. Because there was a public hearing nothing was mentioned about the use of any toxic materials. The description of the activity was similar to that of a college. Out of these descriptions the term "Research Institute" carried over into Bill 76 and then into Section 418.

b.4) The Martin Marietta Lab complex carries out research, development, and even engineering programs for government agencies and other organizations.

b.5) The Martin Marietta Laboratory does routine testing of toxic materials for all of the Martin Marietta plants located in 41 states and on a contract basis for others. This is not a research activity but rather a business activity which fits the description of a testing laboratory. The degree of hazard is not known until they bring it into the residential area and analyze it. This creates a potentially severe hazard for the community.

b.6) The Martin Marietta booklet uses the word "laboratory" 34 times in describing the activity but does not use the term "research institute" at all.

b.7) They have coined other names of activities that go on at the Lab complex such as:

Environmental Center

Center for Occupational Health Engineering

Exhibit

(O) Petition for Special Exception

(L) MM booklet Page 24

(U) MM booklet Page 25

(L) MM booklet

(L) MM booklet Page 18 & 23

(L) Page 16 & 17

Variance Restriction No. 3 (Cont'd)

Analytical Center

These operations are apparently the ones which do the routine and regular testing of toxic materials. These three extra activities are not defined in Section 418 or anywhere else as uses permitted in a residential zone without a special exception.

Environmental Center - Hazardous wastes are identified (analyzed).

Center for Occupational Health Engineering -

This laboratory is accredited by the Industrial Hygiene Association and regularly analyzes samples for such diverse contaminants as silica, zinc, lead, asbestos, cadmium, and a variety of organic vapors.

Analytical Center - provides technical service for the laboratories and the environmental center and for the rest of the corporation. This capability includes elemental and compound characterization and mineralogical and petrographic analysis.

b.8) Martin Marietta wants to build a building to house a machine shop and an electronics lab, neither of which is allowed in a residential zone without a special exception. Martin Marietta does not have a special exception so it would be impossible for this new building to comply with Section 418. Also, the fact that Martin Marietta wants to either establish or relocate a machine shop shows that their activity fits the description of a laboratory rather than a research institute. A research institute would have such infrequent need for machine shop service that it would not be worthwhile to establish their own when they could subcontract all of the machining requirements to many local machine shops.

There are three reasons why the proposed variance cannot comply with Section 418 of the Baltimore County zoning regulations. 1) The right of way of the street by which access is possible is thirty feet instead of the required sixty feet. 2) The complex is being used as a laboratory according to Martin Marietta's own descriptive literature. This is a nonconforming use (violation) according to Section 418. 3) The use of highly toxic materials in a residential zone was never intended by the wording of Bill 76 and Section 418. They (Bill 76 and Section 418)

Exhibit

(L) Page 11

(L) Page 18 & 23

(L) Page 16 & 17

(L) Page 11

(V) Letter by Martin Marietta dated 2/20/83

Variance Restriction No. 3 (Cont'd)

Exhibit

say that the research institute or laboratory shall not create any dangerous or hazardous condition adversely affecting the surrounding area. If Martin Marietta originally proposed that they wanted to use a residential zoned area to locate a testing business for testing toxic materials from all of their operating plants and on contract for other companies, it never would have passed.

Item 3: Toxic Material Zoning Requirements

The issue of hazardous materials relates directly to zoning decisions by the zoning used in Section 418 of the Baltimore County Zoning Regulations, i.e. (418.1): "It is the intent of these regulations that land or buildings occupied by research institutes or laboratories shall not be used in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, electrical, explosive, radioactive, or other hazardous condition affecting adversely the surrounding area. It is further the intent that there shall be no objectionable or offensive increase over normal residential conditions of noise, dust, odors, vibrations, glare, heat or other emanations at or outside the boundary of the research institute property line."

The words "toxic or poisonous" do not appear specifically anywhere in the wording of Section 418; only the words "dangerous, injurious, noxious, objectionable, and offensive" are used. The interpretation of whether "toxic or poisonous" fits these categories could set a precedent for Baltimore County policy with respect to chemical activities of this kind operating in a residential zone.

At the zoning variance appeal hearing on July 28, 1983 Martin Marietta Labs, 1450 S. Rolling Road, presented their arguments in favor of the variance to build a 6200 square foot building with less than the required spacings to their existing buildings. At that time, they volunteered a great deal of testimony that had to do with their use of toxic materials on the site and how safe they perceived their handling procedures to be. The inclusion of all this testimony probably resulted from the fact that they denied that they used any toxic materials at the original zoning hearing on March 17, 1983 which prompted the protestants to point out, at that time, their use of several extremely toxic materials described in their own descriptive literature.

(M) P 212

(L) P 7, 17, 25

Item 3: Toxic Material Zoning Requirements (Cont'd)

Exhibit

The important points of the protestant's testimony with regard to the toxic materials used at the laboratory complex are listed as follows:

a) On the first day of testimony (on July 28, 1983) the petitioners admitted to handling toxic materials measured in gram quantities or "thumbie" amounts. The hazardous waste report for 1982 filed with the EPA by Martin Marietta adds up to 5,039 lb of toxic materials.

b) In the absence of an expert witness to discuss the relative toxicity of the materials listed, the protestants had to rely on handbooks such as "Dangerous Properties of Industrial Materials" by Irving Sax. This manual is in its fifth printing and is written by thirteen authors and six consultants with a total of five Ph.D. degrees and five M.D. degrees among them. Some of the materials listed on the 1982 Hazardous Waste Report in large quantities (6 lb of mercury and 300 lb of chromic acid) are 100 times more toxic than cyanide according to Sax's manual.

c) Most of the materials listed in Exhibit A are also listed in the Federal Register, "Identification and Listing of Hazardous Waste"

d) The Designated Hazardous Substances Form, filled out by an OEP inspector indicated the following:

d.1) The categories of wastes generated are ignitable, EP toxic, Reactive, RCRA listed, and corrosive.

d.2) Waste containers are not marked as to when accumulation began.

d.3) Containers are not properly labeled.

d.4) Martin Marietta does not have an approved emergency contingency plan.

d.5) Martin Marietta does not have a DHS permit for its activity nor has it applied for one.

(A) P 2, 3, 4, 5

(K) Sax's Manual of Dangerous Materials
(K) P 13

(A) P 2, 3, 4, 4
(K) P 16, 17, & 19

(B) Pages 33132 & 33133

(D) DHS Form

Item 3: Toxic Material Zoning Requirements (Cont'd)

e) Martin Marietta has a discharge permit for one outfall to empty into Soaps Run. They received a site complaint for having three illegal outfalls. The site complaint required that they apply for a permit to incorporate their three extra outfalls within five working days. Two months after the site complaint they applied for the permit for the three extra outfalls.

f) Questioning of Martin Marietta's plant manager indicated the lack of accounting procedures which could be checked by an outside agency (or even an internal auditor) to determine the amount of toxic materials purchased or brought in for analysis with the amount held in inventory and waste storage so that the amounts which evaporated into the air and which went into the sanitary sewer could be determined.

g) A document submitted by Martin Marietta, which was drafted for the purpose of the hearing, indicated that they had accumulated about 500 lbs. of toxic material in their toxic waste storeroom from January 1, 1981 to August 1, 1981. The Federal Register (Exhibit B), requires that they have a permit as a waste storage facility if they store toxic waste more than 90 days. They have shown no such permit. Their hazardous waste report for 1982, which adds up to 5,039 lbs., indicates one of several possibilities.

1) Their present inventory sheet was falsified to show small amounts, or

2) Their present waste inventory was reduced by illegal dumping into the sanitary sewer or their old septic system, or

3) The toxic materials are located in other parts of the laboratory in different storage areas under different classifications such as unused inventory, or inventory in use. In either case, the material is just as toxic as when it is finally taken to the waste storage area. It is still being used and stored in a residential zone.

h) In any laboratory, the proper disposal of unwanted chemical materials is largely dependent on the house system. Many different holding containers have to be located at various places on the laboratory complex so that improper combinations of waste materials are not inadvertently mixed. The temptation to pour a small amount of a chemical down the drain to save a walk down the hall can be great. Since there is no inventory procedure to compare the official incoming and outgoing chemical

Exhibit

(G) Discharge Permit

(F) Site Complaint
(H) Application for three more outfalls

(B) EPA Regulations

(A) Hazardous waste report for Martin Marietta, 1982

Item 3: Toxic Material Zoning Requirements (Cont'd)

flow or outfall water analysis it puts the local residents in a very uncomfortable position of relying on Martin Marietta's honor system to properly handle and dispose of their toxic chemicals, especially in light of their demonstrated credibility problem with respect to admitting the amount and potential hazards of the materials they use.

From 1964 until about 1981, Martin Marietta had a septic system with ten seepage pits 10 feet in diameter and 15 feet deep. From their beginning in 1964 there was a gradual change in their activity from a purely theoretical organization to an applied organization dealing routinely in chemical analysis and experimentation. In 1980, Martin Marietta became registered as a toxic waste generator. Their chemical activity most likely did not begin instantaneously in 1980. From 1964 to 1980 an unknown amount of chemicals went into their septic system and over the years outfalls. The land around the Martin Marietta site has many springs and underground water activity as seen by the mud slide report on the land downstream from Martin Marietta. A surface stream passes through the property of the Oblate Sisters of Providence (next to Martin Marietta), then through the Martin Marietta property, then under Route 195 and into Relay. Testimony by Mr. Richard Kline of Save our Streams and Mr. Stephen Wheeler, a lifelong resident of Relay, indicated that this water is contaminated as evidenced by a disappearance of normal aquatic life.

i) The testimony on both sides about the use of toxic materials raised many questions which probably are not strictly in the domain of zoning regulations. The testimony raised some issues which should be addressed by other regulatory agencies to provide for a reliable procedure to account for the various hazardous materials used and to monitor the outfall water, sewer water, and septic system contents.

j) Dr. Banks, the expert witness for Martin Marietta, testified that the dangers to the community from the storage and use of toxics at MM were small compared to the much greater hazards from chemical spillage in truck accidents on I-95.

We would like to point out that all toxics at Martin Marietta are shipped in and out by trucks going through our residential community, and that their route is much closer than I-95.

On behalf of the Protestants

Frank A. Lindberg Aug 23, 1983
511 Gun Road
Baltimore, Maryland 21227

Exhibit

(O) Page 3

(I)

The Gun Road Historical and Protective Ass.

Larry Mc Baldwin

W. H. Hickman

Ann Horn

Bessie Fisher

Frances J. Johnson

Carl Lang

Larry L. Mervin

Frank Lindberg

John A. White

Bryant White

W. Gary Jane Meagor

Kay White

E. H. Morgan

324 Gun Road

410 Gun Rd.

508 Gun Rd.

324 Gun Rd.

508 Gun Rd.

110 Glenwood Ave. #128

403 Gun Road

511 Gun Road

1109 Gun Road

409 Gun Rd.

319 Danville

409 Gun Rd.

319 Gun Rd.

is a major function of the operation but where the operation does not involve any manufacturing.

Section 3. By adding to the following definition on page 6 to section 101 in the proper alphabetical order:

Research Institute: A building or group of buildings used primarily for basic and applied research in the scientific inquiry in a manner similar to that of institutions of higher learning, and where all parts of the operation involving the development research process, e.g., product testing, are incidental to the above.

Section 4. By adding to the list of permitted uses in § 200.5-1/2 the following:

200.5-1/2. Research institutes, as defined in § 101, if located on a site of 15 acres or more and if in compliance with § 418.2.

Section 5. By adding to the list of special exceptions in section 200.15, in the proper alphabetical order, the following:

Laboratory, if on a site of 15 acres or more (see § 418.1);
Research Institute, other than those permitted under Section 200.5-1/2 (see § 418.3).

Section 6. By amending section 203.2 as follows:

203.2 Special Exceptions—Same as in R-40 Zone, section 200.15, except airports and laboratories which are not permitted (see Sections 270 and 422).

Section 7. By adding to the list of special exceptions in section 200.15, in the proper alphabetical order, the following:

Laboratory, if on a site of 10 acres or more (see section 418.4);
Research Institute, other than those permitted under § 200.5-1/2 (see § 418.3);

Section 8. By adding to the list of permitted uses in section 241.1, in the proper alphabetical order, the following:

Research Institutes;
Section 8. By adding section 418 to Article 4, "Special Regulations," as follows:

Section 418. RESEARCH INSTITUTES AND LABORATORIES
418.1 It is the purpose and intent of the following regulations to ensure that research institutes and laboratories are in locations most appropriate for their operations. Even though they are one of the

and also if access to the site is possible entirely by way of existing or proposed streets with rights of way of not less than 60 feet in width.

b. Maximum permitted Floor Area Ratio—0.20, except that in the case of a one-story building not more than 12 per cent of the land area shall be used for parking lots exclusive of special provisions as provided for in sections 406 and 501.

c. No building shall be within 200 feet of the right of way of the street from which it is to be accessed, nor within 150 feet of any other property line.

d. Offstreet parking shall be provided in accordance with section 409 of these regulations. The number of parking spaces to be provided shall be in accordance with subsection 409.2b(5) hereof. In no event shall offstreet parking lots on such site be located within 75 feet of any property line.

e. Site plans for such uses shall be in accordance with the requirements of section 282.

418.3 Requirements for Research Institutes as Special Exceptions, on sites of 15 acres or more, shall be in accordance with the following criteria, or both, of 418.2 above:

a. Maximum permitted Floor Area Ratio—0.20, except that in the case of a one-story building not more than 12 per cent of the land area shall be used for parking lots exclusive of special provisions as provided for in sections 406 and 501.

b. No building shall be within 150 feet of the right of way of the street from which the use gains principal access nor within 75 feet of any other property line.

c. Offstreet parking shall be provided in accordance with section 409 of these regulations. The number of parking spaces to be provided shall be in accordance with subsection 409.2b(5) hereof. In no event shall offstreet parking lots on such site be located within 50 feet of any property line.

d. Site plans for such uses shall be in accordance with the requirements of section 282.

e. In deciding upon the granting of a Special Exception hereunder, the zoning commissioner or board of appeals, on appeal, in addition to the requirements above, may establish other site development requirements, such as screening and sign size and location restrictions, as are deemed applicable to the specific case (see section 502).

418.4 Requirements for Laboratories, on sites of 10 acres or more, as Special Exceptions:

a. Maximum permitted Floor Area Ratio—0.20, except that in the case of a one-story building not more than 12 per cent of the

land area may be covered by any such buildings (exclusive of special provisions as provided in sections 300 and 501).

b. No building shall be within 150 feet of the right of way of the street from which the use gains principal access nor within 75 feet of any other property line.

c. Offstreet parking shall be provided in accordance with section 409 of these regulations. The number of parking spaces to be provided shall be in accordance with subsection 409.2b(5) hereof. In no event shall offstreet parking lots on such site be located within 50 feet of any property line.

d. Site plans for such uses shall be in accordance with the requirements of section 282.

e. In deciding upon the granting of a Special Exception hereunder, the zoning commissioner or board of appeals, on appeal, in addition to the requirements above, may establish other site development requirements, such as screening and sign size and location restrictions, as are deemed applicable to the specific case (see section 502).

Section 9. The following table shows laboratories and research institutes as permitted uses or special exceptions in R-40, R-20, R-10, M-1, M-2, M-3, M-4, M-5, and M-6 zones, reflecting the amendments to the zoning regulations which are contained in this Ordinance:

	S.E.:	Use permitted by Special Exception Only.							
		Use permitted without Special Exception.							
		Use prohibited.							
USE			R-40	R-20	R-10	M-1	M-2	M-3	M-4
Research Institutes									
A. Over 15 acres & meeting special locational criteria									
B. Under 15 acres & meeting loc. criteria also either over 15 acres or meeting special locational criteria									
Laboratories									
A. Over 15 acres									
B. Over 10 acres									

Note: * Uses permitted in the M-1, M-2, M-3, M-4, M-5, and M-6 zones, as allowed in the M-1, M-2, M-3, M-4, M-5, and M-6 zones.

THIS IS TO CERTIFY, that the annexed advertisement of

Special Exception
W Rolling Rd.

was inserted in the following:

☒ Catonsville Times
☐ Arbutus Times

weekly newspapers published in Baltimore County, Maryland
once a week for one successive weeks before
the 26 day of February 19 83, that is to say,
the same was inserted in the issues of

February 24, 1983

PATUXENT PUBLISHING CORP.

By *[Signature]*

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

[Faint, mostly illegible text from a document, possibly a petition or affidavit, mentioning names like "John P. Alcarese" and "Martin Marietta Corporation".]

CERTIFICATE OF PUBLICATION OF

Mr. Arnold Jablon

- 4 -

March 29, 1984

As is the case with the existing structures, the new addition will be completely sprinklered and there will be adequate access for fire equipment, so that we will continue to maintain a posture of not creating a fire or safety hazard.

The present facility creates no noise, dust, heat, light, radiation or emission problem and the new addition will be designed, constructed and operated in a manner to assure that no such problem is created.

Please call me at 338-3130 in the event you have any questions or require any additional information.

Very truly yours,

MARTIN MARIETTA CORPORATION

[Signature]
Joseph P. Alcarese
Counsel

April 17, 1984

Based on the information you provide, there does not appear to be any violation of the Baltimore County Zoning Regulations (BCZ).

[Signature]
Arnold Jablon
Zoning Commissioner

AJ:ech

Mr. Arnold Jablon

- 2 -

March 29, 1984

The tract which houses the facility is bordered on the south and east by 195 and the 195 access road; on the north by the 30 acre tract of the Oblate Sisters; and on the west by a large farm. The property and the surrounding area, is hilly and very wooded. The nearest individual neighbors are approximately a quarter of a mile distance (2 miles by road) and the facility is not visible to such neighbors.

Rolling Road, on which the tract is located, dead ends at the Martin Marietta property line and the 195 right of way. The nearest residential neighborhood is on Gun Road which dead ends into Rolling Road. Therefore, none of the traffic moving to or from the Martin Marietta facility passes through any nearby residential areas.

The work of the research facility is basic research, and research in emerging technologies, and does not involve production or routine testing work. Its research includes such things as photosynthesis; genetic engineering or bio-technology work in the agricultural area; aimed toward the development of new and better crops; research in micro electronics involving very high speed, state of the art, electronic integrated circuitry, with power systems the size of a human hair, for command and control detector systems; research in semiconductor physics; research in advanced ceramic materials for space applications, in laser protective systems, in artificial intelligence, including robotics, and in optical signal processing for fiber optics communications. Their work has also included environmental research, such as studies for the State of Maryland involving the Chesapeake Bay and its tributaries and the effects of fossil and nuclear fuel generating plants on plant life and marine life; study of the effects of dredging on aquatic habitats, performed for the U.S. Corps of Engineers, and study of the effect of industry and population on Hudson River fisheries performed for the National Oceanic and Atmospheric Administration. In addition to its research work, the Martin Marietta facility and its staff is actively involved in the field of education. The research facility has for years conducted environmental seminars at its facility, and has been cited for its prize-winning "Environmental Atlas of the Potomac Estuary", which is a major contribution to understanding of the ecology of Maryland. It conducts joint programs with the University of Maryland College Park, the University of Maryland Baltimore Campus, Johns Hopkins University, Rutgers University and the University of Tennessee. It furnishes adjunct professors to U.M.B.C. It furnishes summer employment to University of Maryland students under a program in which they are assigned a specific research task and write a report on the task. It is involved in a program with the Baltimore County Department of Education which offers summer employment to high school science teachers which will enable them to update their expertise and carry this into the classroom. And it funds faculty members in research projects at the University of Maryland and Johns Hopkins University. Thus, we believe

February 15, 1983

Joseph P. Alcarese, Esquire
101 Chesapeake Park Plaza
Baltimore, Maryland 21220

NOTICE OF HEARING

Re: Petitions for Special Hearing and Variances
w/8 of Rolling Road, 1635' S of Gun Road
Martin Marietta Corporation - Petitioner
Case No. 83-210-SPHA

TIME: 9:15 A.M.

DATE: Thursday, March 17, 1983

PLACE: Room 104, County Office Building, 111 West

Chesapeake Avenue, Towson, Maryland

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

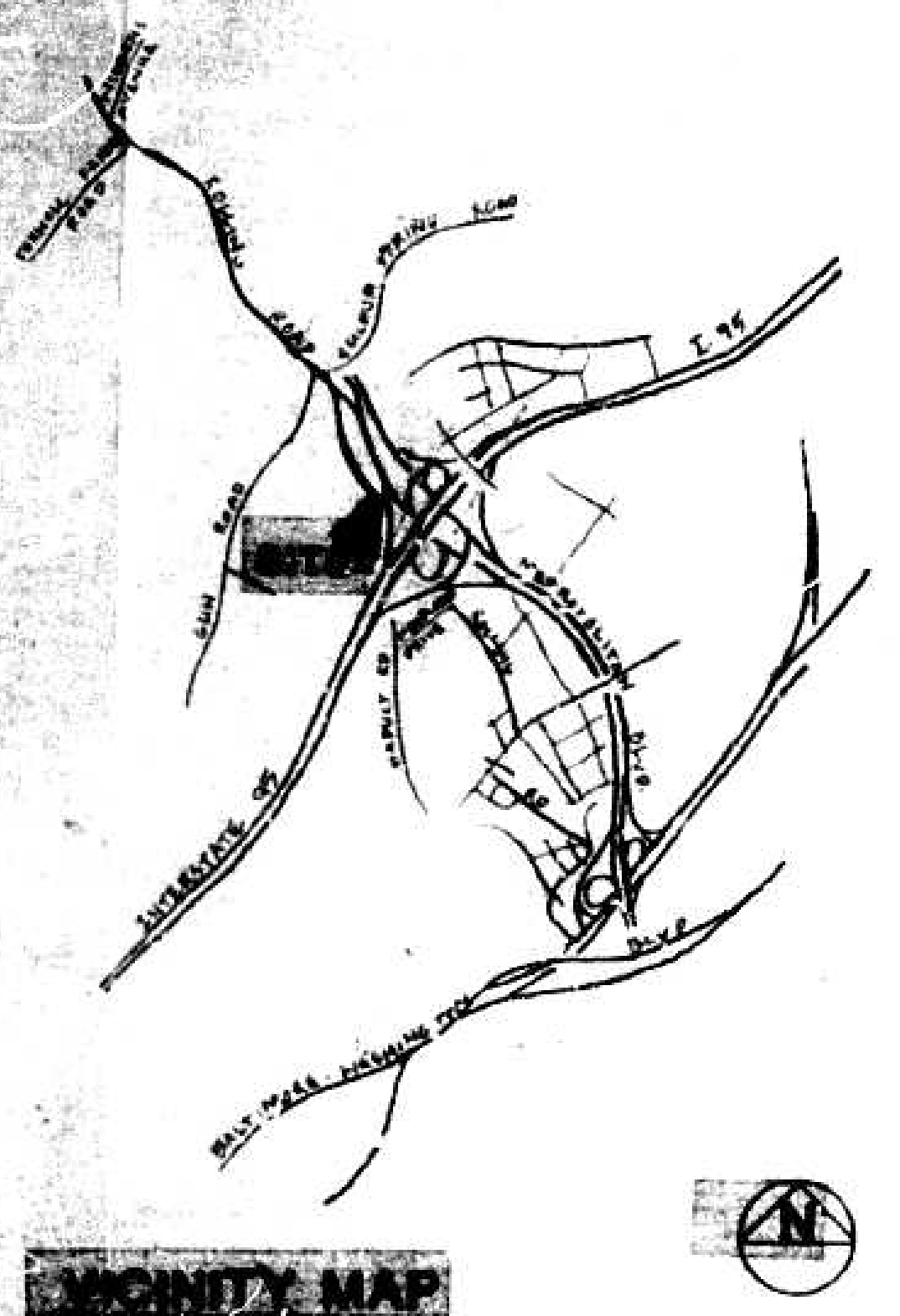
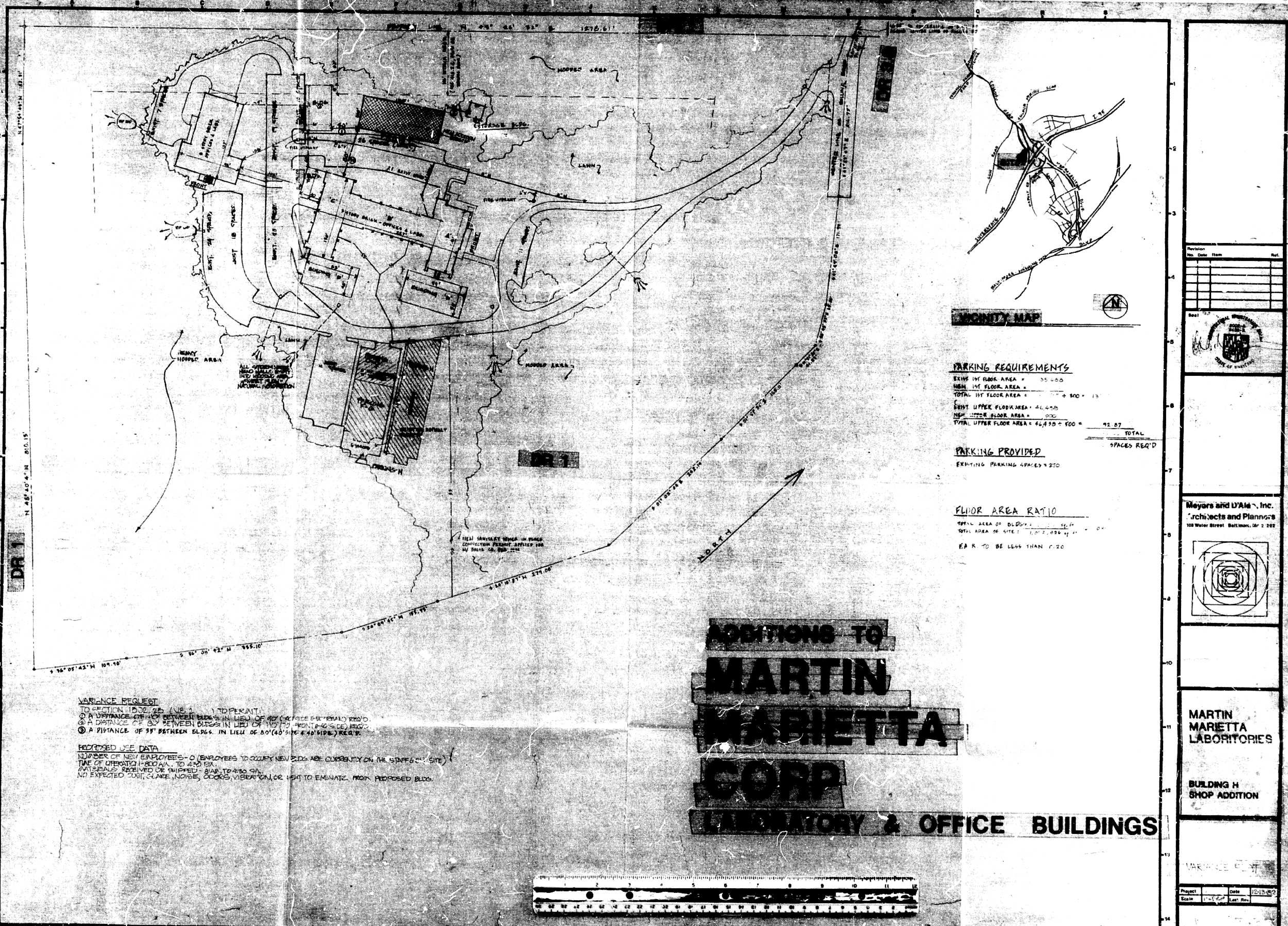
No. 12368

DATE: 12/21/82 ACCOUNT: 01-615-000
AMOUNT: \$ 200.00

RECEIVED BY: Martin Marietta
FOR: Filing for Sp. H. Jan 1983

00100002000010 6228A

VALIDATION OR SIGNATURE REQUIRED



REGIONAL MAP

PARKING REQUIREMENTS

EXIST'G 1ST FLOOR AREA =	35,400
NEW 1ST FLOOR AREA =	
TOTAL 1ST FLOOR AREA =	35,400 + 500 = 35,900
EXIST'G UPPER FLOOR AREA =	46,450
NEW UPPER FLOOR AREA =	500
TOTAL UPPER FLOOR AREA =	46,450 + 500 = 46,950
TOTAL	
SPACES REQ'D	

PARKING PROVIDED

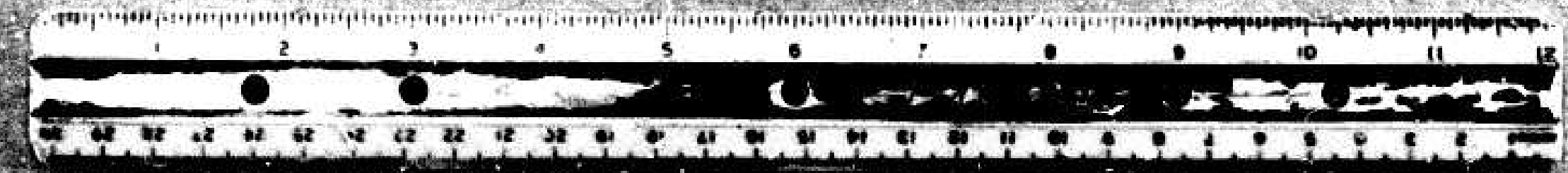
EXISTING PARKING SPACES = 270

FLOOR AREA RATIO

TOTAL AREA OF BLDGS = 82,850
TOTAL AREA OF SITE = 1,072,026 sq. ft.
F.A.R. TO BE LESS THAN 7.70

VARIANCE REQUEST
TO SECTION 1502.25 (VE-1) TO PERMIT:
1. A DISTANCE OF 40' BETWEEN BLDGS. IN LIEU OF 40' (40' SIDE SETBACK) REQ'D.
2. A DISTANCE OF 80' BETWEEN BLDGS. IN LIEU OF 10' (10' FRONT-40' SIDE) REQ'D.
3. A DISTANCE OF 35' BETWEEN BLDGS. IN LIEU OF 40' (40' SIDE-40' SIDE) REQ'D.
PROPOSED USE DATA
NUMBER OF NEW EMPLOYEES - 0 (EMPLOYEES TO OCCUPY NEW BLDG ARE CURRENTLY ON THE STAFF 600' SITE)
TIME OF OPERATION - 8:00 AM. TO 4:30 PM.
MATERIALS - RECEIVED OR SHIPPED - 8 AM TO 4:30 PM.
NO EXPECTED DUST, CLARK, NOISE, ODORS, VIBRATION OR HEAT TO EMANATE FROM PROPOSED BLDG.

**ADDITIONS TO
MARTIN
MARIETTA
CORP
LABORATORY & OFFICE BUILDINGS**



Revision		
No.	Date	Item

DR 1

Meyers and D'Ale, Inc.
Architects and Planners
108 Water Street, Baltimore, Md. 21202

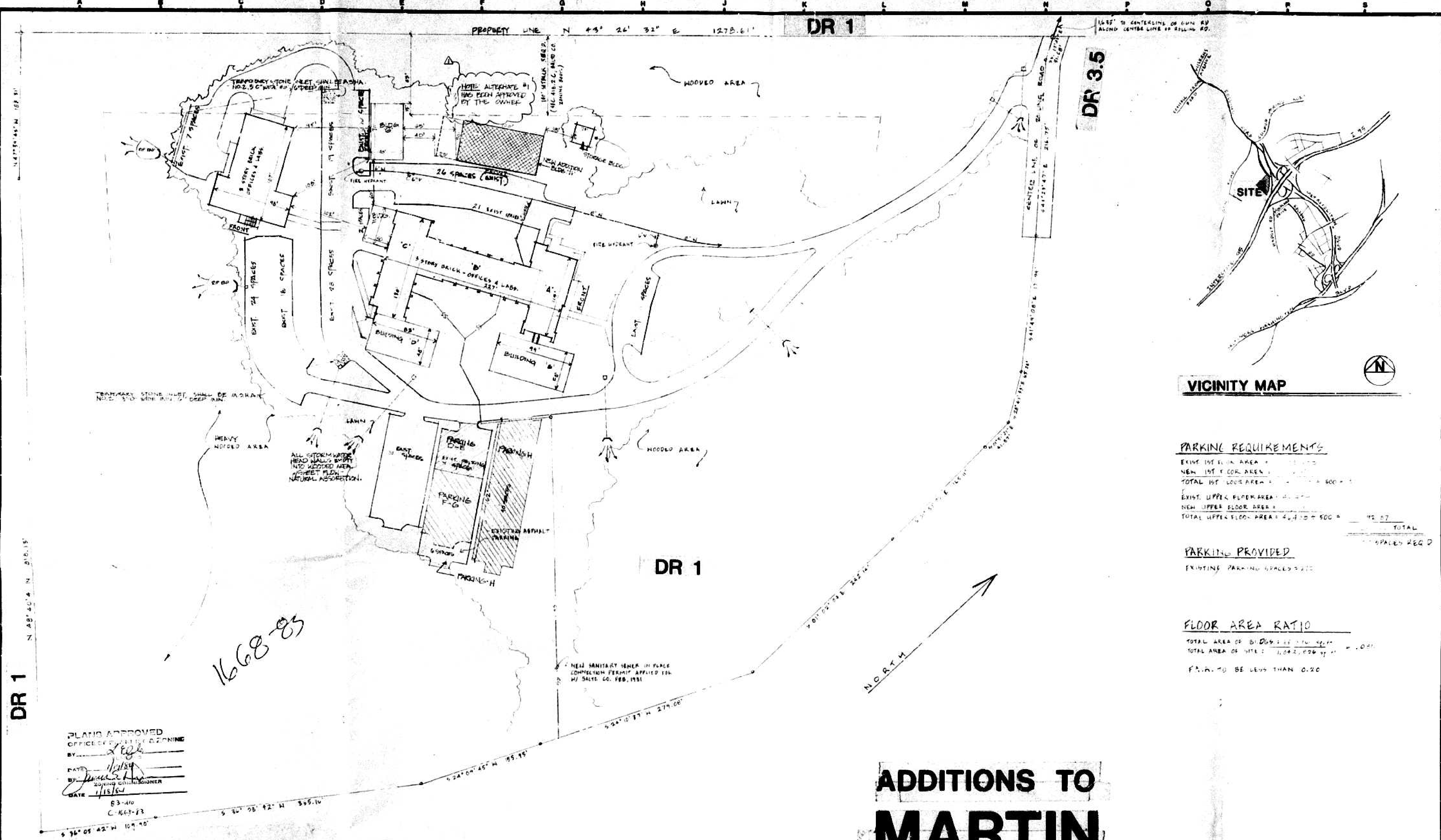
**MARTIN
MARIETTA
LABORATORIES**

**BUILDING H
SHOP ADDITION**

VARIANCE COST

Project	Date
	12/13/82

Scale	Last Rev.



VICINITY MAP

PARKING REQUIREMENTS

EXIST. 1ST FLOOR AREA	10,000
NEW 1ST FLOOR AREA	10,000
TOTAL 1ST FLOOR AREA	20,000
EXIST. UPPER FLOOR AREA	10,000
NEW UPPER FLOOR AREA	10,000
TOTAL UPPER FLOOR AREA	20,000
TOTAL	40,000
SPACES REQ'D	160

PARKING PROVIDED

EXISTING PARKING SPACES: 160

FLOOR AREA RATIO

TOTAL AREA OF BUILDING: 40,000 sq. ft.
TOTAL AREA OF SITE: 100,000 sq. ft.
F.A.R. TO BE LESS THAN 0.20

ADDITIONS TO MARTIN MARIETTA CORP LABORATORY & OFFICE BUILDINGS

IN THE MATTER OF THE APPLICATION OF MARTIN MARIETTA CORPORATION FOR SPECIAL HEARING TO APPROVE AN AMENDMENT TO SITE PLAN IN CASE #81-208-A, AND A VARIANCE FROM SECTION 1802.20 (V.B.2 and 102.21) OF THE BALTIMORE COUNTY ZONING REGULATIONS W/S ROLLING ROAD 1635 S. CHURCH ROAD 13TH DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
NO. 83-210-SPHA

Amending the Opinion and Order of this Board dated November 2, 1983, the record revealed that the Deputy Zoning Commissioner approved the Petitioner's petition for a special hearing with restrictions, however, no appeal from that Order was taken by Petitioner or Protestants in this matter. As such, though not specifically before the Board for determination, the Board notes its affirmation of the Deputy Zoning Commissioner's Order approving the petition for special hearing with restrictions.

ORDER

For the reasons set forth in this Amended Opinion, the Order of this Board, dated November 2, 1983, is hereby AMENDED to add the petition for special hearing requested by Petitioner to be approved with the following restrictions:

No toxic or volatile chemicals shall be used and stringent precautions shall be taken with conventional solvents.

The proposed building shall not be used for any purpose that will create dangerous, injurious, noxious, or otherwise objectionable fire, electrical, explosive, radioactive, or other hazardous conditions that could adversely affect adjacent properties. Additionally, said building shall be screened from view of the main house of the Oblate Sisters of Providence.

Compliance with all requirements of the EPA, MSHA, OSHA, and Maryland State Department of Health and Mental Hygiene, as well as Section 418 of the Baltimore County Zoning Regulations.

Approval of the aforementioned site plan by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

Date: November 23, 1983

Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Keith S. Pratts, Acting Chairman
Sandra R. Vincent
Joanna E. Miller

INDEX

- C-1 Cover Sheet
- L-1.1 Site Plan
- A-1.1 Floor Plans and Section
- A-2.1 Elevations
- A-3.1 Wall Sections
- A-4.1 Details
- A-5.1 Alternate Scheme
- S-1 Roof Framing
- E-1 First Floor and Foundation Plan
- E-2 Sections and Details
- E-3 Electrical Plan
- E-4 Electrical Schedules and Details
- M-1 Mechanical Plans and Details

Revision	No.	Date	Item	Ref.
	1			
	2			
	3			
	4			
	5			
	6			
	7			
	8			
	9			
	10			
	11			
	12			
	13			
	14			

Seal of the City of Baltimore

Meyers and D'Alao, Inc.
Architects and Planners
108 Water Street, Baltimore, Md 21202

MARTIN MARIETTA LABORATORIES

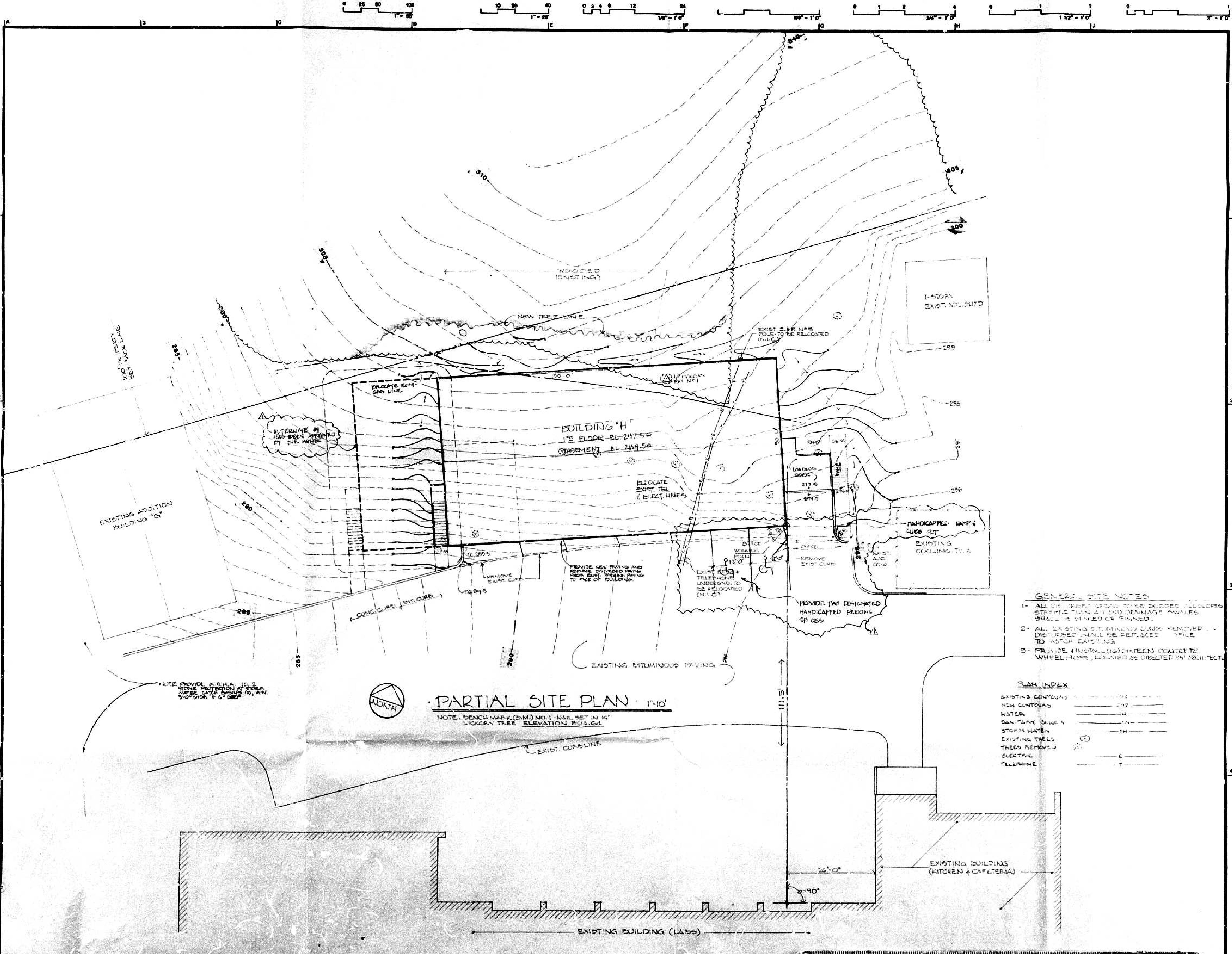
BUILDING H SHOP ADDITION

COVER SHEET

Project	Date

Scale	Sheet No.

C-1



PARTIAL SITE PLAN 1"=10'

NOTE: BENCH MARK (B.M.) NO. 1 - NAIL SET IN 14" WICKORY TREE ELEVATION 253.64

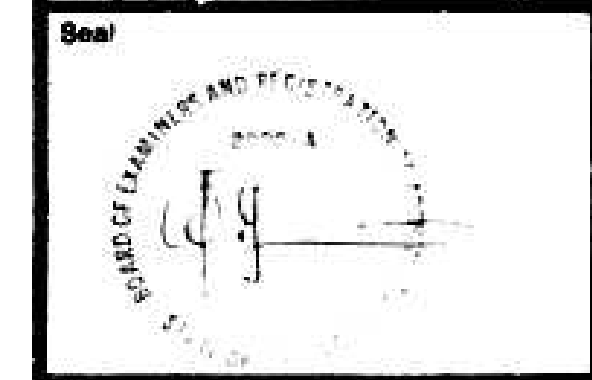
- GENERAL SITE NOTES**
- 1- ALL EXISTING AREAS TO BE DUG TO REVEAL ALL SLOPED STRIPS, TRENCHES AND DESIGNATED TRENCHES SHALL BE STAKED OR PINNED.
 - 2- ALL EXISTING CURBS TO BE REMOVED OR DISAPPEARED SHALL BE REPLACED TO MATCH EXISTING.
 - 3- PROVIDE 4" (MINIMUM) CONCRETE WHEELSTOPS, LOCATED AS DIRECTED BY ARCHITECT.

PLAN INDEX

EXISTING CONTOURS	---
NEW CONTOURS	---
WATER	---
SANITARY DRAIN	---
STORM DRAIN	---
EXISTING TREES	---
TREES TO BE REMOVED	---
ELECTRIC	---
TELEPHONE	---

Revision

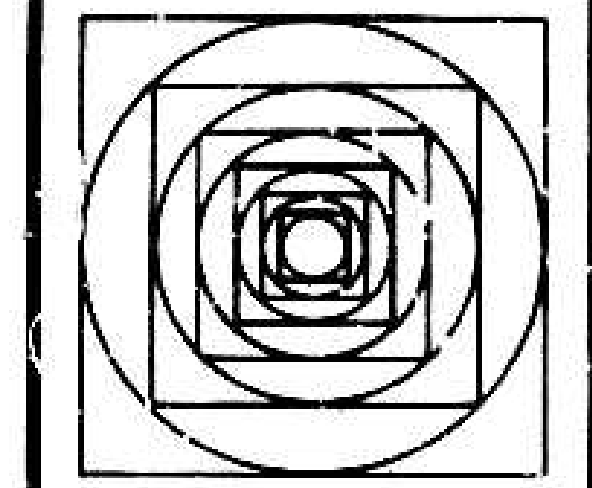
No.	Date	Rev.
1	12/13/62	REVISED
2		
3		
4		
5		



Sharda and Kicewitz, Inc.
Struct. Consult. Inc.
4806 York Rd.
Baltimore, Maryland, 21204

Steel and Rutherford, Inc.
Mech. and Elect. Consult. Inc.
2518 Maryland Ave.
Baltimore, Maryland 21204

Meyers and D'Aleo, Inc.
Architects and Planners
100 Water Street, Baltimore Md. 21202



**MARTIN
MARIETTA
LABORATORIES**

**BUILDING H
SHOP ADDITION**

SITE PLAN

Project	31069	Date	12/13/62
Scale	1"=10'	Last Rev.	

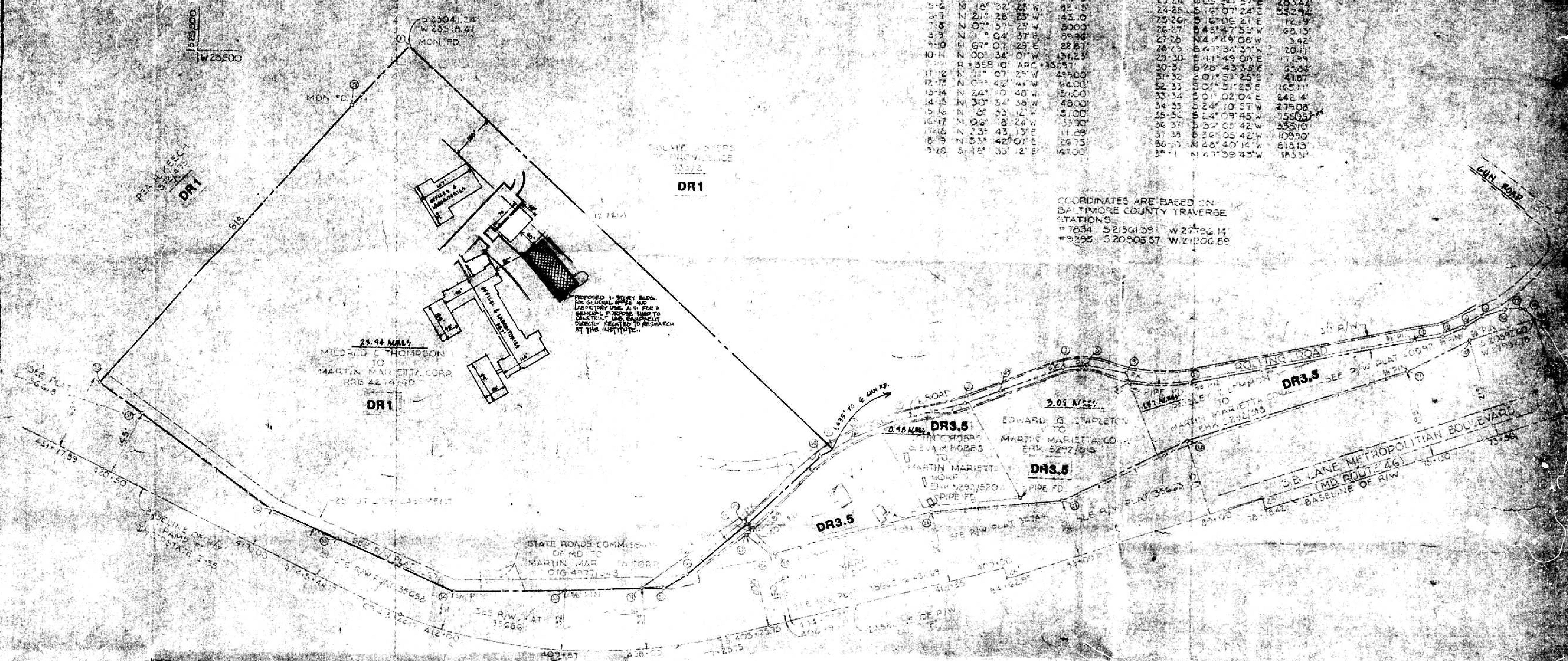
L-1.1

BALTIMORE COUNTY
GRID NORTH

1-2	N 43° 20' 22" E	1275.61
2-3	N 31° 15' 22" W	50.47
3-4	N 22° 50' 23" W	96.38
4-5	N 14° 46' 53" W	57.23
5-6	N 18° 32' 28" W	32.45
6-7	N 21° 28' 23" W	43.10
7-8	N 07° 57' 23" W	50.00
8-9	N 1° 04' 37" E	89.96
9-10	N 67° 07' 29" E	22.87
10-11	N 00° 34' 01" W	131.23
11-12	N 35° 10' 40" E	33.97
12-13	N 11° 07' 25" W	43.00
13-14	N 01° 48' 41" W	14.00
14-15	N 24° 10' 48" W	31.00
15-16	N 30° 34' 38" W	48.00
16-17	N 01° 53' 12" W	31.00
17-18	N 02° 18' 24" W	33.90
18-19	N 23° 43' 13" E	11.89
19-20	N 53° 42' 07" E	28.75
20-21	S 18° 33' 12" E	147.00

21-22	S 25° 05' 33" E	151.53
22-23	S 15° 33' 12" E	50.00
23-24	S 27° 08' 53" E	202.65
24-25	S 03° 50' 57" E	28.54
25-26	S 16° 07' 24" E	53.94
26-27	S 10° 06' 21" E	12.19
27-28	S 43° 47' 53" W	68.13
28-29	N 41° 44' 08" W	5.42
29-30	S 47° 34' 35" W	20.11
30-31	S 41° 49' 08" E	17.94
31-32	S 25° 43' 33" E	23.86
32-33	S 01° 51' 25" E	41.87
33-34	S 01° 02' 04" E	165.11
34-35	S 24° 10' 57" W	242.14
35-36	S 24° 09' 45" W	239.08
36-37	S 26° 05' 42" W	155.63
37-38	S 26° 05' 42" W	553.10
38-39	N 48° 40' 14" W	109.90
39-40	N 47° 39' 43" W	613.13

COORDINATES ARE BASED ON
BALTIMORE COUNTY TRAVERSE
STATIONS
#7634 521361.39 W 27786.14
#8295 520505.57 W 27806.69



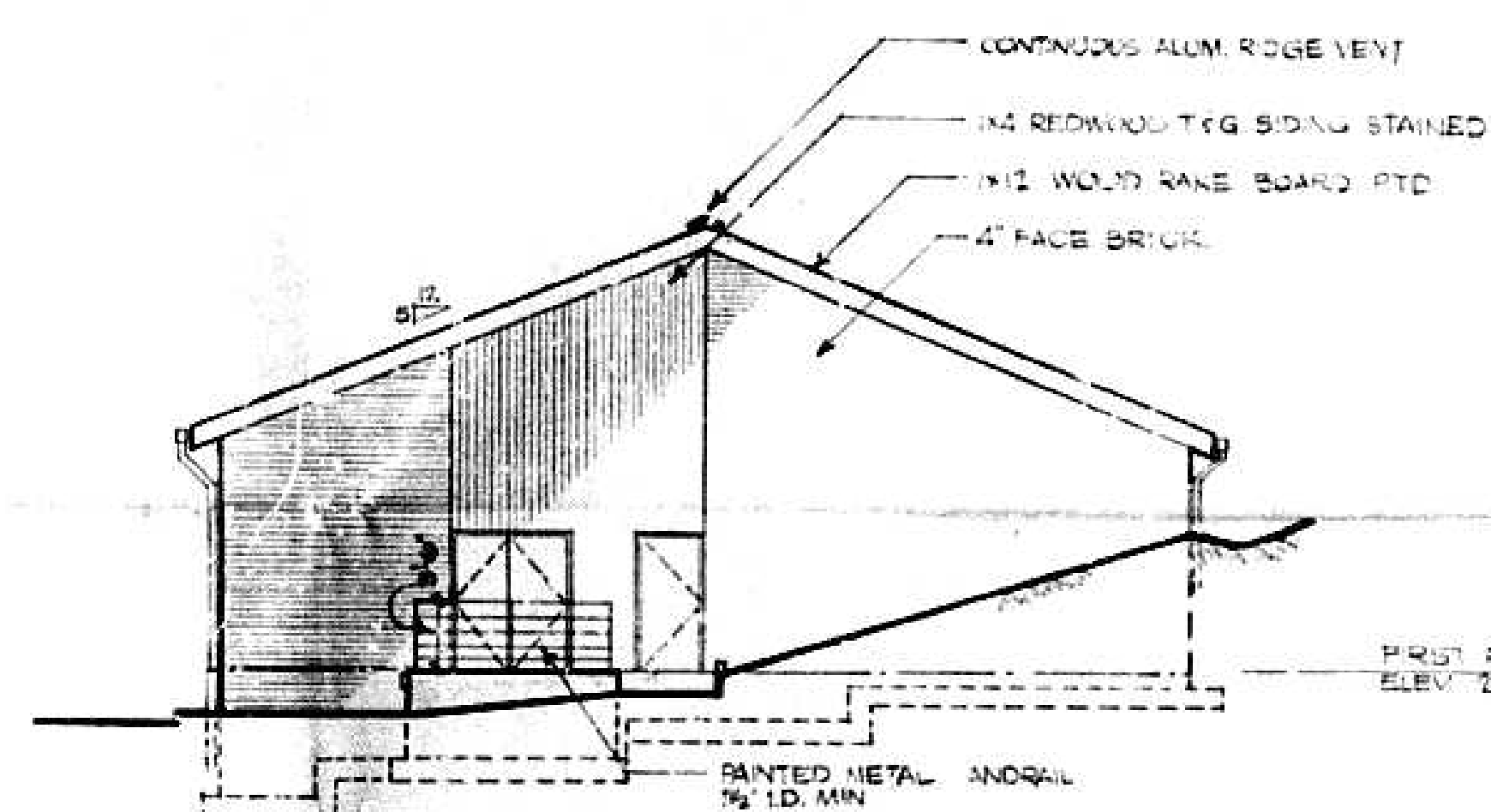
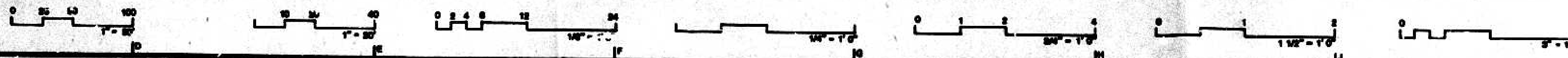
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X = 30° 35' 15"	B = 100.00
D = 30° 00' 00"	P = 145.15
R = 145° 52'	K = 49.87
L = 618.47	X = 195.85
T = 316.94	Y = 5.81
C = 133.02	LT = 133.29
	ST = 26.72
	T = 525.06
	S = 18.71

523500
W 27000

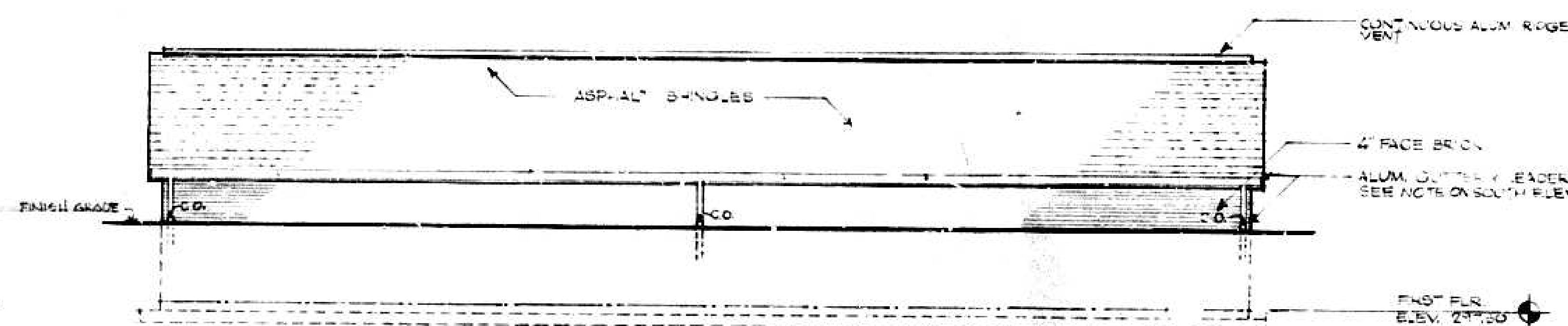
VARIANCE PLAT

PROPERTY SURVEY
MARTIN MARIETTA CORPORATION
ROLLING ROAD
13TH ELECTION DISTRICT BALTIMORE COUNTY MARYLAND
SCALE 1" = 100' NOV. 5, 1960

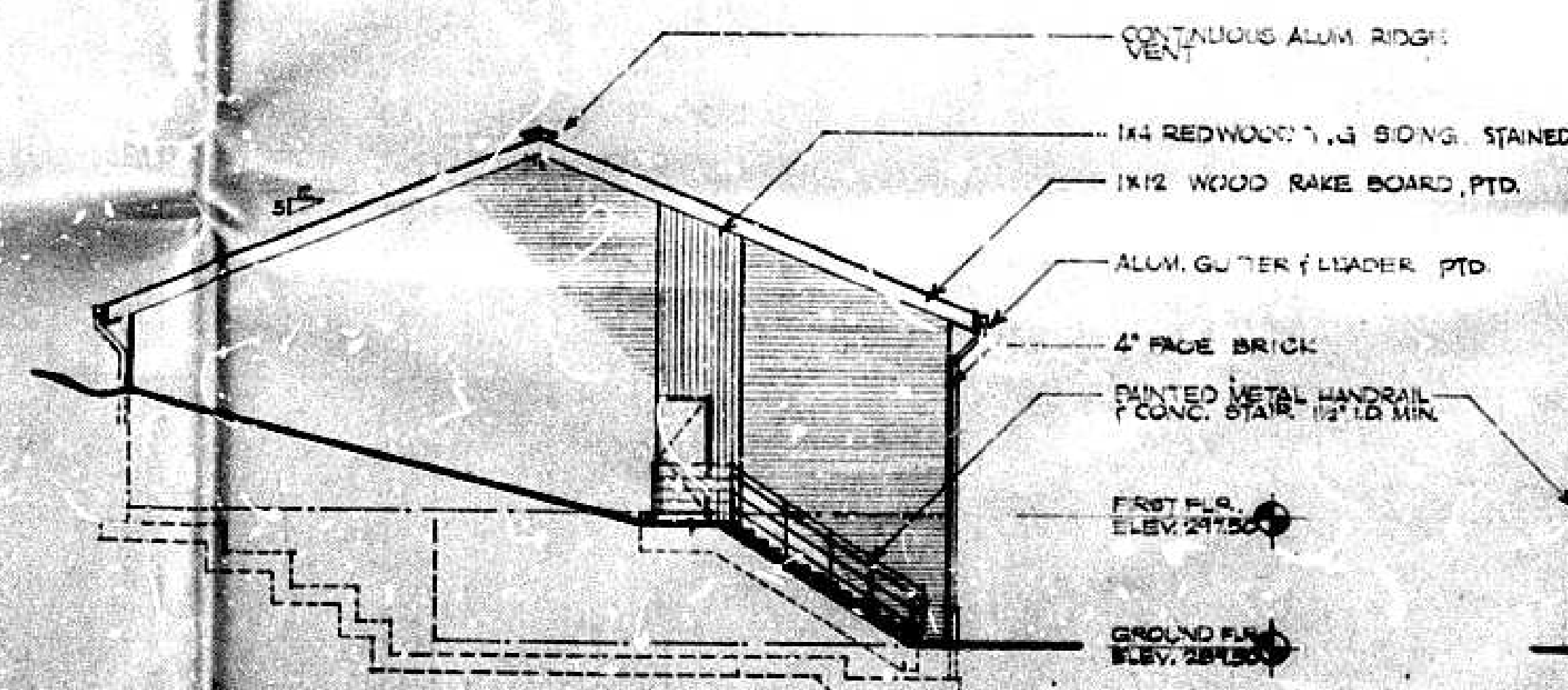




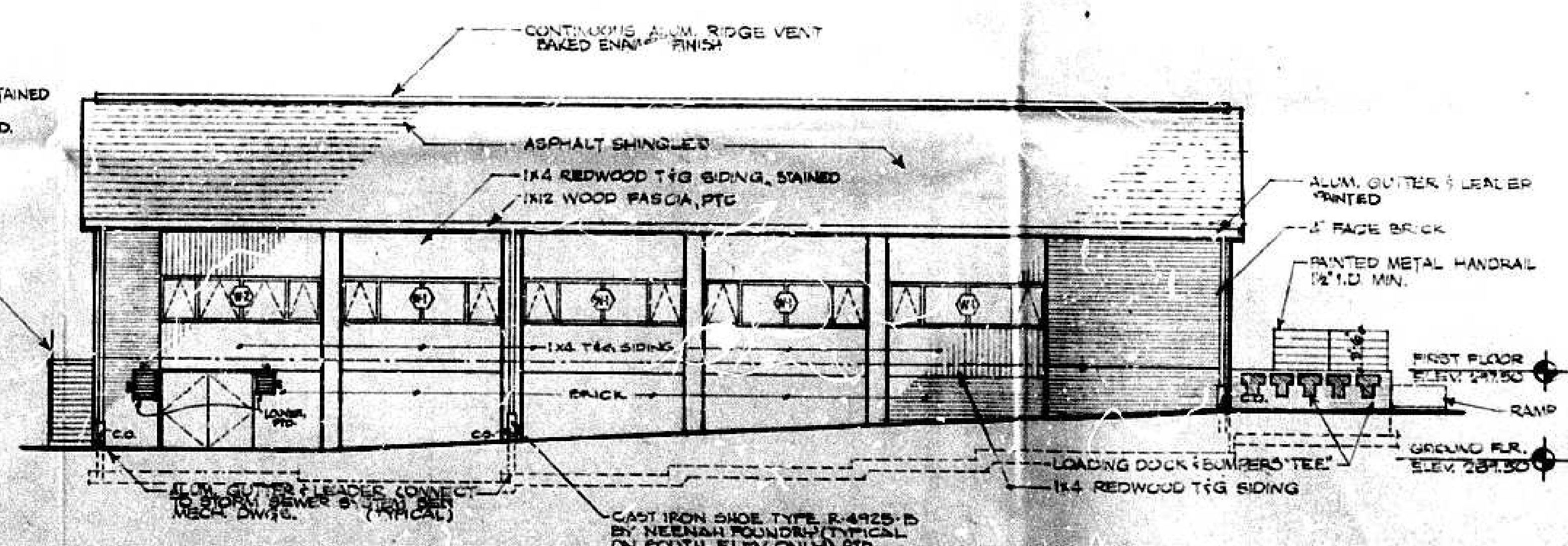
D3 EAST ELEVATION
1/8"=1'-0"



H3 NORTH ELEVATION
1/8"=1'-0"



D5 WEST ELEVATION
1/8"=1'-0"



H5 SOUTH ELEVATION
1/8"=1'-0"

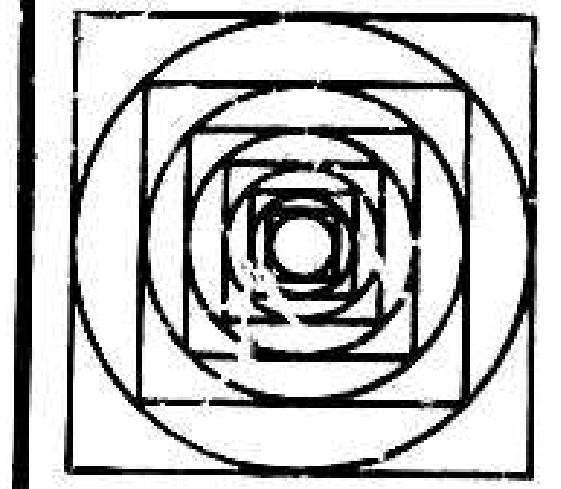
MICROFILMED

Revision	No.	Date	By	Rev.

Skarda and Rickett, Inc.
Struct. Consult. Inc.
4806 York Rd.
Baltimore, Maryland 21212

Siegel and Rutherford, Inc.
Mech. and Elect. Consult. Inc.
2518 Maryland Ave.
Baltimore, Maryland 21218

Meyers and D'Aleo, Inc.
Architects and Planners
108 Water St. Baltimore, MD 21202



MARTIN
MARIELTA
LABORATORIES

BUILDING H
SHOP ADDITION

ELEVATIONS

Project	81064	Date	7-15-67
Scale	1/8"=1'-0"	Drawn	

A-2.1

PETITIONER'S
EXHIBIT

1-2	N	43°	26'	32"	E	1278.61
2-3	N	31°	15'	23"	W	98.47
3-4	N	22°	56'	23"	W	99.37
4-5	N	14°	42'	23"	W	57.23
5-6	N	18°	32'	23"	W	22.45
6-7	N	21°	23'	23"	W	145.10
7-8	N	07°	37'	23"	W	5000
8-9	N	11°	04'	37"	E	89.96
9-10	N	67°	07'	29"	E	22.67
10-11	N	00°	34'	01"	E	131.23
	R	358.10	APC			1319.7
11-12	N	11°	07'	29"	W	497.00
12-13	N	29°	42'	41"	W	6400
13-14	N	24°	9'	48"	W	5100
14-15	N	30°	34'	36"	W	4800
15-16	N	18°	53'	12"	W	5100
16-17	N	06°	18'	24"	W	3300
17-18	N	23°	43'	13"	E	11.89
18-19	N	53°	42'	07"	E	26.13
20-21	N	18°	33'	12"	E	14700

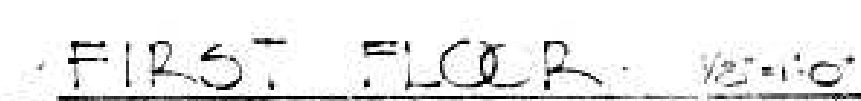
20-21	B 26° 05' 33"E	151.53
21-22	B 18° 33' 42"E	500.00
22-23	B 20° 08' 03"E	202.63
23-24	B 05° 30' 57"E	283.44
24-25	B 16° 07' 24"E	552.74
25-26	B 16° 06' 21"E	42.19
26-27	B 43° 47' 33"W	68.13
27-28	N 41° 49' 08"E	3.42
28-29	B 47° 34' 35"W	20.11
29-30	B 41° 49' 08"E	71.93
30-31	B 25° 43' 33"E	65.66
31-32	B 01° 53' 25"E	41.07
32-33	B 01° 51' 25"E	165.71
33-34	B 01° 02' 04"E	242.74
34-35	B 47° 10' 57"W	277.08
35-36	N 24° 09' 45"W	179.65
36-37	B 36° 05' 42"W	335.10
37-38	B 36° 05' 42"W	108.90
38-39	N 46° 40' 14"W	818.13
39-41	N 47° 32' 43"W	15.31

2-40 531 5 237E 31.00
40-29 543 23 137E 24.15

COORDINATES ARE BASED ON
BALTIMORE COUNTY TRAVERSE
STATIONS:
#7834 52136139 W 27856.14
#9295 52080557 W 27206.89

A = 40° 55' 15"	X = 200.00
B = 30° 55' 15"	Y = 50.00
C = 4° 00' 00"	Z = 1.00
D = 14° 02'	X = 49.97
E = 616.42	X = 199.65
F = 316.84	Y = 5.81
G = 23.02	Z = 133.84
	ST = 66.12
	Td = 323.06
	Sl = 18.71

PROPERTY SURVEY
MARTIN MARIETTA CORPORATION
ROLLING ROAD
ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1"=100' NOV. 2, 1990

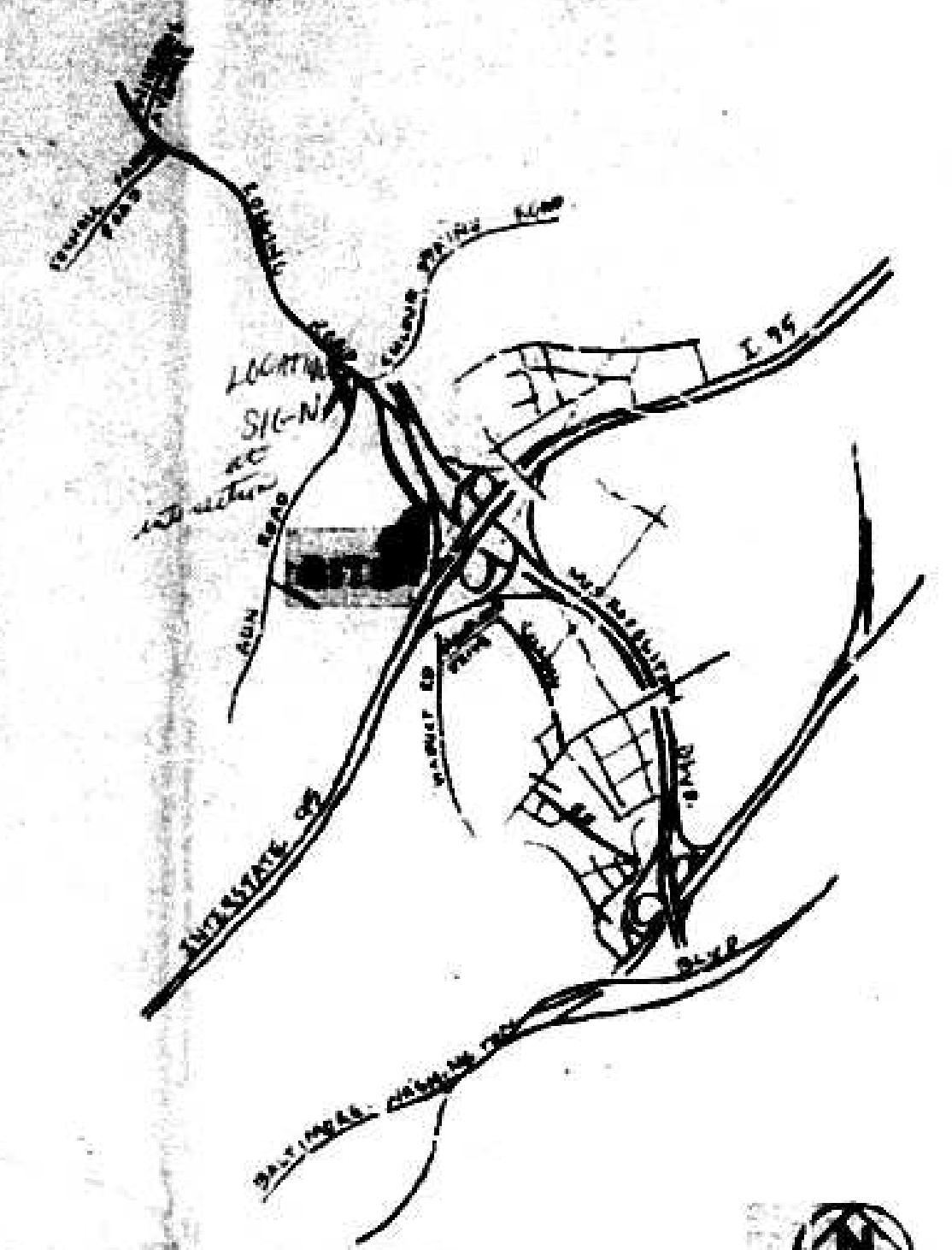
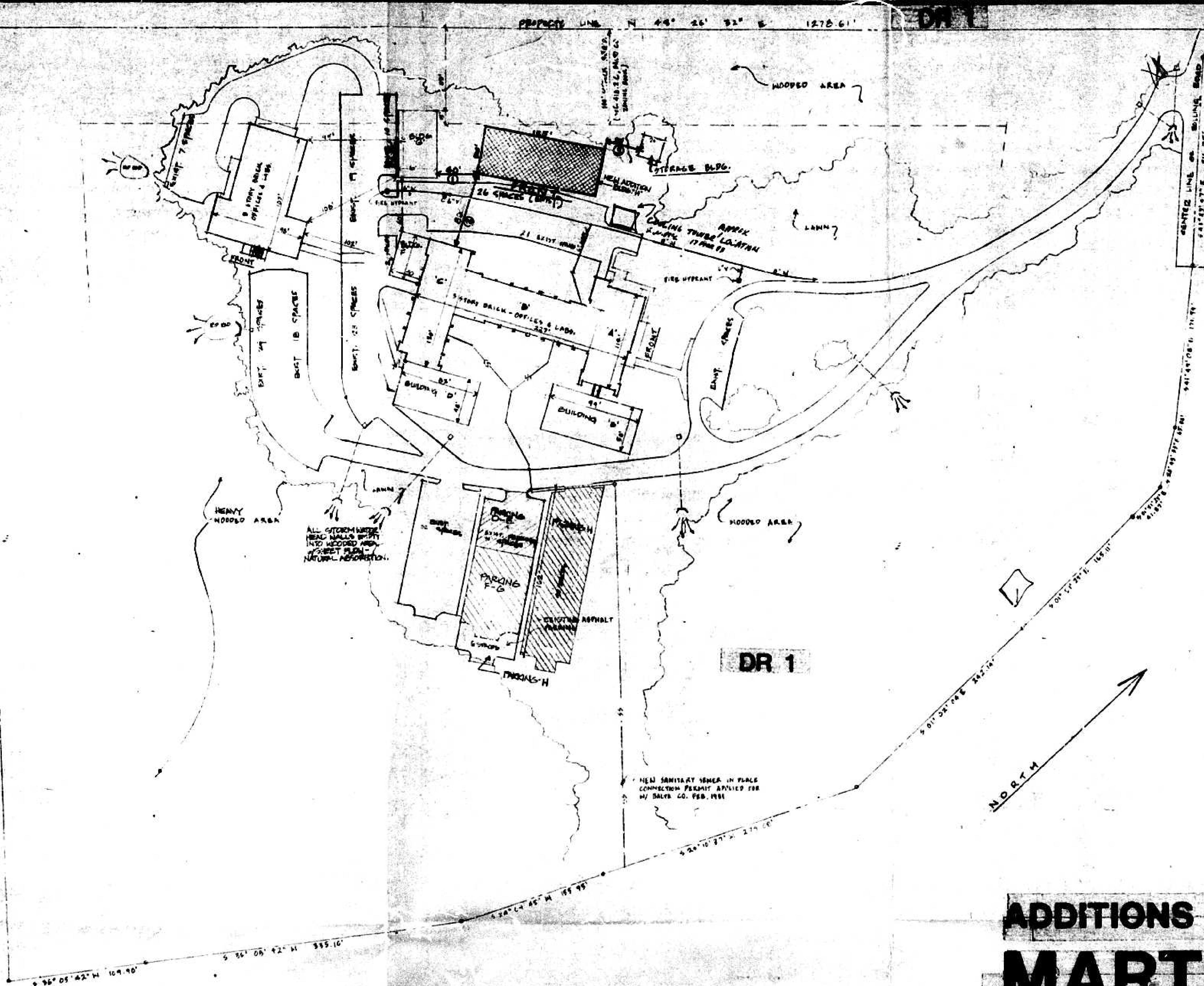


Project	GRO-9	Date	12-13-62
Scale	AS NOTED	Last Rev.	

A-1.1

**PETITIONER'S
EXHIBIT 4**

MICROFILMED



VICINITY MAP

PARKING REQUIREMENTS

EXIST. 1ST FLOOR AREA	= 35,000
NEW 1ST FLOOR AREA	= 1,000
TOTAL 1ST FLOOR AREA	= 36,000 + 500 = 36,500
EXIST. UPPER FLOOR AREA	= 40,000
NEW UPPER FLOOR AREA	= 1,000
TOTAL UPPER FLOOR AREA	= 41,000 + 500 = 41,500
TOTAL	= 78,000
SPACES REQ'D	

PARKING PROVIDED

EXISTING PARKING SPACES: 120

FLOOR AREA RATIO

TOTAL AREA OF BLDGS. = 78,000 sq. ft.
 TOTAL AREA OF SITE = 1,000,000 sq. ft. = .078
 F.A.R. TO BE LESS THAN 0.20

VARIANCE REQUEST
 TO SECTION 1002.22 (VS 2) TO PERMIT:
 1) A DISTANCE OF 40' BETWEEN BUILDINGS IN LIEU OF 40' (40' SIDE BY SIDE) REQ'D.
 2) A DISTANCE OF 80' BETWEEN BUILDINGS IN LIEU OF 110' (110' FRONT) REQ'D.
 3) A DISTANCE OF 35' BETWEEN BUILDINGS IN LIEU OF 80' (80' SIDE BY SIDE) REQ'D.

PROPOSED USE DATA
 NUMBER OF NEW EMPLOYEES - 0 (EMPLOYEES TO OCCUPY NEW BLDG ARE CURRENTLY ON THE STAFF ON SITE)
 TIME OF OPERATION - 8:00 AM TO 4:30 PM
 MATERIALS RECEIVED OR SHIPPED - 8 AM TO 4:30 PM
 NO EXPECTED FUEL, GLASS, NOISE, ODORS, VIBRATION, OR HEAT TO EMANATE FROM PROPOSED BLDG.

ADDITIONS TO **MARTIN MARIETTA CORP** LABORATORY & OFFICE BUILDINGS

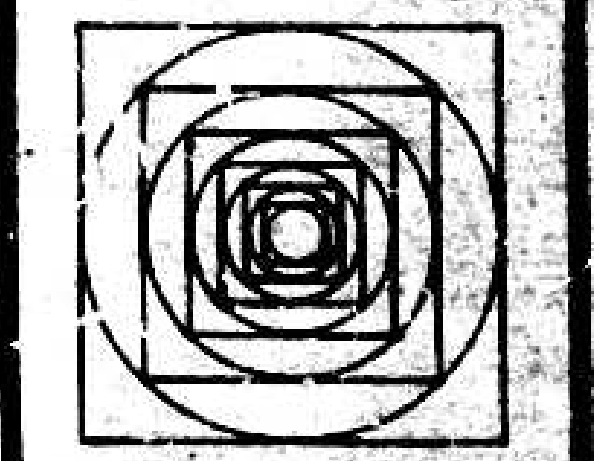
PETITIONER'S
 EXHIBIT 1

UNCOMPLETED

Rev.	Date	By	For



Moyers and D'Alto, Inc.
 Architects and Planners
 100 West Street, Baltimore, MD 21202



**MARTIN
 MARIETTA
 LABORATORIES**

**BUILDING H
 SHOP ADDITION**

Plan 4-73
 VARIANCE PLAT

Project	Site	Date	12/15/82
Scale	1" = 100'	Sheet	1 of 2



VICINITY MAP
SCALE 1"=2000'

2A
SNGE

EDROTH M. & THEODORE T. NIKNIK
3422/015 & 6/24/04/04/05
AGRICULTURAL

REA M. CAUCE F. KEFLAH
6/24/04/05
AGRICULTURAL

DELAWARE SYSTEMS OF PROVIDENCE
1230/2
75.25 ACRES

BALTIMORE COUNTY GRID NORTH

EXISTING CONVEYANT

ROLLING

INTERSTATE

1-55

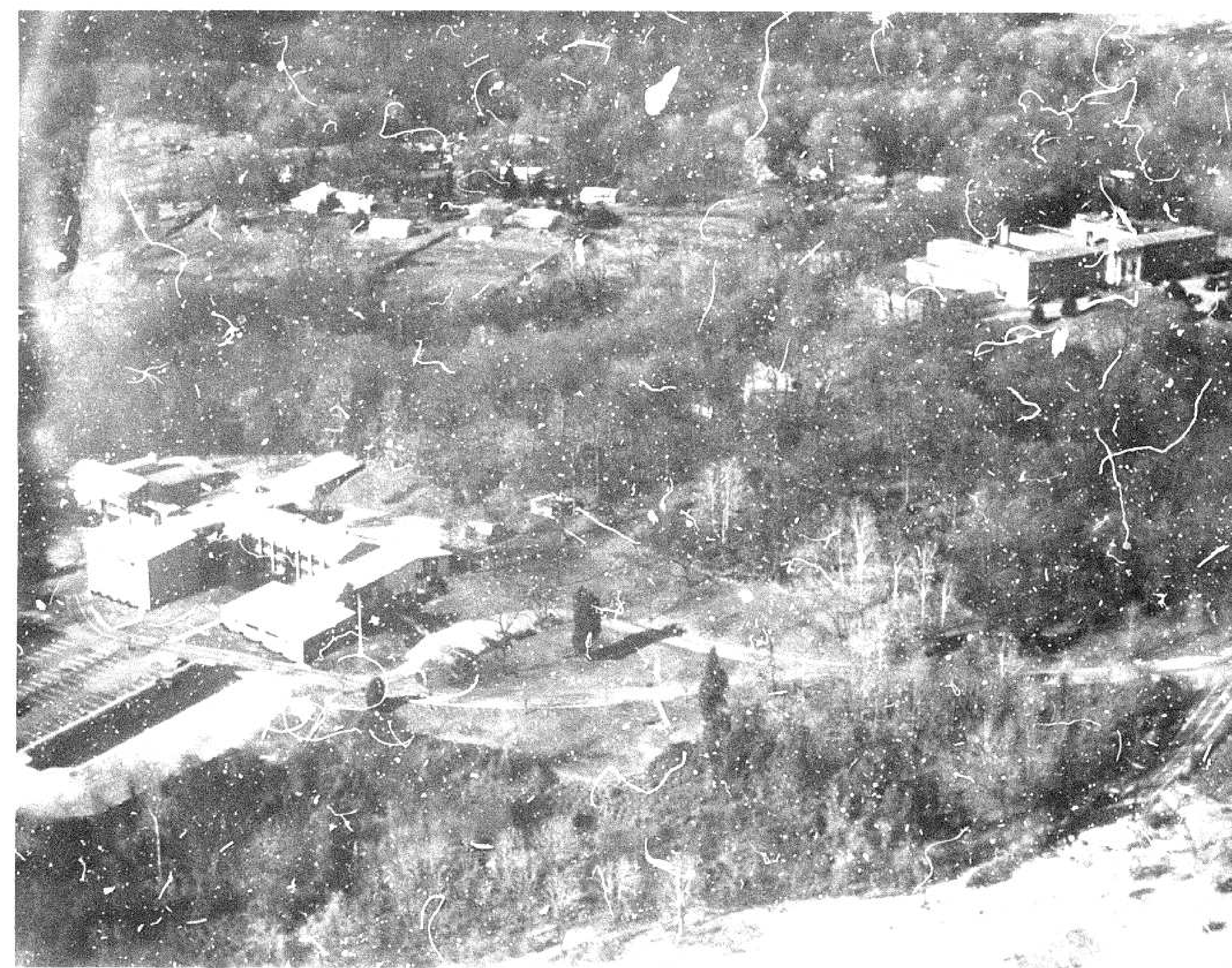
- Owner/Applicant: Hertz
1450
Baltimore
(301)
- Election District (3): G
- Neighborhood (3): Sub urban
- Site Data:
Current Zoning: 27.0
Site Area: 29.2
Gross: 29.2
Net: -
Proposed Use: Existing
Proposed Add'l Total Square: -
Floor Area Ratio: Allowable FAR
Existing FAR
Proposed FAR
Parking: Required -
Pre-named -
Handicapped Parking: -
There are no existing or proposed requirements.

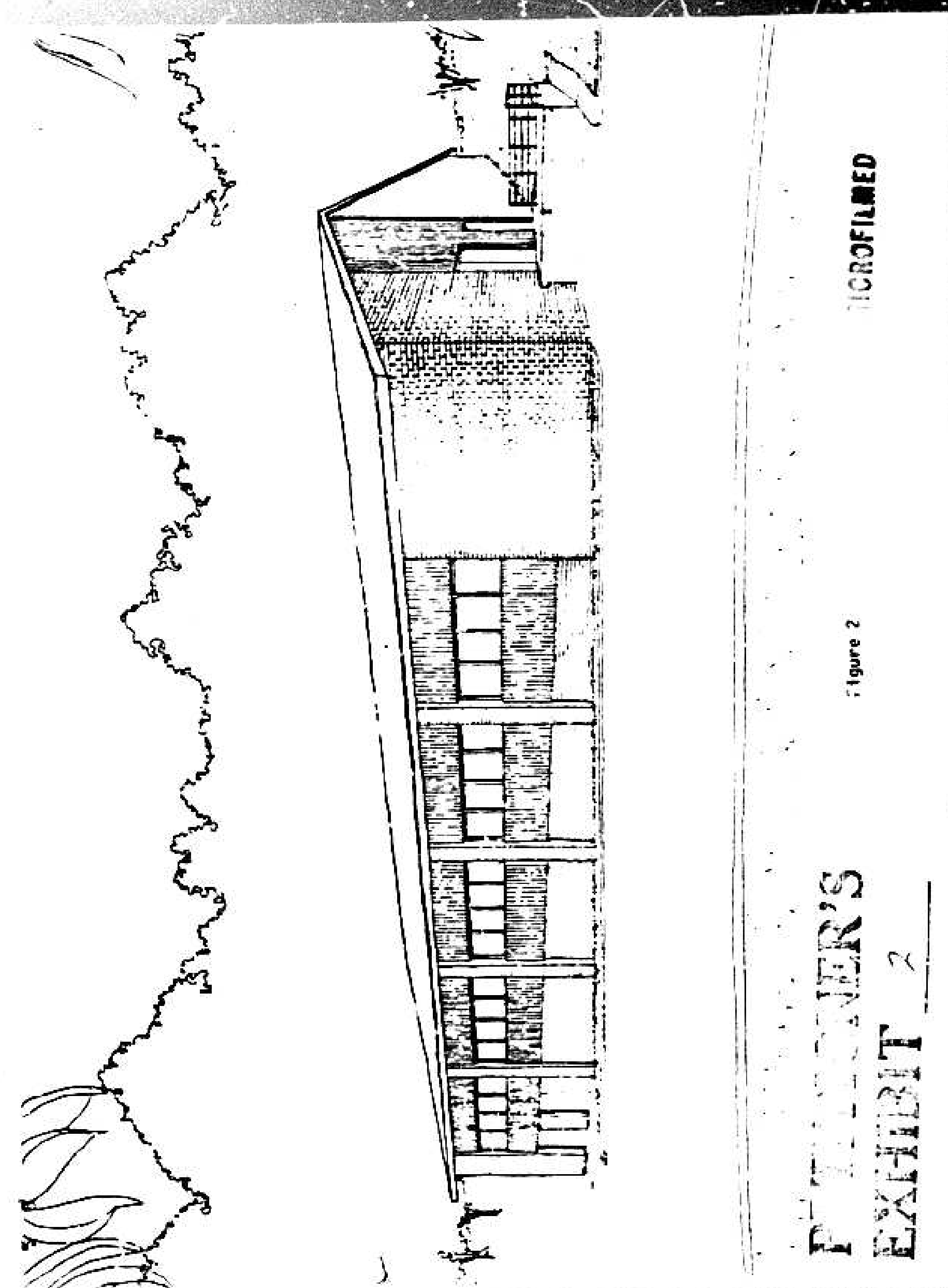
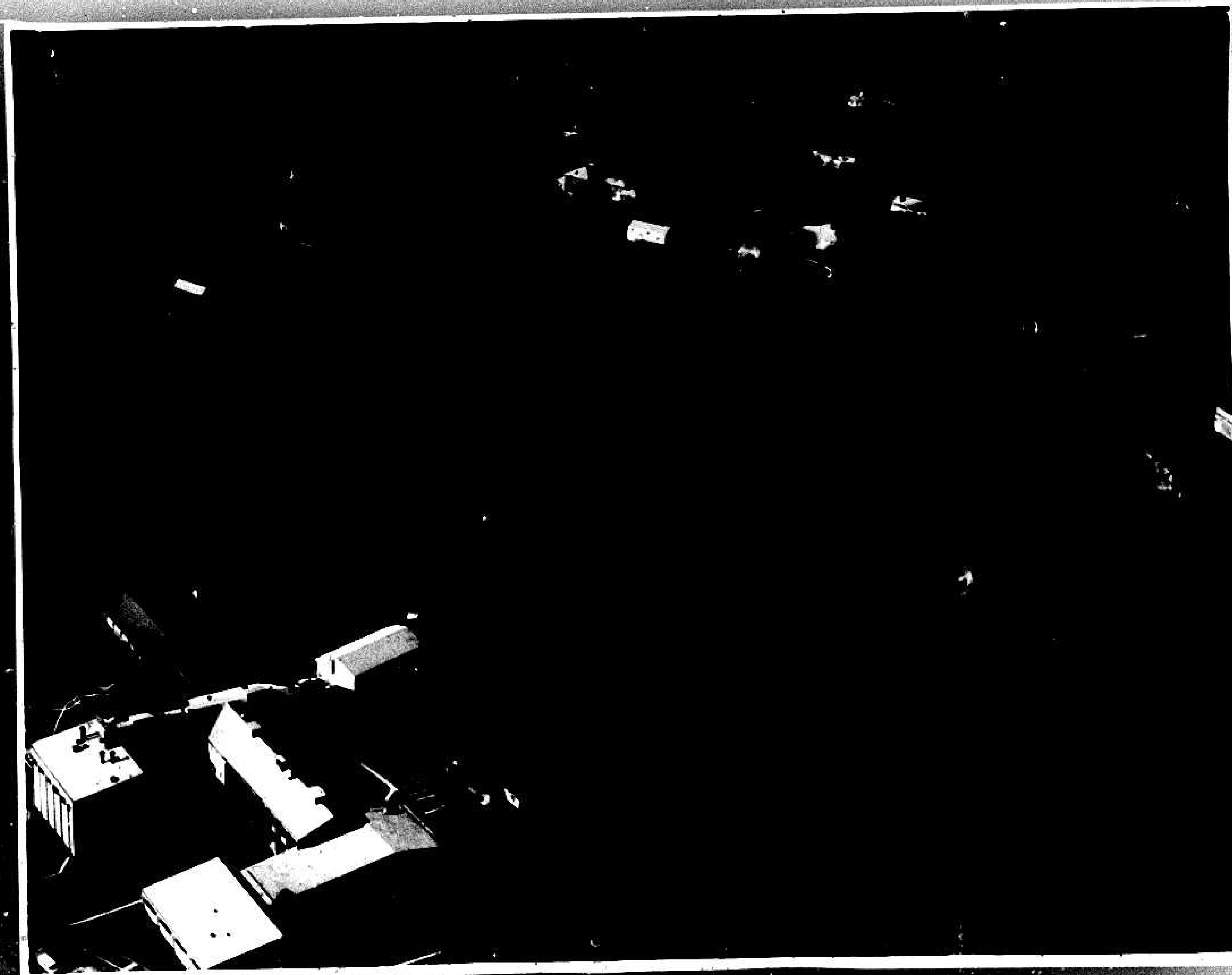
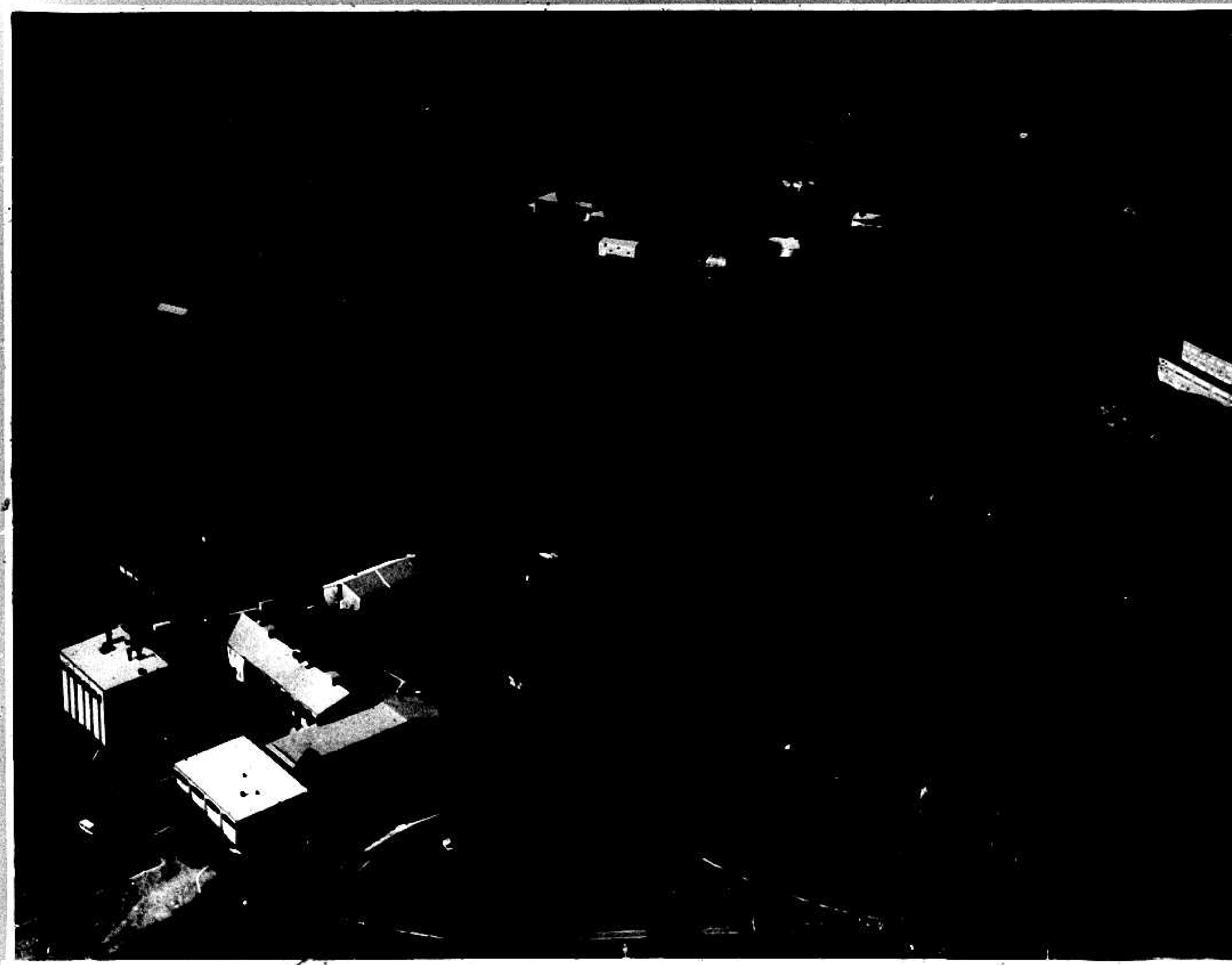
4/18/2 requirement
b. f.o.c. 12 except
in case of loting lot not available
12.1. if the lot may be covered by loting
c. 200' from the
d. 75' setback for off-street parking
e. site plans in accordance with Set 250
for building programming

for 75' setback
from 4/18/2
at 4/18/2

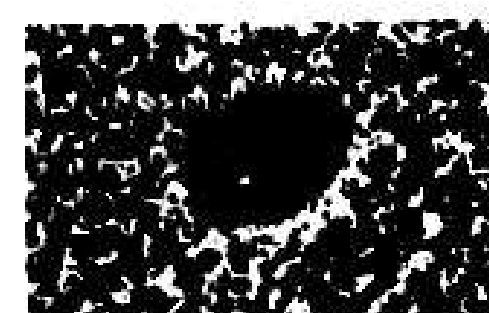
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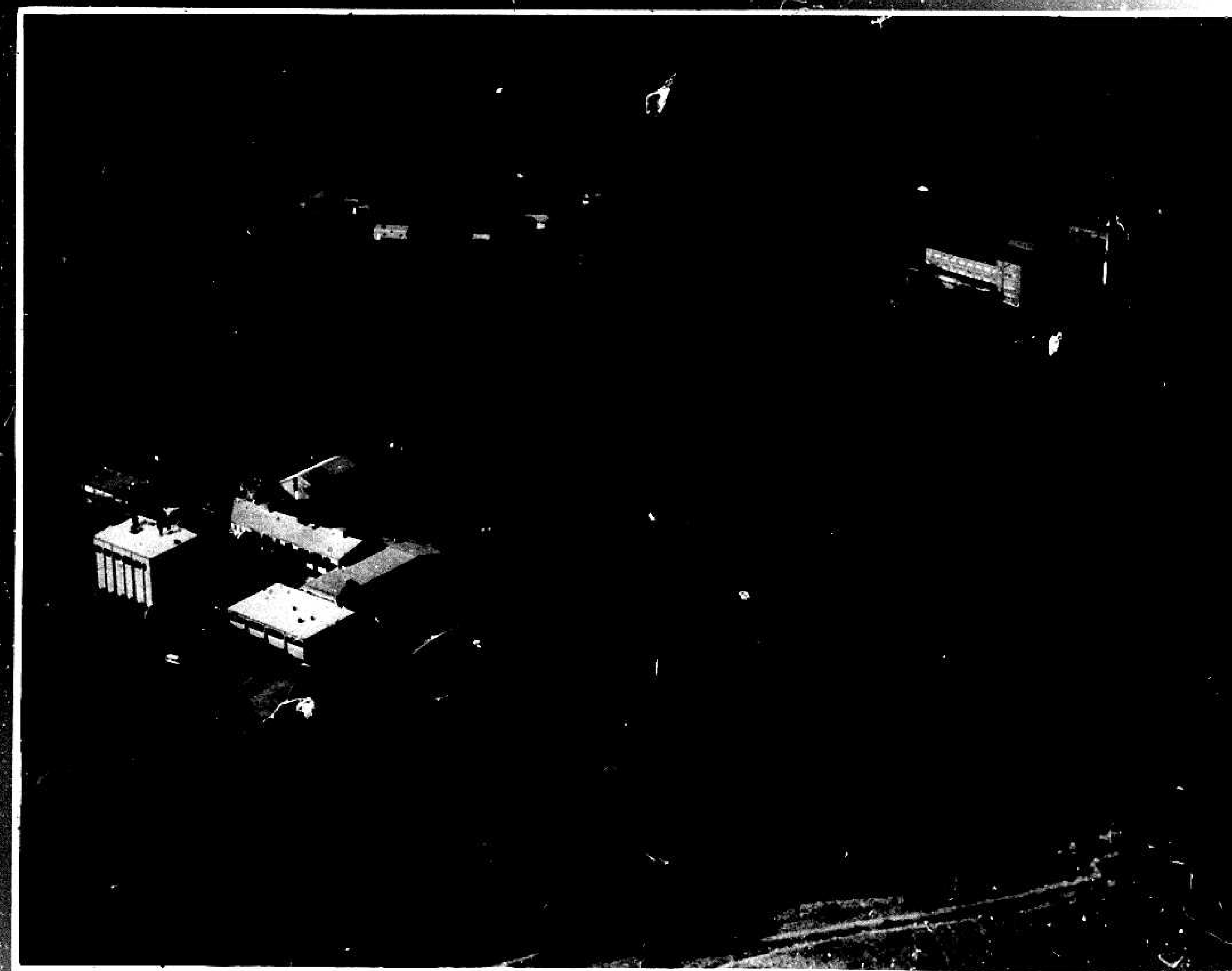
To question,
and seek clear answers.
To develop a sufficiently fundamental
understanding of physical phenomena
such that their behavior
can be controlled,
and put to
our service.



THE STAFF'S
EXHIBIT

MICROFILMED

MARTIN MARIETTA





BALTIMORE COUNTY
EXECUTIVE OFFICE
TOWSON, MARYLAND 21204
(301) 494-2450

DONALD P. HUTCHINSON
COUNTY EXECUTIVE

John H. H.
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John H. H.

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H. H. H.

RECEIVED BALTIMORE COUNTY
MAY 9 1984
OFFICE OF PLANNING AND ZONING

May 7, 1984

94-1452
Rec'd 5-16-84

Case File #
" "
"

C-83-963
83-210-SP:1A
~~83-210-SP:1A~~

RE: *Rolling Road*

Dr. David Goldheim, Director
Business Operations & Ventures
Martin Marietta Laboratories
1450 S. Rolling Road
Baltimore, Maryland 21227

Dear Dr. Goldheim:

The expansion of facilities at Martin Marietta Laboratories in Baltimore County is most welcome and is fully supported by my administration. I have been advised that concept plans for the enlarged research campus at Rolling Road and I-95 were approved at the County Review Group meeting on Wednesday, May 2, 1984. The proposed expansion entails an enlargement of existing buildings by about 87,000 square feet and can be accomplished within the existing DR1 zoning classification. I have directed all agencies and departments of County government to continue to lend their full cooperation and assistance to ensure the timely development of this most important project.

Additionally, I am aware that the Office of Planning & Zoning, in response to County Council Resolution 2-84, has recommended a new zoning classification to accommodate research laboratories and institutes at opportune locations throughout Baltimore County, including the site occupied by Martin Marietta Laboratories. This recommendation has now been unanimously endorsed by the land-use committee of the Planning Board and will be offered for full Planning Board vote on May 17, 1984.

However, because the proposed new zoning classification with amendments represents a change to the DR1 land use allowances and their effect on Martin Marietta Laboratories, I wish to assure you specifically of what the County intends and does not intend by this zoning legislation.

First, the County does not intend to create a non-conforming use for research institutes and laboratories at your site or others throughout the County that have this use through DR1, DR2 or DR3.5 zoning.

Second, the County does not intend to enact any change in land use regulations that impedes the operation of Martin Marietta's research facility as presently constituted or as planned for the future.

Third, the County does intend to provide your site with the necessary zoning classification that specifically allows research laboratories and institutes.

Dr. David Goldheim
May 7, 1984
Page 2

Fourth, the County recognizes that the Martin Marietta Corporation's decision to expand represents a substantial financial investment at its research facility and that the corporation's ability for future expansion at this site is of great importance. The County Council and I mutually support the long-term and future presence of Martin Marietta Laboratories and look forward to continuing County support through the zoning map process. This will be done in accordance with our separate authorities under the County Code and as is consistent with the Baltimore County Master Plan, 1979-1990.

This project has my enthusiastic support and I am committed to continuing the confident working relationship between the Martin Marietta Corporation and Baltimore County.

Sincerely,

DONALD P. HUTCHINSON
County Executive

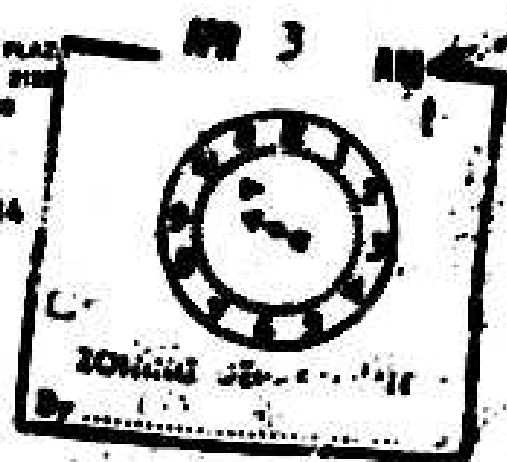
CC: **Honorable Donald B. Rickernall**
 Mr. Kenneth D. Dryden, Chairman,
 Baltimore County Planning Board

BCC: **Robert Hannon**
 Bornen Barber ✓

MARTIN MARIETTA AEROSPACE

BALTIMORE CIVIL
THE CHESAPEAKE PARK PLAZA
BALTIMORE, MARYLAND 21204
TELEPHONE (410) 282-0000

March 29, 1984



Mr. Arnold Jablon
Zoning Commissioner
Baltimore County
Office of Planning & Zoning
Towson, MD 21204

Dear Mr. Jablon:

Legend
The Martin Marietta Corporation plans to construct an addition to its research facility located at 1450 S. Rolling Road, in the 13th election district of Baltimore County. Under the requirements of the Baltimore County Development Regulations, the development plan will be submitted to and reviewed in detail by the County Review Group (CRG). In this connection, we have been requested to furnish to your office information and data which you may evaluate in your determination and advice to County representatives with respect to zoning compliance of the present facility and operations and of the facility as it is planned to be expanded.

Under Section 418.2 of the Baltimore County Zoning Regulations, the Martin Marietta Corporation has, since 1965, operated a research institute on a 23+ acre tract of land at Rolling Road and Interstate 95 (I95). The tract of land on which the research facility is located is zoned DR-1.

Similar to any research institute, the facility houses laboratories, offices for scientific personnel, storage area, a small workshop area, administrative offices, a technical library, cafeteria, etc.

The facility, which operates one shift a day, employs approximately 250 people. The majority of the staff are scientific personnel, most of whom hold a Ph.D or Masters degree in the sciences. The balance of the personnel are administrative, along with some maintenance and facilities personnel and a full time health/safety officer.

Mr. Arnold Jablon

- 3 -

March 29, 1984

that the Martin Marietta facility is more than a research institute - it is an educator in the environmental sciences and takes on aspects of a center of higher learning.

As is the case with any research facility, including college and university labs, the Martin Marietta research institute utilizes some substances which are classified as toxic and some solvents which can be volatile. The use of such substances is inherent in and essential to the operation of a research facility, and the acquisition, storage, use, handling and disposal of such substances is closely monitored, inspected and licensed by a number of Federal, State and County agencies. The agencies which monitor, inspect, license and control these activities of the Martin Marietta Research facility include the Federal Environmental Protection Agency (EPA), the Federal Occupational Safety and Health Agency (OSHA), the Maryland Occupational Safety and Health Agency (MOSHA), the Maryland State and Baltimore County Departments of Health and Hygiene and the Maryland State Department of Natural Resources. In all its years of operation, the Martin Marietta facility has never been cited for any environmental violation or for any violation in connection with the use or disposal of toxic or volatile substances.

The Martin Marietta facility presently consists of approximately 90,000 square feet of space, 60,000 square feet of which is located in its principal building. The present zoning regulations permit a total development of 208,000 square feet of space on the site. Martin Marietta's plans are to construct an 87,000 square foot addition to its principal building. The new addition will house much needed modern research labs and clean rooms and office space for the scientific personnel, which will be serviced by the administrative functions, library, etc., presently located in the principal building.

Completion of the addition will provide employment for more scientific personnel and some administrative personnel. This will cause some increase in traffic. However, since the research institute operates only one shift and since the access is direct on Rolling Road, and does not pass through any residential area, the impact of any traffic increase should be nil.

The proposed addition will be four stories, with the lower level below grade. The roof line will be at the same level as the existing roof line. It will be located on the I95 side of the existing facility, which is further removed from the closest neighbors, and it will not be visible to the neighbors. It will be designed and constructed in a way that no variances will be required.

13-2763
12-16-83
12-16-83
12-16-83

RELAY IMPROVEMENT ASSOCIATION



5128 S. Halling Road
Baltimore, MD 21227

December 13, 1983

CONFIDENTIAL

and taken

Dear Sir:

I invite you to a discussion concerning a likely relationship between the Relay mudslide and the Martin-Marietta Laboratory. Apparently sewage from Martin-Marietta Lab is entering the County's sewage pumping installation on Woodland Drive at a rate about four times greater than the facility was intended to handle when it was installed; and the overflow has been entering the ground close to the mudslide and adding to the water table.

I have a scenario to suggest as to how to handle this situation with a minimum of adverse publicity, and I will offer those suggestions at this discussion.

Those invited are: up to 3 representatives from Martin-Marietta, Harry Pistel, Donald Hutchinson, Ron Richernell, Arnold Jablon, William Tichbaum and Slade Caltrider. Nobody from this community besides me will attend, nor have they been informed - even the affected landowners.

The discussion will take place at the Relay Town Hall on Arlington Avenue at 1 PM on Sunday, Dec. 18th. (Lawstories do not operate in the hall over winter, but there will be heat.)

If meanwhile you can show that there is no connection between Martin-Marietta Lab's sewage and the mudslide, please let me know as soon as possible before the 18th.

Sincerely yours,

Thurston Griggs
Thurston Griggs
President

P.S. Since this was written, I have received your letter with enclosures, both of which were informative and helpful.

In this situation I believe the de facto "violation" was caused by the County, which failed to carry out its obligation to conduct suitable engineering management of the sewer system. The fact remains, however, as I described on the phone, that Martin-Marietta's being there originated the offending sewage. I wrote to the State Health Department for help in this matter but heard nothing - telephone call not returned, either.

My own proposal for handling this matter is not based on filing a zoning complaint. It is not clear however, whether the parties involved will accept my solution - and even then, whether it will work independent of official zoning considerations. Indeed the affected property owners, in their struggle to reach settlements with Martin-Marietta and the County, might insist upon a more public handling of the matter than I expect to propose - they might insist upon zoning enforcement. I leave it to your discretion to determine whether or not you will come to the discussion in Relay.

VAN NOSTRAND REINHOLD COMPANY
NEW YORK CINCINNATI ATLANTA DALLAS SAN FRANCISCO

Keith H. Long, Ph.D.
 Frederick T. Mc Dermott
 Hoyd A. Madsen
 Walter W. Melvin, Jr., M.D., Sc.D.
 Leonard D. Pagnolio, Secretary
 Ronald S. Hanay
 Moser Schneider, P.E., C.I.H.
 Richard D. Stewart, M.D.
 Herbert E. Stolinger, Ph.D.
 Vera F. Thomas, Ph.D.
 William D. Wagner
 Elizabeth K. Wersburg, Ph.D.
 David M. Wegman, M.D.

E. Mastromatteo, M.D.
James F. Morgan
Theodore Sternberg, Ph.D.
Theodore R. Tolson, Sc.D.
Ralph C. Woods
Mitchell R. Zelon, M.D.

Any comments or questions regarding these limits should be addressed to:

Executive Secretary
American Conference of Governmental
Industrial Hygienists
P.O. Box 1937
Cincinnati OH 45201. (513) 825-0312

Threshold limit values refer to airborne concentrations of substances and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. Because of wide variation in individual susceptibility, however, if small percentage of workers may experience discomfort from some substances at concentrations at or below the threshold limit, a smaller percentage may be affected more seriously by irritation of a pre-existing condition or by development of an occupational disease.

Tests are available (J. Occup. Med. 15: 564, 1973, Ann. N.Y. Acad. Sci., 151, Art. 2: 868, 1968) that may be used to detect those individuals hypersusceptible to a variety of industrial chemicals (respiratory irritants, hemolytic chemicals, organic isocyanates, carbon disulfide).

Three categories of Threshold Limit Values (TLVs) are specified herein, as follows:

- a) Threshold Limit Value-Time-Weighted Average (TLV-TWA) — the time-weighted average concentration for a normal 8-hour workday or 40-hour workweek, to which nearly all workers may be repeatedly exposed, day after day, without adverse effect.
- b) Threshold Limit Value-Short Term Exposure Limit (TLV-STEL) — the concentration to which workers can be exposed for a period up to 15 minutes continuously without suffering from 1) irritation, 2) chronic or irreversible tissue change, or 3) narcosis of sufficient degree to increase accident proneness, impair self-rescue, or materially reduce work efficiency, provided that no more than four excursions per day are permitted.

led, with at least 60 minutes between exposure periods and provided that the daily TLV-TWA shall not be exceeded. The STEL should be considered a maximal admissible concentration, or ceiling, not to be exceeded at any time during the 15-minute excursion period. STELs are based on one or more of the following criteria: (1) Adaptive capacity of the human body; (2) Toxicity; (3) Irritation; (4) TLV-TWA-TLVC Factors listed in Appendix D. The American Society of Safety Engineers (ASSE) and the American Society of Safety Engineers Short-Term Limits for Exposure to Airborne Contaminants (Penna. Dept. of Minn., Chapter 4, Art. 432, Rev. Jan. 25, 1968); (4) OSHA Occupational Safety and Health Standards, 40 FR 20372, May 27, 1975; (5) NIOSH criteria for TLV-TWA and STEL for occupational exposure to specific substances. The TLV-STEEL should not be used as engineering design criterion or considered as an emergency exposure level (EEL).

c) Threshold Limit Value-CEILING (TLV-C)—the concentration that should not be exceeded even instantaneously.

For some substances, e.g., irritant gases, only one category, the TLV-C, may be relevant. For other substances, either two or three categories may be relevant, depending upon their physiologic action. It is important to observe that if any one of these three TLVs is exceeded, a potential hazard from that substance is presumed to exist.

The TLV-TWA should be used as guides in the control of health hazards and should not be used as firm lines between safe and dangerous concentrations.

magnitude of the threshold limit value of a particular substance as given in Appendix D. The relationship between threshold limit and permissible exposure is a rule of thumb and in certain cases may not apply. The amount by which threshold limits may be exceeded for short periods without injury to health depends upon a number of factors such as the nature of the contaminant, whether very high concentrations—even for short periods—produce acute poisoning, whether the effects are cumulative, the frequency with which high concentrations occur, and the duration of such periods. All factors must be taken into consideration in arriving at a decision as to whether a hazardous condition exists.

Threshold limits are based on the best available information from industrial experience, from experimental human and animal studies, and, when possible, from a combination of the three. The basis on which the values are established may differ from substance to substance; protection against impairment of health may be a guiding factor for some, whereas reasonable freedom from irritation, narcosis, nuisance or other forms of stress

The amount and nature of the information available for establishing a TLV varies from substance to substance; consequently, the precision of the estimated TLV is also subject to variation and the latest *Documentation* should be consulted in order to assess the extent of the data available for a given substance.

The committee holds to the opinion that limits based on physical irritation should be considered no less binding than those based on physical impairment. There is increasing evidence that physical irritation may initiate

In spite of the fact that serious injury is not believed to be likely as a result of exposure to the threshold limit concentrations, the best practice is to maintain concentrations of all atmospheric contaminants as low as is practical.

These limits are intended for use in the practice of industrial hygiene and should be interpreted and applied only by a person trained in this discipline. They are not intended for use, or for modification for use, (1) as a relative index of hazard or toxicity, (2) in the evaluation

or control of community air pollution nuisances, (3) in estimating the toxic potential of continuous, unintermittent exposures or other extended work periods, (4) as proof or disproof of an existing disease or physical condition, or (5) for adoption by countries whose working conditions differ from those in the United States of America and where substances and processes differ.

Ceiling vs Time-Weighted Average Limits. Although the time-weighted average concentration provides the most satisfactory, practical way of monitoring airborne agents for compliance with the limits, there are certain substances for which it is inappropriate. In the latter group are substances which are predominantly fast acting and whose threshold limit is more appropriately based on this particular response. Substances with this type of response are best controlled by a ceiling, C limit that should not be exceeded. It is implicit in these

definitions that the manner of sampling to determine noncompliance with the limits for each group must differ, a single brief sample, that is applicable to a "C" limit, is not appropriate to the time-weighted limit, hence, a sufficient number of samples are needed to permit a time-weighted average concentration throughout a complete workday.

Whereas the ceiling limit places a definite boundary which concentrations should not be permitted to exceed, the time-weighted average limit requires an explicit limit in the excursions that are permissible above the listed values. The magnitude of these excursions may be pegged to the magnitude of the threshold limit by an appropriate factor shown in Appendix D. It should be

noted that the same factors are used by the Committee in determining the magnitude of the value of the STELs, or whether to include or exclude a substance for a "C" listing.

***Skin Absorption:** Listed substances followed by the designation "Skin" refer to the potential contribution to the overall exposure by the cutaneous route including mucous membranes and eye, either by airborne, or more particularly, by direct contact with the substance. Vehicles can alter skin absorption. This attention-calling designation is intended to suggest appropriate measures for the prevention of cutaneous absorption so that the threshold limit is not invalidated.

Mixtures. Special consideration should be given also to the application of the TLVs in assessing the health hazards which may be associated with exposure to mixtures of two or more substances. A brief discussion of basic considerations involved in developing threshold limit values for mixtures, and methods for their development, amplified by specific examples are given in

Nuisance Particulates In contrast to fibrogenic dusts which cause scar tissue to be formed in lungs when inhaled in excessive amounts, so-called nuisance dusts have a long history of little adverse effect on lungs and

do not produce significant organic disease or toxic effect when exposure is kept under reasonable control. The nuisance dusts have also been called (biologically) inert dusts. But the latter term is inappropriate to the extent that there is no dust which does not evoke some cellular response in the lung when inhaled in sufficient amount. However, the lung-tissue reaction caused by inhalation of so-called nuisance dusts has the following characteristics: (1) The structure of the air spaces remains intact; (2) Collagen (scar) tissue is not formed to a significant extent; (3) The tissue reaction is potentially reversible.

Excessive concentrations of nuisance dusts in the workroom air may seriously reduce visibility, may cause unpleasant deposits in the eyes, ears and nasal passages (Portland Cement dust), or cause injury to the skin or mucous membranes by chemical or mechanical action per se or by the rigorous skin cleansing procedures necessary for their removal.

A threshold limit of 10 mg/m³, or 2% *m/m*, of total dust < 1 μ m, or 5 mg/m³ respirable dust is recommended for substances in these categories and for which no specific threshold limits have been assigned. This limit, for a normal workday, does not apply to brief exposures at higher concentrations. Neither does it apply to those substances which may cause physiologic impairment at lower concentrations but for which a threshold limit has not yet been adopted. Some substance

Simple Asphyxiants—“Inert” Gases or Vapors. A number of gases and vapors, when present in high concentrations in air, act primarily as simple asphyxiants without other significant physiologic effects. A TLV may not be recommended for each simple asphyxiant because the limiting factor is the available oxygen. The

minimum oxygen content should be 16 percent by volume under normal atmospheric pressure (equivalent to a partial pressure, pO_2 of 135 mm Hg). Atmospheres deficient in O_2 do not provide adequate warning and most simple asphyxiants are odorless. Several simple asphyxiants present an explosion hazard. Account should be taken of this factor in limiting the concentration of the asphyxiant. Specific examples are listed in Appendix F.

Physical Factors It is recognized that such physical factors as heat, ultraviolet and ionizing radiation, humidity, abnormal pressure (altitude) and the like may place

added stress on the body so that the effects from exposure at a threshold limit may be altered. Most of these stresses act adversely to increase the toxic response of a substance. Although most threshold limits have built-in safety factors to guard against adverse effects to moderate deviations from normal environments, the safety factors of most substances are not of such a magnitude as to take care of gross deviations. For example, continuous work at temperatures above 90°F. or overtime (extending the working day more than 25%) might be expected

Biologic Limit Values (BLVs). Other means exist and may be necessary for monitoring worker exposure other than reliance on the Threshold Limit Values for industrial air, namely, the Biologic Limit Values (BLVs).

biologic limit values. These values represent limiting amounts of substances (or their effects) to which the worker may be exposed without hazard to health or well-being as determined in his tissue, and fluids or in his exhaled breath. The biologic measurements on which the following table is based

types of information useful in the control of worker exposure: (1) measure of the individual worker's overall exposure; (2) measure of the worker's individual and characteristic response. Measurements of response to a particular exposure require knowledge of the status of the worker and may be made of (a) changes in amount of some critical biochemical constituent, (b) changes in activity of a critical enzyme, (c) changes in some physiological function, (d) changes in the physical status of the worker, (e) changes in blood, urine, hair, nails, in body tissues and fluids, the amount of substance to which the worker was exposed; (2) determination of the amount of the metabolites of the substance in tissues and fluids, (3) changes in the amount of the substance in tissues and fluids, (4) changes in the amount of the substance in excreted breath. The biologic limits may be used as an adjunct to the TLVs for air, or in place of them. The TLVs, and their associated procedures for determining them, are not intended to be used as a basis for selecting means of providing health surveillance of the worker.

Unlabeled Substances: Many substances present or produced in an industrial process do not have a TLV list. In a number of instances the material is rarely present as a particulate, vapor or other airborne contaminant, and a TLV is not necessary. In other cases sufficient information to warrant development of a TLV, even a ceiling limit, is not available. Substances of low toxicity, could be included in Appendix E pertaining to nuisance particulates. This list (as well as Appendix F) is not meant to be all inclusive.

In addition, there are some substances of no considerable toxicity, which have been omitted primarily because only a limited number of workers (e.g., emp.) are exposed. These substances are not considered potential causes of a long-term health concern.

"Notice of Intent." At the beginning of each year, proposed actions of the Committee for the forthcoming year are issued in the form of a "Notice of Intent." Notice of Intent is not an opportunity for comment, but solicits suggestions of substances to be added to the list. The suggestions should be accompanied by substantiating evidence. The list of intended actions for the forthcoming year is published in the *Journal of the American Dietetic Association*. Values listed in parenthesis in the "Adopted" list are to be used during the period in which a proposed change that that Value is listed in the Notice of Intended Change.

Legal Status. By publication in the Federal Register (Vol. 30, No. 100, May 20, 1971) the Threshold Limit Values for 1986 were made official Federal standards for industrial and occupational exposure to chemical agents. These standards have been promulgated by OSHA.

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Substance	ADSORPTED VALUES		VENTILATED VALUES	
	ppm	mg/m ³	ppm	mg/m ³
Alcohol	—	10	—	—
Acetone	100	100	150	—

[illegible]

Substance	ADOPTED VALUES		TENTATIVE VALUES	
	ppm*	mg/m ³	ppm	mg/m ³
C (Sephacra-A, see Oxydical ester (OGE)	0.5	3.0	—	—
Isomath sulfonate	—	10	—	—
Isomath tri-n-butyl	—	—	—	—
Se-doped	—	5	—	—
Sorates, tetra. sodium salts	—	—	—	—
Alkylalcohols	—	1	—	—
Decylalcohols	—	1	—	—
Pentylalcohols	—	5	—	—
Sorbitol esters	—	10	—	—
Sorbitol triacetate	1	10	3	—
C Boron trifluoride	1	3	—	—
C Boron trifluoride	0.1	0.7	0.3	—
Bromine pentachloride	0.1	0.7	0.3	—
Bromobenzene/dibromobenzene	200	1,050	250	1,300
Chlorobenzene/dichlorobenzene	200	1,050	250	1,300
Bromobenzene — Skin	0.5	5	—	—
Cyclodextrin (?)	—	—	—	—
2-Substituted	1,000	2,200	1,250	2,750
Benzene	800	1,430	750	1,700
Butanediol, 1,4-diethyl	—	—	—	—
2-Propylalcohol	0.5	1.5	—	—
2-Substituted (butyl Zalkohols) — Skin	200	500	350	800
n-Butyl acetate	50	240	150	700
n-Butyl acetate	150	710	200	900
n-Butyl acetate	200	850	250	1,100
tert-Butyl acetate	200	940	250	1,100
* Butyl acrylate	10	55	—	—
C n-Butyl alcohol	30	150	50	250
iso-Butyl alcohol	150	450	—	—
tert-Butyl alcohol	180	300	150	400
C Butyl-amine — Skin	5	15	—	—
C n-Butyl chloride (as CROs) — Skin	—	—	0.1	—
n-Butyl glycidyl ether	—	—	—	—
n-Butyl lactate	50	270	—	—
n-Butyl lactate	5	25	—	—
Butyl caproate	0.5	1.5	—	—
n-tert-Butylacetate	10	60	20	100
Carbon, dust & soot (as Cc)	—	0.05	—	—
C Carbon black latex (as CC)	—	0.05	—	—
CC Carbonaceous granules (as CC)	—	(10)	—	—
Carbon black	—	—	—	—
Carbon black	—	—	5	—
Carbon, amorphous (as AC)	—	1	—	—
Carbon, amorphous	—	—	6.5	—
Carbon, black	—	—	5	—
* Carbon, soot	—	2	—	—
Camphor, synthetic	2	12	3	—
Camphor	—	—	—	—
Dust	—	1	—	—
Vapor	—	20	10	—
C Caprol	5	—	—	—
Caprol (Camer ¹) — Skin	—	0.1	—	—
Caprol	—	—	5	—
Carbonyl Chloride ¹	—	—	—	—
Carbonyl Chloride ¹	—	0.1	—	—
Carbon black	—	3.5	—	—
Carbon dioxide	5,000	9,000	15,000	19,000
Carbon, soot	—	—	—	—
Carbon soot — Skin	(50)	(80)	(50)	(80)

Substance	ADAPTED VALUES		TENTATIVE VALUES	
	ppm	μg m ⁻³	ppm	μg m ⁻³
Carbon monoxide	50	50	400	440
Carbon tetrachloride	0.1	1.4	0.3	4
Carbon:				
tetrachloride — Sun	10	65	20	130
Chloroethyl chloride	—	—	—	—
(Phosphate)	0.1	0.4	—	—
Chloroethyl fluoride	5	15	—	—
Dichloro (Pyrocarbon)	5	20	—	—
Dichloride (paper filter)	—	1	—	20
Oxide (acid)	—	2	—	—
Chlorine — Sun	—	0.5	—	2
Chlorinated:				
diphenyls — Sun	—	3.5	—	—
diphenyl diphenyl	—	—	—	2
ethers	—	1	—	8
chlorine	—	—	—	—
chloride	0.1	0.2	0.3	0.9
Chlorine fluoride	0.1	0.4	—	—
Chloroethyl chloride	1	3	—	—
Chloroethyl chloride	—	—	—	—
(Phenacyl chloride)	0.05	0.3	—	—
Diphenyl chloride	—	—	—	—
Dichlorodiphenylmethane	75	350	—	—
Dichlorodiphenylmethane	—	—	—	—
methylene — Sun	0.05	0.4	—	—
Dichlorodiphenylmethane	200	1,050	250	1,300
Dichloro-1, 3-butadiene	—	—	—	—
see B Chloroacetylene	—	—	—	—
Dichlorodiphenylmethane	25	80	35	125
Dichlorodiphenylmethane	1,000	3,500	1,450	4,375
Dichlorodiphenyl (50%)	—	—	—	—
Chlorine — Sun	—	1	—	2
Chlorophenyl (50%)	—	—	—	—
Chlorine — Sun	—	0.5	—	1
1-Chloro, 2-				
3-epoxy dioxane	—	—	—	—
(1-chloro-2-epoxy)	—	—	—	—
Sun	—	—	—	—
C-2-Chloroalcohol	5	20	10	40
(Ethylene				
chlorohydrin) — Sun	1	3	—	—
Dichlorodiphenyl	—	—	—	—
chloride	(A11)	—	(A1c)	—
Chloroform	10, 42	50, 42	—	—
bis-Chloromethyl ether	0.001	A1a	—	A1a
1-Chloro-1-nitro-propane	20	100	—	—
Chloroform	0.1	0.3	0.2	2
1-Chloro-2-epoxy — Sun	(25)	(60)	(35)	(135)
Chloroform	—	—	—	—
(Dioxane) — Sun	—	0.2	—	0.5
Chloroform	50	250	75	350
Dichloroethane — Sun	50	250	75	375
2-Chloro-				
8-bromochlorophenyl	—	—	—	—
pyridine (R-Serve)	—	10	—	20
Chlorides, oxo-				
methylene	—	—	—	—
Chlorine and	—	6.4, A1a	—	A1a
Chlorides, (as Li)	—	0.05	—	—
Chloride (as processing				
chemicals), as Cr	—	0.05, A1a	—	—
Chlorine, Sol				
chlorine, Chlorine	—	0.5	—	—
Sulfide (as Cr)	—	—	—	—

[illegible]

Substances	ADOPVED VALUES		TENTATIVE VALUES	
	ppm	mg/m ³	ppm	mg/m ³
C 1. 1-Dichloro-1,1-trichloro	10	60	—	—
1. 2-Dichloropropane, see Propylene dichloride	75	750	110	5
2-Chloro-2-fluoroethane (DDVP)	1 000	7 000	1 250	6.7
Dichloromethane	0.1	1	0.3	—
Dichlorophos (Bdmi*) —	—	—	—	—
Dichlorotetrazene	5	30	—	—
Dichlorotetrahydroxybenzyl —	—	0.25	—	—
Dieldrin — Sun	—	0.25	—	0.8
Dibutyltin	25	75	—	—
Dibutyltinmethanol — Sun	10	5*	—	—
Dibutyltin trisulfide — Sun	1	4	—	—
Dibutyl ether, 1,4-Ethyl	400	1 200	500	1.5
Dibutyl phosphate	—	5	—	—
Dibutyltinbis(trimethylsilyl) —	100	860	150	1.2
Dibutyltin ether (DDE)	0.5	3	—	—
Dibutyltin sulfide, see Dibutyltin	—	—	—	—
Dibutyltin trisulfide	25	150	—	—
Dibutyltin trisulfide — Sun	5	20	—	—
Dibutyltin trisulfide, see Dibutyltin	—	—	—	—
Dibutyltin trisulfide — Sun	1 200	3 100	1 250	3.8
Dibutyltin trisulfide — Sun	—	10	35	15
Dibutyltin trisulfide, see Dibutyltin	—	—	—	—
Dibutyltin trisulfide — Sun	10	18	—	—
Dibutyltin trisulfide, see Dibutyltin	—	—	—	—
Dibutyltin trisulfide — Sun	5	25	10	—
Dibutyltin trisulfide, see Dibutyltin	—	—	—	—
Dibutyltin trisulfide — Sun	100	435	150	6
Dibutyltin trisulfide, see Dibutyltin	—	—	—	—
Dibutyltin trisulfide — Sun	—	3	—	—
Dibutyltin trisulfide, see Dibutyltin	—	—	—	—
Dibutyltin trisulfide — Sun	10	30	20	—
Dibutyltin trisulfide, see Dibutyltin	—	—	—	—
Dibutyltin trisulfide — Sun	25	150	—	—
Dibutyltin trisulfide, see Dibutyltin	—	—	—	—
Dibutyltin trisulfide — Sun	0.5	1	1	—
Dibutyltin trisulfide, see Dibutyltin	—	—	—	—
Dibutyltin trisulfide — Sun	0.1, A2	0.5, A2	—	—
Dibutyltin trisulfide, see Dibutyltin	—	—	—	—
Dibutyltin trisulfide — Sun	0.15	1	0.5	—
Dibutyltin trisulfide, see Dibutyltin	—	—	—	—
Dibutyltin trisulfide — Sun	—	0.2	—	0
Dibutyltin trisulfide, see Dibutyltin	—	—	—	—
Dibutyltin trisulfide — Sun	—	5	—	—
Dibutyltin trisulfide, see Dibutyltin	—	—	—	—
Dibutyltin trisulfide — Sun	—	1.5	—	—
Dibutyltin trisulfide, see Dibutyltin	—	—	—	—
Dibutyltin trisulfide — Sun	50	100	—	—
Dibutyltin trisulfide, see Dibutyltin	—	—	—	—
Dibutyltin trisulfide — Sun	—	0.2	—	—
Dibutyltin trisulfide, see Dibutyltin	—	—	—	—
Dibutyltin trisulfide — Sun	0.2	1.5	0.6	—
Dibutyltin trisulfide, see Dibutyltin	—	—	—	—
Dibutyltin trisulfide — Sun	—	10	—	—

*10% solution
*See Notes of Revised Changes

Substance	ABSORBED VALUES		EXCRETED VALUES	
	µgm	mg kg ⁻¹	µgm	mg
C Dehydroisothiane				
disacrylate, see				
Methacrylate isopropyl				
acrylate (MDI)	0.02	0.2	—	—
D Dehydroene glycol				
methyl ether — Sun	100	200	150	300
ether — Sun	—	—	0.5	—
Diacetyl acetyl acetate				
(Di-2-vinylacetyl)	—	—	5	—
acetate — Sun	—	—	2	—
Diacetone	—	—	0.1	—
1, 2-diketone	—	—	—	—
isopropyl — Sun	—	—	10	—
Diacetyl	—	—	10	—
E Ethylene	—	—	C 1	—
ether	—	—	6	—
Ethylacetate (Thiastat [®])	—	—	—	—
— Sun	—	—	0.1	—
Ethyl — Sun	—	—	0.1	—
** Equilabrinol — Sun	(5)	(20)	(10)	(20)
EPG — Sun	—	—	0.5	—
1, 2-Epoxyacetone	—	—	—	—
Propylene oxide — Sun	100	240	110	—
2, 3-Epoxy-1-propanol	—	—	—	—
glycidyl — Sun	30	150	75	—
Ethene	—	—	—	—
Ethanolol, see Ethyl				
mercaptan	0.5	1	2	—
Ethanol — Sun	3	6	6	—
Ethanol (Methyl [®]) — Sun	—	—	0.4	—
2-Ethoxyethanol — Sun	100	370	150	—
2-Ethoxyethyl acetate	—	—	—	—
(Chelmate acetate)	—	—	—	—
— Sun	100	540	190	—
Ethyl acetate	400	1400	—	—
Ethyl acetate — Sun	25	100	—	—
Ethyl acetate (Chemal)	1,000	1,900	—	—
Ethylamine	10	18	—	—
Ethyl acetate butene	—	—	—	—
(4-Methyl-3-				
hexagone)	75	130	—	—
Ethyl benzene	100	475	125	—
Ethyl benzene — Sun	200	890	250	1,000
Ethylmethyl ketone	—	—	—	—
(2-Hexanone)	50	230	75	—
Ethyl acetate	1,000	2,800	1,250	3,500
Ethyl ether	400	1,200	500	1,500
Ethyl formate	100	300	150	450
Ethyl mercaptan	0.5	1	2	—
Ethyl acetate	(100)	(850)	—	—
Ethylene	—	—	F	—
C Ethylene chlorohydrate	—	—	—	—
1, 2-dichloroethane	1	—	—	—
— Sun	10	25	—	—
** Ethylene dibromide, see				
1, 2-Dichloroethane	(20)	(155)	(30)	(200)
Ethylene chloride, see				
1, 2-Dichloroethane	(50)	(200)	(75)	(300)
Ethylene glycol	—	—	—	—
Paraldehyde	—	—	10	—
Vapor	100	250	125	300
C Ethylene glycol dimethyl				
ether or dimethyl ether	0.2*	2	—	—

Substances	ADOPTED VALUES		PARENTAL VALUES	
	ppm	mg. m. ³	ppm	mg.
Ethyl ether (p.c.)	—	—	—	—
monomers w/ ether	—	—	—	—
acrolein (ethyl)	—	—	—	—
chloroform (acetone)	—	—	—	—
— Sun	25	120	35	—
Ethylene oxide	0.5	90	75	—
— Sun	5	—	—	—
C Ethylene chloride	—	—	—	—
1,1-Dichloroethane	200	5	250	1
C Ethylene dichloride	—	—	—	—
N-Ethylmorpholine	—	25	—	—
— Sun	20	94	—	—
Hexachloro (Dacron)	—	0.1	—	—
Hexam	—	10	—	—
Ferrocenous dust	—	1	—	—
Fluoride (as F)	—	2.3	—	—
Fluorene	—	5	—	—
Fluorobenzene	1,000	5,000	1,250	7
C Formaldehyde	2	3	—	—
Formic acid	30	30	30	—
Formic acid	5	9	—	—
Formalin — Sun	5	20	15	—
Formyl alcohol — Sun	5	20	10	—
Gaseoline	—	87	—	—
Germanium tetrachloride	0.2	10	0.6	—
Glass, "barium" or dust	—	—	—	—
** C Glycerol, acetone or unreacted	—	(0.15)	—	—
Hydro in dust	—	1	—	—
Hydroal (2, 3-Epoxy-1-propano)	50	150	75	—
Cyclo hexanoyl ether: see 2-Ethylhexanol	—	—	—	—
— Sun	100	370	150	—
Graphite (Synthetic)	—	1	—	—
Guthrie's oil	—	—	—	—
Azobenzene-methyl	—	—	—	—
— Sun	—	0.2	—	—
Glycol	—	6	—	—
Hydram	—	0.5	—	—
Hydram	—	—	—	—
Hydrochloric — Sun	—	—	—	—
Hydrochloric in hexamine	400	1,600	500	2.0
Hydrochloric copolymer	0.01	0.1	0.03	—
Hydrochloric copolymer	—	—	—	—
— Sun	1	10	3	—
Hexachlorocyclopentadiene	—	0.2	—	—
— Sun	—	—	—	—
Hexachlorocyclopentadiene	0.1	0.7	0.3	—
Hexamine (n-hexane)	100	360	125	—
Hexamethylenephosphoramide	—	—	—	—
— Sun	—	0.2	—	—
2-Hexanone (see Ethyl butyl ketone)	25	100	40	1
Hexone (Ethyl isobutyl ketone)	100	410	125	5
— Sun	—	—	—	—
C Hexylene glycol	25	125	—	—
Hydrazine — Sun	0.1	0.2	—	—
Hydrogen	—	—	—	—
Hydrogenated benzophenyl	0.5	5	—	—
Hydrogen bromide	3	10	—	—
C Hydrogen chloride	5	7	—	—

We have projects (some for the Department of Defense and some for our operating plants) that must be started by mid-year to meet contract obligations. We will be hiring some scientific and administrative staff for this work but cannot do so until we have offices and labs in which to place them.

For all of these reasons, I urgently request an early March hearing before the Zoning Commission. We do not expect opposition, we believe the issue of fire protection is adequately addressed and we believe productivity and employment in Baltimore County will be enhanced if we are able to begin expanding our facilities during the next month.

Thank you for your help.

Sincerely,

David L. Goldheim
Associate Director

DLG:kk

315 Gun Road
Baltimore, Maryland 21227
March 17, 1963

Mr. William Hammond
Zoning Commissioner
Baltimore County
Planning and Zoning
Baltimore County Office Building
111 W. Chesapeake Ave.
Baltimore, Maryland 21204

Re: Order of Appearance

Dear Mr. Hammond:

We, the undersigned residents of Gun Road, Baltimore County, Maryland, submit this letter as an order of appearance in protest to the variance request and proposed change to the Martin Marietta Laboratories development plans.

Sincerely,

Mary Jane Macoski
319 Gun Rd.
Kaye White
404 Gun Road
Luz J. Murrell
423 Gun Road
Samuel L. Ryan
416 Gun Rd.

PROTESTANT'S
EXHIBIT 4

John Hammond
406 Gun Rd.

Barbara Hammond - 405 Gun Rd.

Charles W. Bailey 411 Gun Rd.

Lara M. Bailey 411 Gun Road

Wm. H. Spencer 322 Gun Rd.

Mr & Mrs Michael Kline 301 Gun Rd.

Dr & Mrs R. D. Decker 312 Gun Rd.

Carol Spicer 307 Gun Rd.

Shirley Spier

Steve Spier 507 Gun Rd.

Patricia Niedeman 410 Gun Road

E. H. L. Martin 512 Gun Rd.

John E. Martin 415 Gun Rd.

William E. Martin 324 Gun Rd.

Ramon A. Selig 42 419 Gun Rd.

Shirley Ann Clayton 612 Gun Rd. - 27-

Deanna Clayton 612 Gun Rd. 27-

Henry Bush 606 Gun Rd. 27

Harvey Spier 604 Gun Rd. 27

Leslie Spier 604 Gun Rd. 27

Harold E. Niedeman 406 Gun Road

APK Niedeman 410 Gun Road

Barbara Niedeman 324 Gun Road

Deanna S. Niedeman 422 Gun Road

Deanna Jan Clayton 612 Gun Road

Deanna J. Clayton 610 Gun Rd.

Frances T. Niedeman 508 Gun Road

Ann E. Niedeman 508 Gun Rd.

Bessie Fisher 322 Gun Rd.

Frank A. Jindberg 511 Gun Rd.

Bryan B. White 409 Gun Rd.

John B. White Jr. 409 Gun Rd.

Frederick R. Niedeman 408 Gun Rd.

Richard J. Niedeman 406 Gun Rd.

John A. Niedeman 405 Gun Rd.

Kaye White 404 Gun Rd.

John A. Anderson 303 Gun Road

Charles J. Anderson 319 Gun Rd.

Whit T. Anderson 303 Gun Rd.

Mary C. Anderson 303 Gun Rd.

Harold E. Niedeman
APK Niedeman
318 Gun Rd.
Theresa Niedeman
518 Gun Road

Jean Boyd - 515 Gun Rd.

Edgar Boyd

Mary White 516 Gun Rd.

Barbara Jindberg 511 Gun Rd.

Sally Jindberg 500 Gun Rd.

Mary Jindberg 500 Gun Rd.

Garnet Jindberg 426 Gun Rd.

Frank Lang 424 Gun Rd.

SOUTHWEST COALITION INC.

211 INGLESIDE AVE., BALTIMORE, MARYLAND 21228

March 15, 1963

Mr. William E. Hammond

Zoning Commissioner

County Office Building

111 W. Chesapeake Avenue

Towson, Maryland 21204

Dear Mr. Hammond:

The Southwest Coalition hereby states opposition to the granting of a variance in case #88-10-SPMA as requested by Martin Marietta Laboratories. The applied use of this variance is the pre-planned gradual expansion of the Martin Marietta site. This use is contrary to the purpose and intent of a variance.

"The 1923 Standard State Zoning Enabling Act, published by the United States Department of Commerce and widely adopted, described the variance device as follows:

"The board of adjustment shall have the following powers:

3. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

The indictment (of the variance) has been that, far from being a safety valve, the variance is a handy gimmick to permit "leakage" from the certainty provided by the concept of districting. Today, the variance has become a rather small hole in the side of the municipality, not

PROTESTANT'S
EXHIBIT 5

because of the criticism directed against it but because of its inadequacy as a device for meeting the pressures placed upon our municipalities by the developers and by the outsiders who wish to come into the municipality."

(Excerpts quoted from The Zoning Game by Richard F. Deacock)

A variance, as utilized by Baltimore County, is from area and height regulations which should not have a significant impact on the community. Granting this variance ultimately allows the continued expansion of the Martin Marietta Laboratories site. The Southwest Coalition requests a denial of this variance.

Sincerely,

Barbara L. Manley

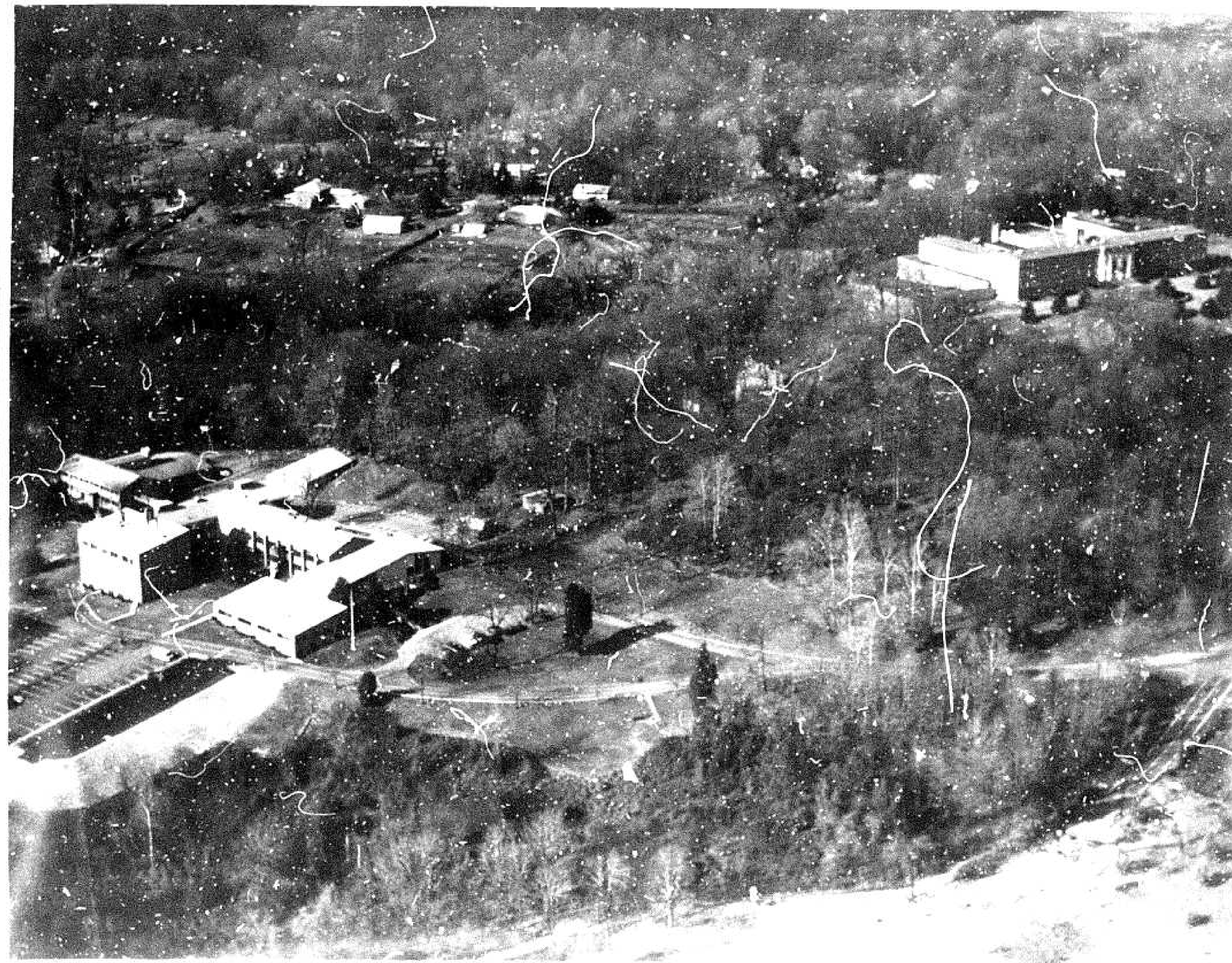
Barbara L. Manley

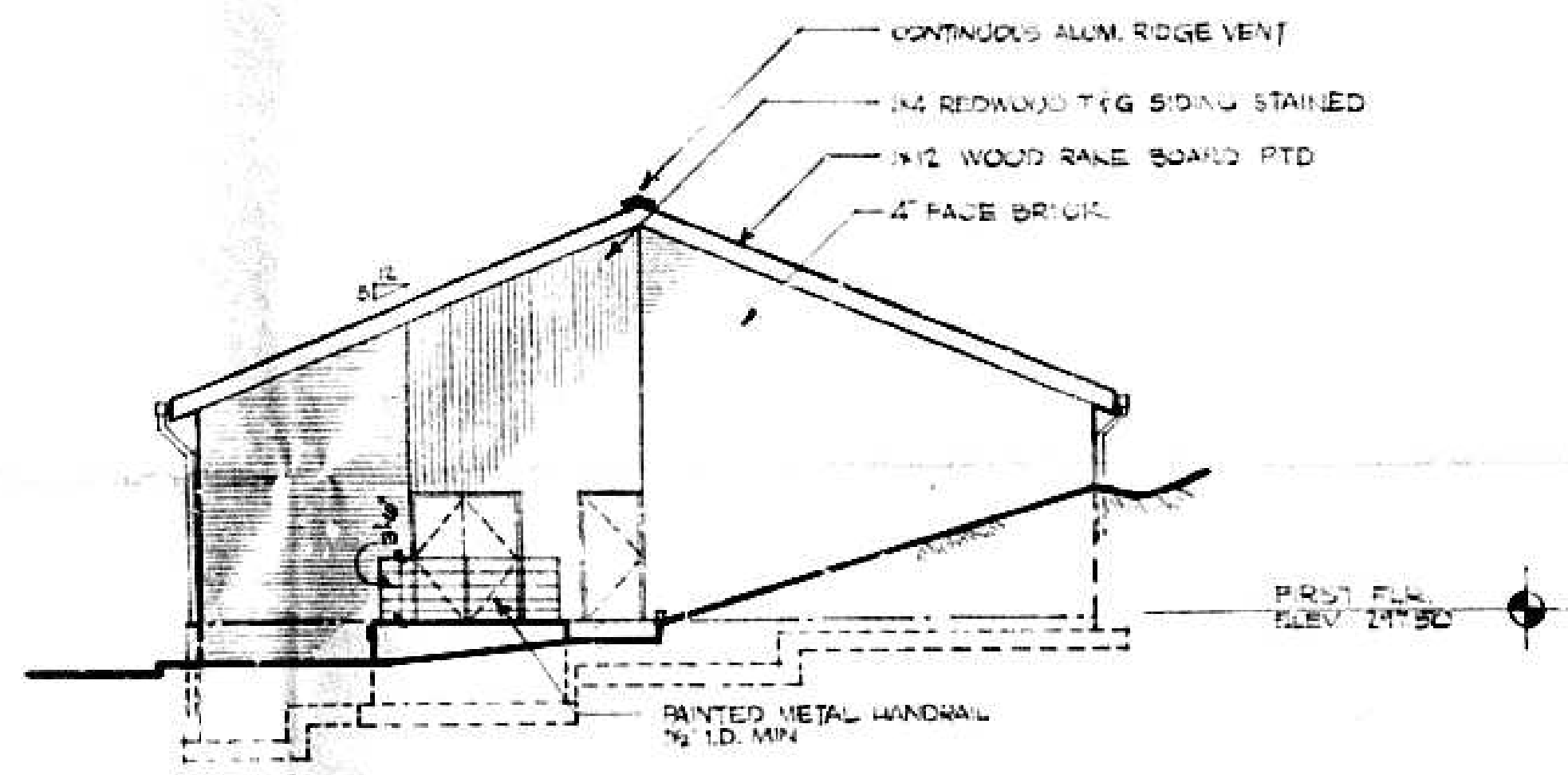
President

Southwest Coalition

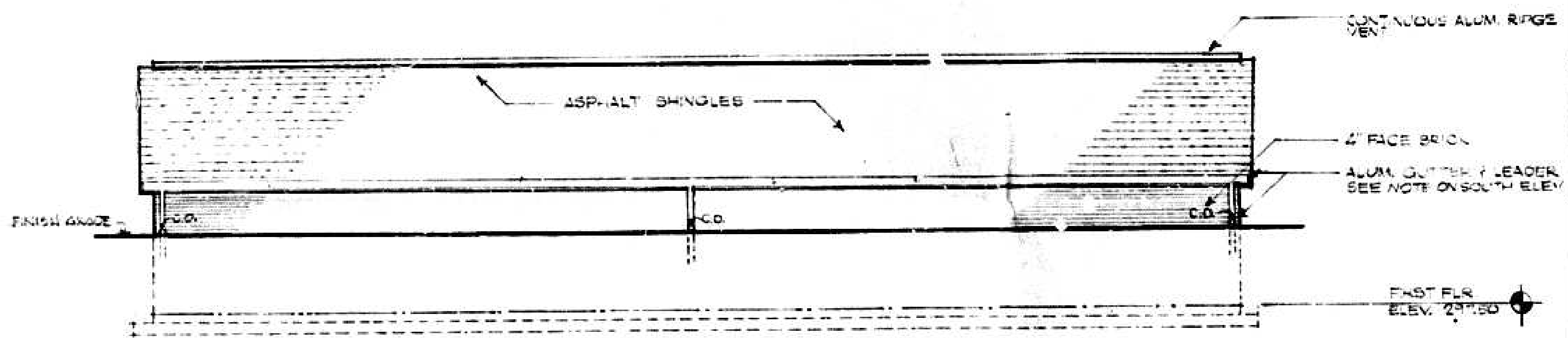
To question,
and seek clear answers.
To develop a sufficiently fundamental
understanding of physical phenomena
such that their behavior
can be controlled,
and put to
our service.

PROTESTANT'S
EXHIBIT 1

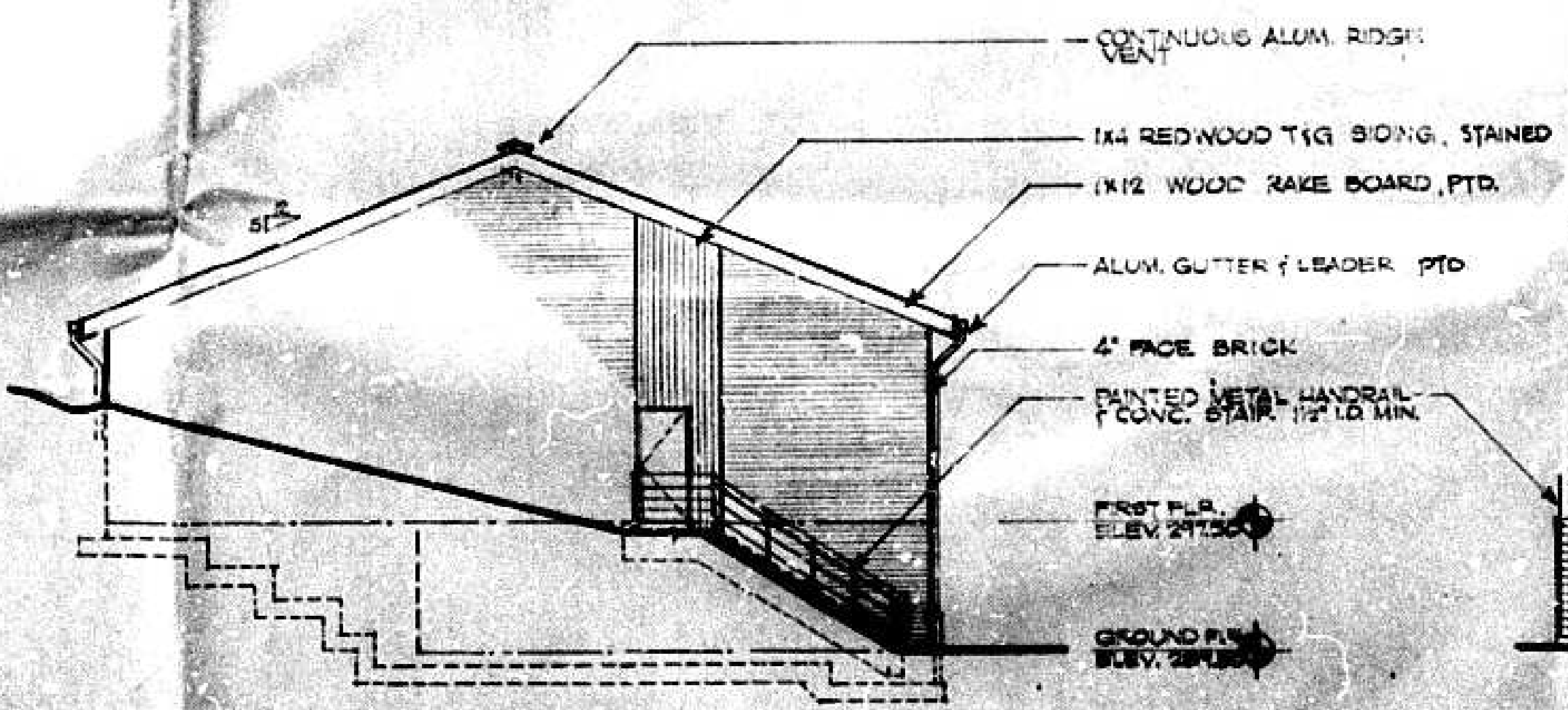




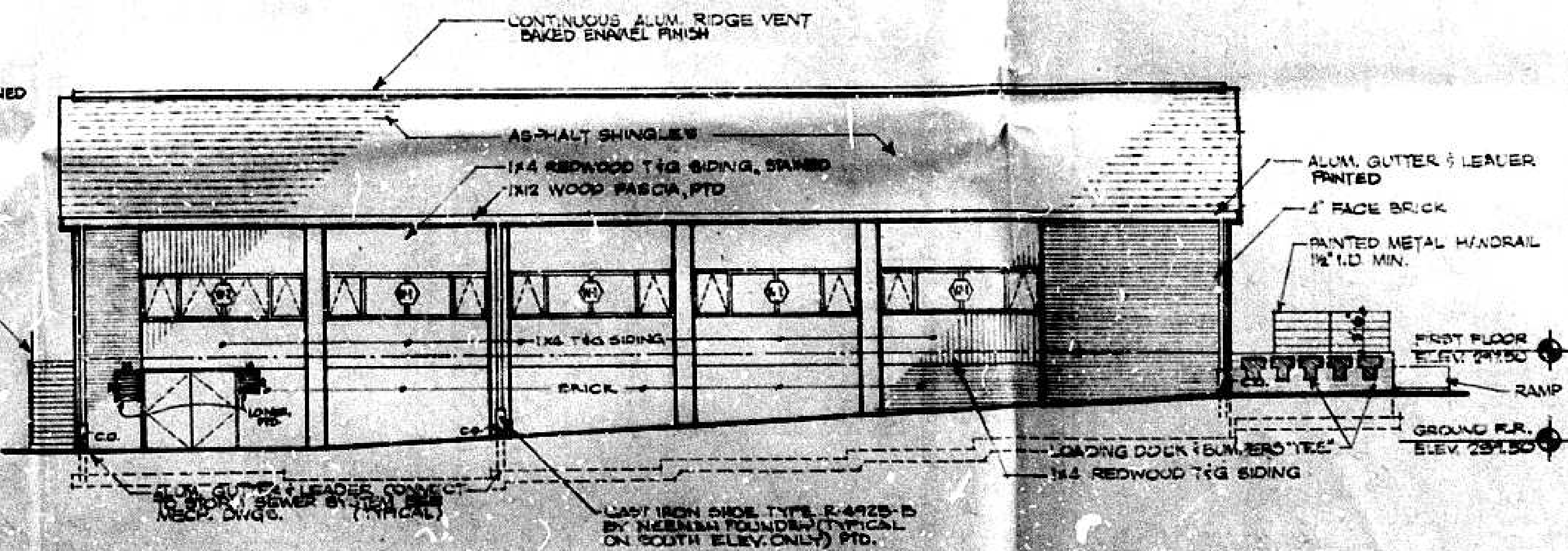
D3 EAST ELEVATION
A2.1



H3 NORTH ELEVATION
A2.1



D5 WEST ELEVATION
A2.1



H5 SOUTH ELEVATION
A2.1

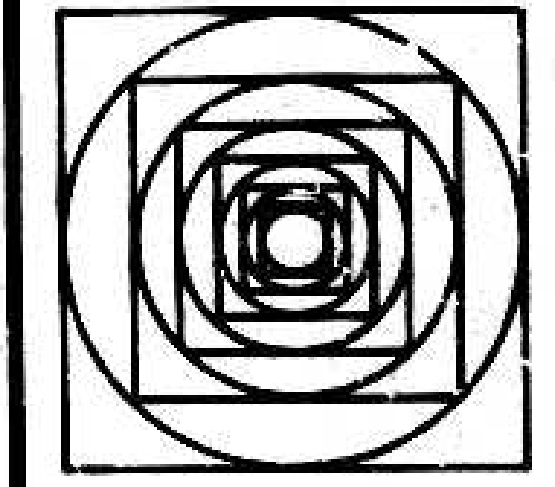
PETITIONER'S
EXHIBIT 4

Revision	No.	Date	By	Ref.

Sharda and Riebert, Inc.
Struct. Consult. Inc.
4006 York Rd.
Baltimore, Maryland 21212

Siegel and Rutherford, Inc.
Mech. and Elect. Consult. Inc.
2518 Maryland Ave.
Baltimore, Maryland 21218

Meyers and D'Alto, Inc.
Architects and Planners
100 West Street Baltimore MD 21202



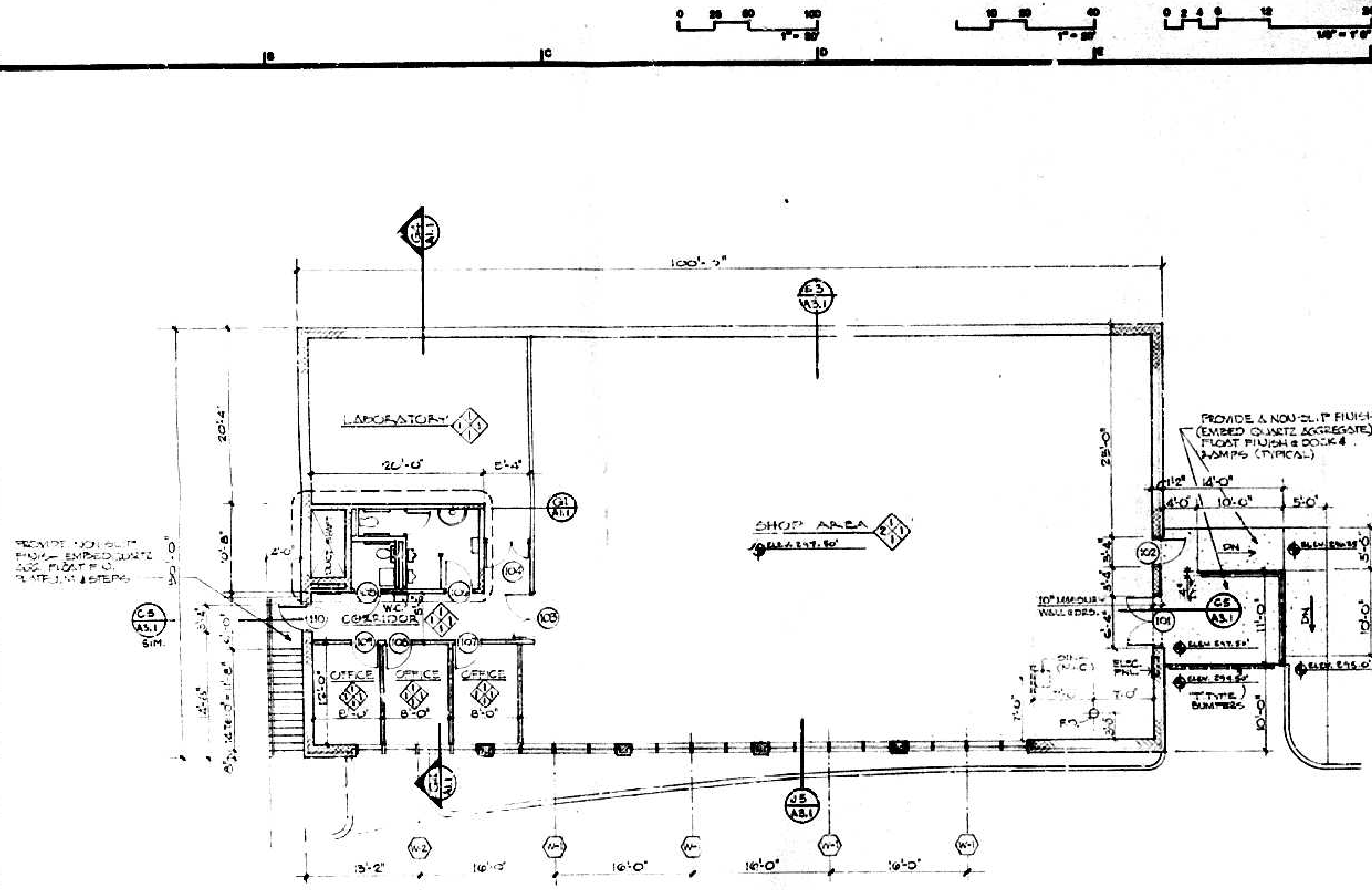
MARTIN
MARIETTA
LABORATORIES

BUILDING H
SHOP ADDITION

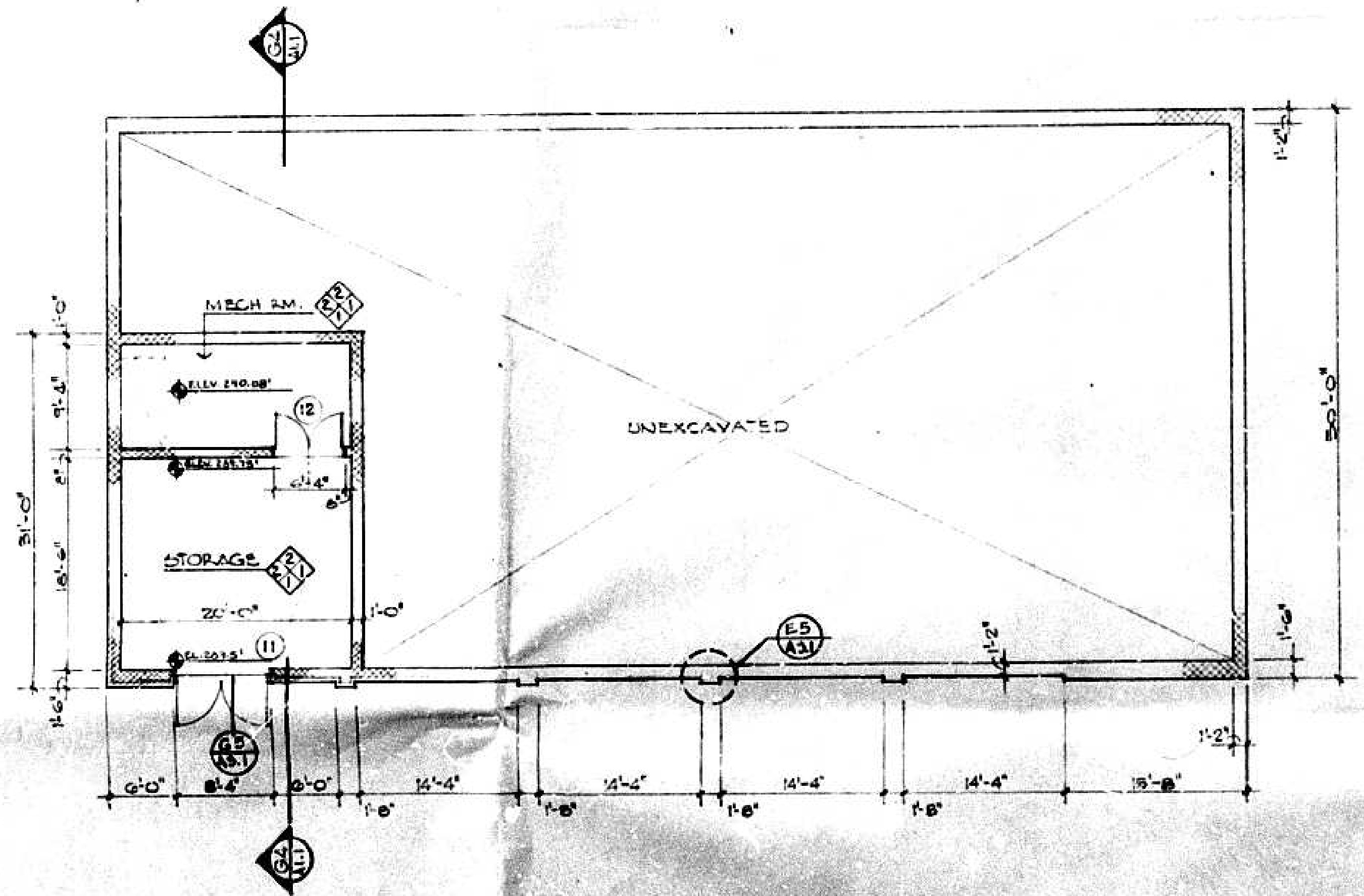
ELEVATIONS

Project 8-069 Date 12-15-62
Scale 1/8"=1'-0" Last Rev.

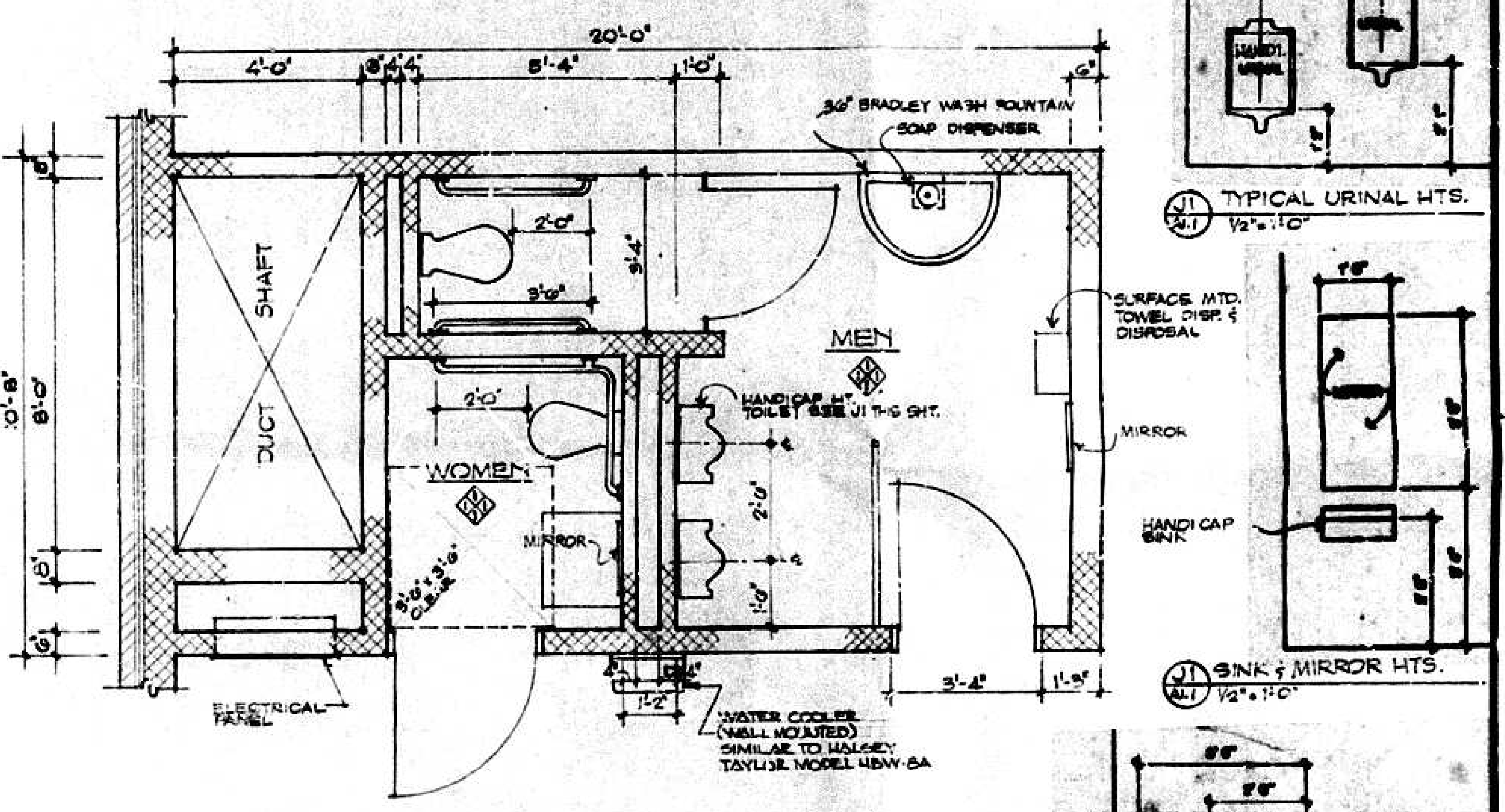
A-2.1



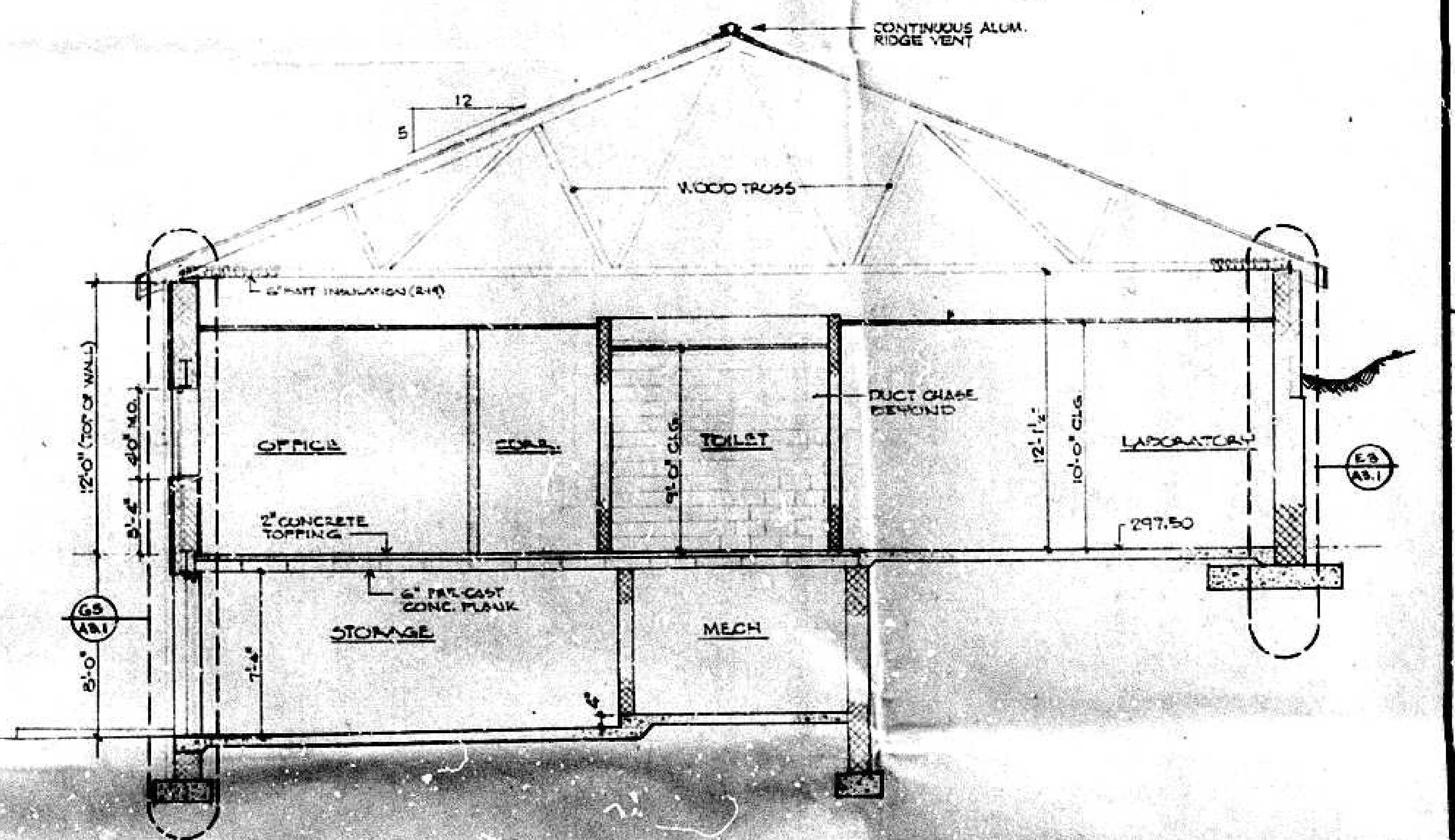
FIRST FLOOR 1/8" = 1'-0"



GROUND FLOOR 1/8" = 1'-0"



TOILET ROOM PLAN 1/2" = 1'-0"



CROSS SECTION 1/4" = 1'-0"

FINISH SCHEDULE

NO.	DESCRIPTION	QTY	UNIT	PRICE
1	CEILING			
1	Suspended acoustic tile			
2	WALLS			
1	Painted semi-gloss			
3	FLOORS			
1	Concrete hardwood and wdg			
4	BASE			
1	1" x 4" solid wood			

TOILET HTS.

NO.	DESCRIPTION	QTY	UNIT	PRICE
1	Typical urinal			
2	Sink & mirror			

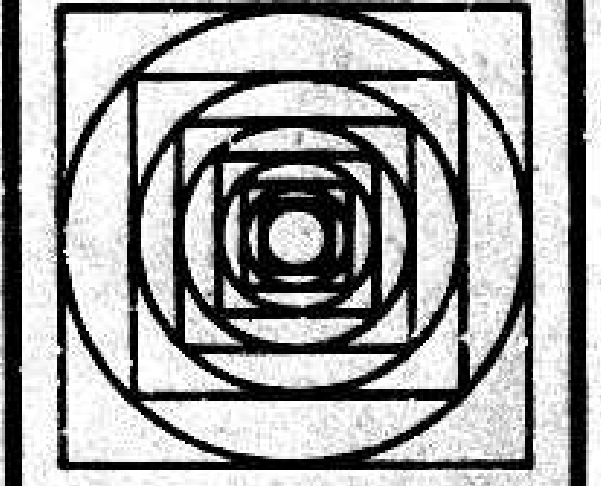
TOILET HTS.

NO.	DESCRIPTION	QTY	UNIT	PRICE
1	Handicap toilet			
2	Handicap sink			

Shawn and Robert, Inc.
Shawn, Granite, Inc.
4045 York Rd.
Baltimore, Maryland, 21212

Siegel and Rutherford, Inc.
Roth and Elmer, Granite, Inc.
2516 Maryland Ave.
Baltimore, Maryland, 21218

Meyers and D'Alco, Inc.
Architects and Planners
100 Water Street
Baltimore, MD 21202



MARTIN MARIETTA LABORATORIES

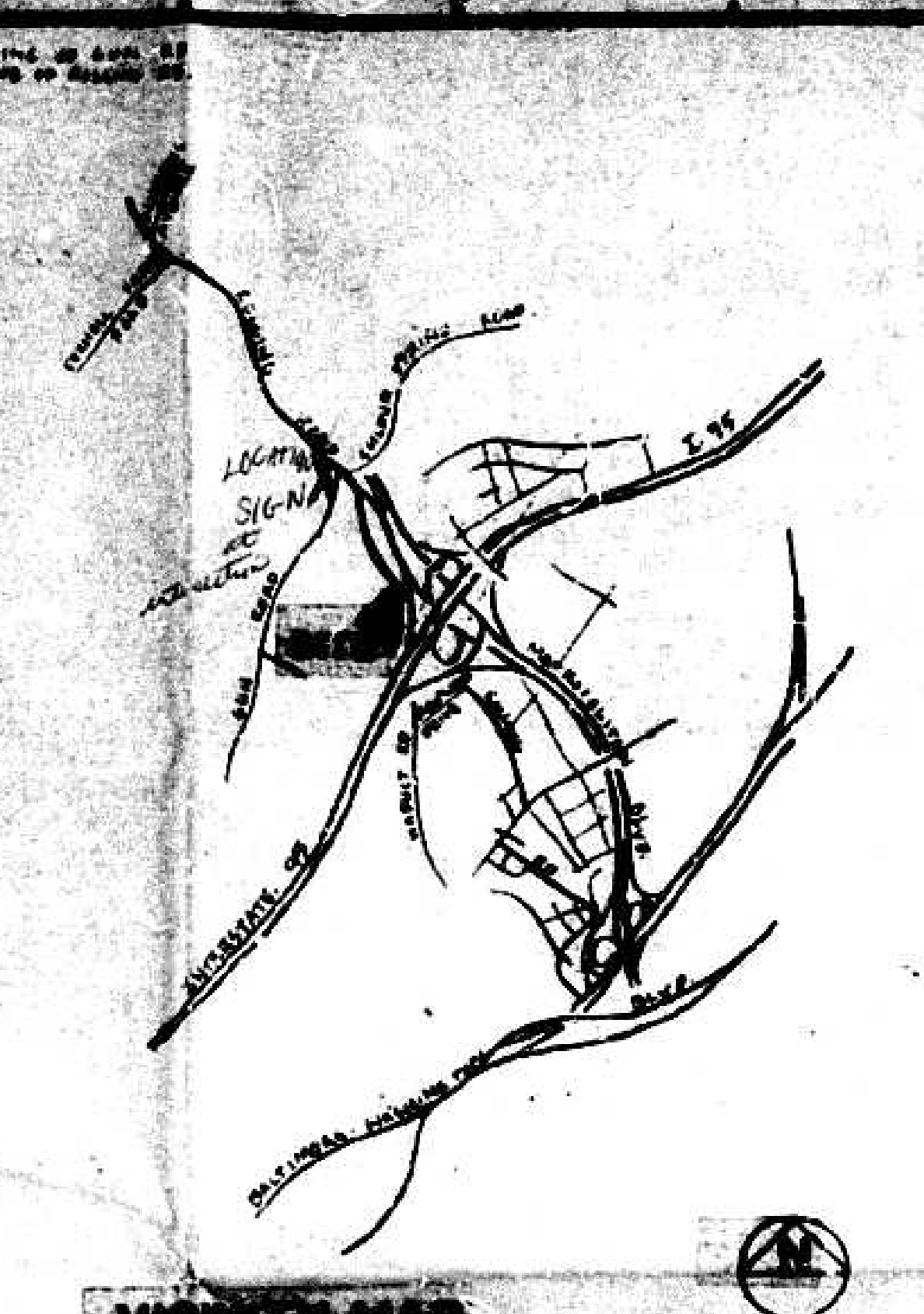
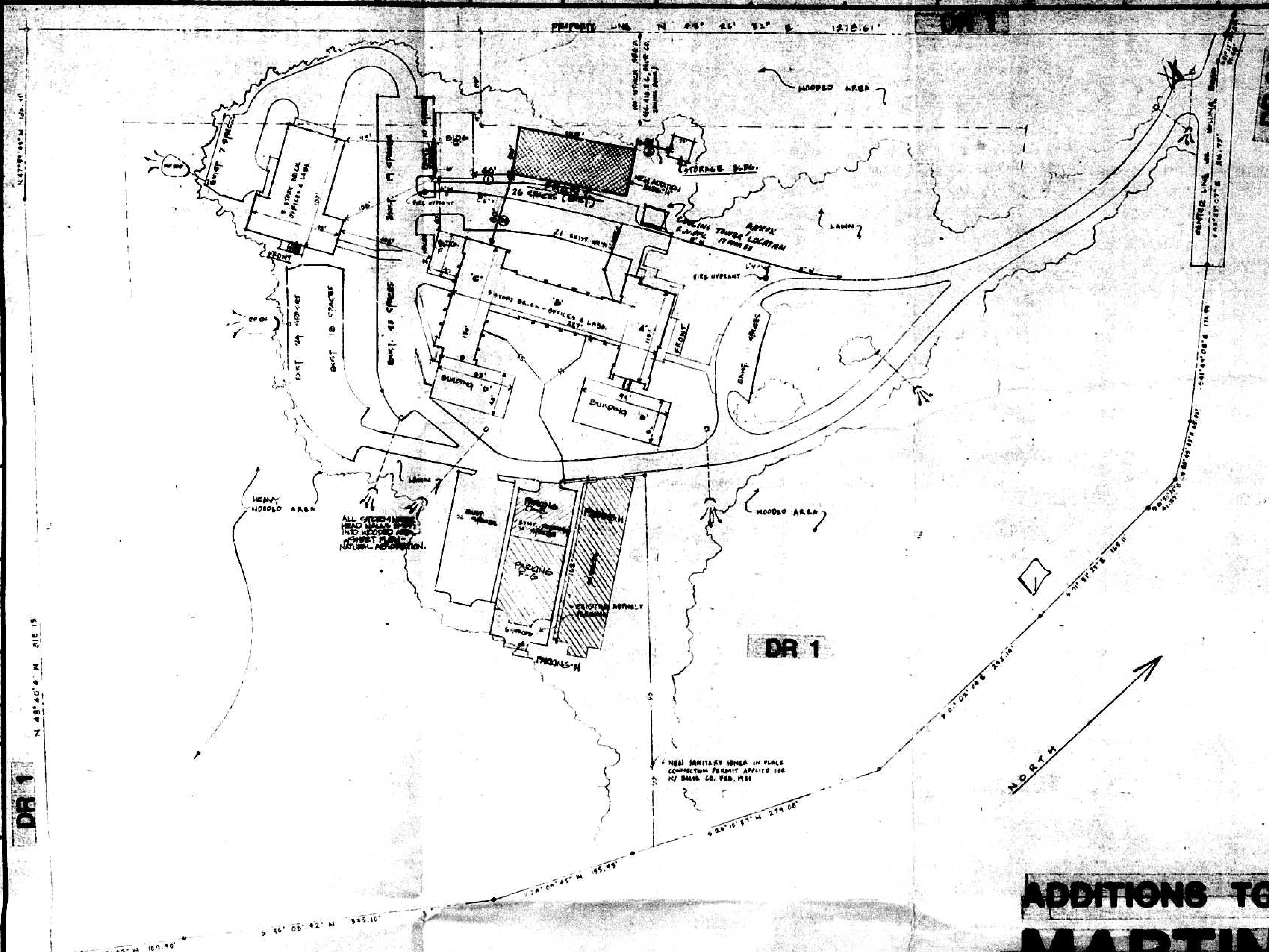
BUILDING H SHOP ADDITION

FLOOR PLAN & SECTION

NO.	DESCRIPTION	QTY	UNIT	PRICE
1	CEILING			
2	WALLS			

A-1.1

PETITIONER'S
EXHIBIT 4



PARKING REQUIREMENTS

EXIST 1ST FLOOR AREA	= 55,000
NEW 1ST FLOOR AREA	= 1,000
TOTAL 1ST FLOOR AREA	= 56,000
EXIST UPPER FLOOR AREA	= 46,450
NEW UPPER FLOOR AREA	= 1,000
TOTAL UPPER FLOOR AREA	= 47,450
TOTAL	103,450

220 SPACES REQ'D

PARKING PROVIDED
EXISTING PARKING SPACES = 270

FLOOR AREA RATIO
TOTAL AREA OF BLDGS = 35,370 sq. ft.
TOTAL AREA OF SITE = 1,082,886 sq. ft. = .025
F.A.R. TO BE LESS THAN 0.20

VARIANCE REQUEST
TO SECTION 1802.25 (V.B. 2) TO PERMIT:
1. A DISTANCE OF 40' BETWEEN BLDGS. IN LIEU OF 40' (40' SIDE & 50' REAR) REQ'D.
2. A DISTANCE OF 80' BETWEEN BLDGS. IN LIEU OF 110' (110' FRONT & 40' SIDE) REQ'D.
3. A DISTANCE OF 95' BETWEEN BLDGS. IN LIEU OF 80' (40' SIDE & 40' SIDE) REQ'D.

PROPOSED USE DATA
NUMBER OF NEW EMPLOYEES - 0 (EMPLOYEES TO OCCUPY NEW BLDGS. ARE CURRENTLY ON THE STAFF ON SITE)
TIME OF OPERATION - 8:00 AM. TO 4:30 PM.
MATERIALS RECEIVED OR SHIPPED - 8 AM TO 4:30 PM.
NO EXPECTED DUST, GLAZE, NOISE, ODORS, VIBRATION, OR HAZARD TO EMANATE FROM PROPOSED BLDGS.

ADDITIONS TO MARTIN MARIETTA CORP LABORATORY & OFFICE BUILDINGS

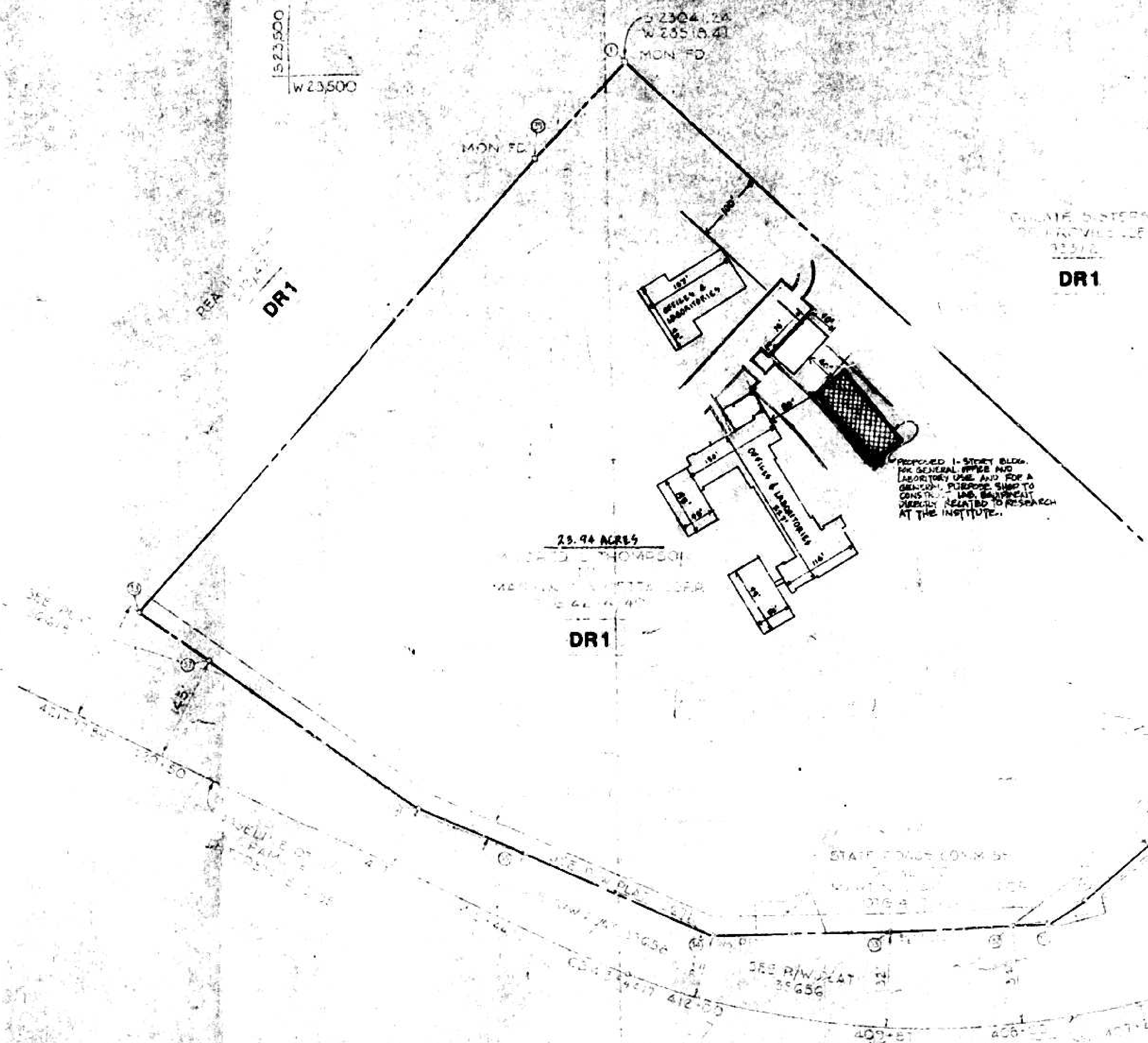
PETITIONER'S
EXHIBIT 1

Revision <table border="1"> <tr> <th>No.</th> <th>Date</th> <th>By</th> <th>For</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	No.	Date	By	For																					
No.	Date	By	For																						
Mayers and Dumas, Inc. Architects and Planners 100 Water Street, Marietta, GA 30060																									
MARTIN MARIETTA LABORATORIES																									
BUILDING H SHOP ADDITION																									
Plan 4/75 VARIANCE PLAT																									
Scale: 1" = 20' 0"																									
T-2																									

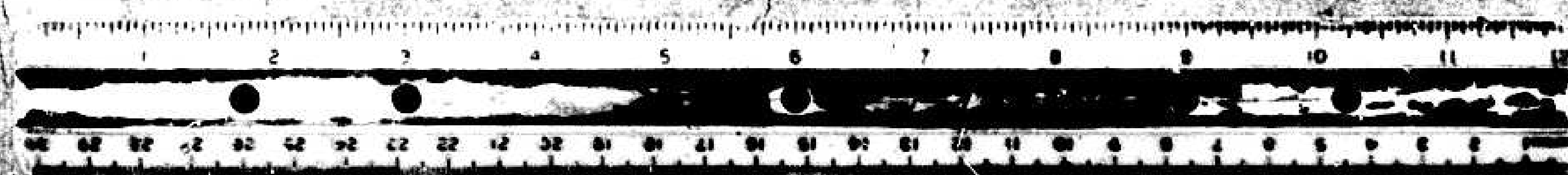
BALTIMORE COUNTY
GRID NORTH

1-2	N 43° 24' 32" E	1210.61	20-21	S 66° 08' 33" E	104.53
2-3	N 31° 13' 23" W	99.47	21-22	S 13° 33' 42" E	730.00
3-4	N 22° 56' 23" W	96.98	22-23	S 26° 08' 53" E	202.65
4-5	N 14° 40' 23" W	57.25	23-24	S 05° 30' 57" E	253.42
5-6	N 16° 32' 23" W	82.45	24-25	S 16° 07' 24" E	552.92
6-7	N 21° 28' 23" W	123.10	25-26	S 16° 06' 21" E	12.19
7-8	N 07° 57' 23" W	80.00	26-27	S 43° 47' 53" W	68.13
8-9	N 11° 04' 27" E	89.96	27-28	S 41° 49' 08" W	3.42
9-10	N 67° 07' 29" E	22.87	28-29	S 47° 34' 35" W	20.11
10-11	N 00° 34' 01" W	191.23	29-30	S 41° 49' 08" E	17.85
11-12	N 11° 07' 25" W	495.00	30-31	S 25° 43' 33" E	65.06
12-13	N 05° 42' 41" W	64.00	31-32	S 01° 51' 23" E	41.87
13-14	N 24° 10' 48" W	51.00	32-33	S 01° 51' 23" E	163.11
14-15	N 30° 34' 38" W	48.00	33-34	S 01° 02' 04" E	242.14
15-16	N 13° 53' 12" W	3.00	34-35	S 24° 10' 57" W	279.08
16-17	N 06° 16' 24" W	31.03	35-36	S 24° 09' 45" W	138.65
17-18	N 23° 43' 13" E	11.89	36-37	S 36° 05' 42" W	359.10
18-19	N 53° 42' 07" E	26.75	37-38	S 36° 05' 42" W	1009.90
19-20	S 38° 33' 12" E	147.00	38-39	N 48° 40' 14" W	818.15
			39-40	N 47° 39' 43" W	183.31

COORDINATES ARE BASED ON
BALTIMORE COUNTY TRAVERSE
STATIONS
7634 S 21361.39 W 2796.14
7695 S 20805.57 W 27806.89



A = 40° 55' 15" L = 200.00
 B = 35° 55' 15" Q = 2100.01
 C = 3° 00' 00" P = 145
 D = 1145.92 A = 49.97
 E = 618.42 X = 199.65
 F = 316.94 Y = 5.81
 G = 43.02 LT = 133.39
 ST = 65.12
 T = 525.06
 S = 78.13



VARIANCE PLAT

PROPERTY SURVEY
 MARTIN MARIETTA CORPORATION
 ROLLING ROAD
 13TH ELECTION DISTRICT BALTIMORE COUNTY MARYLAND
 NOV 1950